31 August 2010

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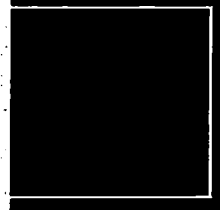
Reducing and Mitigating Civilian Casualties: Afghanistan and Beyond

Joint Civilian Casualty Study Final Report



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(U) In the interest of promoting information-sharing, the study authors have created an Intellipedia page on civilian casualties. This page is intended to be a clearing-house for information on civilian casualties (CIVCAS), containing lessons and analysis regarding civilian casualties as well as information on specific incidents or near-incidents. Intellipedia has the advantage of allowing rapid dissemination and permitting users to rapidly update and fuse information as it becomes available. We welcome contributions to this site; we also welcome comments to increase the usefulness of this site.

Visit the site on the SIPRNET at: http://www.intelink.sgov.gov/wiki/Civilian_Casualties

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Foreword (U)

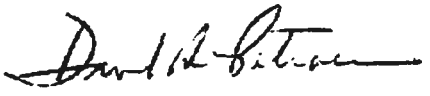
August 31, 2010

(U) Civilian casualties are an enduring challenge of war that we must strive to reduce to an absolute minimum. This study provides a valuable primer on the interrelated aspects of civilian casualty reduction and mitigation. A research effort that combines external academic rigor with professional military expertise, the Joint Civilian Casualty Study provides the first comprehensive assessment of the problem of civilian protection, highlights progress in reducing non-combatant harm, and outlines areas deserving greater attention from the Services.

(U) With my support from CENTCOM and that of General Stanley McChrystal from ISAF, the study team conducted research throughout Afghanistan on two separate visits in spring of 2010. Participants from the Services also conducted CONUS surveys of Title 10 activities. When the two efforts were combined, the team was able to paint an initial picture of US military actions to reduce civilian casualties and to identify future challenges in this arena. I have found it very valuable as I have assumed command of ISAF and sought to build on General McChrystal's efforts to reduce non-combatant casualties.

(U) Minimizing harm to civilians is a professional responsibility of the US—and, indeed, any—armed forces and an issue of personal concern to every soldier, sailor, airman and marine. Avoiding civilian casualties is a central operational challenge in Afghanistan and Iraq and it will be a challenge in any future conflict as well. American concern for civilians differentiates the United States from its adversaries. For all of these reasons, the United States must constantly assess and refine its efforts to spare civilians from the inherently destructive acts of combat.

(U) This study provides an important benchmark and guide for the US armed forces as we continue challenging ourselves to protect the innocent as we serve the nation.



David H. Petraeus
General, United States Army
Commander
International Security Assistance Force
United States Forces-Afghanistan

Preface (U)

(U) This study fills an important gap in understanding of the causes and prevention of civilian casualties during combat—an increasingly relevant aspect of modern warfare.

(U) Operations in Iraq and Afghanistan have highlighted the operational necessity of civilian protection, and the US military has begun recording incidents of civilian casualties. Yet no organization or person within DOD is responsible for assessing the issue comprehensively or from an operational perspective. As a result, the Services remain at a disadvantage in developing appropriate DOTMLPF responses. The continuing challenges with civilian casualties and their strategic effects in Afghanistan indicate the need to develop a conceptual framework for addressing civilian harm.

(U) The report is intended as a primer to support the operational and institutional force. It explains the relevance of civilian harm in the future operational environment; defines the problem holistically throughout the civilian casualty "lifecycle"; highlights recent successes in preventing and mitigating civilian harm; and identifies enduring challenges for the field and the training base.

(U) Chapter 1 provides an overview of the study and findings from our analysis of data provided by the theater, extensive interviews with a wide range of actors in Afghanistan and Qatar during two trips in the Spring of 2010, and surveys of efforts by the military Services.
The report concludes with a list of recommendations for operations in Afghanistan and for the military Services and OSD.

(U) CENTCOM Commander General David Petraeus and COMISAF General Stanley McChrystal made this study possible. In addition to their personal support, they provided extraordinary access during the team's visits in theater. General James Mattis of JFCOM, Admiral Eric Olson of SOCOM, General Marty Dempsey of TRADOC, Air Force Lieutenant General David Deptula, Deputy Chief of Staff for Intelligence, Surveillance and Reconnaissance, and Marine Corps Lieutenant General George Flynn of MCCDC, as well as their staffs, provided critical intellectual and practical contributions.

(U) It has been enormously rewarding to help catalyze and support the work of talented members of the military community who are making important progress on the issue of civilian casualties. Special thanks go to Lawrence Lewis for his leadership and expertise, reflecting his recent report on the Farah incident and his broader analysis of civilian casualty data. [redacted] was an extraordinarily quick study and resourceful leader on the core team. [redacted] provided invaluable counsel and perspective.

(b)(3):10 USC §130b;(b)(6)

(U) We also benefited from participation from the Services who provided expertise and experience. This team was fortunate to include USAF A9 members [redacted] and [redacted] as A9 worked on the USAF's civilian harm study and thus carried that expertise into the study. I am deeply grateful to each of these individuals.

(b)(3):10 USC §130b;(b)(6)

(b)(3):10 USC §130b;(b)(6)

(U) Our work was completed before General Petraeus assumed command of ISAF in July 2010. COMISAF has requested our return to Afghanistan to assess his ongoing efforts and has asked JFCOM to lead a joint study to assist in institutionalization of CIVCAS lessons from Afghanistan. I am hopeful, then, that this report is but the beginning of a comprehensive and sustained institutional effort to address the operational challenge presented by civilian casualties.

(b)(6)

Study Lead
Joint Civilian Casualty Study
Harvard University

Table of Contents (U)

Core Study Team (U)

(b)(6) Harvard University
(b)(6) Joint Center for Operational Analysis, JFCOM (CNA Representative)
Joint Center for Operational Analysis, JFCOM
(b)(6)

(b)(3):10 USC §130b;(b)(6)

Contributing Organizations (U)

US Army Training and Doctrine Command (TRADOC)
Combined Arms Center (CAC)
Center for Army Lessons Learned (CALL)
Fires Center of Excellence
Maneuver Center of Excellence
Headquarters Air Force/A9A
Air Combat Command (ACC) A2
93rd Air Ground Operations Wing (AGOW)
Marine Corps Center for Lessons Learned (MCCLL)
Center for Naval Analyses (CNA)
Joint Non-lethal Weapons Directorate (JNLWD)
JFCOM Joint Center for Operational Analysis (JCOA)

Figures (U)

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Reducing and Mitigating Civilian Casualties: Afghanistan and Beyond (U)

Chapter 1: Introduction (U)

I. Study Background (U)

Origins and Purpose (U)

(U) This study emerged from conversations among GEN David H. Petraeus, GEN Stanley A. McChrystal and (b)(6) about the value of an independent study of US-caused civilian casualties (CIVCAS) in Afghanistan. With their support, undertook the first comprehensive examination of US efforts to reduce and mitigate the effects of noncombatant CIVCAS during military operations. The study provides recommendations for forces in Afghanistan and for the military Services regarding how best to sustain and improve these efforts consistent with operational effectiveness.

(U) This study represents the initial stages of building a common conceptual framework and developing both qualitative approaches and empirical analyses to expand US understanding and reduction of civilian harm. The study team identified key substantive and data gaps as well as the need for sustained institutional and leadership attention to the broad topic. Our hope is that this report advances appreciation of the challenges and importance of this research, and serves as a catalyst for learning and change within the operational forces and the institutional base that prepares the US armed forces for the future.

Methodology (U)

(U) Because this study aims to inform institutional change, invited the Services and the joint community to participate in framing and solving the challenge. the Center for Naval Analyses (CNA) representative to US Joint Forces Command (JFCOM), served as the lead analyst, drawing on his extensive operational research experience at the Joint Center for Operational Analysis (JCOA). (b)(an Army Operations Research and Systems Analysis (ORSA) officer also at JFCOM JCOA, was the other key analyst on the study. (b)(6) served as Senior Military Advisor.[1] This core team was augmented on an ad hoc basis by personnel from the Air Force, the Army, US Special Operations Command (SOCOM), the Marine Corps and the Center for Naval Analyses. Their names and roles are listed in Appendix B. SOCOM generously provided financial support while providing full independence for the study's scope and conclusions.

[1] (U) Biographical information for the core study team is provided in Appendix A.

(U) In this report, civilian casualties are defined as noncombatant local nationals who are either killed or wounded as a result or side effect of combat operations. Our focus is civilian casualties caused by Coalition forces.[2]

(U) The core team conceptualized the challenge as a "life cycle" of civilian casualty prevention and mitigation (shown in Figure 1 below). The study was then designed to collect data and identify issues in each of the stages of this life cycle:

- **Prepare:** Doctrine, professional military education (PME), pre-deployment training and equipping, mission rehearsal exercises, in-theater training and adaptation
- **Plan:** Mission planning, rehearsals, intelligence, and information, and shaping the environment
- **Employ:** Actions on contact, escalation and de-escalation of force, tactical patience, application of rules of engagement (ROE) and tactical directives
- **Assess:** Holding the ground, battle handover, battle damage assessments (BDA), data collection
- **Respond:** Medical response, key leader engagement (KLE), media engagement, solatia payments, other information activities
- **Learn:** Reporting, data management, data analysis, after action reviews, investigations, capturing and disseminating lessons learned (both operational and institutional)

Figure 1: Lifecycle for Reducing and Mitigating Civilian Casualties (U)

(U) The core study team began periodic work in November of 2009 and traveled to Afghanistan for a week in February 2010, meeting with the Commander, International Security Assistance

[2] (U) We will generally not add the amplifier "Coalition-caused civilian casualties" except for cases where these casualties could potentially be confused with insurgent-caused civilian casualties.

Force (COMISAF) and his team, Afghan government officials, and international organizations and nongovernment organizations (NGOs). Service representatives began collecting doctrine, organization, training, material, leadership, personnel, and facilities (DOTMLPF) information in 2010 and gathered for three meetings in Suffolk, Virginia in January, March, and May 2010. Different Service representatives joined the core team[3] for several weeks of in-theater data collection in April 2010 where they traveled throughout southern, eastern, and western Afghanistan, and spent time with US and Coalition force leadership in Doha, Bagram, and Kabul. A list of organizations and units visited is included in Appendix C. The final study report was completed at Hanscom AFB, Massachusetts in July 2010.

(U) This study is, to our knowledge, the first comprehensive examination of civilian casualties in ongoing US military operations. The topic of civilian casualties is interdisciplinary, bridging human psychological, technical, institutional, operational, procedural, political, communications, bureaucratic, and quantitative domains. The study attempts to define a framework conceptually and analytically for the challenges of civilian casualties. However, it is just a first and inherently limited step into a multi-dimensional domain that requires deeper investigation.

(U) Our core study team of four individuals included civilian and military perspectives and significant subject matter expertise. Nonetheless, our work was limited in time and scope, relying at times upon information gathered by other actors and upon data ranging from robust to mixed quality to nonexistent. In addition, our effort was ad hoc and finite. No permanent USG institute or organization has assumed responsibility or assembled the interdisciplinary expertise to continue this line of research.

Organization of Report (U)

(U) This chapter serves as both an introduction to the general issue of civilian casualties and as a summary of the report's substantive chapters. The balance of the report is organized into chapters addressing the key issues that emerged during in-theater and continental United States (CONUS) research. Our recommendations for Afghanistan and the military Services are included following Chapter 10. We have not been able to cover every relevant issue in the detail that it deserves, but we hope that our work provides a helpful introduction to this complex and important area of operational research.

II. Introduction to Civilian Casualties (U)

The United States and Civilian Casualties (U)

(U) The US military has long been committed to upholding the law of armed conflict (LOAC) and minimizing collateral damage, which includes civilian casualties as well as damage to facilities, equipment, or other property. US military capabilities for precision engagements and discrimination of targets have allowed the US to conduct combat operations while causing, in comparative historical terms, low numbers of civilian casualties. During the 1990s, Air Force

[3] (U) The members of the in-theater team are listed in Appendix B.

and Naval air forces developed modeling tools and refined targeting processes to minimize collateral damage. Ground forces increasingly addressed the reality of civilians on the battlefield and the need to consider civilian impacts in operational planning, as part of the Mission, Environment, Threat-Terrain, Civilians (MET-TC) concept.

(U) The US reaffirmed its commitment to civilian protection when it commenced major combat operations in Afghanistan and Iraq in 2001 and 2003, respectively. As insurgencies developed in these countries, the US was forced to adapt to a counterinsurgency (COIN) mission for which it had been largely unprepared. Civilian protection is a central feature of COIN, and US adaptation required heightened efforts to prevent and mitigate the effects of civilian casualties.

(U) Despite US efforts to minimize unintended civilian deaths, non-combatant casualties have had an increasing strategic impact in Afghanistan, and CIVCAS concerns have significantly shaped the acceptable range of uses of force. However, concern about civilian casualties is not a strategic consideration only in Afghanistan, or only in COIN.

(U//~~FOUO~~) CIVCAS concerns have led to increasing limitations upon military forces' freedom of action. For example, after the 1991 Amariyah bunker bombing, significant restrictions were imposed upon air strikes in Baghdad. A decade later, repeated civilian casualty incidents threatened to unravel the North Atlantic Treaty Organization (NATO) alliance prosecuting Operation Allied Force against Kosovo. Recurring civilian casualties in Afghanistan led President Hamid Karzai to threaten restrictions upon US military operations. Civilian harm caused Special Operating Forces units operating in Operation Enduring Freedom to reevaluate their tactics, and those that failed to adapt were directed to pursue an alternative mission.[4]

(U) Civilian casualties must be factored into the full spectrum of operations, but their relative priority will vary depending upon the nature of the threat and available US capabilities. If faced with an immediate threat to the American homeland, US forces will be concerned first and foremost with eliminating that threat. During major combat operations against a peer competitor, the comparative emphasis upon civilian casualties would likely be lower than that during counterinsurgency or stability operations. Nevertheless, civilian casualties remain a concern in almost all conceivable military scenarios. For example, any Korean conflict scenario would entail severe consequences for civilians; how US forces were perceived to have either inflicted or prevented civilian casualties would have significant political ramifications long after a war's conclusion. A notional counterterrorism (CT) operation would be shaped by CIVCAS concerns. And even in ungoverned territories, the ability to conduct sustained military operations requires accounting for the negative consequences of civilian harm.

The Future Operating Environment (U)

(U) Minimizing civilian casualties has become an increasingly salient and important component of mission success for US forces, regardless of the specific type of operations in which US forces have been engaged (e.g. major combat, counterinsurgency, or counterterrorism). Several factors have contributed to this phenomenon.

[4] (U) This is discussed in Chapter 6, Special Operations Forces and CIVCAS.

War is increasingly transparent and evaluated by external actors. (U)

(U) Technology and global telecommunications systems have transformed both the conduct and the assessment of war. Information from the battlefield can be recorded by multiple actors ranging from insurgent forces to journalists to private citizens to non-governmental and international organizations. Global telecommunications allow the near real-time transmission of this information worldwide. As a result, the modern battlefield is visible to a degree never before experienced by combatants, allowing a growing number of actors from non-governmental organizations to regional and international bodies to assess the humanitarian impact and conduct of war.

Expectations of war have changed; expectations are highest for US forces. (U)

(U) International normative standards regarding the conduct of war are now more restrictive concerning civilian casualties. Tactics that once were justified pursuant to military necessity (e.g. the firebombing of industrial centers, the designation of free fire zones in inhabited civilian areas) would violate modern standards for the conduct of war.

(U) Expectations are particularly high for the US because of recent operations highlighting the capabilities and precision of its fighting force. US statements touting military precision and describing the US use of force as the most discriminate in history only heighten expectations of minimal civilian harm in war.

Adversaries exploit civilian casualties to undermine the United States. (U)

(U) Adversaries such as Slobodan Milosevic, Saddam Hussein, Al Qaeda, and the Taliban falsely accuse the US of indiscriminate violence and highlight instances of civilian casualties. Charges of US-caused CIVCAS yield strategic advantages to the enemy, including shaping international opinion, boosting internal cohesion, and recruiting new forces. Further, insurgents and enemy states routinely violate legal and ethical rules by collocating military and civilian objects, using human shields, and refusing to identify their combatants, inducing the US and its allies to cause civilian casualties that can be further exploited.

Implications for US Operations (U)

Undermining Operational Freedom and Effectiveness (U)

(U) As noted above, civilian casualties have historically constrained the US military's operational freedom. CIVCAS can also undermine operational effectiveness, threaten Coalition unity, and erode broader international support for a particular war or for the United States itself.

Flatter War versus Centralizing Command and Control (U)

(U) CIVCAS further compresses the tactical and strategic levels of war. The corporal is particularly strategic with regard to CIVCAS, where one incident can impel the US President to call foreign leaders and can dominate international media for days.

(U//~~FOUO~~) Military leaders can seek to manage CIVCAS effects by becoming increasingly involved in tactical control. In Afghanistan, this has changed how the chain of command functions, with crossed lines and collapsed processes. Concurrent COIN and CT operations, as well as partnered operations, create additional CIVCAS liabilities and further complicate command and control (C2).

Competing Strategic Messages (U)

(U//~~FOUO~~) The US has difficulty managing the competing aspects of strategic communication regarding civilian casualties. On the one hand, US leaders stress the military's intention and ability to minimize civilian harm. On the other hand, US policy rejects a civilian "body count" as an appropriate metric of war, and does not report on civilian casualties that it has caused, nor does it use its own tracking data to comment on the accuracy of reporting by other organizations, such as the United Nations (UN). This is sometimes exacerbated by the difficulty of US forces obtaining accurate and timely BDA for specific incidents. Nonetheless, the lack of transparency regarding civilian casualties can undercut the larger strategic message of seeking to protect civilians in war.

Meeting the CIVCAS Challenge (U)

It is often, although not always, possible to reduce civilian harm without compromising the mission or US forces. (U)

(U) Historically, US forces have developed innovative ways to significantly reduce civilian casualties while accomplishing their mission. As explained above, US air, naval, and ground forces have used precision weaponry and intelligence, surveillance, and reconnaissance (ISR) to minimize civilian casualties while ensuring operational effectiveness. Operational adaptation can also achieve this goal. For example, in Sadr City, Baghdad in 2008, US forces employed a combination of adaptive tactics, techniques, and procedures (TTP), massed and fused intelligence, and precision weapons to mitigate civilian casualty concerns. This provided freedom of action to use force effectively against a fleeting enemy operating in an urban area.[5]

(U//~~FOUO~~) Similarly, a US counterterrorism force in Afghanistan adjusted its targeting processes to significantly reduce civilian casualties while maintaining operational effectiveness.[6] These examples illustrate that the two objectives of reducing civilian casualties and achieving mission effectiveness are not necessarily mutually exclusive: often both can be achieved. The US military's goal should be to expand such "win-win" tools and approaches to CIVCAS prevention and mitigation.

III. US Operations in Afghanistan (U)

(U//~~FOUO~~) After the fall of Kabul in November 2001, the Taliban and other armed opponents of the central government gradually regained strength. US forces were slow to react to this and

[5] (U) JCOA report, Joint Tactical Environment, January 2009
[6] (U) This example is discussed in Chapter 6, Special Operations Forces and CIVCAS.

pursued an unstable mix of counterterrorism and counterinsurgency operations. US efforts to minimize civilian harm in Afghanistan did not keep pace with US adaptation in Iraq.[7]

(U) By 2007, the insurgency had expanded significantly and posed a real threat to the Afghan government. Civilian harm proved a nettlesome issue in US relations with Afghan President Hamid Karzai. He felt that after 2005, the US had essentially ignored his protests and had tried to silence his complaints by raising issues of corruption.[8] His criticism grew increasingly strident and he threatened to impose constraints upon US forces in the country.

(U//~~FOUO~~) Civilian casualty issues in Afghanistan are integrally related to strategy and leadership, not simply ROE. US-led operations in Afghanistan have vacillated between emphasizing offensive operations and CT and implementing a predominantly COIN strategy. As a result, there have been tensions and confusion in the conduct of the war, many lessons have been re-learned, and efforts have been duplicated.

Counterinsurgency and CIVCAS (U)

(U) In 2009, COMISAF GEN Stanley McChrystal began to emphasize the need to protect the Afghan population pursuant to US COIN strategy. He focused much of his effort on reducing CIVCAS. Public discussion sometimes appears to equate COIN and protection of the population with purely defensive strategies and tactics, but this is an inaccurate impression.

(U) US Army and Marine Corps COIN doctrine (as described in FM 3-24 and MCWP 3-33.5) outlines how to combine offense, defense, and stability operations to defeat insurgents, strengthen the legitimacy of the host nation government, and win popular support. It also stresses the importance of protecting citizens and separating the population from the insurgents. The doctrine explains that civilian casualties undermine mission accomplishment by fueling the insurgency and undermining the legitimacy of the host nation government. It further advises that harming civilians can prompt the local population to join or assist the insurgency and thereby increase risks to US forces.

(U) US COIN doctrine emphasizes civilian protection, but not at the expense of offensive operations. The most certain route to avoiding directly inflicting civilian harm is to avoid using force at all, but this would not accomplish the objective of providing security because, in the absence of offensive targeting operations, the enemy maintains operational freedom and penetrates the population. Coalition operations in Iraq in 2007 illustrated the importance of offense and initiative, as multinational forces eliminated insurgent sanctuaries and successfully separated insurgents and the population. Protecting civilians is not a purely defensive concept.

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[7] (U//~~FOUO~~) Targeting in Iraq in 2007 and 2008 using air power featured the use of low collateral damage weapons like the GBU-38V4 and Hellfire missiles. Even close combat attack (CCA) platforms adjusted their approach to better account for civilian casualties and other collateral damage: for example, AH-64Ds adjusted the dispersion for their 30mm gun in order to minimize the risk of civilian harm during their engagements. JCOA report, Joint Tactical Environment, January 2009

[8] (U) Interview with Government of the Islamic Republic of Afghanistan (GIRoA) Ministry of Defense (MOD) and Interior (MOI) Ministers, 3 April 2010

(b)(1);(b)(5)

(U) It is unrealistic to expect that risks to civilians can be eliminated in sustained combat operations, even when great care is taken. This is particularly true in a war against adversaries who do not uphold the laws of armed conflict and seek to goad counterinsurgents into excessive or indiscriminate uses of force. Thus, the conversation about reducing CIVCAS is as much about operational strategy and objectives—and which risks are worth taking—and shaping the narrative to establish realistic expectations as they are about specific TTPs designed to prevent or mitigate civilian harm.

Study Chapter Summaries (U)

(U) The team's field research, conducted in February and April of 2010, is detailed in Chapters 2-10 of this Report. The following section provides brief summaries of the topics covered.

A. The Application of Force (U)

~~(U//FOUO)~~ By 2009 in Afghanistan, there was a growing belief that US forces in Afghanistan were harming civilians at such a rate that it imperiled the mission. In July 2009, General McChrystal issued a Tactical Directive[9] that sought to reorient forces' choices and actions concerning the use of force. The guidance and related command emphasis appear to have reduced some types of Coalition-caused civilian casualties—particularly from airpower and Special Operations Forces (SOF). However, the Tactical Directive did not fully achieve the desired goal of maximizing freedom of action while also minimizing civilian casualties. Forces did not necessarily understand the precise contents of the Tactical Directive, ascribing to it restrictions that did not exist.[10] Midlevel commanders sometimes issued "clarifying" guidance that troops found more restrictive.

(U) Because of the potential negative effects of kinetic action, COMISAF sought to prompt consideration of tactical alternatives. Forces developed a number of best practices such as conducting "census" operations in partnership with Afghan National Army (ANA) forces and the use of snipers.[11] However, best practices were not captured and disseminated throughout the

[9] (U) COMISAF Tactical Directive, July 2009. In Chapter 2, The Application of Force, we point out that some of the content of this Directive resembles a number of previous Directives.

[10] (U//~~FOUO~~) A firefight in Ganjgal on 8 September 2009 was one example of this—forces on the ground believed that they did not receive air support because of restrictions from the Tactical Directive. In fact, a 15-6 investigation found that the reason for the lack of air support was a breakdown in communications in the unit's higher headquarters. The Tactical Directive itself specifically permitted the use of force in circumstances such as Ganjgal, but forces' lack of understanding with the contents of the Directive led to misunderstandings under fire.

[11] (U) Multiple in-theater interviews

force. Forces did not always employ tactical alternatives, including the use of tactical patience when feasible. This contributed to civilian casualties, especially in cases when forces ascribed hostile intent to civilians who were acting in unexpected ways.

(b)(1);(b)(5)

B. Trends in Civilian Casualties (U)

(U//~~FOUO~~) Numbers alone are insufficient metrics for evaluating civilian casualties. Context, purpose, alternatives, and benefits are also critical, which suggests the value of operational analysis of civilian harm. The number of civilian casualties caused by ISAF/Operation Enduring Freedom (OEF) remained roughly constant over 2009 and the first half of 2010. However, when normalized for operational tempo (OPTEMPO) and the number of forces in theater, we identified an overall decrease in both civilian casualties and the number of CIVCAS incidents. Looking in greater detail, we found that civilian casualties from air-to-ground engagements decreased over this period, implying that the 2009 COMISAF Tactical Directive had a positive effect. However, escalation of force (EOF) and direct fire civilian casualties increased over the same time period, and EOF became the largest contributor to ISAF-caused civilian casualties in the first half of 2010. Most ISAF-caused civilian casualties now occur in Regional Command South (RC-S), which has an increased number of incidents in 2010 compared to 2009. This increase must be evaluated in the context of the operating environment, mission, and manpower levels in RC-S versus the rest of Afghanistan. Context is also important for assessing SOF-caused civilian casualties, discussed in Section D.

C. Air-to-Ground Engagements (U)

(U) Up through 2009, airstrikes were the single largest contributor to US-caused civilian casualties in Afghanistan. This included both SOF- and General Purpose Force- (GPF) directed airstrikes. The July 2009 Tactical Directive and related command emphasis drove a number of changes to the air-ground team, increasing communication and scrutiny of engagements. Civilian casualties from air power decreased during this time period, and the kinds of targets engaged and the effects achieved through airpower also changed. At the same time, examination of recent civilian casualty incidents as well as instances where use of airpower was restricted suggests ways that both guidance and air-to-ground operations can be further improved.

D. SOF Operations (U)

(U) Between 2007 and mid-2009, SOF targeting operations (including SOF-directed airstrikes) caused about half of all US-caused civilian casualties. Media and Government of the Islamic Republic of Afghanistan (GIRoA) attention to these casualties affected the two US SOF elements operating in Afghanistan: one element modified its overall approach to compensate, and the other had its mission changed to focus less on direct action and more on Afghan National Security Force capacity building. The experience of the former illustrates that it is possible to reduce civilian casualties and simultaneously maintain or increase mission effectiveness. Despite these adaptations, there remains room for improvement.

(b)(1);(b)(5)

E. Escalation of Force (U)

(U) In the first half of 2010, the reduction of CIVCAS from air engagements and SOF operations led to EOF incidents being the single greatest cause of civilian casualties. EOF is an imprecise term for a process that covers two distinct purposes: responding to existing threats, such as riots or threatening persons, and determining whether hostile intent is present by obtaining compliance from potential combatants. Despite the regular occurrence of civilian deaths at checkpoints from the outset of the mission, ISAF forces are still not fully trained or equipped to execute both of these processes. They specifically lack an appropriate non-kinetic toolset needed to enable de-escalation of force and avoid civilian casualties.

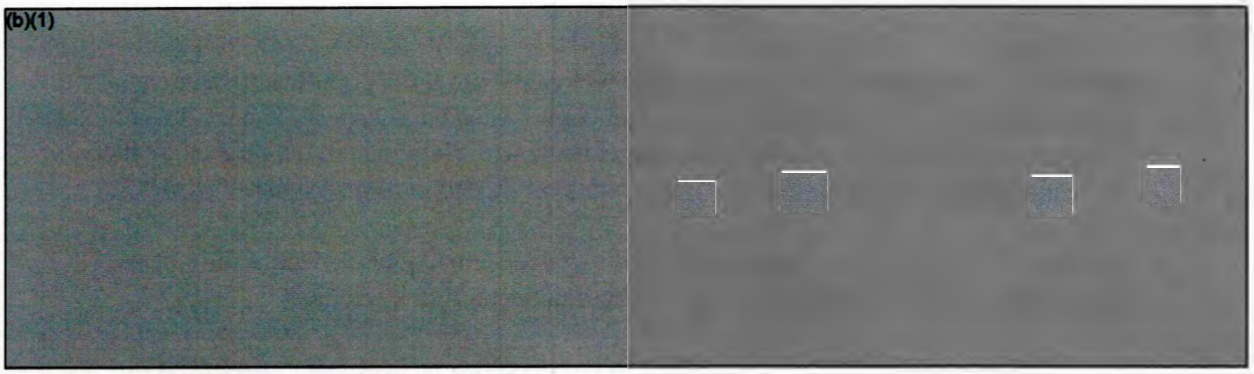
F. Partnering (U)

(U) Data suggests that Coalition forces have a reduced rate of civilian casualties during operations where they are partnered with Afghan National Security Forces (ANSF). Coalition forces described specific ways that partnering helped in reducing civilian casualties and mitigating their effects, including increased awareness of cultural cues that help them discriminate true threats and better communication with locals that facilitates intelligence gathering.[12] At the same time, the Afghan National Army has demonstrated deficiencies in fire discipline and knowledge and application of COIN principles that Coalition training should seek to address.

[12] (U) In-theater interview, 4 April 2010

G. Response, Redress, and Information Operations (U)

(b)(1)



H. Adapting and Learning (U)

(U) Counterinsurgency operations should be considered "learning competitions." However, US forces in Afghanistan often did not systematically adopt the COIN lessons and best practices from COIN in Iraq. A number of specific factors hindered the military's ability to adapt and learn. One factor was the status of data and reporting on civilian casualties: while the quality of available data has recently improved, there were few standards for, and limited validation of, reporting requirements. Many data needed to address important issues were simply not available. In addition, no organization was tasked to provide operational analysis and lessons learned for civilian casualty issues, either in-theater or CONUS. Even when lessons were identified, they were often not shared across the force because of largely ineffective means of integrating and disseminating lessons, both in-theater and in US institutions. However, we did observe some best practices for sharing lessons within specific communities.[13] Finally, when the Services developed solutions, there was insufficient validation of these implemented solutions to determine if they address identified issues. These factors all limited operational and institutional change regarding civilian casualties.

I. Institutional Efforts to Improve CIVCAS Prevention (U)

(b)(1);(b)(5)

[13] (U) For example, SOF forces developed a process for extracting lessons from civilian casualty legal investigation reports and disseminating those lessons within the overall command. Similarly, USMC forces in theater shared emerging TTPs with training centers for inclusion in future training events. In-theater interviews, 8 April 2010 and 11 April 2010

IV. The Way Ahead (U)

~~(U//FOUO)~~ In summary, study research suggested that:

- While GEN McChrystal's ISAF Tactical Directive did not differ significantly from its predecessors, his consistent emphasis on reducing civilian harm appears to have helped reduce civilian casualties from air-to-ground engagements, while holding overall Afghan civilian casualties steady despite an increase in the number of Coalition forces and OPTEMPO.

- ISAF guidance also had some unintended negative consequences and it did not adequately address other aspects of the civilian protection challenge.

- There is a general lack of synchronization between forces in-theater and CONUS institutions regarding the issue of civilian casualties. This appears to be a symptom of the fact that there is no clear organizational responsibility within DOD for defining, assessing, or supporting CIVCAS mitigation.

ISAF Way Ahead (U)

(b)(1);(b)(5)

- Increasing efforts to bring GIRoA officials into Coalition processes and build an effective combined Civilian Casualty Commission at the strategic level to maximize prospects for a unified assessment, investigation, and reporting of civilian casualty incidents;

- Acknowledging responsibility for Coalition-caused civilian casualties through coordinated local and strategic response, while communicating realistic expectations, setting civilian casualties in the context of Coalition contributions to Afghan security, and highlighting enemy contributions to civilian casualties.

DOD Way Ahead (U)

~~(U//FOUO)~~ The Department of Defense, including the Military Services, should be analyzing ongoing CIVCAS mitigation and reduction efforts and anticipating future CIVCAS requirements. Operational analysis and systematic learning can lead to improved material solutions, new TTPs, and other adaptations to allow US forces to best reduce civilian casualties and mitigate their effects. To fully exploit opportunities to increase civilian protection while maintaining mission effectiveness, the US Department of Defense should:

- Articulate strategic and operational considerations related to reducing and mitigating civilian casualties in military operations in policy guidance (Office of the Secretary of Defense (OSD)) and doctrine (military);

- Assign specific responsibility for operational analysis and evaluation of civilian casualty reduction and mitigation;

- Create standards for evaluating Service and joint community progress toward civilian casualty reduction and mitigation;

- Develop a cadre of experts in CIVCAS operational analysis;

- Consider creating a temporary organizational home and dedicated resources to catalyze these adaptations in order to effectively mainstream them into the Military Services.

Conclusion (U)

(U) Civilian casualties will remain a permanent feature of war. While the specific mission and circumstances will shape the possibilities of minimizing civilian harm, it is often feasible to reduce civilian risk without prejudice to a mission or US forces. In the increasingly transparent modern operating environment, civilian casualties affect both the use of force—shaping the way force is employed and impacting freedom of action—and the information narrative at tactical and strategic levels. Minimizing civilian casualties and mitigating their effects can both preserve US forces' freedom of operation and improve strategic communications, promoting the ultimate strategic success of military operations.

Chapter 2: The Application of Force (U)

Considerations and Guidance Regarding the Use of Force (U)

(U) Consistent with law and ethics, the necessity of using force must be balanced with the likely effects of using force. The ROE indicate when the use of force is legally justified. However, not all permissible force is necessary in every case, and forces must consider second-order effects as well. "Just because we *can* shoot does not mean that we *should* shoot," one US legal investigation concluded.[14] Particularly where civilians are embedded in the operating environment, tactical incidents can have unintended strategic effects and cumulative operational effects. LTG Rodriguez, COMIJC, summarized the challenge that forces face: "[They need to know] when to be tactically patient and when to be tactically aggressive. There is a time and place for each."[15]

(U) The decision regarding the application of force is particularly complicated in current operations in Afghanistan, since counterinsurgency requires balancing multiple objectives. For example, capturing or killing enemy fighters and destroying enemy military capabilities contribute to success; protecting the civilian population and enhancing host nation legitimacy are also critical. Yet using force to accomplish the first objective may undermine the second. Moreover, enemy violations of the LOAC—refusing to identify its fighters, using human shields, etc.—further complicate the counterinsurgent's ability to achieve intended effects.

(b)(1);(b)(5)

(U) This chapter discusses a number of aspects relating to the application of force. Part 1 discusses some challenges in exercising self-defense and determining hostile intent. Part 2 addresses the consideration of tactical alternatives in decisions regarding the use of force. Part 3 builds upon conceptual assessments from the first two parts and discusses issues and challenges regarding specific guidance on the use of force in Afghanistan.

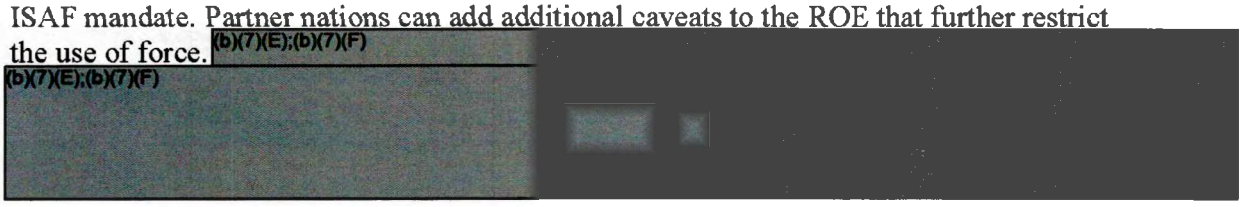
[14] (U) Italics added. Army Regulation (AR) 15-6 Investigation into the civilian deaths that occurred on Objective Herndon, 20 April 2009

[15] (U) LTG Rodriguez, COMIJC, press conference, 6 September 2009

I. Self Defense and Hostile Intent (U)

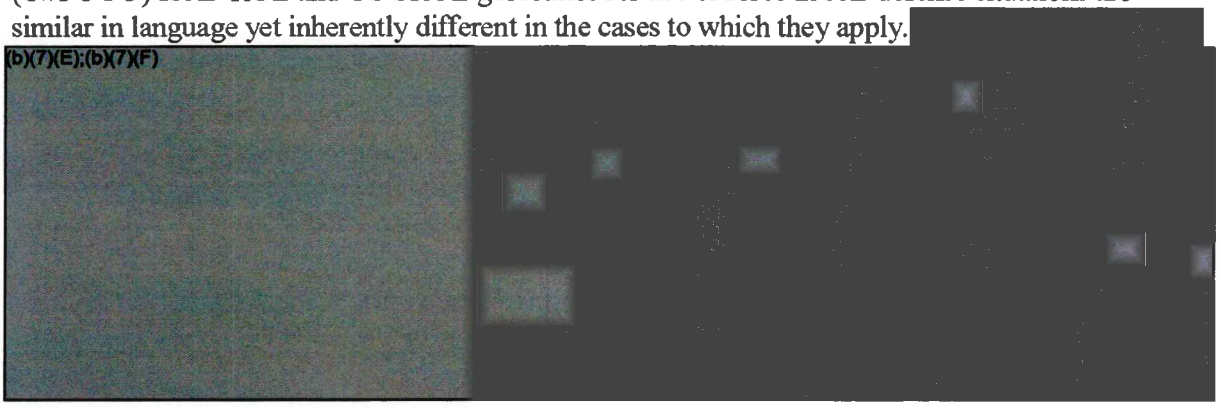
(U) In an operating environment like Afghanistan, forces must balance multiple objectives in the conduct of their operations. In this context, even the exercise of self-defense becomes complex and nuanced.

(U) Criteria for exercising self defense are spelled out in ROE. In Afghanistan, ISAF ROE governing mission accomplishment uniformly apply to all partner nations operating under the ISAF mandate. Partner nations can add additional caveats to the ROE that further restrict the use of force. (b)(7)(E);(b)(7)(F)

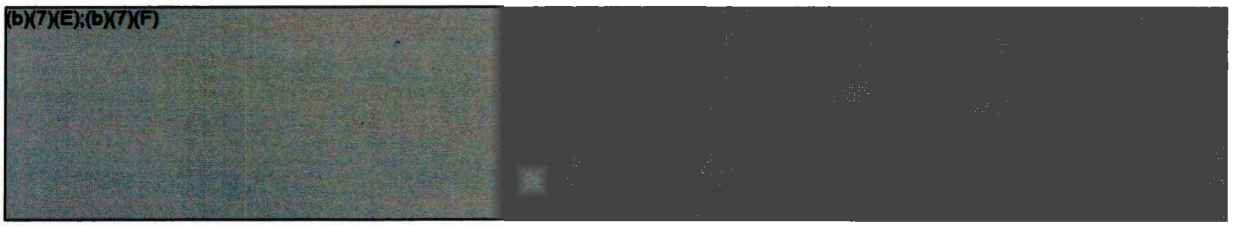


Self Defense Criteria: Differing US and ISAF Definitions (U)

~~(U//FOUO)~~ ISAF ROE and US SROE guidelines for use of force in self-defense situations are similar in language yet inherently different in the cases to which they apply.



~~(U//FOUO)~~ The difference in definitions allows US forces to take a broader view of what constitutes hostile intent and self defense than that contained in the ISAF ROE. Non-US forces used ISAF ROE 421/422[17] when they were not in immediate danger but faced hostile intent or a hostile act. This meant that the non-US forces had to confirm the absence of collateral damage concerns and otherwise comply with the ISAF ROE. The US SROE allowed US forces to use force in the same circumstances without all these requirements. This US SROE definition of "imminent" in essence exempted US forces from the requirement to employ ISAF ROE for offensive operations in these situations.



(b)(1)

(b)(1) (b)(7)(E);(b)(7)(F)

(b)(7)(E);(b)(7)(F)

(b)(7)(E);(b)(7)(F)

The Challenge of Determining Hostile Intent (U)

(b)(7)(E);(b)(7)(F)

[18] (U) 15-6 Investigation Report, "21 February 2010 CIVCAS Incident in Uruzgan Province", 18 April 2010

(b)(7)(E);(b)(7)(F)

determination of hostile intent consistent with the SROE but potentially inconsistent with ISAF ROE and COMISAF intent. These examples, Exhibit A on the following page, all occurred within a 3-month period in 2010.

~~(U//FOUO)~~ **A-1. Suspected IED Emplacers on Route Cowboy, 10 February 2010:** A patrol observed several individuals and vehicles with a machine gun and multiple AK-47s in a suspected

(b)(1);(b)(5)

~~(U//FOUO)~~ **A-2. ANA Ambush, 12 February 2010:** After an ANA vehicle was struck by an IED,

(b)(1);(b)(5)

~~(U//FOUO)~~ **A-3. Tirrenan Suspected IED Emplacers, 15 February 2010:** A platoon from 1-12 IN Bn accompanied by a partnered Afghan platoon and a USAF tactical air control party (TACP) were conducting a reconnaissance patrol in Tirrenan village, Pashmul. (b)(7)(E);(b)(7)(F)

(b)(7)(E);(b)(7)(F)

(b)(7)(E);(b)(7)(F) (b)(1);(b)(5)

(b)(1);(b)(5)

~~(U//FOUO)~~ **A-4. Man Carrying Weapon, 22 February 2010:** A sentry with the Brigade Reconnaissance Force of Task Force Helmand (UK) was manning a checkpoint at night. (b)(1);(b)(5)

(b)(1);(b)(5)

[22] (U) Second Impression Report for incident 02-0690, 10 February 2010
[23] (U) Second Impression Report, TF Legion CIVCAS, 12 February 2010
[24] (U) "Executive Summary of AR 15-6 Informal Investigation into CIVCAS 15FEB2010 TIRRENAN," 5 March 2010. Some additional details drawn from associated documents from the investigation.

(b)(1);(b)(5)

(b)(7)(E);(b)(7)(F)

~~(U//FOUO)~~ As these examples illustrate, there are two elements to evaluate regarding hostile intent: the first is whether the observed behavior is actually hostile; the second is whether the threat is immediate.[28] These processes are discussed below.

Accurate Assessment of Hostile Intent (U)

(U) Forces in Afghanistan stressed the importance of context when interpreting behavior of potential threats. (b)(7)(E);(b)(7)(F)

(b)(1);(b)(5)

(b)(7)(E);(b)(7)(F)

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25 ~~(U//FOUO)~~ (b)(1);(b)(5)

(b)(1);(b)(5)

26 (U) Second Impression Report for incident 02-1496, 21 February 2010

27 (b)(7)(E)

28 (U) The US SROE defines hostile intent as "The threat of imminent use of force against the United States, US forces or other designated persons or property. It also includes the threat of force to preclude or impede the mission and/or duties of US forces." CJCSI 3121.01B, STANDING RULES OF ENGAGEMENT/STANDING RULES FOR THE USE OF FORCE FOR US FORCES, 13 June 2005

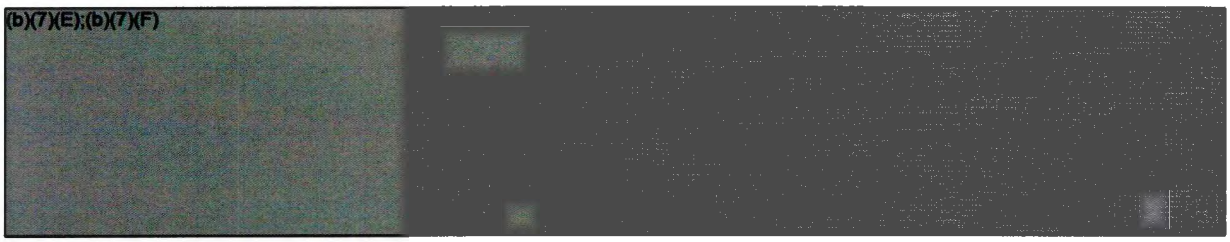
29 (U) In-theater interview, 10 April 2010

30 (U) In-theater interview, 7 April 2010

(b)(1);(b)(5)

Challenge of Determining Immediacy of a Threat (U)

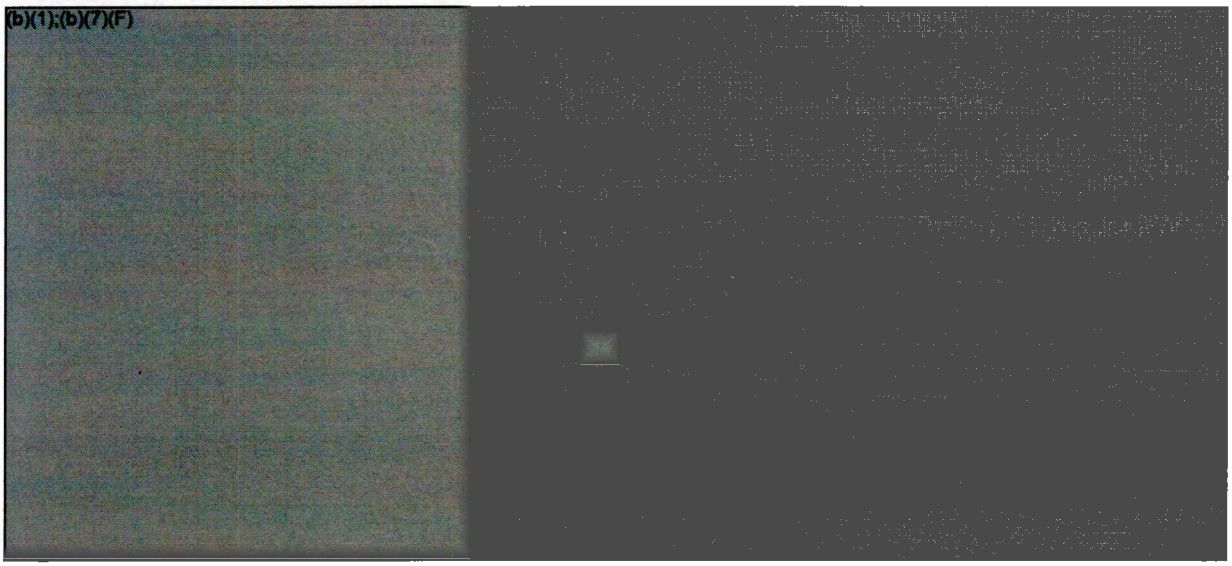
(b)(7)(E);(b)(7)(F)



(b)(5)

(b)(7)(E);(b)(7)(F)

(b)(1);(b)(7)(F)



[31] (U) In-theater interview, 7 April 2010
[32] (U) In-theater interview, 13 April 2009

(b)(5);(b)(7)(E)

II. Evaluation of Tactical Alternatives (U)

(U) FM 3-24 stresses the many roles of military forces in COIN:

> *"As one of the most complex and demanding forms of warfare, COIN draws heavily on the broad range of capabilities of the Joint force. Military forces must be prepared to conduct a different mix of offensive, defensive, and stability operations from that expected in major combat operations."*[37]

(b)(5);(b)(7)(E)

(b)(7)(E)

[35] (U) In-theater interview, 30 March 2010
[36] (U) In-theater interview, 3 April, 2010
[37] (U) FM 3-24/MCWP 3-33.5, Counterinsurgency, August 2006

(b)(7)(E);(b)(7)(F)

(b)(7)(E);(b)(7)(F) Even when an incident was several provinces away, it would have a ripple effect so that, for example, farmers became concerned that they would be killed when they were working in their fields.[39]

Tactical Alternatives (U)

(b)(7)(E);(b)(7)(F)

Tactical Alternatives for IED Emplacers (U)

(b)(7)(E);(b)(7)(F)

(b)(1)

(b)(7)(E)

[39] (U) In-theater interview, 4 April 2010
[40] (U) In-theater interview, 6 April 2010
[41] (U) Multiple in-theater interviews

(b)(1)

(b)(7)(E);(b)(7)(F)

(b)(1)

Increased Risk (U)

(U) During in-theater collection, the team heard about a number of incidents when forces in Afghanistan employed tactical alternatives and practiced tactical patience, often accepting

[42] (U) In-theater interview, 3 April 2010
[43] (U) In-theater interview, 7 April 2010
(b)(7)(F)
(b)(7)(E)
[46] (U) In-theater interview, 7 April 2010

increased risk in order to promote the objectives of protecting the population and reinforcing GIRoA legitimacy. The imperative to assume greater risk during counterinsurgency than conventional operations is reinforced in FM 3-24:

> *"Combat requires commanders to take some risk, especially at the tactical level. Risk takes many forms. Sometimes accepting it is necessary to generate overwhelming force. However, in COIN operations, commanders may need to accept substantial risk to de-escalate a dangerous situation."*[47]

(U) Below are a few examples of units taking additional risk to employ tactical alternatives, including the use of tactical patience, in consideration of potential second-order effects:

- (b)(1);(b)(5)

[47] (U) FM 3-24/MCWP 3-33.5, "Counterinsurgency," December 2006
[48] (U) In-theater interview, 6 April 2010

(b)(1);(b)(5)

(U) These positive examples of ISAF actions are rarely reported; we gathered them through conversations with troops in the field. Official reporting requirements like ISAF Standard Operating Procedure (SOP) 307[49] commonly seek information only about bad news. Consequently, it is difficult to compare the number of actual CIVCAS incidents with the number of cases where forces employed tactical alternatives and avoided CIVCAS, often at their own risk. Tracking numbers of these incidents can provide a useful context for measuring progress in CIVCAS reduction. Such examples could also be useful when engaging with GIRoA and international media to highlight the intense effort and personal risk being taken by ISAF soldiers to protect the population. The IO value of "doing the right" thing should not be underestimated.

Rewarding Courage (U)

(U) ISAF has an opportunity to better highlight and reward instances of courage shown when forces exercise tactical alternatives and accept risk to avoid civilian harm. One means of acknowledging forces is through awards and medals, which are generally intended to recognize meritorious service or heroism. Currently, these medals and awards are often given for personal risk in offensive action or in aid of fellow soldiers.

(U) Many commanders in Afghanistan stated they did not reward tactical alternatives, including tactical patience, or forces taking increased risk in order to protect the population or for IO purposes because it is what they expected of their Soldiers/Marines. In the examples we learned about, the individual was rarely recognized. Individual soldiers who take personal risk to protect civilians and advance their mission may, depending on the circumstances, be meeting the criteria for recognition of heroism or meritorious service. Rewarding and recognizing ISAF forces for these kinds of actions thus appears to be consistent with the intent of several current medals and awards. Other means can also be used to reward exemplary behavior, including a unit coin, highlighting the individual in a newsletter, and a personal callout and commendation by leadership. Rewarding tactical alternatives and protecting the population could provide valuable positive reinforcement and modeling of the importance of thinking about second-order effects.

III. Guidance on the Use of Force (U)

(U) In part 1, we reviewed differing definitions of hostile intent between ISAF and US forces and considered examples in which broad interpretations of hostile intent contributed to civilian casualties. In part 2, we discussed why examination of tactical alternatives is critical in operations such as counterinsurgency to address second-order effects and balance multiple strategic objectives. Part 3 now considers how recent commander's guidance has affected the application of force in Afghanistan.

[49] (U) This ISAF Standard Operating Procedure (SOP) mandates reporting of civilian casualty incidents.

(U) In addition to ROE, command guidance set parameters for forces to make appropriate choices regarding the use of force. Commanders provided guidance by writing letters to forces, issuing statements of intent, and issuing more formal and official communications such as FRAGOs or tactical directives. The "Karzai 15" principles that LTG David Barno developed with President Karzai were also a form of guidance governing the use of force.[50]

(U) In Afghanistan, tactical directives began to emerge in 2007 in response to repeated uses of force that caused CIVCAS under circumstances that deeply concerned the command. Unlike ROE, tactical directives are not legally binding, but were published to communicate commander's intent. However, Tactical Directives were sometimes interpreted by forces as tactics to be followed instead of as principles to guide decision-making.[51] As former COMISAF said, "*The danger of directives is that, at the end of the day, you typically have to put in there what you want [forces] to do. But... what you really want them to do is understand the context and the intent.*"

2007 ISAF Tactical Directive (U)

(U) (b)(7)(E);(b)(7)(F) issued under GEN McNeill, stated that ISAF forces were "winning against the insurgent in our engagements on the battlefield," but the key to strategic success was to "defeat the insurgent's strategy," i.e. that ISAF must gain the confidence and trust of the Afghan population. Civilian casualties were counter to this goal: "Whenever our actions in battle cause injury or death to civilians or property damage or destruction, we diminish our effectiveness." The goal of the Tactical Directive was to prompt forces to "review our tactics, techniques, and procedures to ensure we are doing everything reasonable and prudent to gain and maintain the will and support of the Afghans we are duty-bound to assist."[52]

(b)(7)(E);(b)(7)(F)

[redacted]

2008 (September) ISAF Tactical Directive (U)

[50] (U) Interview with LTG(R) Barno, former COMISAF, June 2010
[51] (U) Interview with GEN McChrystal, former COMISAF, 4 February 2010
[52] (U) COMISAF Tactical Directive, 28 June 2007
[53] [redacted]

(b)(7)(E);(b)(7)(F)

2008 (September) CENTCOM Tactical Directive (U)

(b)(7)(E);(b)(7)(F)

2008 (December) ISAF Tactical Directive (U)

(b)(7)(E);(b)(7)(F)

[54] (b)(7)(E);(b)(7)(F)

[55]

[56] (U) COMISAF Tactical Directive, 8 December 2008

[57] (U) ISAF FRAGO 373-2008, "Amendment One to Tactical Directive", 6 October 2008

(b)(7)(E);(b)(7)(F)

2009 (July) ISAF Tactical Directive (U)

(U) At the time of GEN McChrystal's confirmation as COMISAF, the Farah CIVCAS incident was still a prominent national concern and he stressed the need to better avoid civilian casualties.

(b)(7)(E);(b)(7)(F)

Additional ISAF Directives (2009-2010) (U)

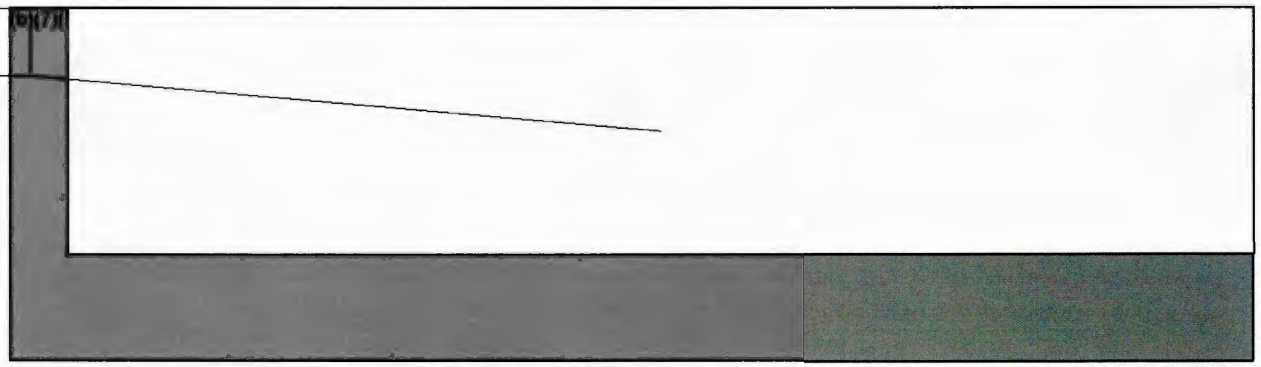
(b)(7)(E);(b)(7)(F)

(b)(1);(b)(5)

[58] (U) JCOA study, Civilian Casualties in Afghanistan: 2007 through mid-2009, February 2010

(b)(7)(E);(b)(7)(F)

b)(1);(b)(5)



Implementing the Directive (U)

(U) The publishing of the July 2009 Tactical Directive was one step in a larger process of influencing behavior and mindset of ISAF forces. As GEN McChrystal explained:

> *"Directives only get you so far... They allow you to get the specific intent out, but then you have to hammer it constantly. How much they hear me talk about it, how many questions I ask, how many times I drag them through the weeds is what causes everybody to think, hey, you were serious about that. Directives are the foundation, but making it reality is all that constant engagement."*[60]

(U) GEN McChrystal also discussed CIVCAS issues routinely in the daily Commander's Update Briefs, battlefield circulation, interactions with Afghan and other government officials, and in press statements. As subordinate leaders saw the emphasis that COMISAF placed on the issue, they, too, emphasized the importance of the Tactical Directive.

(U) Leaders used a number of different means to help instill COMISAF intent and the Tactical Directive in their forces. For example, one battalion commander discussed CIVCAS and Tactical Directive lessons learned during monthly commander's conferences, while his command sergeant major (CSM) discussed implementation of the Tactical Directive with Platoon-level noncommissioned officer (NCO) leadership. Their battalion also deliberately shared lessons learned to a brigade-level website. In another unit, the commander discussed the impact of the COMISAF Tactical Directive, and stressed the importance of teaching leaders how to think, not what to think. As part of this effort, the unit formed ROE working groups—monthly meetings to discuss engagements, storyboards, gun tapes, ROE changes, and implications. This group also developed a best practice: translating the Tactical Directive into tactical scenarios, which were used to train crews to deal with ambiguous situations. Similar vignette training was also used by other units and was widely believed to be effective in developing thinking skills and a mindset in line with COIN principles and COMISAF intent.

Complementary Efforts: Reporting, Apology, and Communication (U)

[60] (U) Interview with GEN McChrystal, former COMISAF, 4 February 2010

Battle Damage Assessment (U)

(U) Other efforts reinforced the command emphasis on CIVCAS reduction. In late 2008, COMISAF GEN McKiernan established a "CIVCAS Tracking Cell" to monitor and analyze civilian casualties. This organizational innovation was meant to help the command understand both Coalition and insurgent impacts upon the population. (See Chapter 9, Adapting and Learning). However, the Tracking Cell relied upon the information that units reported to the ISAF Joint Command (IJC), and, through the period of this study, the data was inconsistent in type and quality. The Tracking Cell had only a handful of personnel and was unable to confirm or clarify data as needed. Its staff had limited analytic background and lacked any reach-back capacity to support its efforts. Therefore, as late as February 2010, COMISAF was still asking straightforward questions such as whether US-caused CIVCAS incidents could be correlated with particular units and/or with that unit's length of time in theater, and not receiving answers.

Apology and Context for Civilian Harm (U)

(U) By 2009, President Karzai had become increasingly frustrated with the Coalition's inability to avoid significant CIVCAS incidents and other aspects of the Coalition's conduct of military operations. GEN McChrystal worked to overcome this perception, taking direct, personal responsibility for limiting civilian casualties. He did so through public apology and statements of commitment, as well as the issuance of the Tactical Directive and other guidance. GEN McChrystal also spoke publicly of his desire to achieve zero civilian casualties.

(U) These statements communicated ISAF intent to the Afghan leadership and citizens that forces would work to minimize civilian harm. General McChrystal's personal apologies to Afghans after major CIVCAS incidents and his frequent public statements about the desire to end harm to civilians reinforced the goals of the Tactical Directive. GEN McChrystal saw his personal assumption of responsibility as a key aspect of building a relationship of trust with President Karzai and encouraging Afghan ownership of the COIN campaign.[61] (Apology at the local level is also critically important and is discussed in Chapter 8, Response, Redress, and Information Operations.)

(U) COMISAF's public commitment to eliminate civilian casualties probably had multiple competing effects. On the one hand, it helped build a personal relationship with President Karzai and demonstrated sensitivity to Afghan sovereignty and citizens. The effort also supported a public information effort to convince Afghans of ISAF's good intentions toward civilians.

(U) At the same time, the posture likely increased Afghan expectations regarding the behavior of ISAF forces. Each subsequent Coalition-caused CIVCAS incident then undermined the pledge to reach the goal of eliminating civilian harm. The pledge also appeared to place the burden of reducing civilian casualties upon ISAF's shoulders instead of contextualizing the challenge, reiterating enemy tactics and responsibility, and even enlisting the help of Afghans to reduce misunderstandings through common "codes of conduct" in particular situations like checkpoints.

[61] (U) Interview with GEN McChrystal, former COMISAF, 4 February 2010

(U) Ongoing US efforts to reduce civilian harm may not have been communicated or emphasized in part because of operational security concerns or sensitivity to the inconsistent implementation of those efforts. In addition, ISAF rightly understood that Coalition forces would be held responsible at some level even for insurgent-caused civilian casualties because the Coalition remained responsible for securing the population. Capturing positive episodes of civilian protection, emphasizing systematic efforts to reduce civilian harm, and underscoring the fundamental tactical and operational distinctions with enemy fighters might effectively complement laudatory Coalition efforts to assume responsibility for the civilian harm it does cause.

Afghan Perceptions (U)

~~(U//FOUO)~~ The IO failure to convey ISAF efforts to reduce civilian casualties was demonstrated in polling of the Afghan population. Polls showed that Afghans harbored numerous conspiratorial and negative views of the Coalition during 2009, with more saying that civilian casualties were worse at the end of 2009 than those who said it was better, despite public messages from COMISAF as well as objective data showing that the number of Coalition-caused civilian casualties had declined. It is difficult to judge the effect of ISAF's message amongst other factors such as enemy propaganda, but the overall Afghan perception of ISAF's efforts was not positive. Afghan perceptions of ISAF forces relating to civilian casualties are discussed in more detail in Chapter 8, Response, Redress, and Information Operations.

(U) Importantly, the Ministries of Defense (MOD) and Interior (MOI) expressed gratitude for Coalition efforts to reduce civilian harm. They reiterated their belief that war entails civilian casualties and expressed that ISAF had taken such significant steps in reducing civilian casualties that it was no longer one of their top concerns.

(U) Interestingly, units reported cases in which Afghan citizens urged US forces to take offensive actions that were not approved by higher authorities due to civilian casualty concerns. In such cases, the commanders explained, Afghans concluded that the Coalition was not protecting them because it was not attacking the Taliban and thereby eliminating threats to the local population. This underscores that COIN has both offensive and defensive components, and shows that in the minds of the local population, larger security concerns can trump concerns over civilian casualties.

Information: Speed versus Truth (U)

(U) Once key Afghan officials make public statements about CIVCAS incidents, it is difficult for Coalition forces to correct, even when the statements are wrong or even knowingly false. This difficulty was experienced in a number of high-profile incidents, such as Azizabad, Farah/Bala Balouk, and Kunduz. In response, GEN McChrystal focused on forces conducting prompt BDA and getting the facts out as soon as possible after an incident. He recounted that he had been troubled by civilian casualty incidents early in his command where he had defended US force

accounts against Afghan allegations, only to discover later that those initial US assessments had been wrong. He was then compelled to apologize for his wrong information.[62]

(U) As discussed in greater detail in Chapter 8, Response, Redress, and Information Operations, there was a lack of consensus in theater regarding the ideal approach to civilian casualty IO efforts. Headquarters generally sought to respond quickly and with a complete set of information to enemy or other false characterizations of Coalition actions; it also tended to have responses from high-level headquarters as the lead for messaging. Forces closer to the incident often preferred to respond "appropriately"—providing information in pieces as it was verified and/or in conjunction with a locally-appropriate form of compensation or apology. One unit characterized this as how higher headquarters operated with an emphasis on being "first with the truth" while tactical units preferred to operate by "being fast and not wrong."

Partnering (U)

(b)(1);(b)(5)

Effects of Recent Use of Force Guidance (U)

(U) General McChrystal's emphasis on reducing civilian casualties appears to have yielded a significant reduction in civilian casualties caused by airpower, and a less dramatic reduction in civilian harm overall when the statistics are adjusted to account for numbers of ISAF forces or significant activities conducted. (See Chapter 3, Civilian Casualty Statistics). Because the language of the 2009 Tactical Directive is in many respects similar to prior directives, the biggest driver of change may have been the Command emphasis placed on the issue.

(U) The evolution of written directives, FRAGOs and other documents relating to the use of force suggests that guidance has essentially "chased" lessons from specific CIVCAS incidents, often following the occurrence of events with large numbers of casualties and/or with high media visibility. Thus, overall guidance for the use of force has been disseminated through many disparate documents and has taken on a piecemeal quality which forces found difficult to manage.[63]

(U) At the same time, guidance established approaches and tactics for use across a wide theater in which no one village, let alone region, yields the same set of challenges or local dynamics. In some cases, there was confusion when specific guidance was applied. For example, the Warning

[62] (U) Interview with GEN McChrystal, former COMISAF, 2 April 2010
[63] (U) JCOA brief, Civilian Casualties: Farah Quick Look, 27 July 2009

Shot Directive that instructed forces to discontinue the use of warning shots was intended to apply only to ground forces in escalation of force situations, but airmen—who also use their own form of warning shots for different purposes—initially interpreted it as also applying to their own operations.[64]

(U) Forces in theater are continuing to adjust to the need to more carefully evaluate necessity and effects in their use of force. Drawing upon our interviews in Afghanistan during April 2010, this next section disaggregates requirements related to use of force guidance and discusses them in turn.

Promoting a Mindset Shift (U)

~~(U//FOUO)~~ The use of force guidance applied to forces with different levels of experience and understandings of counterinsurgency. These differences had less to do with training, which many forces in theater described as inadequate[65], than with the particular experience of units and the initiative of leaders in-theater. The variation in unit preparation meant that the Tactical Directive had different effects depending upon the unit. These varied from no discernable effect to major changes in operations.

(U) Some leaders, particularly those with prior counterinsurgency deployments, regarded the Tactical Directive as a natural corollary of counterinsurgency, with its imperative of protecting the population. They saw the Tactical Directive as an adjunct to the mission. Many units described the Tactical Directive's message as simply considering the second order effects in engagement decisions. The central challenge was recognized as "insurgent math," where efforts to kill the enemy resulted in CIVCAS that alienated the local population and created more insurgents. A platoon sergeant described this decision process: "You need to determine if the greater good is to engage or if the greater good is not to engage."

~~(U//FOUO)~~ In other cases, forces reported that the Tactical Directive had significantly changed their mindset. This was mentioned commonly by forces that had already been deployed in theater when the Tactical Directive was issued. These forces generally had to readjust to the guidance and prescribed tactics. Those units that received the Tactical Directives prior to their pre-deployment training often chose to augment their combat training center (CTC) rotations with additional pre-deployment training involving scenarios and leadership development to better align their mindsets with the Tactical Directive. These units, particularly Army and USAF, still recommended improving pre-deployment training for COIN. (See Chapter 10, Force Preparation.)

Encouraging Tactical Alternatives (U)

(U) Most civilian casualties occurred as a result of unplanned uses of force, such as EOF situations or CAS engagements. For unplanned actions, the Tactical Directive encourages the consideration of alternative tactics that could result in reduced civilian harm. Forces reported that the Tactical Directive reminded them to consciously plan for and employ alternatives to CAS to

[64] (U) In-theater interview, 3 April 2010
[65] (U) We discuss this issue in Chapter 10, Force Preparation.

end the fight. In unplanned encounters, a key consideration was avoiding a situation in which significant force amidst civilians might be required.

(U) One example of how the Directive encouraged change and the development of tactical alternatives was USMC forces in the south. They said that before their deployment to Afghanistan, they had come to rely upon CAS because it was rapid and decisive, and as a result had moved away from maneuver and small arms engagement as tactical options. They stated that while the use of CAS on compounds was their preferred option before the Tactical Directive, the Directive had encouraged a return to basics, so that CAS became their last option to be used after alternatives had been exhausted. They said using individual Marines is the most discriminate means of killing the enemy and the Tactical Directive had encouraged a return to that long undervalued capability.

~~(U//FOUO)~~ Following issuance of the Tactical Directive, air platforms also tended to employ smaller munitions, including strafing, although they continued loading a wide range of munitions on the airframe. Kinetic effects were applied against enemy combatants in the open or in firing positions, rather than on or near a structure.[66] In addition, the Tactical Directive appears to have accelerated the use of non-lethal effects by air platforms, such as Show of Presence/Show of Force missions. This was a practice that was routinely observed as early as 2005 in Iraq,[67] but it is not practiced in Afghanistan at the same levels. Exemplifying adaptation, the US Air Force is increasingly interested in trying to systematically catalogue and evaluate the effectiveness of non-lethal uses of airpower.[68]

(U) Overall, most senior leaders viewed the Tactical Directive less as limiting the use of force when it was needed than as encouraging the use of alternatives—including disengagement—except for when air power was necessary to save soldier's lives. (See the section on Tactical Alternatives above for further discussion of self defense) As Marine units in the south described, "The Tactical Directive has not prevented fires when they [ISAF forces] needed them, but it has prevented it when they wanted them." This perception was not unanimous, however. Particularly at junior levels, more service-members view the Tactical Directives negatively, even where their underlying concerns were about the general nature of a COIN campaign.

Effects on Civilian Casualties (U)

(U) After the Tactical Directive was issued, the type of targets most frequently engaged in air CIVCAS incidents also changed. Between 2007 and mid-2009, the majority of US air engagements that caused civilian casualties were on or adjacent to compounds. The number of casualties from an incident depended highly on whether or not the target was a compound: in the incidents involving compounds, the average number of casualties were 10 civilians killed and four wounded, compared to an average of one civilian killed and none wounded when the target did not involve a compound.[69]

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[66] (U) Amelia MacSleyne, Role of Non-kinetic Air Effects in Operation ENDURING FREEDOM, CNA, 2010
[67] (U) JCOA Report, Transition to Sovereignty, 2007
[68] (U) Interviews with 2010 WEPTAC and AFCENT staff, 17 February 2010
[69] (U) JCOA brief, "Civilian Casualties in Afghanistan: 2007 through mid-2009," February 2010

(U) In contrast, the majority of targets in CIVCAS incidents after mid-2009 were typically individuals and vehicles, not compounds. However, a few incidents demonstrated that many people can be killed even when the target does not involve a compound. For example, in the Kunduz incident in September 2009, masses of people gathered around tanker trucks taking fuel, and the subsequent engagement resulted in about 30 civilians killed. In the Uruzgan incident in February 2010, three vehicles filled with civilians were engaged, resulting in 23 civilians killed and 12 wounded.

(U) In addition to a change in types of targets involved in civilian casualty incidents, the overall type of target for air incidents also changed and the number of civilian casualties from air engagements have recently decreased. See Chapter 5, Air Operations, for further discussion and documentation of this topic.

Critiques of the Tactical Directive (U)

(U) Although most forces interviewed for this study told us they understood COMISAF intent for the use of force and the imperative for reducing civilian casualties, not all forces agreed with it or understood its details. Discomfort or disagreement was most likely to be found at pay grades below Captain (O-3). We were unable to do systematic polling of forces and had difficulty discerning from interviews which aspects were the most troublesome overall. A discussion of the various criticisms follows.

Amplification down the Chain of Command (U)

(U) Some forces expressed strong support for the Directive's intent but worried that commanders further down the chain of command were adding to or reinterpreting existing restrictions to limit the use of force beyond COMISAF's original intent. Indeed, during our time in theater, an air commander issued new interpretive guidance that could be seen as having the effect of significantly constraining the use of airpower. He offered five questions that airmen should consider as they make engagement decisions:

(b)(1);(b)(5)

~~(U//FOUO)~~ Some airmen argued that this guidance was confusing and/or seemed more restricting than the tactical directive. Other forces reported more explicit restrictions had been added in other contexts. The most recent version of the Tactical Directive, published 1 August 2010, addresses this concern by requiring COMISAF approval of additional restrictions besides those introduced in the Tactical Directive itself.[71]

[70] (U) "Update to COMISAF Guidance on CIVCAS," OGRF 10-07, 455th Expeditionary Operations Group, 7 April 2010

[71] (U) COMISAF Tactical Directive, 1 August 2010

Misperceptions of the Tactical Directive's Content and Impact (U)

(U) Forces understood COMISAF's overall intent but they did not necessarily understand the precise provisions of the Tactical Directive. As such, they ascribed restrictions to the Directive even where they did not exist. For example, in one instance village elders had supported a unit's plans for offensive action against a compound that insurgents had occupied. Elders helped Coalition forces call the original residents to confirm that they had fled the village. The unit believed that the engagement was a violation of the Tactical Directive; they conducted the engagement anyway because they believed it met broader strategic intent. Ironically, the engagement was fully in accordance with the actual wording of the Tactical Directive.

(U) In other cases, forces mistakenly ascribed outcomes to the Tactical Directive that occurred for unrelated reasons. A firefight in Ganjgal on 8 September 2009 offers one example. In that case, forces on the ground believed that they did not receive air support because of restrictions from the Tactical Directive.[72] In fact, a 15-6 investigation found that the reason for the lack of air support was a breakdown in communications in the unit's higher headquarters.[73] The Tactical Directive itself specifically permitted the use of force in circumstances such as Ganjgal, but forces' misperceptions may linger uncorrected.

(U) In addition, the Tactical Directive also seems to have become the lightning rod for almost any operational concern. This may have simply reflected a shorthand method for interviewees to express complaints. This was observed in theater but is also true in CONUS, both in military institutions and in the media. Criticisms of the ROE often do not reflect what the ROE or Tactical Directive actually contains, creating a misunderstanding that underestimates the options available for the use of force in Afghanistan.

Balancing Offense and Defense (U)

(U//~~FOUO~~) Some forces also argued that the Tactical Directives forced them to cede initiative by disengaging rather than proceeding to close with the enemy. They understood that they could resume the fight another day but they wondered whether this would allow the enemy to regroup and harm their fellow troops before the enemy were captured or killed. In reality, the Tactical Directive was just one of a number of factors that limited the ability of GPF to conduct offensive operations. This may have had the effect of ceding the ability to conduct offensive operations to SOF. We discuss this issue in Chapter 6, Special Operations Forces and CIVCAS.

(U//~~FOUO~~) BDA requirements in the Tactical Directive were another source of frustration for some forces. Most forces stated that although it was a good goal to conduct CIVCAS BDA after every operation, this was not always feasible because of terrain, enemy activity, and shortage of ISR assets; in those cases, they said that they would know if civilians were killed or wounded because the population would show up at the forward operating base (FOB) with casualties. There were also concerns that BDA requirements created new risks for Coalition forces, as the enemy could plan

[72] (U) "Families outraged over engagement restrictions," marinecorpstimes.com, 4 November 2009
[73] (U) "15-6 investigation report into operations in the Ganjgal valley, Konar Province, Afghanistan, 8 September 2009," 25 November 2009

to ambush Coalition forces when they returned to the sites. RC-S stated the object lesson that they needed to plan for BDA in the future. Some forces expressly stated that, because of the Tactical Directive, they would not conduct missions when they could not conduct BDA afterwards.

~~(U//FOUO)~~ Some forces, generally—but not exclusively—at the lower levels, viewed the Tactical Directive as establishing a "zero tolerance" for civilian casualties. This appeared to contribute to uncertainty regarding what offensive operations units could conduct. For example, one commander expressed frustration regarding what constituted "good enough intelligence" to obtain approval for an offensive operation. He worried that the Tactical Directive had made higher-ups too risk averse and that civilian casualty aversion had inhibited his ability to conduct even those operations that had the support of the local population. Many forces, including those strongly supportive of the emphasis on civilian casualty reduction, expressed consternation that they appeared to be expected to fight a war with zero civilian casualties.

~~(U//FOUO)~~ Where forces bluntly expressed doubts about tactical patience, it was generally at levels below Captain. Forces sometimes expressed frustration that they could not conduct more offensive operations and employ more kinetic force. Some described fellow soldiers as having signed up to kill people and break things or "to take it to the enemy" and as frustrated that they were not allowed to do so in Afghanistan. Another soldier commented that the military "makes us lions and feeds us raw meat, then sends us to Afghanistan and cages us" by limiting the use of force. These complaints may have reflected discomfort with overall COIN principles (compared to major combat operations), rather than the Tactical Directive *per se*. Some said they disagreed with the concept of hesitating to employ fires and placing themselves or their unit at risk. Others understood that civilian casualties could set back their mission, they found it hard to weigh the indeterminate "avoiding the foul" against their concern for their fellow soldiers. This speaks to the need for constant dialogue between leaders and subordinates at all levels about how to translate broad COIN principles and commander's intent to specific unit approaches and decisions. However, there were also NCOs in-theater who fully understood the Tactical Directive and how it supported COIN principles.

(U) Even where commanders strongly supported the intent of the directive, they sometimes had concerns or questions how to effectively balance the various components of COIN operations—offensive targeting, protection of the population, and stability and capacity building—in their local areas. They also seemed to desire a higher-level dialogue about these issues in which civilian casualty prevention was considered in the context of their specific area of operations or mission.

~~(U//FOUO)~~ When pressed for specific concerns, most soldiers and marines expressed fears or experiences with delays in attaining air support. Ground commanders have authority for weapons release with regard to the use of CAS. The Tactical Directive asks pilots and aircrews to assist in clarifying the circumstances that support the ground commander's decision. Thus some ground forces see the Tactical Directive as interfering with the ground commander's authority (see Chapter 5, Air Operations, for a more detailed discussion). However, most ground forces we interviewed said that they did not worry whether they would be supported but whether they would be supported in a timely fashion—especially if they and the aircrew had not developed a relationship and common procedures.

Layered Decision-making (U)

Centralization (U)

(b)(1);(b)(5)

(b)(1);(b)(5)

(U) We witnessed many examples of the involvement of higher levels of command in monitoring and CAS. This involvement often took the form of centralized decision-making for air engagements. For example, one Army brigade required that all air-delivered munitions be cleared at a Tactical Operations Center by a field grade officer. This meant that all air engagements had to be approved at the battalion level or above.

~~(U//FOUO)~~ Because higher headquarters elements did not necessarily have the same level of situational awareness, centralization slowed some engagements and decisions at higher levels based on limited information and situational awareness sometimes trumped sound decisions made at lower levels. For example, in one engagement, a JTAC was conducting airstrikes against a compound and asked if an aircraft had a 2000lb bomb. The aircraft replied that it did, and the personnel in the TOC who were monitoring the engagement became excited and yelled "2000lb bomb!" The S3 in the TOC, who had not been following the engagement closely, interpreted this as a sign of being overly aggressive and instructed the JTAC to employ a 500lb bomb instead. The S3 was unaware that the JTAC had used several 500lb bombs in succession without the desired effect on the terrain, and that TOC excitement reflected satisfaction with a solution to a problem that had sought to solve with smaller munitions. Particularly where higher echelons seek to exert some influence over tactical operations, they have an obligation to sustain maximum situational awareness.

(U) Higher elements of the chain of command involved themselves in other ways as well. Because of differences between aircrews and ground commanders regarding the application of CAS, a senior air commander sometimes communicated directly with the lower-echelon ground commander regarding a decision to use airpower. (These issues are discussed in Chapter 5, Air Operations.) The senior commander's efforts to ensure smooth communication and proper implementation of COMISAF guidance may have struck others in the process as unwieldy. One

[74] (U) Section 4.b.1.a, COMISAF Tactical Directive, 1 July 2009
[75] (U) Section 4.b.2, COMISAF Tactical Directive, 1 July 2009

ground unit commented that when they heard the voice of a particular pilot on the radio, they found it simpler to just release the aircraft and pursue other fire alternatives.[76]

(U) The tendency to centralize authority appeared to conflict with observed best practices for COIN in Iraq, which captured benefits of both centralization and decentralization while minimizing the negative effects of each. In Sadr City in 2008, the Coalition was faced with a fleeting and effective insurgent threat that was launching rockets into the Green Zone of Baghdad. The Coalition was faced with a two-pronged challenge: find a way to effectively counter these fleeting threats, and maintain effectiveness in an urban environment where civilian casualties were particularly sensitive for the Iraqi government. Forces innovated to develop a hybrid C2 approach that has been called "focused decentralization," where C2 authorities were pushed to the lowest echelon capable of the mission and empowered with necessary resources. In this approach, higher echelons take on a supporting role, providing resources and oversight but granting final execution authority to the designated echelon executing the mission. This "allows higher echelons to conduct strategic shaping of the battlespace while promoting effectiveness of the tactical-level fight."[77] A number of best practices from Iraq, and particularly from this and similar operations, appear to be well suited for Afghanistan operations but have not necessarily gravitated there. (This challenge is discussed further in Chapter 9, Adapting and Learning.)

Lateral Coordination (U)

(U) At the same time, forces began folding in Afghan perspectives in decisions on the use of air power. One commander began communicating with local Afghan leaders regarding the application of airpower as a routine aspect of planning and execution. This coordination sometimes delayed airstrikes, but the delay was viewed as worth the benefits in having Afghan buy-in for air engagements. The commander made a conscious choice about the value of this process for both avoiding and mitigating the effects of civilian casualties. This is another example of how the Tactical Directive has prompted different behavior. These specific changes were not required by the Tactical Directive *per se*, but they reflected efforts to achieve the intent of the directive. Forces still appear to be in the process of adapting their approach to operations in light of this guidance.

Adaptation (U)

(U) In several respects, such as the evolution of air-ground dialogue regarding CAS and changes to SOF targeting, forces in Afghanistan have transformed practices that were once considered impossible to change into near-routine and more smoothly functioning practices. Importantly, these changes did not simply abandon mission effectiveness in order to decrease civilian casualties. Instead, in this arena they were able to reduce civilian casualties while maintaining or improving overall mission effectiveness. However, the initial tensions garnered significant attention before higher authorities decided to require change, and the process of adaptation itself took time. This suggests that leadership climate and time may help mitigate discomfort and unease with many of the challenges inherent in changing the use of force guidance.

[76] (U) In-theater interview, 5 April 2010
[77] (U) JCOA report, Joint Tactical Environment, January 2009

Opportunities for Improving Guidance and Support (U)

(U) The challenges outlined above underscore the need for greater support in military training and education. In the field, changes in practices and approaches may help address the underlying concerns described above.

Clarity of Guidance and Related Concepts and Language (U)

(b)(1);(b)(5)

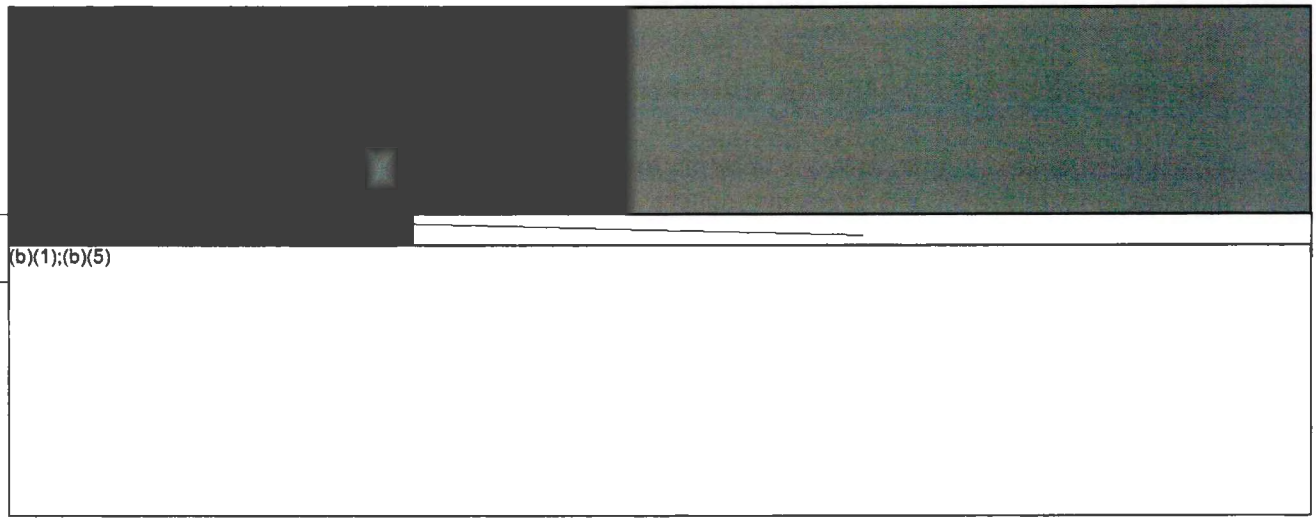
(b)(7)(E);(b)(7)(F)

(b)(7)(E);(b)(7)(F)

Positive Identification (U)

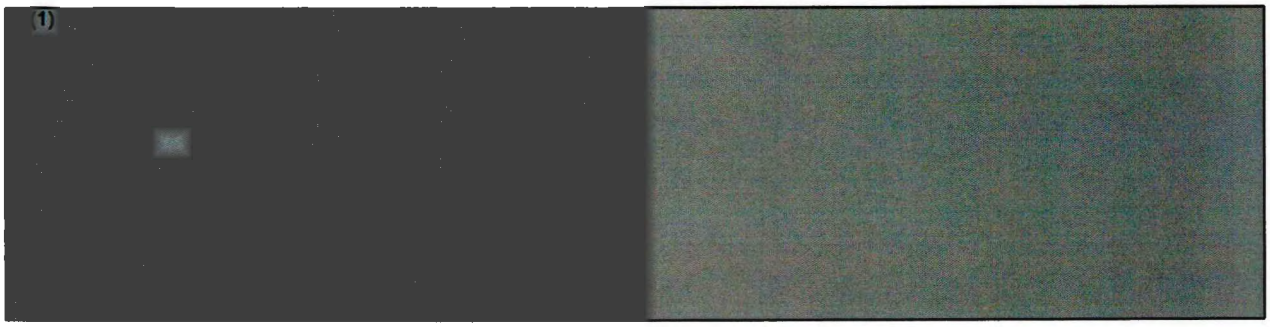
(b)(1);(b)(5)

(b)(7)(E);(b)(7)(F)



Leading Language (U)

(U) Clear and consistent language and terminology play critical roles in decision-making regarding the appropriate use of force. In situations of limited time and great danger, forces must convey diverse information and perspectives on a given situation to inform the ground commander's decision. Language may contain assumptions, evoke associations, or create visual images that imply more than the facts support; decisions about which information should be communicated can fundamentally shape decisions. A number of incidents have illustrated the potential danger of using "leading language" or selective facts that might unintentionally suggest hostile intent. One such commonly used term is MAM (military-age male), which implies that the personnel are armed forces and therefore legitimate targets. Another common practice is characterizing anyone digging as an IED emplacer when he might be engaged in other activities. Similarly, abbreviated descriptions of Afghans holding tools (e.g. shovels) may convey the idea of carrying weapons (long-barreled weapon) unless the language is qualified.



Intent within a Broader COIN Strategy (U)

(U) Population-centric COIN does not consist of purely defensive action: "A counterinsurgency campaign is a mix of offense, defense, and stability operations."[82] Offensive action remains essential, both to protect the population from insurgents and to counter malign influences.

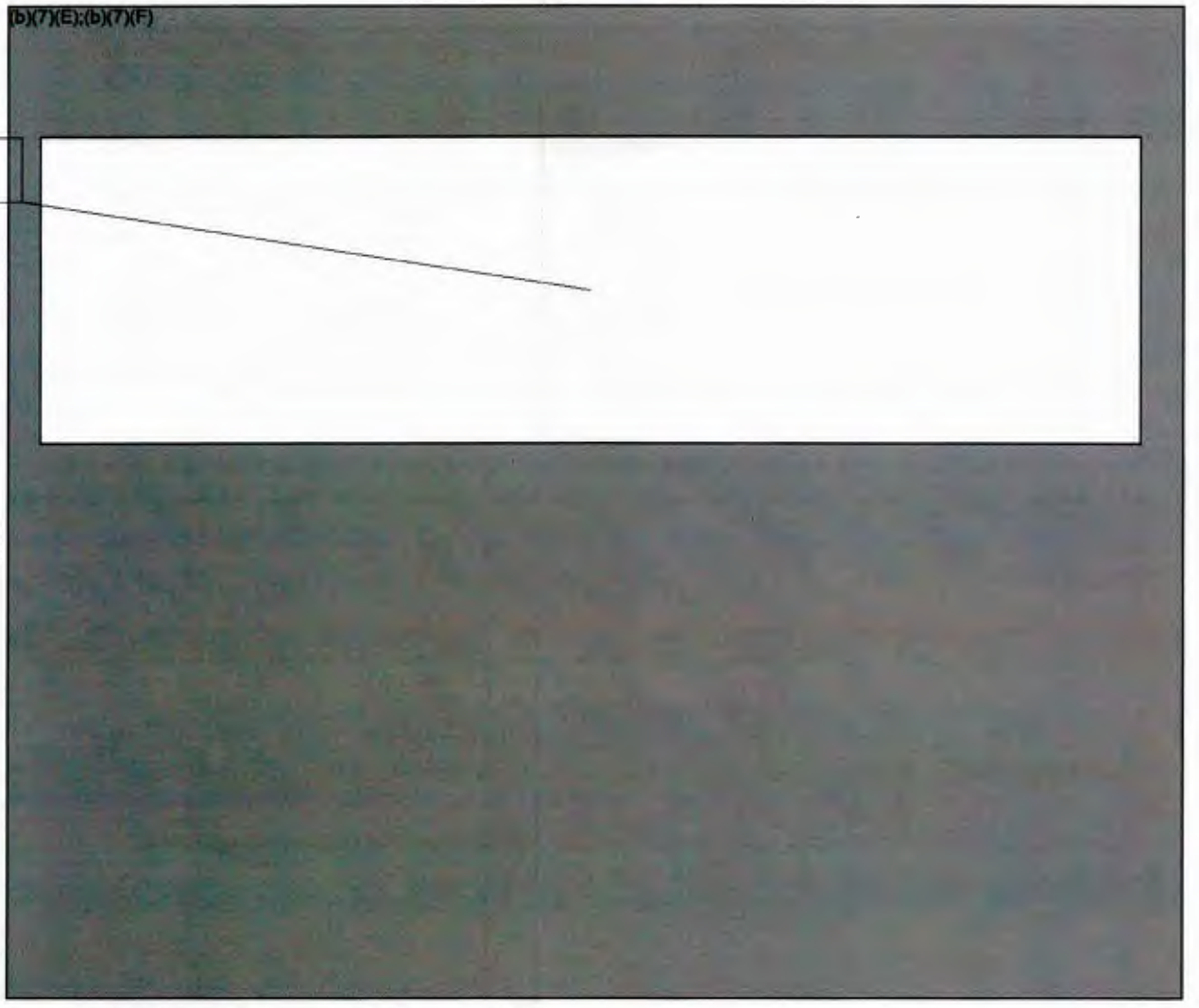
[82] (U) FM 3-24/MCWP 3-33.5, Counterinsurgency, August 2006

Offense, defense and stability operations must be balanced, consistent with strategic objectives and guidance on the use of force.

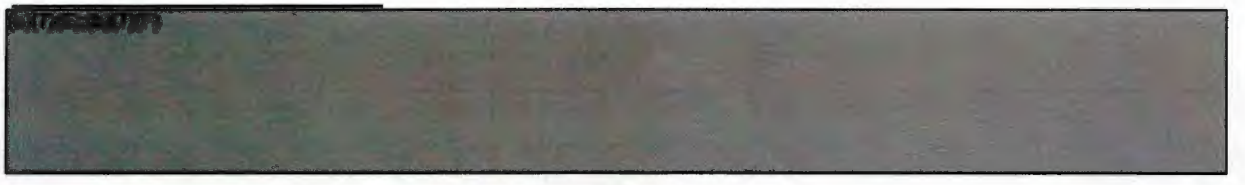
(U) ISAF use of force guidance was most specific and directive for CAS, where the most prominent civilian casualty problems occurred in the past. While successful in reducing air-caused civilian casualties, the guidance was sometimes misunderstood by US forces as more restrictive than the actual written guidance. At the same time, the guidance did not address other circumstances where many civilian casualties could be caused.

(b)(7)(E);(b)(7)(F)

(b)(1);(b)(5)



Oversight and Support of Forces (U)



(U) A move to intent-based guidance versus prescriptive guidance entails some risk as forces tailor their own approach to their specific environment and threat. A number of measures would help support forces in achieving the objective of reducing civilian casualties while maximizing operational effectiveness:

(b)(1);(b)(5)

(U) Now that the Tactical Directive has instilled a mindset of caution concerning civilian casualties in the air-ground team, the opportunity exists to move from prescriptive guidance toward intent-based guidance. This would allow both a broadening of the scenarios where caution should be exercised and simultaneously clarify the broader intent for the use of force. This might facilitate greater freedom of action while simultaneously encouraging initiative to minimize civilian harm and advance ISAF strategic objectives.

Chapter 3: Civilian Casualty Statistics (U)

(U) This chapter discusses overall trends in civilian casualties in Afghanistan and attempts to place them in context in light of changes in force size and operational tempo. Some specific types of civilian casualties are examined in more depth in subsequent chapters within this report: escalation of force civilian casualties (Chapter 4), air-to-ground civilian casualties (Chapter 5), civilian casualties occurring during SOF operations (Chapter 6), and civilian casualties during partnered and independent operations (Chapter 7).

General Civilian Casualty Trends (U)

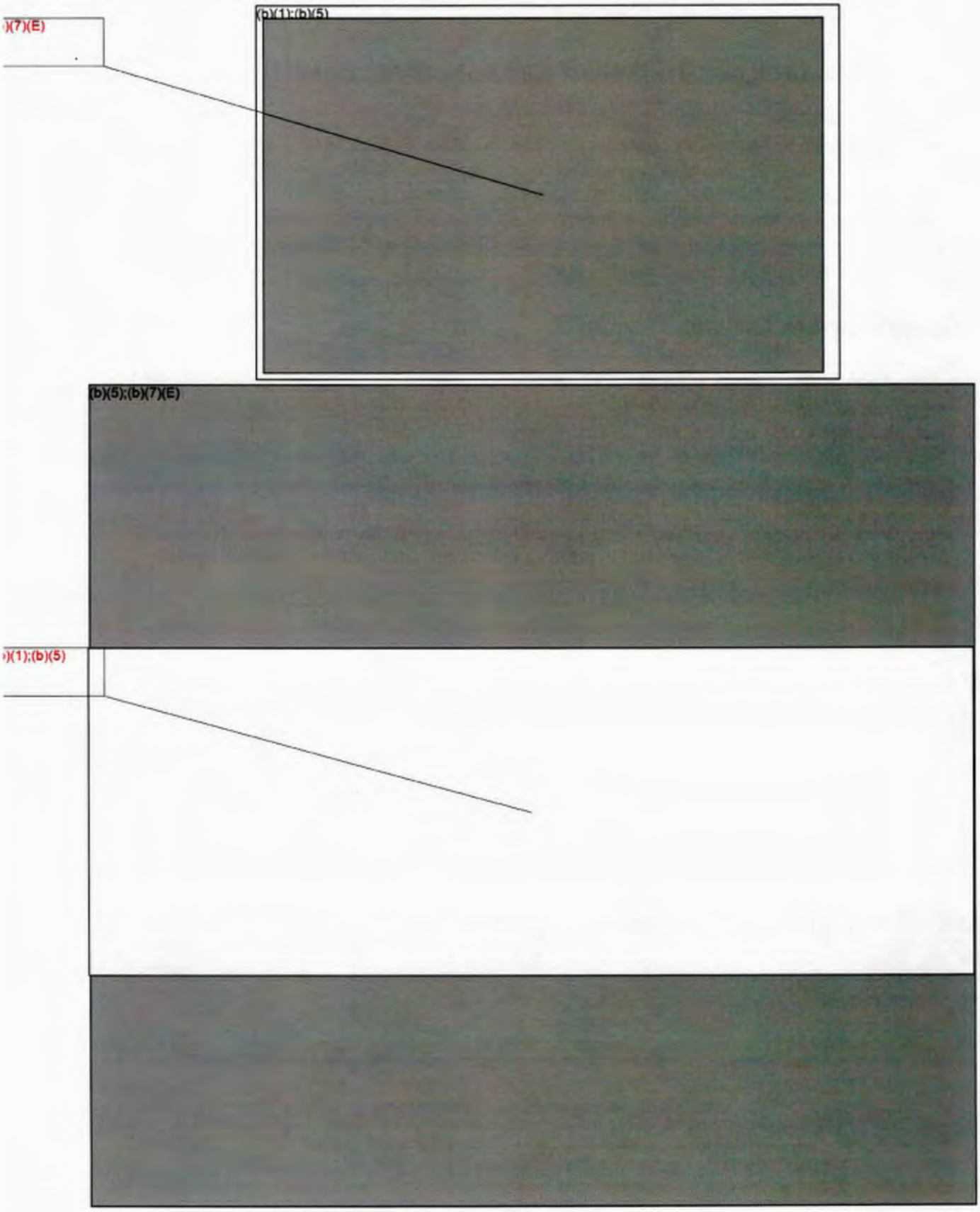
(U) We first examined trends in overall civilian casualties, including both Coalition-caused and enemy-caused civilian casualties. For this section, we used data from the ISAF Civilian Casualty Tracking Cell (CCTC) database. (b)(7)(E)

(b)(7)(E)

(b)(7)(E) There is some fluctuation over time, some of which seems to be from the insurgent-caused civilian casualties, which has seasonal variations. There may be an overall increase over time, though it is difficult to determine for certain due to this fluctuation and lack of data over a longer time period with which to compare.[86]

(b)(1);(b)(7)(E)

[86] ~~(U//FOUO)~~ The statistics listed do not include the category "Natural Disasters" from the 2010 CCTC database. There was no "Natural Disasters" category in the 2009 CCTC database and a review of all the 2009 incidents categorized as "Other" revealed no incidents that could be categorized as "Natural Disasters." Since natural disasters are not human caused violence, it does not make sense to include them as part of these statistics.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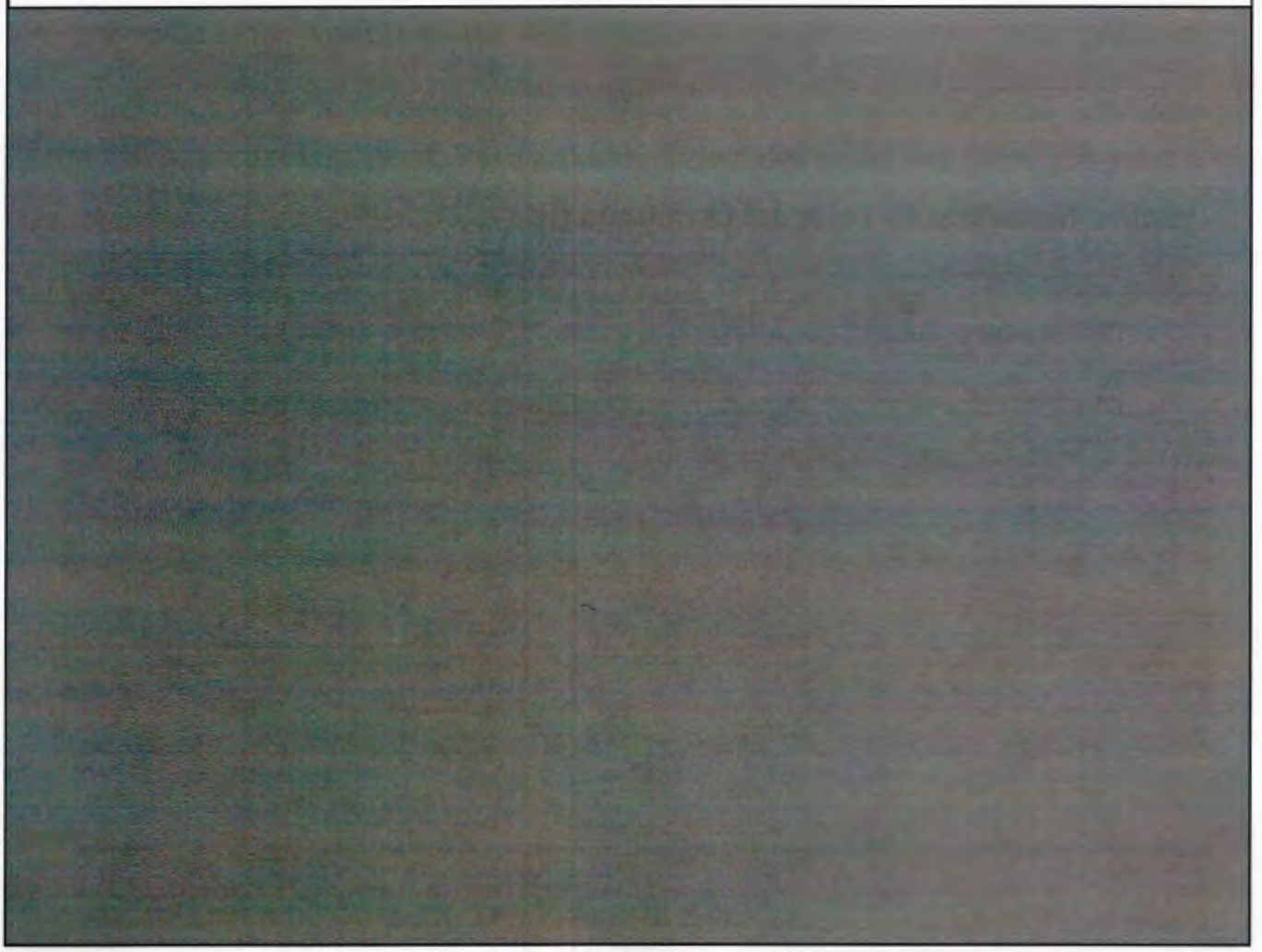

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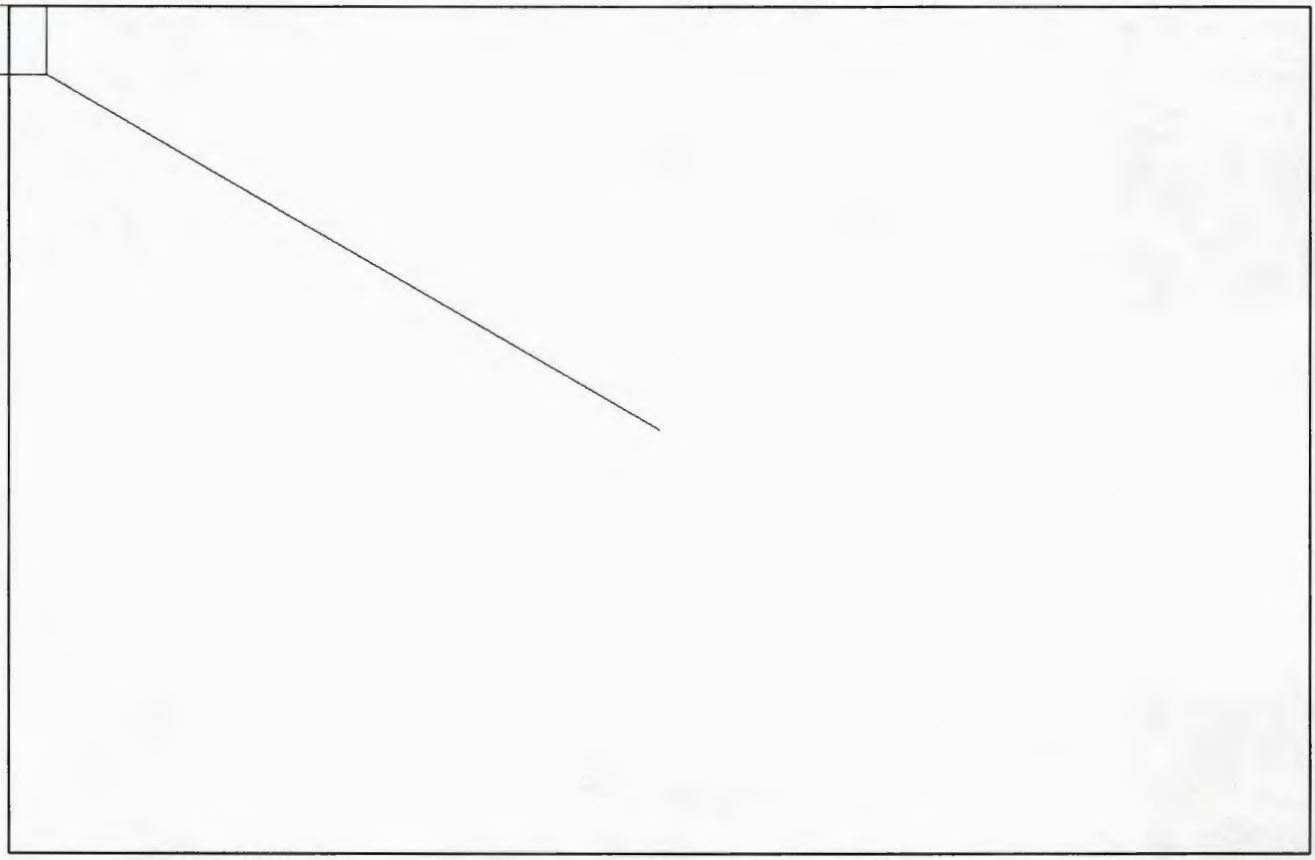
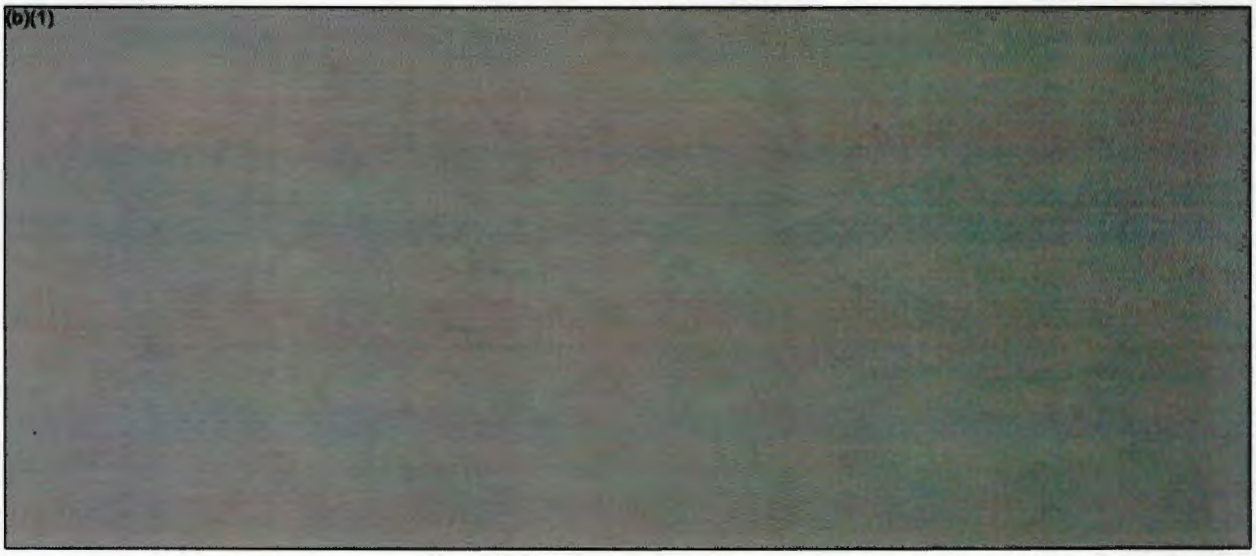


Civilian Casualties By Regional Command (U)

(b)(1)



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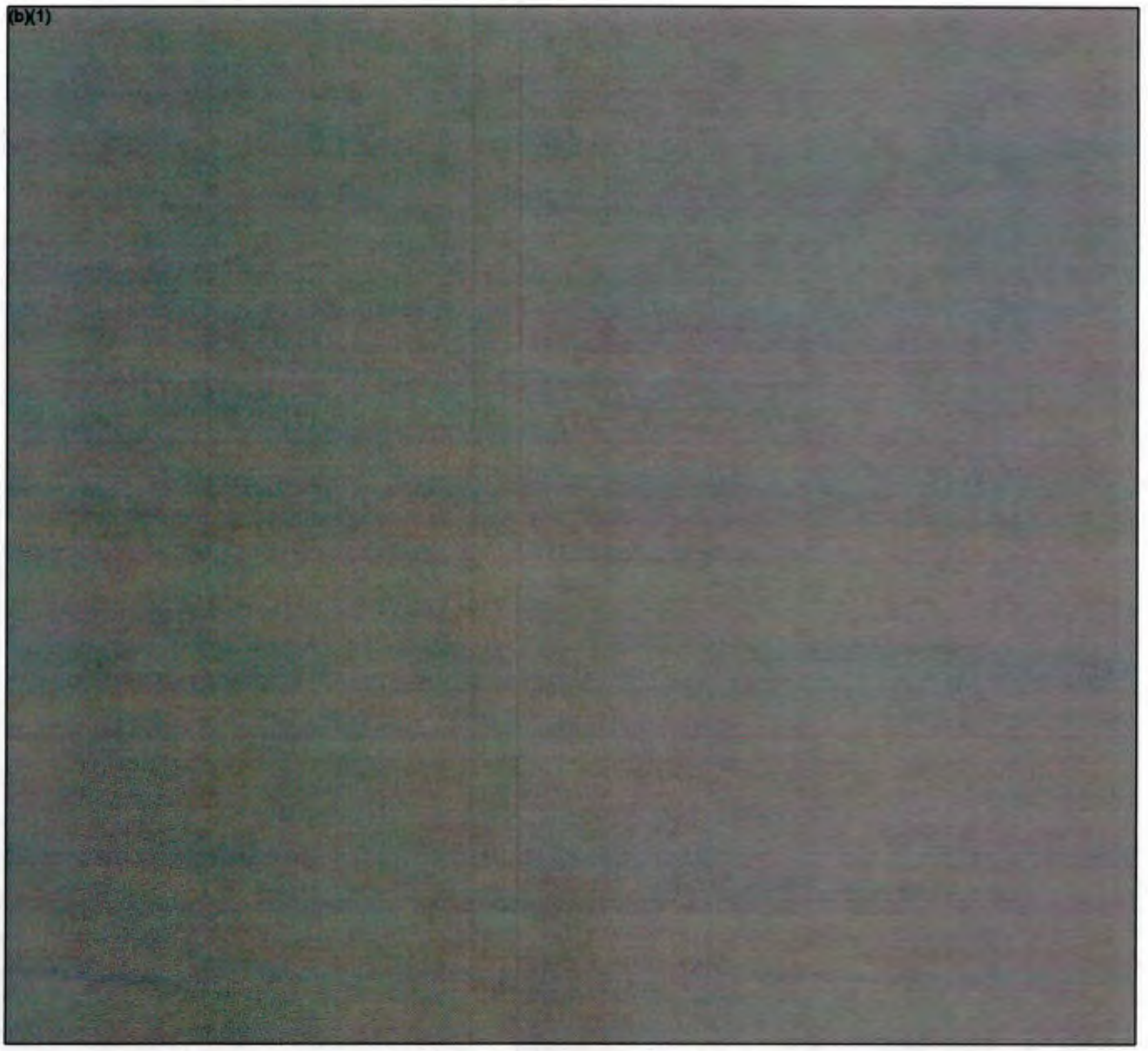
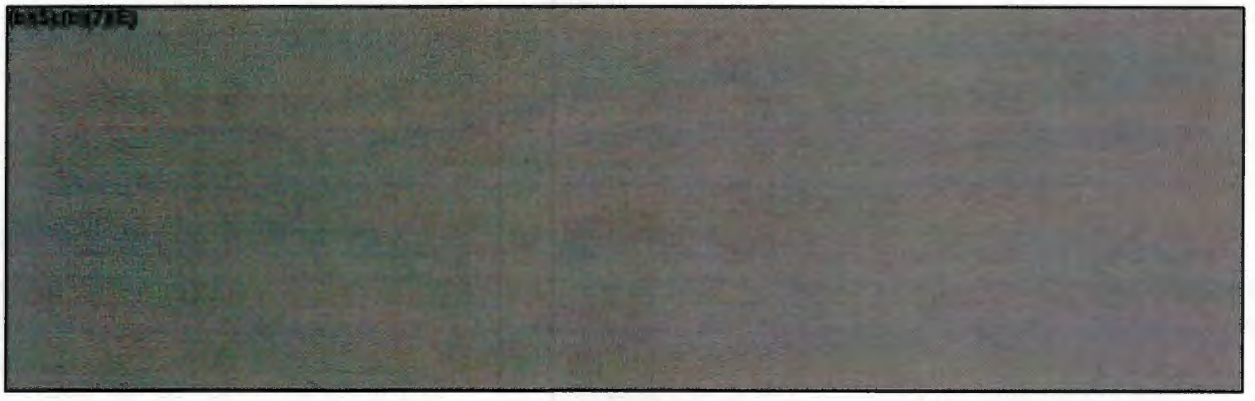


Civilian Casualties By Type of Incident (U)



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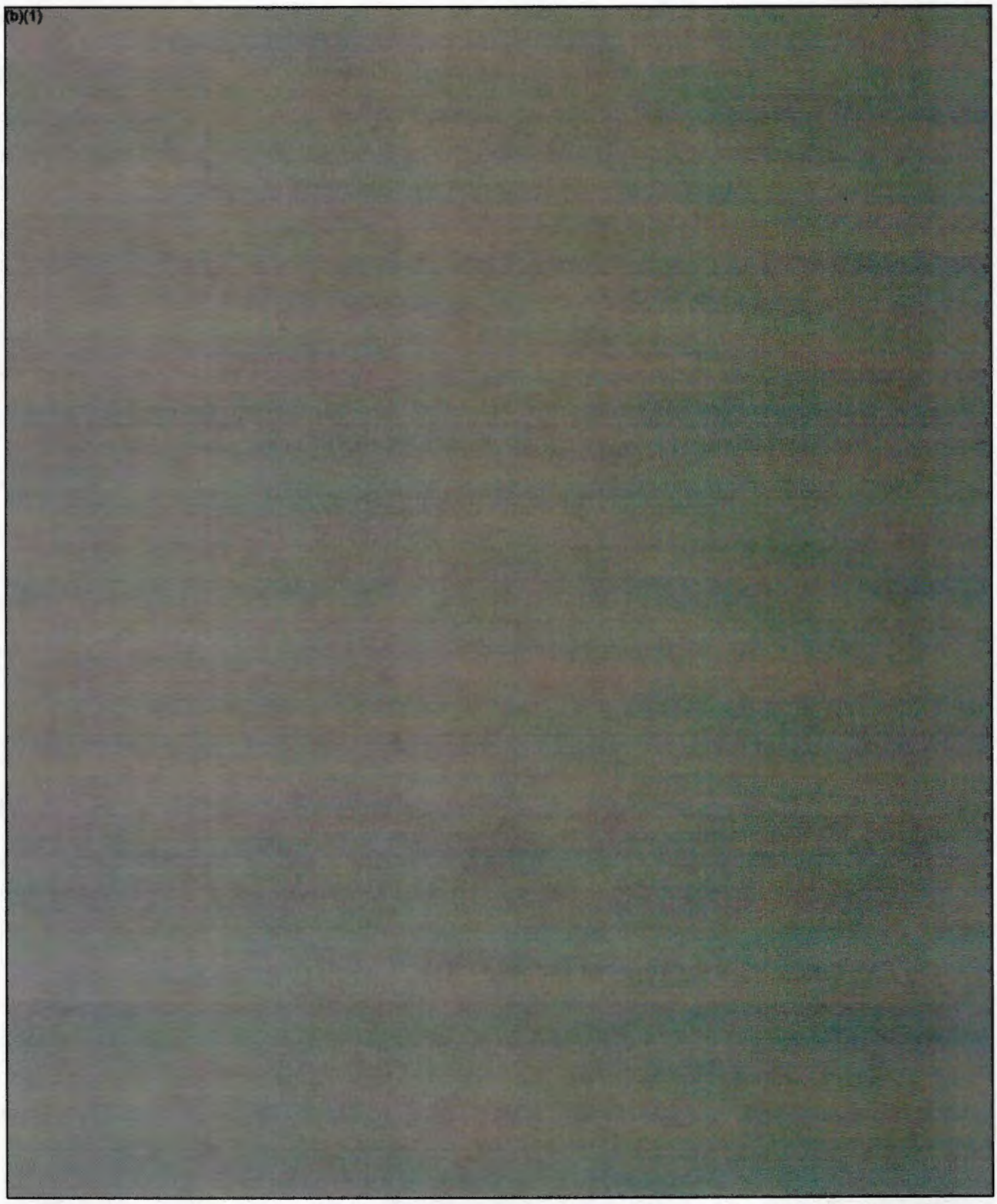

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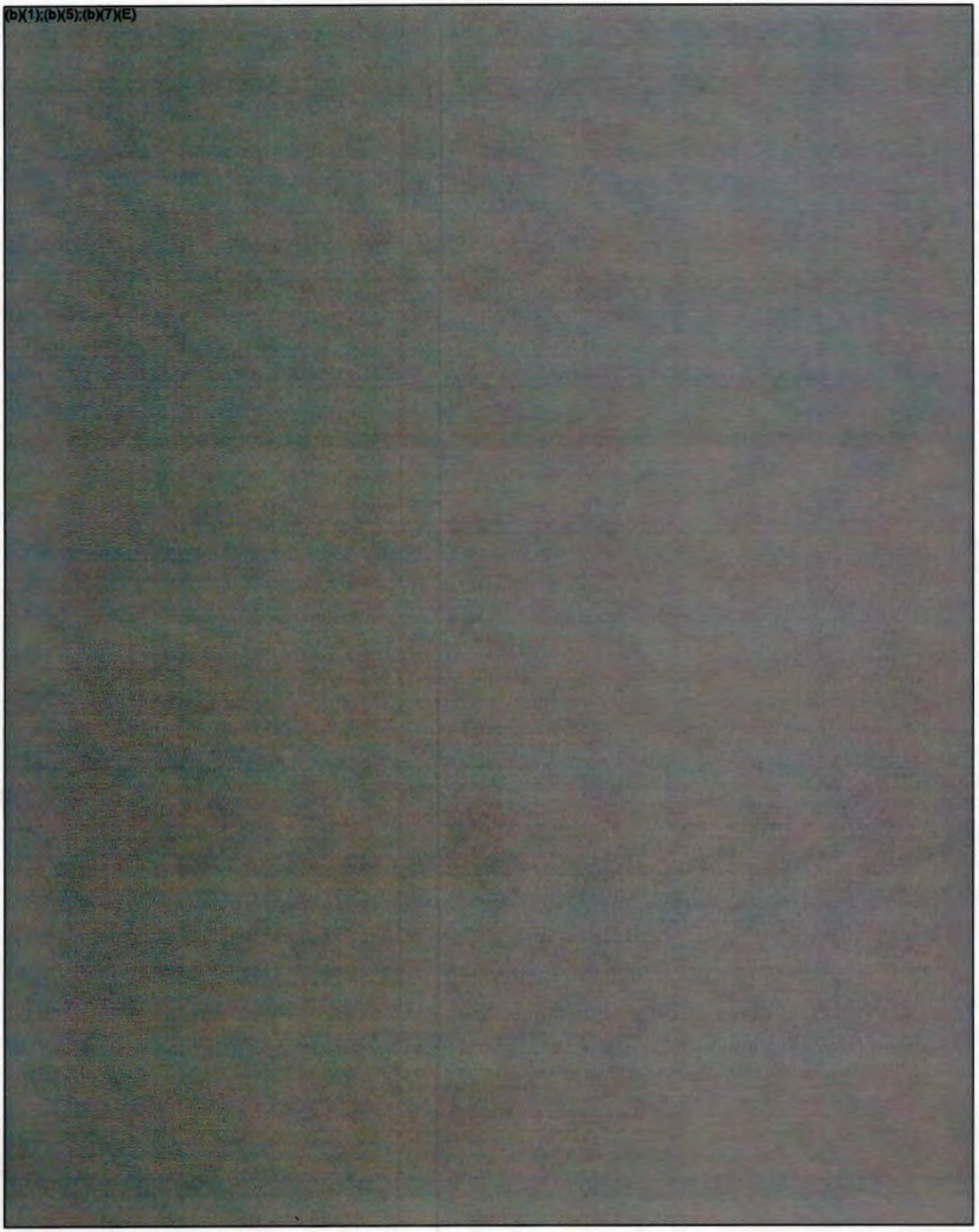

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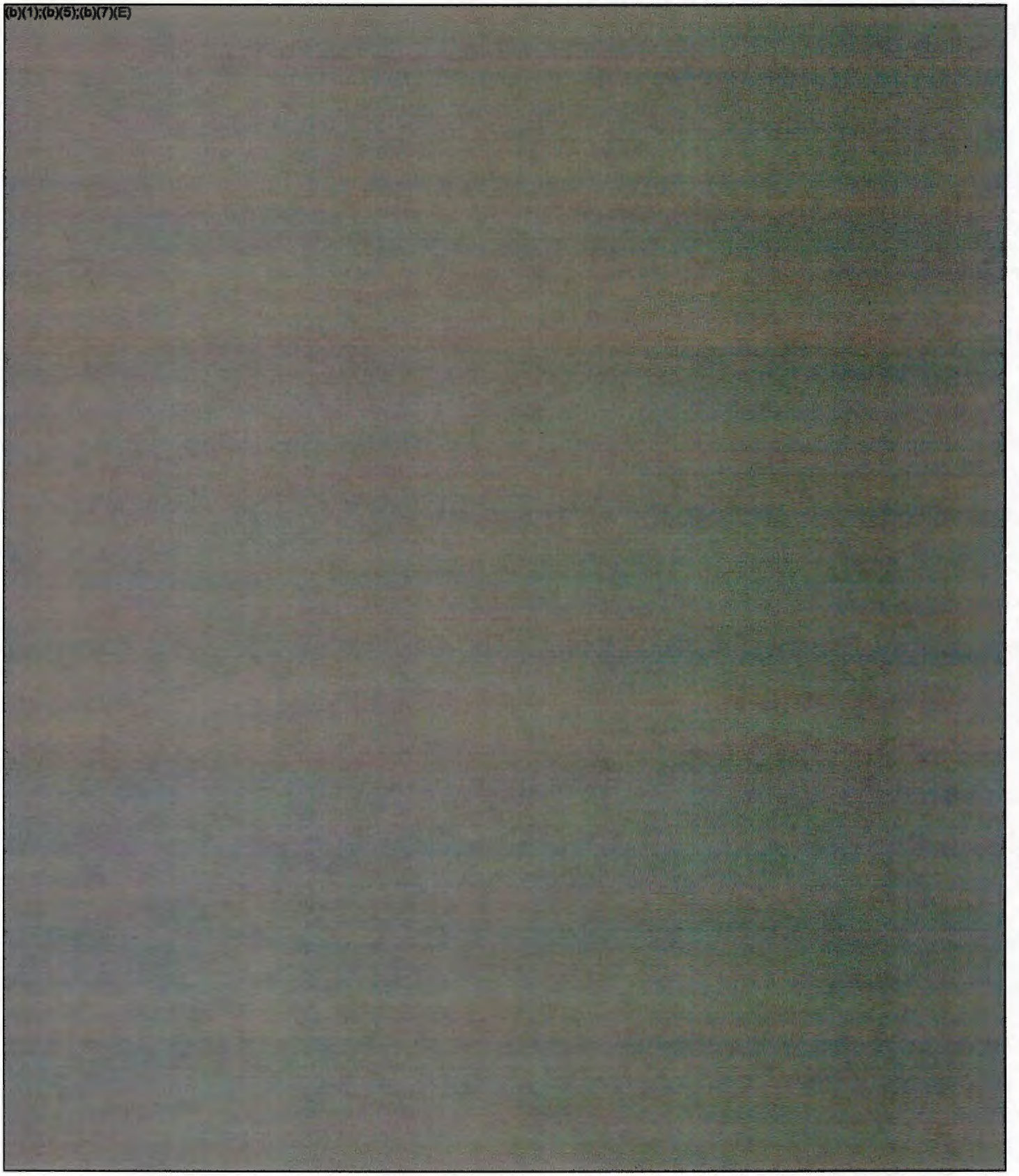
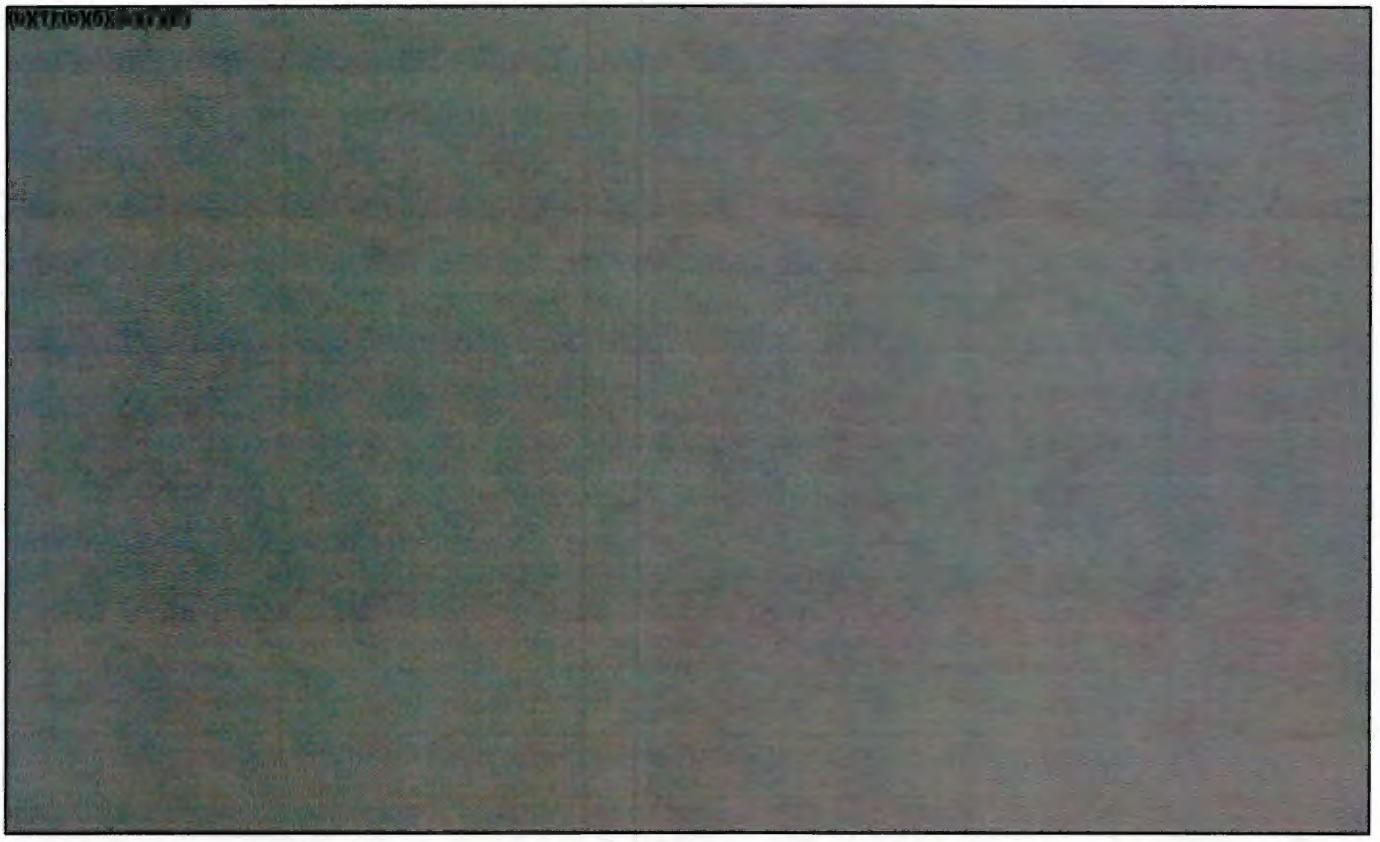
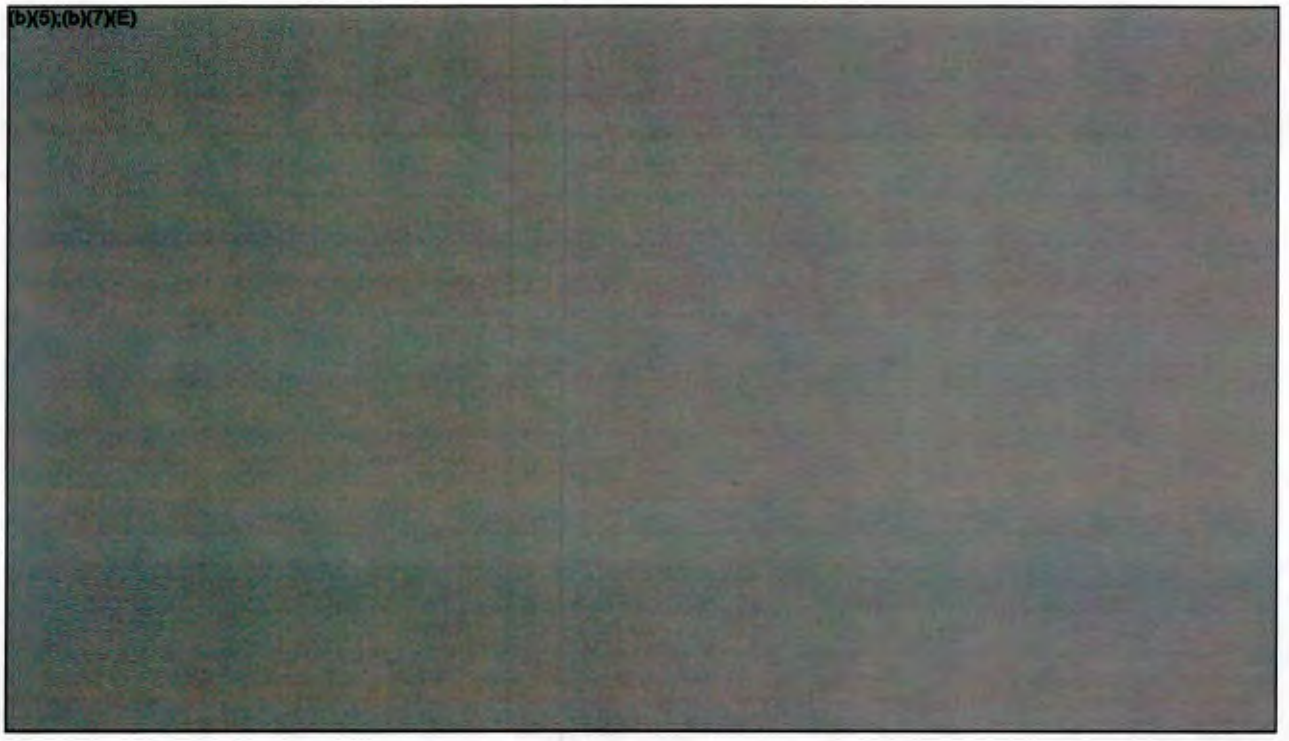




Civilian Casualty Numbers in Context (U)



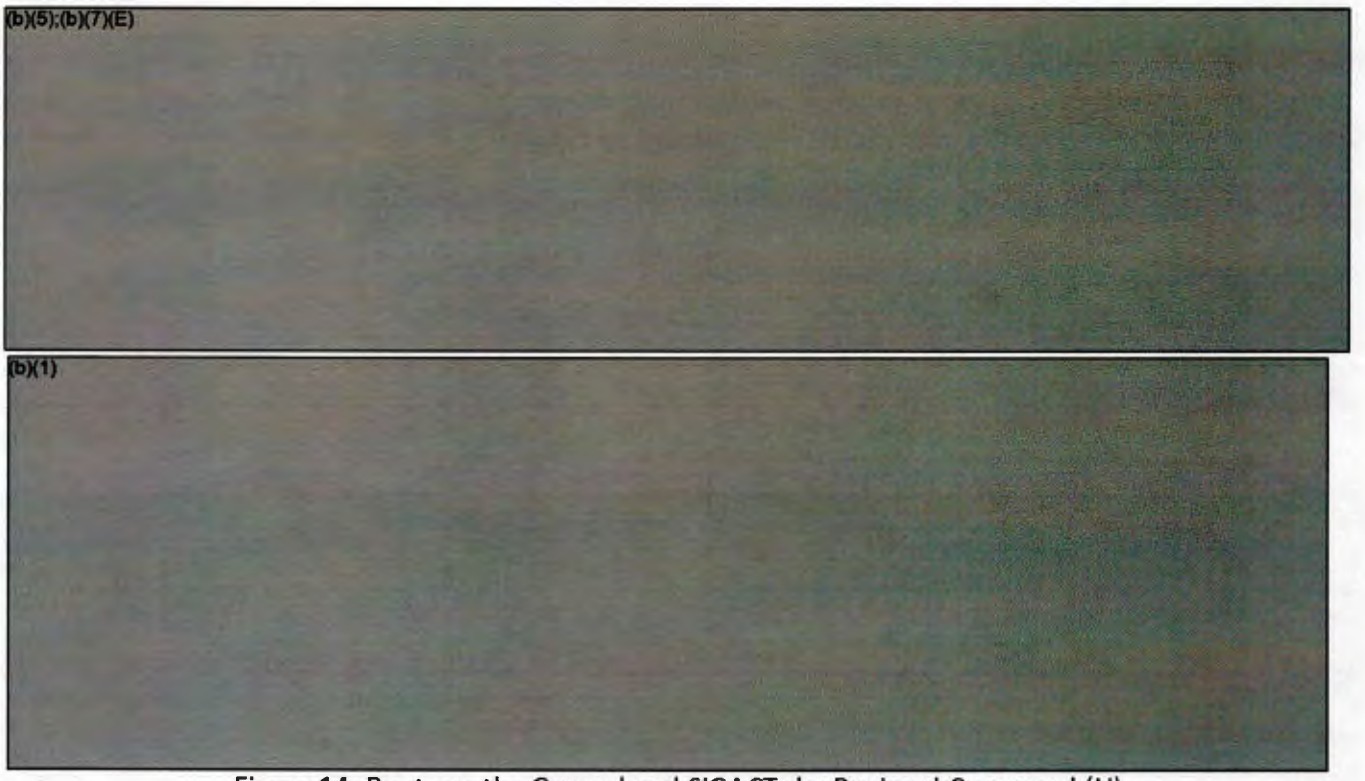
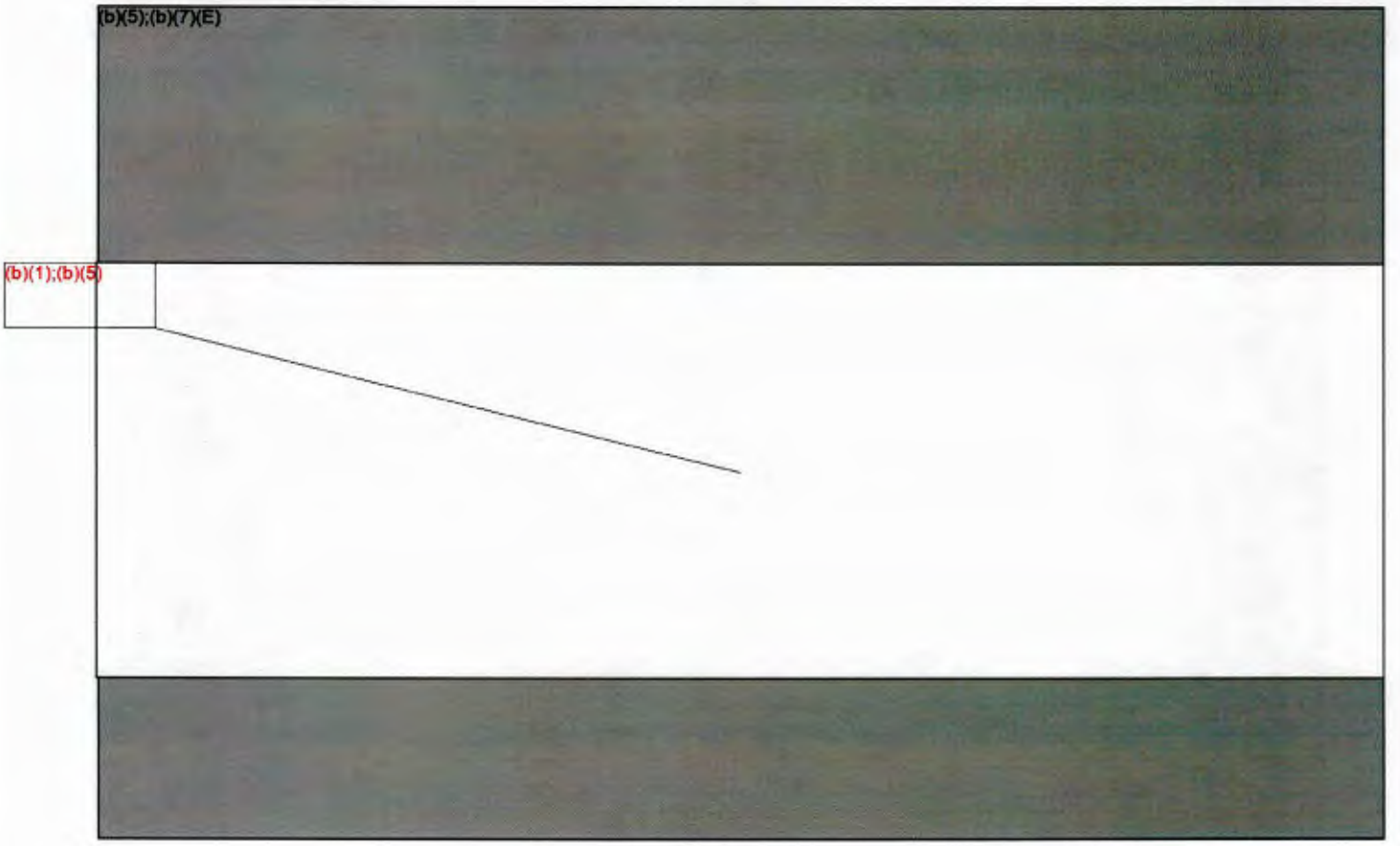


Figure 14: Boots on the Ground and SIGACTs by Regional Command (U)



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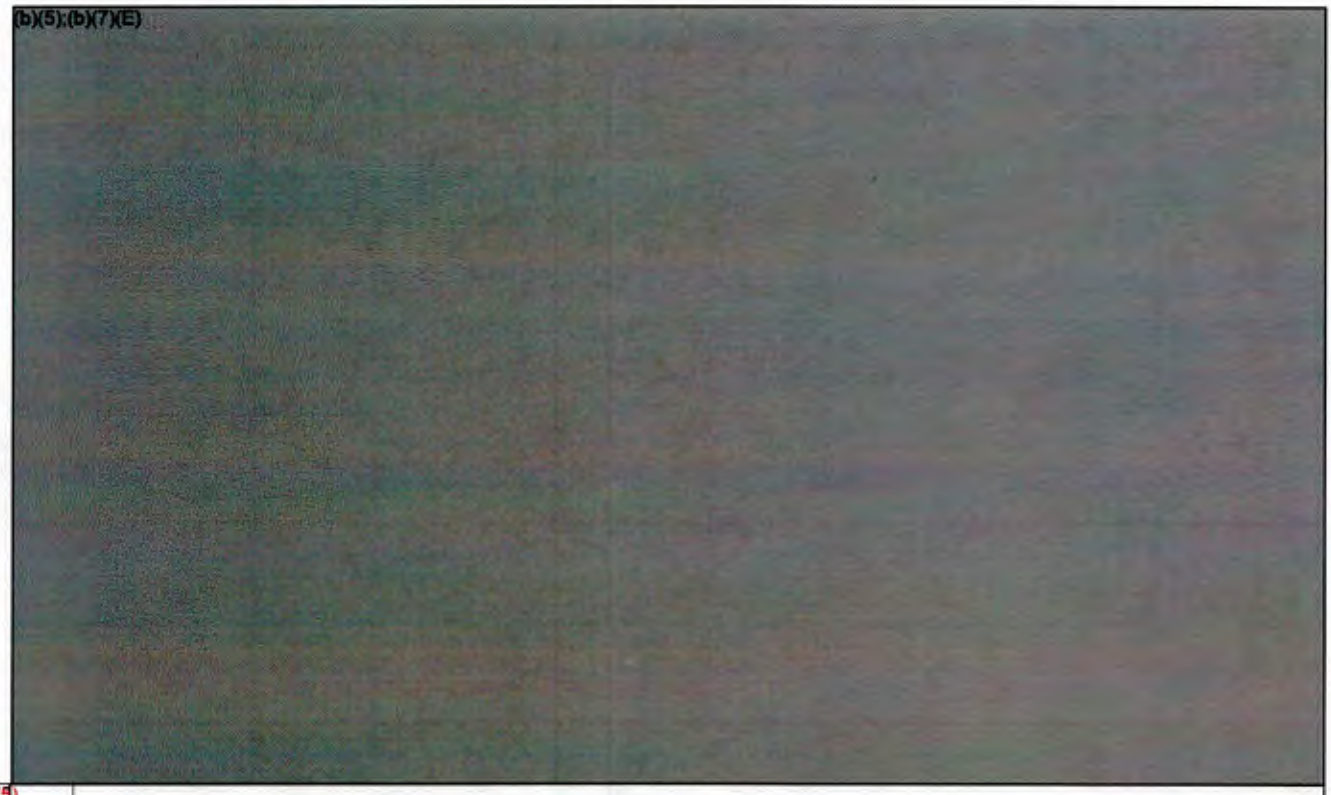

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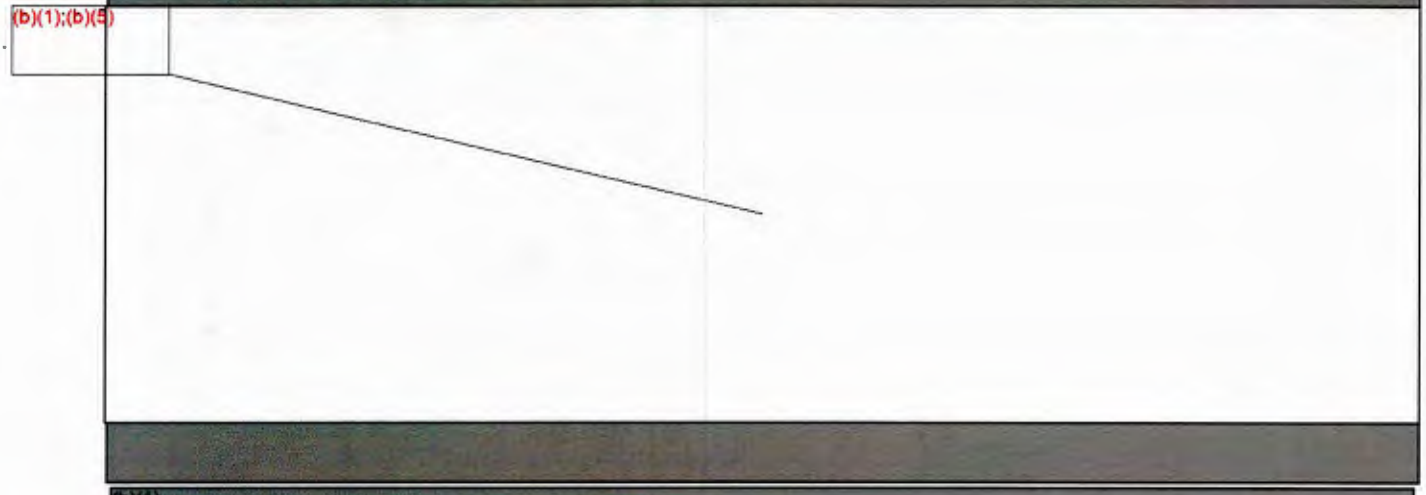

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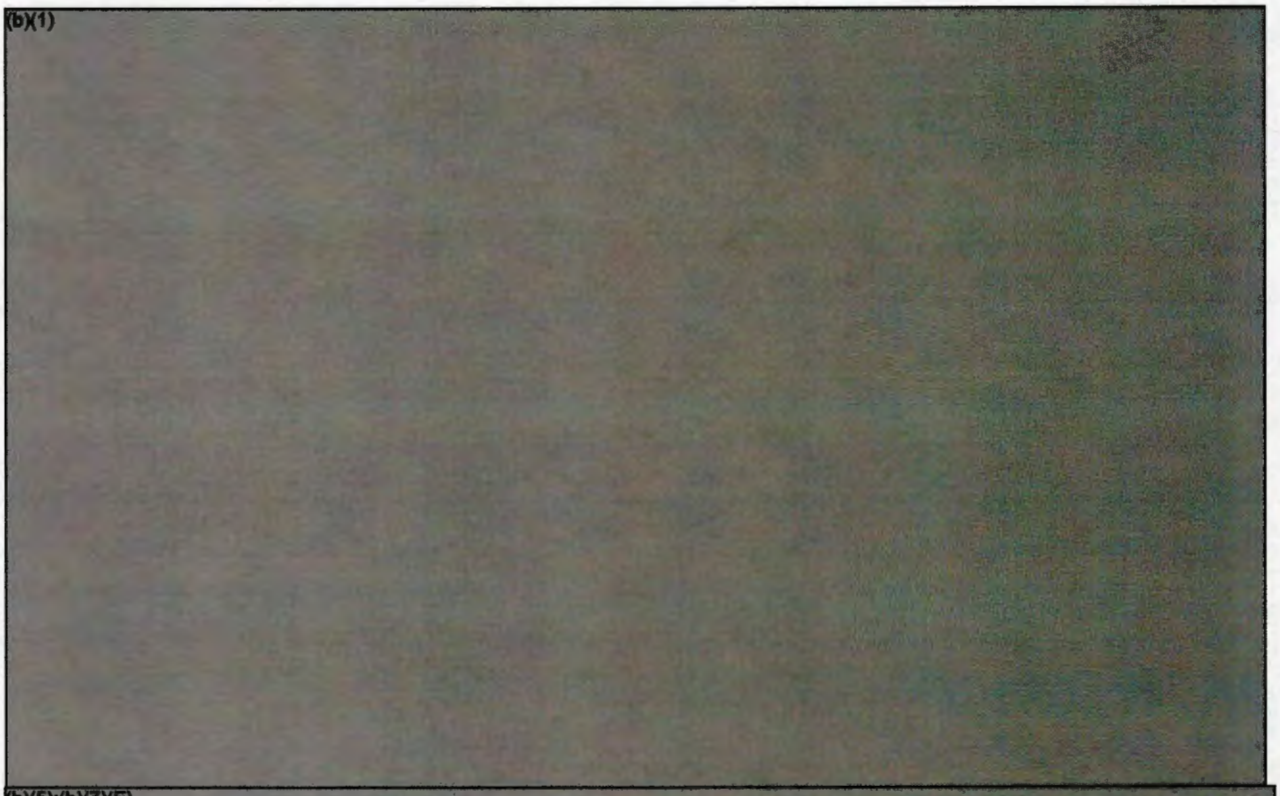
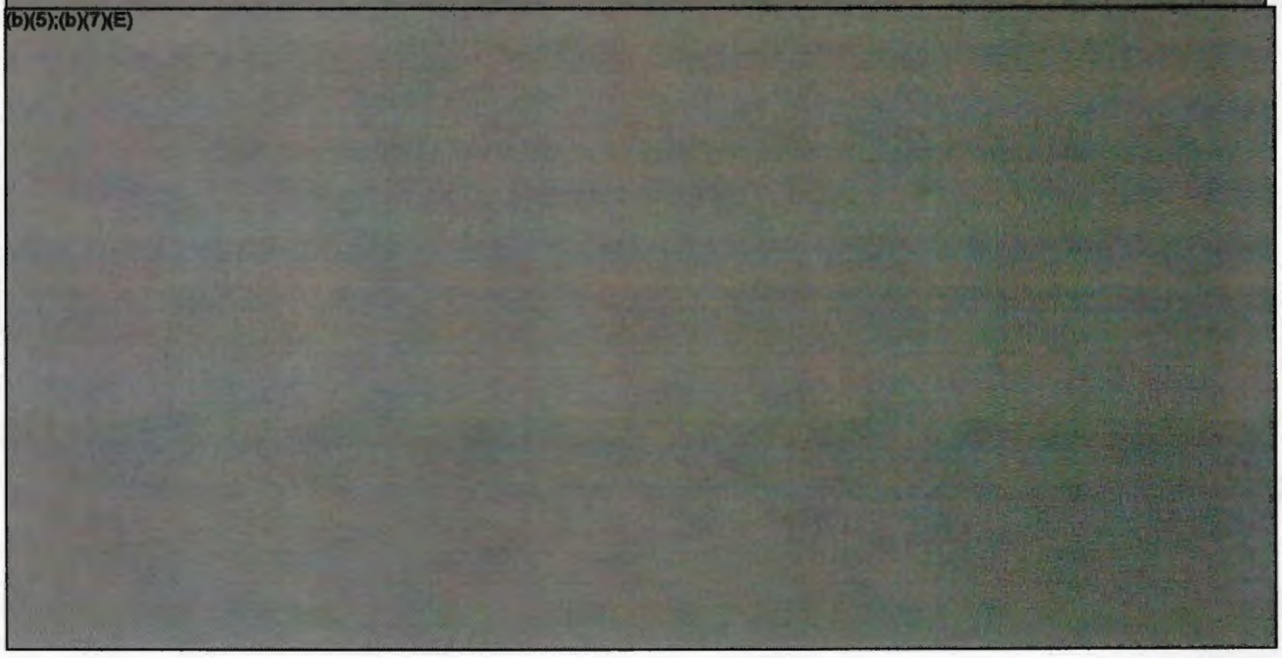


(b)(5);(b)(7)(E)



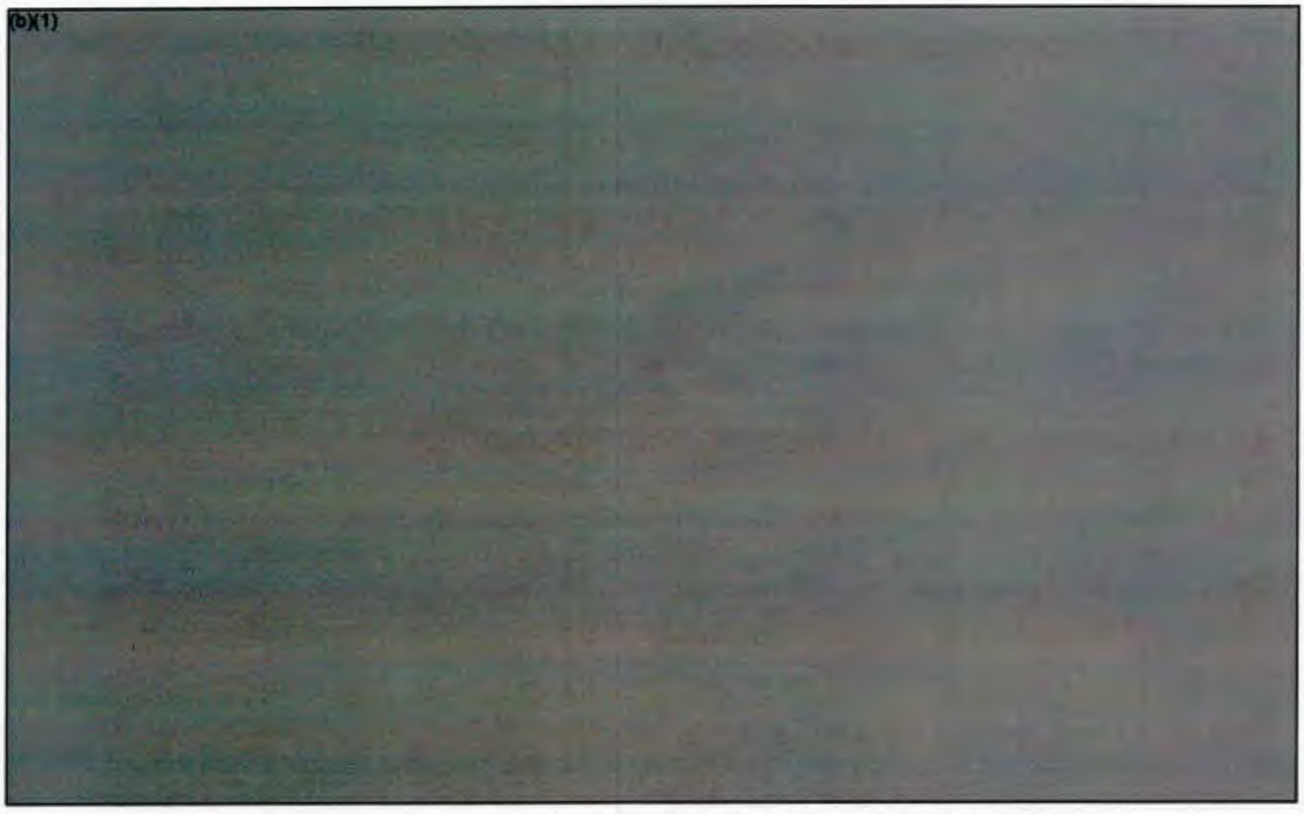


Figure 19: RC-S CIVCAS Normalized by BOG and SIGACTs (U)

Conclusion (U)

~~(U//FOUO)~~ The numbers of ISAF/OEF caused civilian casualties have remained roughly level over 2009 and the first half of 2010. This appears to be due to the combination of two opposing trends in different types of civilian casualty incidents. On the positive side, civilian casualties from air-to-ground engagements have decreased, implying that commander emphasis on the 2009 COMISAF Tactical Directive had a positive effect in reducing air-to-ground civilian casualties. At the same time, EOF and direct fire civilian casualties increased over that same time period, with EOF the largest contributor to ISAF-caused civilian casualties in the first half of 2010. Levels of civilian casualties vary by region, with most ISAF-caused civilian casualties occurring in RC-S. Putting ISAF civilian casualty levels in context shows an overall decrease in both civilian casualties and incidents when normalized for operational tempo and number of forces.

Chapter 4: Escalation of Force (U)

(U) ISAF CIVCAS mitigation efforts, including the ISAF Tactical Directive published in July 2009, appear to be having an effect reducing the number of civilian casualties caused by air operations. (See Chapter 5, Air Operations, for details.) However, current data indicates that EOF incidents are occurring with increasing frequency. With the decrease in CIVCAS incidents involving air power, EOF incidents became the greatest cause of CIVCAS in the first half of 2010.[93] Put simply, ISAF has achieved progress in peeling back the first layer of the onion with regards to CIVCAS—EOF represents the next layer.

I. Escalation of Force: One Process, Two Purposes (U)

(U) EOF is an integral component of self defense; the term describes a process in which forces escalate from non-lethal means of warning to less-than-lethal or lethal uses of force.
The US military has used the term EOF to describe tactics ranging from those of peacekeeping operations such as Bosnia to counterinsurgency environments such as Iraq and Afghanistan.

(U) While the EOF process was used in these diverse operating environments, the process was used for different purposes. One purpose was to respond to exhibited hostile intent with the intent to apply minimal required force. This first purpose of EOF is often thought of in the context of peacekeeping missions as riot control, where a force may be facing a crowd who have shown hostile intent or even committed a hostile act, such as throwing stones or other means of force.

(U) The second purpose of EOF is the use of escalating measures against an unidentified individual or vehicle to determine whether an individual has hostile intent. An example is where a car approaches a checkpoint in an environment where there is a risk of vehicle-borne IEDs, and the car does not respond to initial warnings. Other measures are used to try to influence the car to stop if it is just a civilian, while being prepared for force if there are indications that the car is a threat. The second type is more relevant when a potential threat is hiding within a larger population, which is why this kind of EOF has been seen recently in counterinsurgency and counterterrorism missions in Iraq[94] and Afghanistan.

(U) There is currently no doctrinal definition of EOF in Service or Joint doctrine. Perhaps the most prominent definition of EOF is from a recent CALL handbook on Escalation of Force, where it gives its own definition of EOF: (b)(1);(b)(5)

(b)(1);(b)(5)

[93] (U) This is discussed in Chapter 3, Civilian Casualty Statistics. Two likely contributing factors to this increase are increasing OPTEMPO and more forces on the ground.

[94] (U) The scale of civilian casualties in Iraq was greater at times than that seen currently in Afghanistan. For example, in a six month period between January and July 2005, there were 1,524 reported escalation of force incidents resulting in 627 Iraqi civilian casualties: 488 were injured and 139 were killed. The vast majority of these incidents occurred at checkpoints, during vehicle patrols, or with convoys. JCOA paper, Rules of Engagement, 2006 (unpublished)

(b)(1);(b)(5)

(b)(1);(b)(5) (b)(7)(E);(b)(7)(F)

(b)(7)(E);(b)(7)(F)

(b)(1);(b)(5) (b)(1);(b)(5)

(b)(1);(b)(5)

(b)(7)(E);(b)(7)(F) For example, in Bosnia, the threat tended to be bricks and Molotov cocktails. (b)(7)(E);

(b)(7)(E);(b)(7)(F)

(b)(7)(E);(b)(7)(F) Training of forces must take into account their specific operating environment and threat. Training should also be sure to include the two purposes of EOF: if forces are trained towards "minimal force to respond" EOF, then there is a risk of forces in a "potential threat" EOF situation not understanding the requirement for PID through an

[95] (U) "Escalation of Force: Afghanistan," CALL Handbook No. 10-11, December 2009.

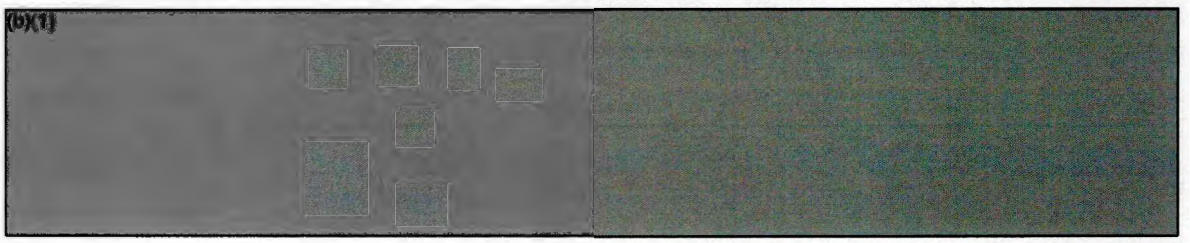
(b)(7)(E)

assessment of potential hostile intent.[100] This manifested itself in the field where forces escalated to lethal force because of a lack of compliance to Coalition EOF measures when there was no threat to forces from this behavior.

~~(U//FOUO)~~ In an inspection of 43 reported Escalation of Force incidents between January and May 2010, only 4 incidents demonstrated clear hostile intent at the outset, by throwing rocks at or Coalition forces or committing other acts of violence.[101] So about 90% of reported EOF incidents in current Afghanistan operations were "potential threat" EOF, intended to determine hostile intent, though both kinds do occur.

De-escalation of Force and Other Options (U)

~~(C//REL)~~ De-escalation of force is an attempt to defuse the situation and avoid the use of lethal force. De-escalation is specifically called for in the current SROE:



(U) The language in the SROE appears to be addressing a hostile force showing hostile act or hostile intent; however, the spirit of this guidance applies in the situations discussed above which involve individuals who have not been declared hostile. The words "when time and circumstances permit" are key to the exercising of de-escalation of force. Clearly there are some circumstances where self-defense considerations do not allow attempts to de-escalate the situation and avoid the use of force. But there are also clear instances where time and circumstances permit attempts to de-escalate the use of force.[103]

(U) Typical measures observed in ISAF Escalation of Force incidents short of the use of lethal force can (b)(1);(b)(5)

(b)(1);(b)(5)

[100] (U) The converse is not so much of a concern because, in a "peacekeeping" EOF scenario, hostile intent has already been demonstrated, and the chief concern becomes the proportional and discriminate use of force.

[101] (U) And 2 of these 4 incidents where hostile intent was clearly established from the outset did not result in civilian casualties, in contrast to 34 of 39 reported EOF incidents causing civilian casualties when hostile intent was not established from the outset. One reason for this was the use of non-lethal weapons (paint ball guns) in the 2 instances where hostile intent was present but casualties were not caused.

(b)(1);(b)(5)

[103] (U) A number of examples are listed in Chapter 2, The Application of Force.

(b)(1);(b)(5)

(U) These examples where (b)(1);(b)(5) do not have their intended effect illustrate a broader theme in many EOF CIVCAS incidents: civilians do not respond to ISAF efforts intended to de-escalate force and determine true hostile intent. Some forces we interviewed described this as Afghan nationals acting in inexplicable ways.[105] Often this behavior is understandable from the local national's perspective, though this perspective may be different than that of ISAF forces. For example, in a civilian casualty incident where a farmer working

(b)(1);(b)(5)

(U) Another important option for de-escalation is to consider other tactical alternatives. Some alternatives can be considered as the situation emerges. In one incident, forces were standing at the side of a road and trying to cross through local traffic. The forces signaled oncoming vehicles to stop so that they could cross. One vehicle did not respond to their signal, so the force escalated force, which ended by (b)(1);(b)(5) causing a civilian casualty. A tactical alternative in that situation would have been for the force to let the vehicle go by and then cross the road. Other tactical alternatives have to do with planning for potential situations and shaping the environment to prevent a situation before it occurs. One example is the

(b)(1);(b)(5)

Analysis of EOF CIVCAS in Afghanistan (U)

~~(U//FOUO)~~ As stated above, about 90% of recent EOF incidents resulting in civilian casualties were "potential threat" EOF incidents where forces were trying to determine whether hostile intent was present. We examined these incidents in depth to better understand CIVCAS problems relating to EOF, and in particular, characterize the distances where forces were trying to assess hostile intent.

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[104] (U) What is not available is the denominator, the number of cases where drivers were dissuaded from approaching ISAF forces because the (b)(1);(b)(5) was effective. Since the trigger for EOF reporting is when a (b)(1

(b)(1);(b)(5)

[105] (U) In-theater interview, 5 April 2010

[106] (U) Second Impression Report for incident 02-1496, 21 February 2010

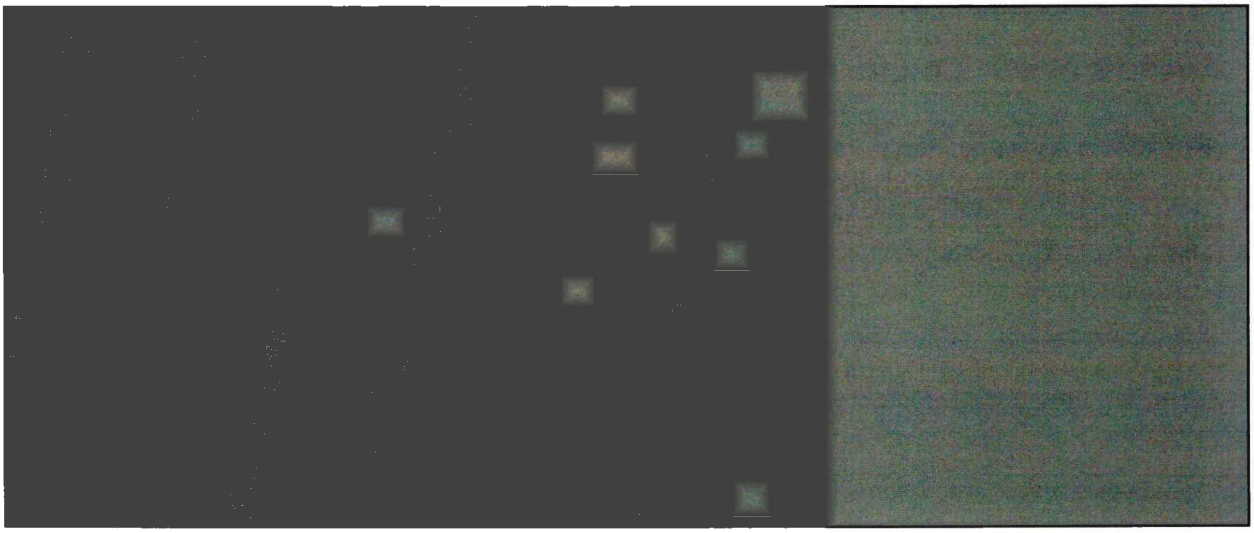
[107] ~~(U//FOUO)~~ The shooting of Italian journalist Giuliana Sgrena's vehicle in Baghdad in February 2005 is a famous example of this problem. (b)(6) JCOA/JFCOM, and (b)(6) DSTL, UK and US Friendly Fire in Recent Combat Operations, 14 November 2006

(U) A number of different data sources were used for this examination. We referenced ISAF Escalation of Force After Action Reports, First and Second Impression reports, and the ISAF CIVCAS database. For some incidents we were also able to examine storyboards and other documentation. We examined 36 incidents where EOF resulted in CIVCAS, where all incidents occurred between 1 January and 1 May 2010. There was also one incident where ISAF and ANSF were partnered, and Coalition Forces fired a disabling shot at a motorcycle at the same time that several ANA fired lethal shots at the driver. Because the casualties likely resulted from ANA engagements, we did not include this incident in the analysis.[108] Where it was useful, we included 7 additional incidents where an EOF incident featured a warning, disabling, and/or lethal shot but did not result in any casualties.

(U//FOUO) We first examined whether civilian casualties resulted from (b)(1);(b)(5) (b)(1);(b)(5) There were two overall kinds of EOF CIVCAS incidents: those involving vehicles and those involving individuals. We often broke them out separately because many of the characteristics of the incidents were influenced on the kind of incident it was. Figure 20 below shows which type of shot during the EOF process resulted in civilian casualties, listed separately for incidents involving vehicles and individuals. Also listed are the percent of each type of shot that resulted in a KIA versus a WIA.

(b)(1)

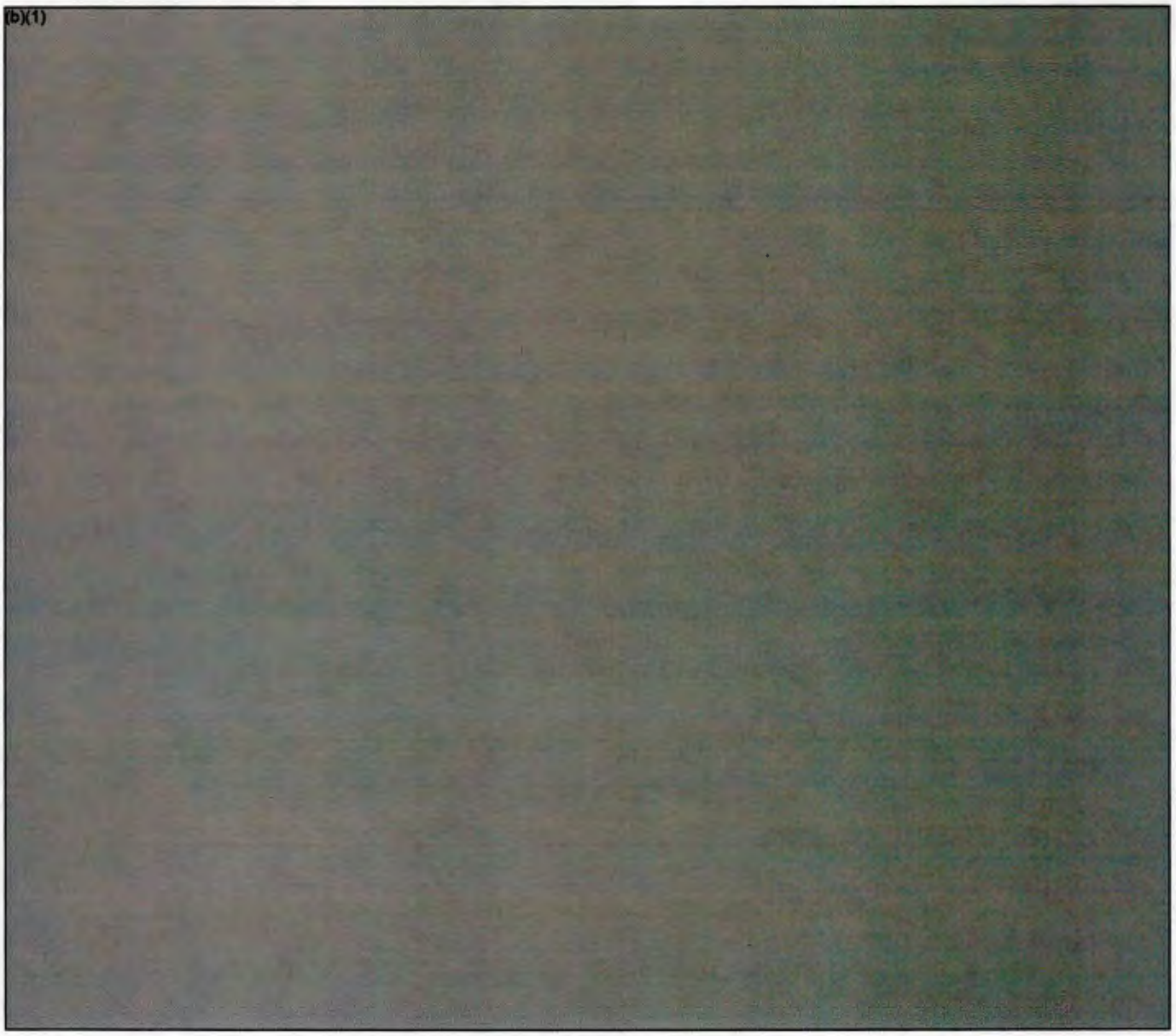
Figure 20: Type of Shot Producing Civilian Casualties during EOF Incidents (U)



[108] (U) However, the incident is discussed in Chapter 7, Partnering with Afghan National Security Forces.

(b)(7)

(b)(1)



(U) This analysis points to the fact that non-lethal tools are not "one size fits all." An important consideration for choosing non-lethal tools is the type of EOF that will be exercised and the type of threat that is present. For example, forces facing a riot where the anticipated threat is rocks or other thrown objects have a requirement for a certain set of non-lethal tools, such as plastic shields, shin-guards, and similar items offering personal protection and allowing restraint in the face of these modest and short-distance but real threats. However, military forces facing an insurgent threat with vehicle-borne IEDs would not find significant help from shin-guards.

(b)(7)(E)

~~(U//FOUO)~~ This point is important because some non-lethal equipment being provided to in-theater forces appears to be a poor fit for the purpose of EOF and threat that forces are facing. For example, a list of EOF equipment that the USMC is providing to USMC forces in Afghanistan in 2010 reads like a list of anti-riot equipment: plastic shields, shin-guards. These items do not appear to be a good fit for determining hostile intent at long distances or providing non-lethal means prior to lethal force at the distances that forces are employing that force, shown on the previous page in Figure 22. It appears that the Services should re-examine their materiel support to EOF in light of these in-theater requirements.

(U) One common sentiment heard from ISAF forces is that they wished for additional non-lethal tools for EOF situations.[111] One soldier summarized the situation: "if you want non-lethal effects, give us non-lethal tools."[112] Non-lethal (to include less-lethal) tools could fill in gaps in the "continuum of force" discussed above; however, there is a wide spectrum of potential non-lethal tools to choose from. While forces desired non-lethal weapons, some stated that they preferred that it not be a standalone tool that would need to be used in addition to a rifle. This would require ground forces to put down their rifle to pick up the non-lethal weapon, then if the non-lethal weapon was not effective for resolving the threat, picking up the rifle again for warning or lethal shots. The clear preference was for a solution that could be fitted onto a rifle to allow rapid transition from non-lethal to lethal force.

~~(U//FOUO)~~ Current experience with non-lethal tools was generally limited, and forces clearly would have preferred more training with them prior to deployment.[113] In addition, forces were frustrated with the current system of keeping non-lethals as a theater asset. This prevented forces from conducting home-base training with non-lethal tools they would have in theater. Also, many forces stated that the non-lethal kits in theater had been "picked clean," so that they had few options available.[114]

(U) While de-escalation of force is specifically mentioned in the US standing ROE and is also called for in ISAF guidance[115], US and Coalition forces do not currently appear to have an adequate tool set to exercise de-escalation of force and effectively avoid civilian casualties in the operational environment of Afghanistan, nor do they have adequate training to use the tools that they have.[116,117,118]

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[111] (U) In-theater interview, 3 April 2010
[112] (U) In-theater interview, 6 April 2010
[113] (U) In-theater interview, 7 April 2010
[114] (U) In-theater interview, 4 April 2010
[115] (U) For example, ISAF Standard Operating Procedure 373: Escalation of Force, 15 April 2010
[116] (U) In-theater interview, 4 April 2010
[117] (U) Civilian casualty incidents in Iraq suggest that this is not unique to Afghanistan, but a larger issue of when military forces are required to conduct checkpoints and other situations that require determination of hostile intent within a general population.
[118] (U) The removal of warning shots through the warning shot directive exacerbated this situation by removing a tool that previously could be used before resorting to lethal force. RC-S believed that the "no-warning shot policy" had increased civilian casualties because of fewer options being available to ISAF forces during EOF. This issue is discussed in more detail in Chapter 2, The Application of Force.

III. Misunderstandings in EOF (U)

(U) Where EOF aims to determine hostile intent is present ("potential threat" EOF), it is particularly important to avoid misunderstandings with the individuals involved. The local population must be familiar with EOF procedures so it can willingly comply with those procedures, safely and quickly demonstrating a lack of hostile intent. It is also important that Coalition forces have an understanding of "normal" civilian behavior so that they can assess possible threatening behavior in an appropriate context. Misunderstandings can occur on both sides.

(U) For example, in a number of cases, ISAF forces were challenged to discriminate between true threats and normal civilian activity in a lower threat environment when civilians behave in ways that are not anticipated. Such behavior includes erratic and/or aggressive driving, unresponsiveness to calls to stop by ISAF forces (with local nationals either in cars or dismounted), and digging in fields and around roads at night (when temperatures are cooler) that could be interpreted as hostile intent (laying IEDs).

(U) Afghan driving was most commonly cited as a challenge to discrimination, as their aggressive driving can easily appear to be hostile intent. Sometimes it can even appear as a hostile act. For example, in Kandahar City, a car came out of a side street coming right at a TF Kandahar convoy. They saw a man driving who was arguing with his wife and the driver was distracted. They realized that this was not hostile intent, so one soldier called to the others in the vehicle "brace for impact!" and let the car hit them.[119] This aggressive driving was also observed in Iraq: Iraqis were often observed to drive or otherwise act in a threatening manner when encountering Coalition checkpoints, convoys, and patrols. When asked why Iraqis drive so fast, an Iraqi civilian interpreter replied: "It's dangerous out there on the streets. There are a lot of kidnappings and car bombs going off. It is safer to drive fast to get where you are going without incident."[120]

~~(U//FOUO)~~ Forces commonly stated that their Service-provided CONUS training had not always reinforced the need for tactical patience and understanding of their operating environment in discerning hostile intent. Their training often focused on kinetic outcomes in a high threat environment. In a best practice, some current ISAF units developed in-theater training packages that featured opportunities to exercise discrimination in challenging and realistic situations to provide a baseline understanding of what is 'normal' for their specific operating environment. This enabled them to identify deviations from the normal as real potential threats.[121]

(U) Similarly, when Afghan civilians do not understand the intent or the mechanics of the EOF process, they are less likely to stop the behavior that can be interpreted as hostile intent, and thus they are at increased risk that ISAF forces will use force against them. ISAF forces use many different measures in EOF, making it more difficult for local Afghans to know what to do when they approached Coalition forces. In examined EOF incidents that led to civilian casualties, Coalition forces (b)(1);(b)(5)

(b)(1);(b)(5)

[119] (U) In-theater interview, 6 April 2010
[120] (U) JCOA interview, Coalition interpreter, 2005
[121] (U) We discuss this issue further in Chapter 2, The Application of Force.

(b)(1);(b)(5) Locals were shot because they did not comply with Coalition expectations of how they should behave, despite the fact that in a number of these instances they were unaware of those expectations. Forces generally attributed the unresponsiveness of Afghans to their EOF procedures to a lack of understanding of current EOF procedures, which varied by force and by region.[123]

Avoiding Misunderstandings through Standardization and Education (U)

(U) Allowing a wide range of EOF procedures and tools does not help local Afghans understand the mechanics of the EOF process. Specific early warning and enhanced warning techniques could vary from region to region, unit to unit, and in some cases, patrol to patrol or checkpoint to checkpoint. Even though the populace may understand the procedures in their home village, they may not understand what is expected of them if the procedures change when they travel to another village or region. Something as simple as one unit using white lights when another unit uses green lights could cause confusion among Afghans and cause them to act in a manner that Coalition forces mistakenly interpret as hostile. This is not a unique problem: a similar issue existed in Europe in the 1960s where different nations had their own standard for road signs for controlling traffic. Travelers faced challenges as they had to deal with nonstandard signals and signs as they travelled across different countries. The Vienna Convention on Road Signs and Signals (established 1968) standardized road signs across Europe in order to increase road safety.[124] Standardization of EOF procedures and tools across ISAF (and potentially ANSF) would be similarly valuable to increase the safety of security forces and Afghan citizens.[125]

(U) It would be beneficial to ask Afghans what escalation of force measures they believe to be most intuitive and effective.[126] GIRoA or ISAF should hold forums to aid communication with local nationals regarding culturally effective measures for stopping traffic and individuals. At the same time, the Coalition should undertake to educate the Afghan people on EOF procedures and the steps they can take in EOF situations to minimize misunderstandings and avoid civilian casualties.

(U) There were a few local examples of education efforts which covered specific measures employed in local areas.[127] Ideally this effort would be led by GIRoA and supported by ISAF. These initiatives would present a united front where both GIRoA and ISAF are partnering to minimize civilian casualties, and enlist and empower Afghan citizens to help solve the problem of civilian casualties.

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[122] (U) JCOA Brief, Civilian Casualties in Afghanistan: 2007 through mid-2009, 20 December 2009

[123] (U) In-theater interviews, 2 April 2010 One soldier commented that this effect was compounded by a population that had been at war for a generation and so was desensitized to the use of force.

[124] (U) Vienna Convention on Road, Signs, and Signals, 1968

[125] (U) In-theater interview, 8 April 2010

[126] (U) Canada realized that they had a requirement for a visual tool to provide an intermediate step in EOF prior to the use of lethal force, so they brought in green dazzlers. In a last step before they fielded them, they decided to ask some local Afghans what they thought. The Afghans were confused by the green color being used to stop vehicles, since "green means go." In-theater interview, 6 April 2010

[127] (U) For example, TF Kandahar employed an IO campaign when they brought in green laser dazzlers, with the message: "please stop if you see them." In-theater interview, 6 April 2010

Chapter 5: Air Operations (U)

(U) The US military's operating environment is increasingly transparent and open to scrutiny. This is particularly true for incidents involving airstrikes because of the higher number of casualties and increased visibility of these incidents. Part of this is the nature of an air engagement compared to a small arms engagement. A strike involving the delivery of a weapon from an aircraft, whether a Hellfire missile or multiple 2000lb bombs, is apt to be more destructive than a soldier using a rifle. Air incidents are, on average, the most lethal type of civilian casualty incident, causing the most casualties per incident. Historically, between 2007 and mid-2009, air-to-ground engagements caused 60% of all civilian fatalities caused by US forces.[128]

(U) Most air-caused civilian casualty incidents in Afghanistan are either CAS or CCA situations, in which the aircraft is working in support of a commander on the ground.[129] The ultimate responsibility for these engagements rests on the ground commander per Joint doctrine.[130] At the same time, "All participants in the CAS employment process are responsible for the effective and safe planning and execution of CAS."[131] This points out that the ground commander may not always be best situated to identify second order effects of engagements—this may be better achieved by other elements of the air-ground team that have different perspectives, such as the JTAC, aircraft pilot, or possibly others (such as aircraft crew or even analysts sitting back in CONUS providing real time exploitation of aircraft sensors). Therefore, reducing air-caused civilian casualties requires changes to how the entire air-ground team operates to best leverage available information, perspectives, and expertise. The Tactical Directive and COMISAF emphasis convinced both air and ground components of the need to adapt to COMISAF intent, with GEN McChrystal emphasizing the need for all thinking members of the air-ground team in judgments concerning the use of force.[132]

(U) The 2009 Tactical Directive was not the first guidance that gave COMISAF intent regarding air-to-ground fires. In the aftermath of one incident in June 2008, CENTCOM issued a Positive Identification Policy to supplement the ROE and address a specific problem in that area.[133] After the Azizabad incident, both ISAF and CENTCOM released Tactical Directives in September 2008[134] involving reporting of potential civilian casualties from airstrikes. (b)(7)(E)

(b)(7)(E),(b)(7)(F)

[redacted]

[128] (U) JCOA brief, "Civilian Casualties in Afghanistan: 2007 to mid-2009," December 2009. Note that this includes both ISAF and OEF operations.

(b)(7)(E)

[redacted]

[130] (U) Joint Publication 3-09.3, Close Air Support, June 2009

[131] (U) Joint Publication 3-09.3 Executive Summary. 08 July 2009

[132] (U) Interview with former COMISAF, 4 February 2010

[133] (U) A primary effect of the PID Policy was to make explicit the requirement that Positive Identification be maintained from when it was determined through the time of engagement.

[134] (U) ISAF released a slightly revised version of their Tactical Directive in December 2008.

(b)(7)(E)

[redacted]

And the Kunduz incident led to the redefining of the term "Troops in Contact" to prevent self defense criteria from being applied inappropriately.[137]

(U) In terms of content, there is little new in the ISAF Tactical Directive issued in July 2009: most of it is a repeat of earlier ISAF Tactical Directives issued in 2008 or a CJSOTF-A Tactical Directive issued in January 2009. What changed was the command priority that this directive received.[138] From the moment that it was published, just weeks after GEN McChrystal was named as Commander, ISAF, the Tactical Directive became a significant point of emphasis.[139] This emphasis impacted both air and ground elements of the air-ground team.

Part I: Adaptation to the Tactical Directive (U)

(U) There were a number of in-theater training initiatives to affect the mindset of aircrews supporting Afghanistan operations. Air squadrons had a weekly debrief where commanders and aircrews review all kinetic events, good and bad, to draw out and examine lessons from those events. Similarly, the RC-S Deputy Chief of Mission (DCOM) spoke to all incoming Task Force commanders and JTACs about reducing civilian casualties and friendly fire, using vignettes to teach tactical patience.[140] JTACs and Aircrew are required by CENTCOM combined forces air component commander (CFACC) special instructions (SPINS) to take monthly ROE tests, which include vignettes designed both at the IJC level and at the combat air operations center (CAOC) to reinforce the mindset of protecting civilians.[141]

(U) Aircrews described some tensions in the air-ground relationship because of different perceptions of civilian casualty concerns. Some air personnel expressed a desire to understand that a proposed airstrike meets the intent of the Tactical Directive when requested by the ground commander. Aircrews explained that they were now asking more questions pursuant to the Tactical Directive before they engaged. For instance, they may ask: Are you sure there are no civilians? Have you seen a child? Do you have confirmation from your ground commander?[142] What ROE are you operating under? Some aircraft employ a TTP where aircrew ask for the initials of the person on the ground providing PID, to be clear that they know who is responsible for that decision.[143] This is a TTP that has historically been used in danger close situations, where there was considered to be a high risk of friendly fire. In these cases in Afghanistan, the practice was extended to cases where there was risk of civilian casualties.

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[137] (U) ISAF FRAGO, Air Support Request Procedures and "Troops in Contact" Terminology, 14 October 2009

[138] (U) "Put them [different versions of Tactical Directives] side by side, they are practically the same. The difference was commander's intent." In-theater interview, 2 April 2010

[139] (U) "Directives only get you so far. They do give you a vehicle to get out the specific guidance... but then you have to hammer it just constantly... because they get a thousand directives, different ways where they're told what to do. How much they hear me talk about it, how many questions I ask, how many times I drag them through the weeds is what causes everybody to think, hey, you were serious about that ... directives are the foundation, but making it reality is all that constant engagement." Interview with former COMISAF, 4 February 2010

[140] (U) Interview with Deputy Commander, RC-S, 2 April 2010

[141] (U) COAC interview with JAG, 29 March 2010. Interview with 504EASOG, 4 April 2010.

[142] (U) In-theater interview, 29 March 2010

[143] (U) "Put them [different versions of Tactical Directives] side by side, they are practically the same. The difference was commander's intent." In-theater interview, 2 April 2010

(b)(1);(b)(5)

[redacted]

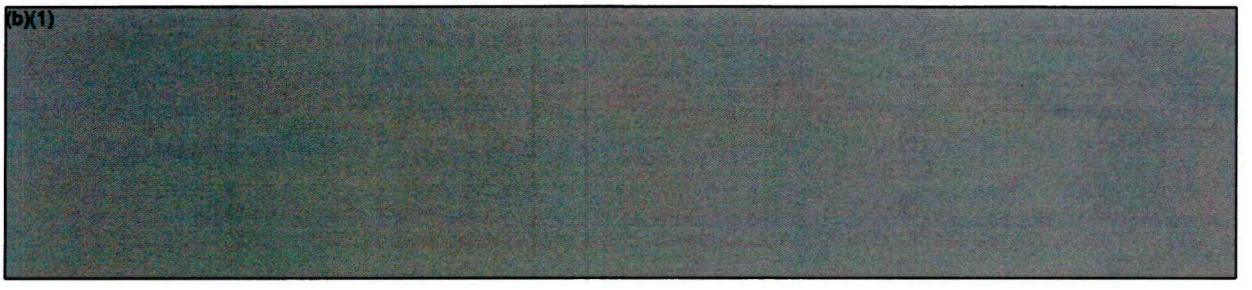
[144] (U) In-theater interview with CFACC, 30 March 2010
[145] (U) This is a standard practice in CONUS training for friendly fire, so that aircrews are confident in not firing to avoid friendly fire. The practice is being extended to civilian casualties. Interview with CAOC Director, 29 March 2010
[146] (U) Interview with Combat Plans, CAOC, 29 March 2010
[147] (U) A high profile friendly fire incident involving a USAF F-16 engaging Canadian ground forces during a training exercise.
[148] (U) In-theater interview, 30 March 2010
[149](U) In-theater interview, 2 April 2010
[150] (U) For example, in-theater interviews, 5 April 2010.
[151] (U) HQ AF/A9A analysis, July 2010

(b)(1);(b)(5)

(U) As aircrews operated with increased knowledge of collateral damage considerations through CDEs and increasingly used precision weapons, their tactics evolved to balance mission effectiveness and minimizing collateral damage during these offensive operations. At the same time, these tactics and considerations were increasingly used in other missions, such as close air support.[154] This change was driven by demands from ground commanders who wanted to minimize collateral damage in their operating areas because of adverse effects in the counterinsurgency operating environment. This concern also drove changes in how ground commanders planned for the use of airpower, at times demanding aircraft with weapon loads that included low collateral damage weapons and performing widespread target mensuration of a wide variety of structures in a unit's operating area as a precaution to allow rapid engagement if needed while accounting for collateral damage concerns.[155] Consequently, the currently observed changes described in this chapter can be seen as evolutionary with regard to recent adaptation of US forces in Iraq and Afghanistan, but overall these changes are revolutionary with regard to how the US employs airpower in operations.

Leading Language in Air Engagements (U)

(b)(1)



[152] (U) HQ AF/A9A analysis, July 2010

[153] (U) There was some debate about whether an emphasis on collateral damage was desirable if forces are needed to move to a high intensity conflict. One opinion was that "it is easier to adjust to not worry about collateral damage than it is to build awareness of collateral damage from scratch." The statement was also made that aircrews in the last 10 years have a heightened awareness of collateral damage in engagement decisions and weaponeering processes because of operating in the counterinsurgency environments of Iraq and Afghanistan. In-theater interview, 29 March 2010

[154] (U) JCOA report, Transition to Sovereignty, March 2007

[155] (U) JCOA report, Joint Tactical Environment, March 2009

(b)(1)

Coordination and Communication with Remote Piloted Aircraft (RPAs) (U)

(b)(1);(b)(5)

(b)(7)(E);(b)(7)(F)

(b)(1)

[156] (U) In-theater interview, 6 April 2010

(b)(7)(E)

(b)(1)

Part II: Evaluating Impact (U)

~~(U//FOUO)~~ As discussed above, the Tactical Directive combined with command emphasis clearly affected the behavior of the different elements of the air-ground team. Figure 23, below, and Figure 24, on the next page, show the number of air incidents and casualties between January 2009 and June 2010. These are also broken out separately into Close Air Support (using fixed wing aircraft) and Close Combat Attack (using rotary wing aircraft) incidents.

(b)(1);(b)(5)

Figure 23: Numbers of Air Civilian Casualty Incidents in 2009 and 2010 (U)

~~(U//FOUO)~~ Figure 23 above shows the number of air civilian casualty incidents steadily decreasing over time. The average number of incidents in the first two three-month periods[163] in 2009 was roughly double that for the latter half of 2009 and the first half of 2010. While not necessarily causal, the decrease is consistent with the publishing of the COMISAF Tactical Directive on 1 July 2009. The number of close air support incidents during this time also decreased

(b)(7)(E)

[163] (U) Because of the small numbers involved, incidents and casualties were grouped into three-month periods to allow trends to be more visible.

compared to the number in early 2009. Because of considerable variation in the number of Close Combat Attack civilian casualty incidents over time, no conclusive statement can be made regarding trends.

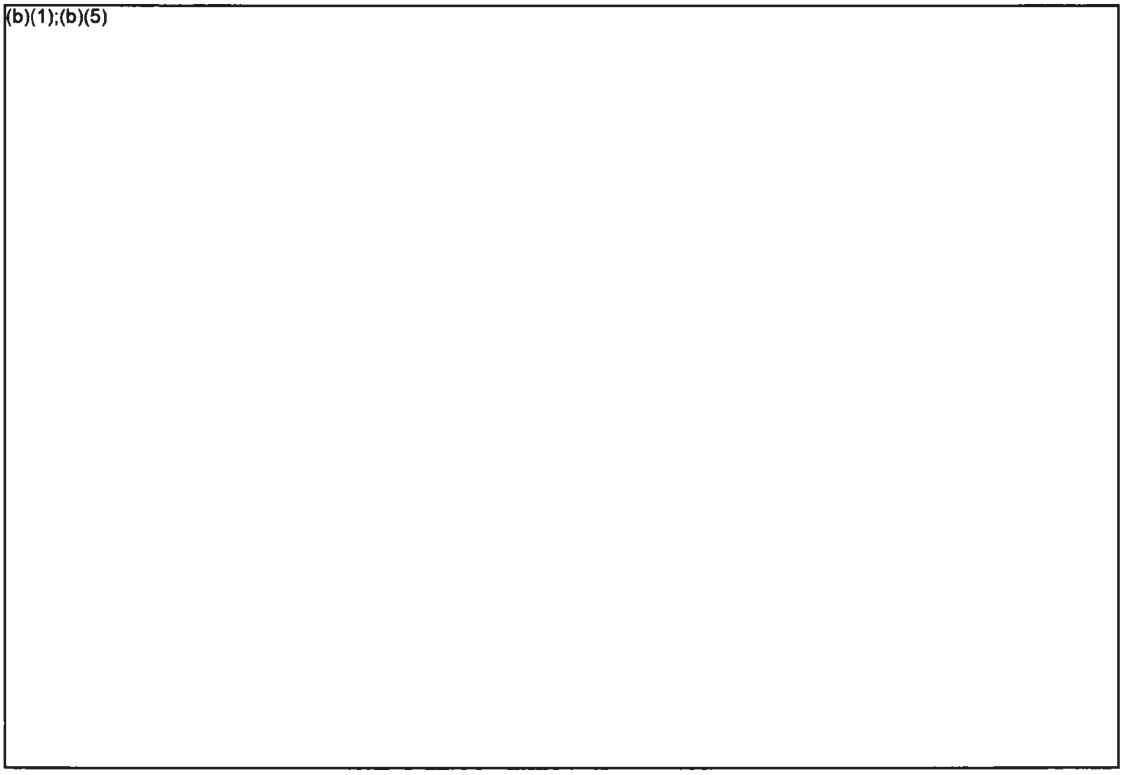


Figure 24: Numbers of Air Civilian Casualties in 2009 and 2010 (U)

~~(U//FOUO)~~ Figure 24 shows the number of air civilian casualties over time.[164] While there is considerable variation, there are considerably fewer civilian casualties in the last half of this 18-month time period than observed in the first half. The number of civilian casualties from close air support incidents decreased over time, similar to the decrease in incidents. Similar to incidents, there is considerable variation for Close Combat Attack civilian casualties, so no conclusive statement can be made regarding trends.

(U) One of the challenges in examining trends in Afghanistan operations is a seasonal effect due to decreased insurgent activity during winter months. To attempt to minimize any influence on the trends observed above, we also examined the number of civilian casualty incidents and casualties in the first six months of 2010 compared to the first six months of 2009.[165] These data are shown in Figures 25 and 26 on the following pages.

[164] (U) Note that information provided by USAF A9 indicate that the April civilian casualty numbers cannot be reliably assigned to CCA or CAS, as there were 3 separate strikes involving both CAS and CCA made within 15 minutes and 500m of each other. The above discussion uses the ISAF CIVCAS database. We note that the incident in question had a total of 8 civilian casualties, so any ambiguity in assignment does not impact the general trends above.
[165] (U) This method of comparison was used to attempt to compensate for any seasonal trends.

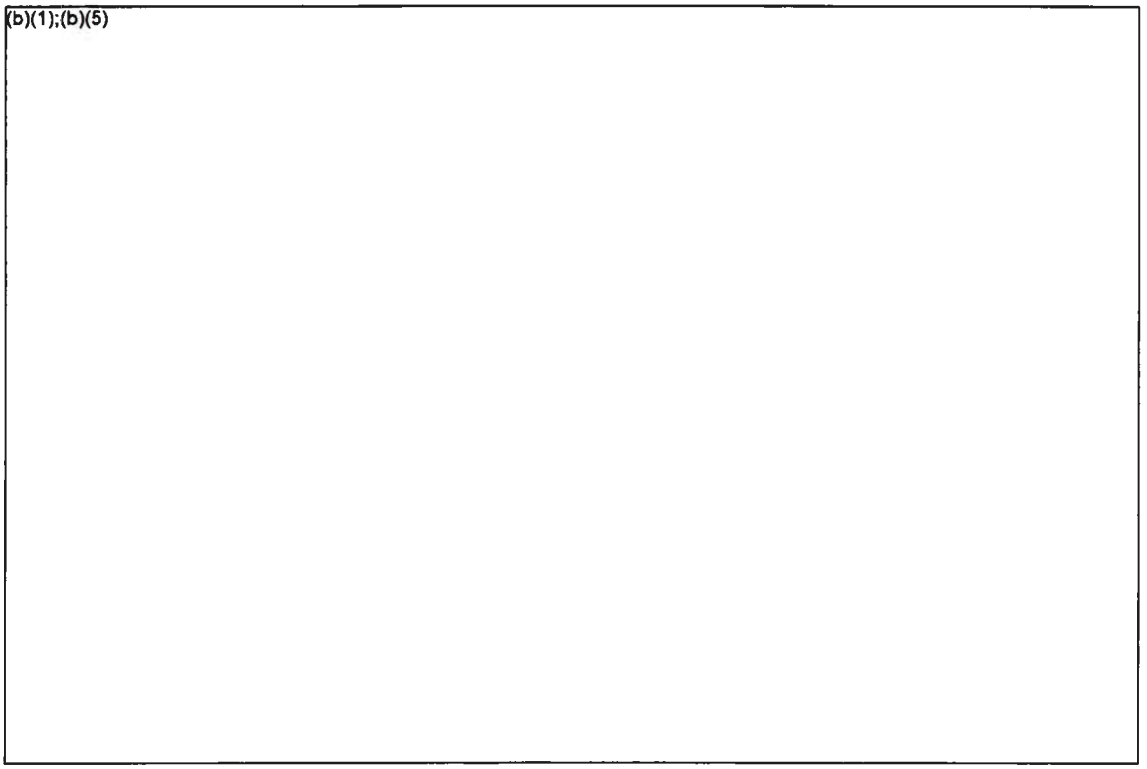


Figure 25: Comparing Numbers of Air CIVCAS Incidents in the First Six Months of 2009 and 2010 (U)

~~(U//FOUO)~~ In Figure 25, the number of total air incidents in the first half of 2010 dropped to over half of the number of incidents in the same time period in 2009. Breaking out Close Air Support (using fixed wing aircraft) and Close Combat Attack (using rotary wing aircraft), the drop is observed for both CAS and CCA.

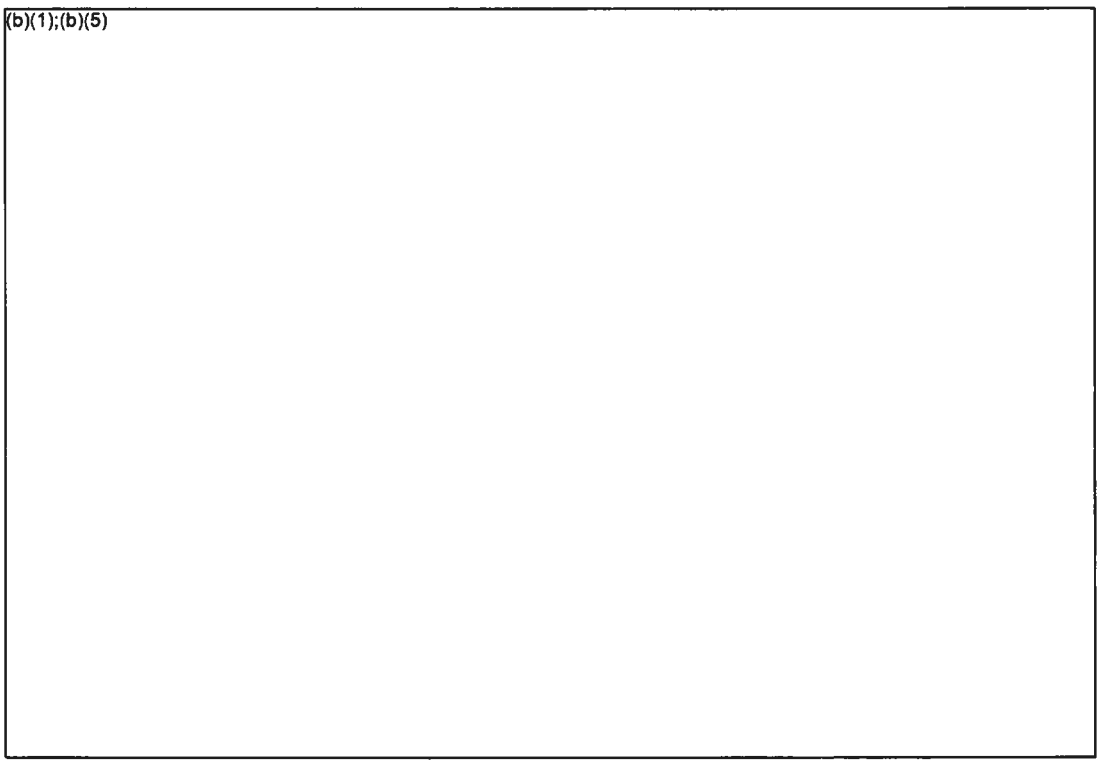


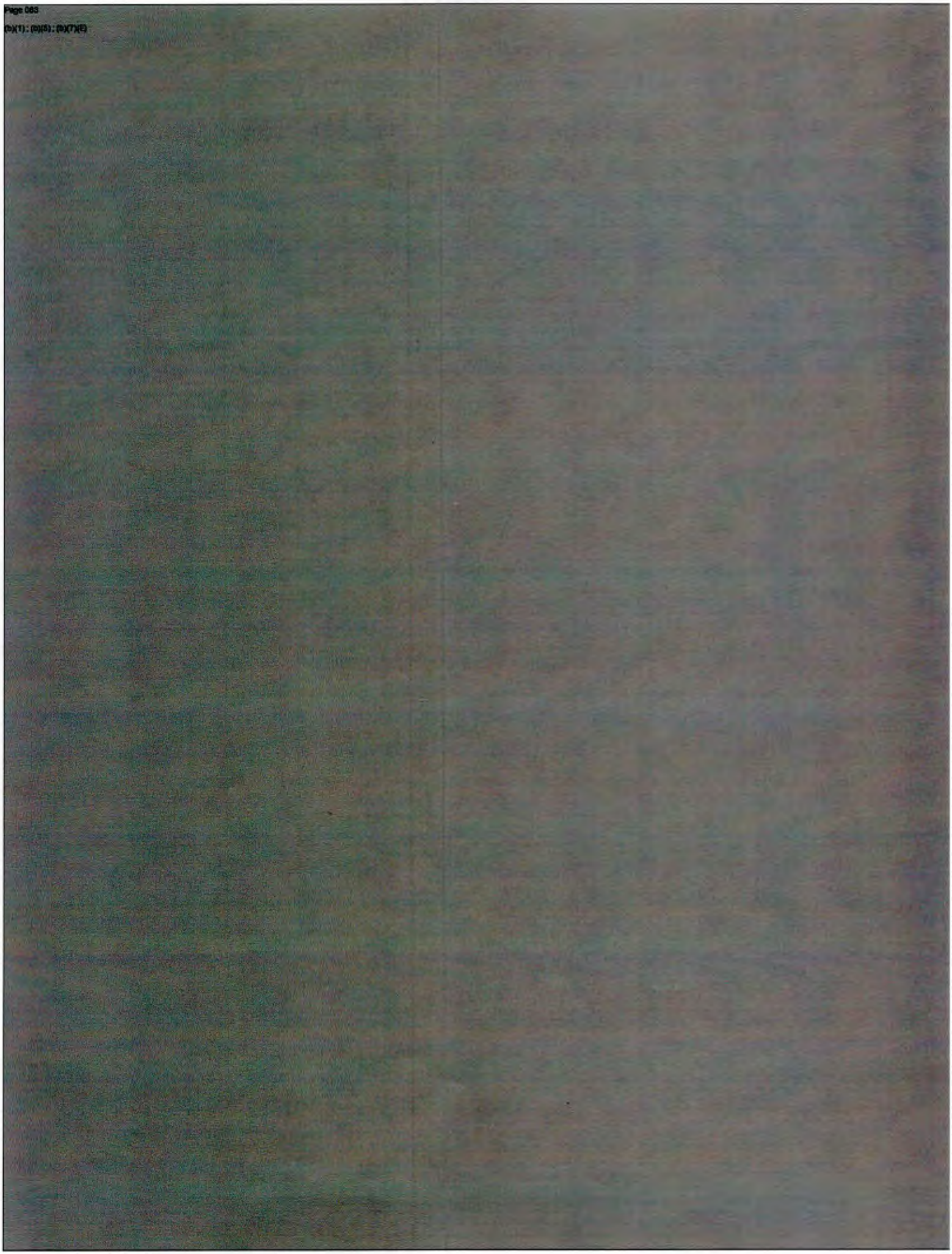
Figure 26: Comparing Numbers of Civilian Casualties from Air CIVCAS Incidents in the First Six Months of 2009 and 2010 (U)

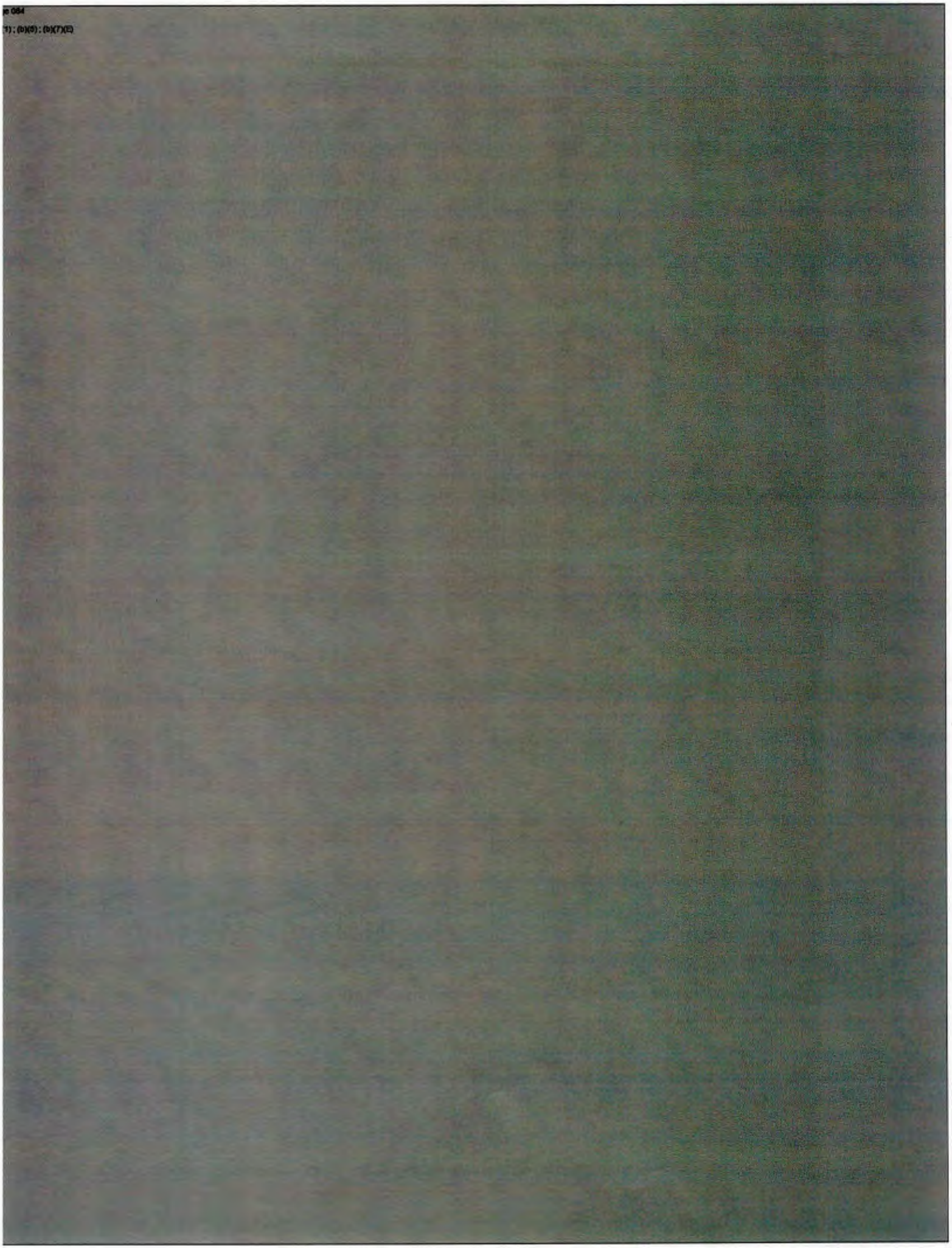
~~(U//FOUO)~~ A similar trend appears to be occurring in the number of civilian casualties in Figure 26. The total number of civilian casualties from air incidents dropped about 50% in the time period for 2010 compared to the time period in 2009. The drop is largely due to a drop in CAS civilian casualties using fixed wing aircraft, which dropped 73% in 2010 compared to the same time period in 2009. In contrast, civilian casualties from CCA using rotary wing aircraft also decreased but by a smaller amount, by 30%. The smaller decrease for CCA is mainly due to a single incident with a large amount of casualties, a CCA engagement of three vehicles in Uruzgan in late February 2010.[166]

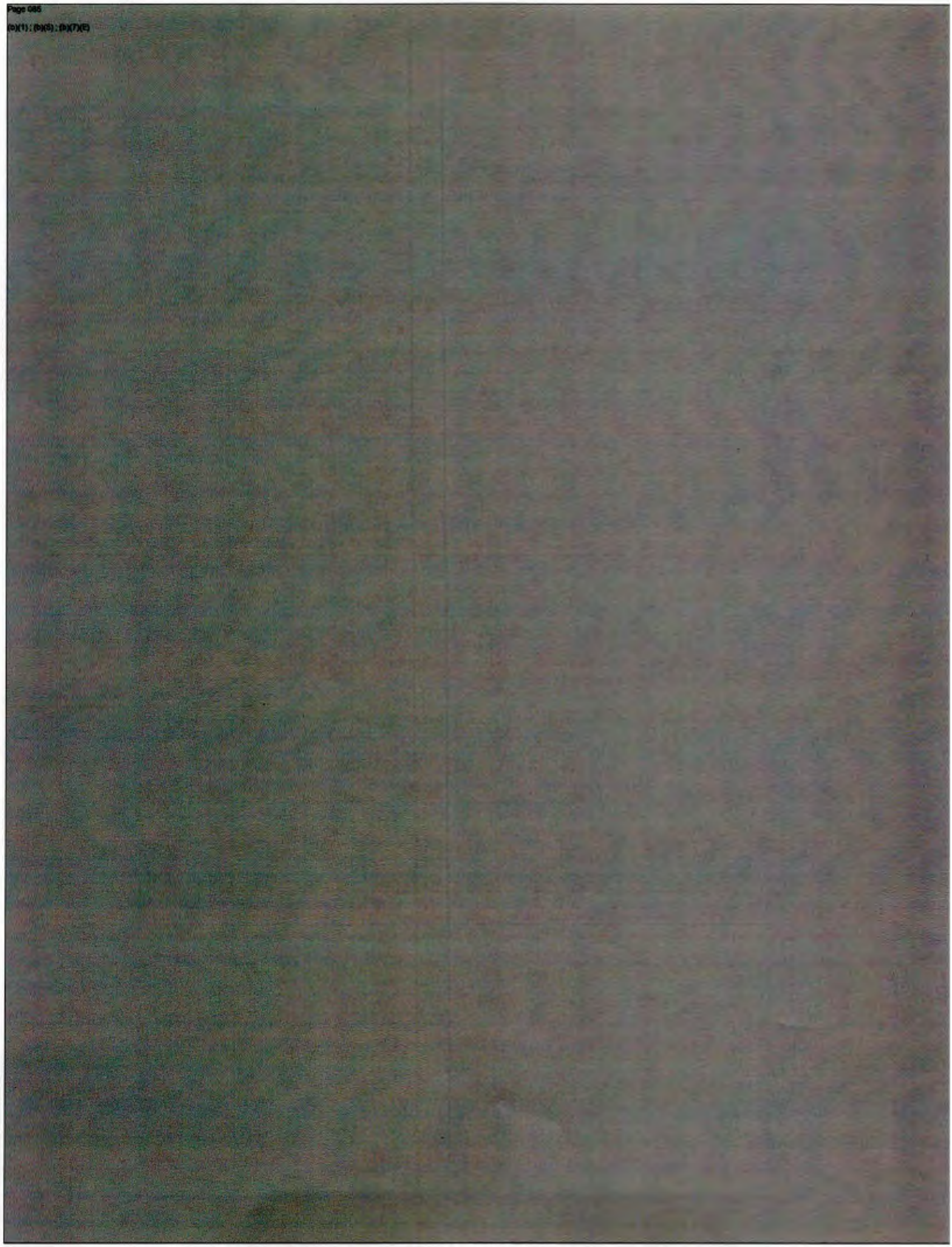
(U) Overall, there was a decrease in both air civilian casualty incidents and total civilian casualties in the time periods examined in 2010 compared to 2009. The overall decrease in air-caused civilian casualties appears to be largely attributable to significant decreases in close air support civilian casualties, with smaller decreases in civilian casualties during Close Combat Attack engagements.

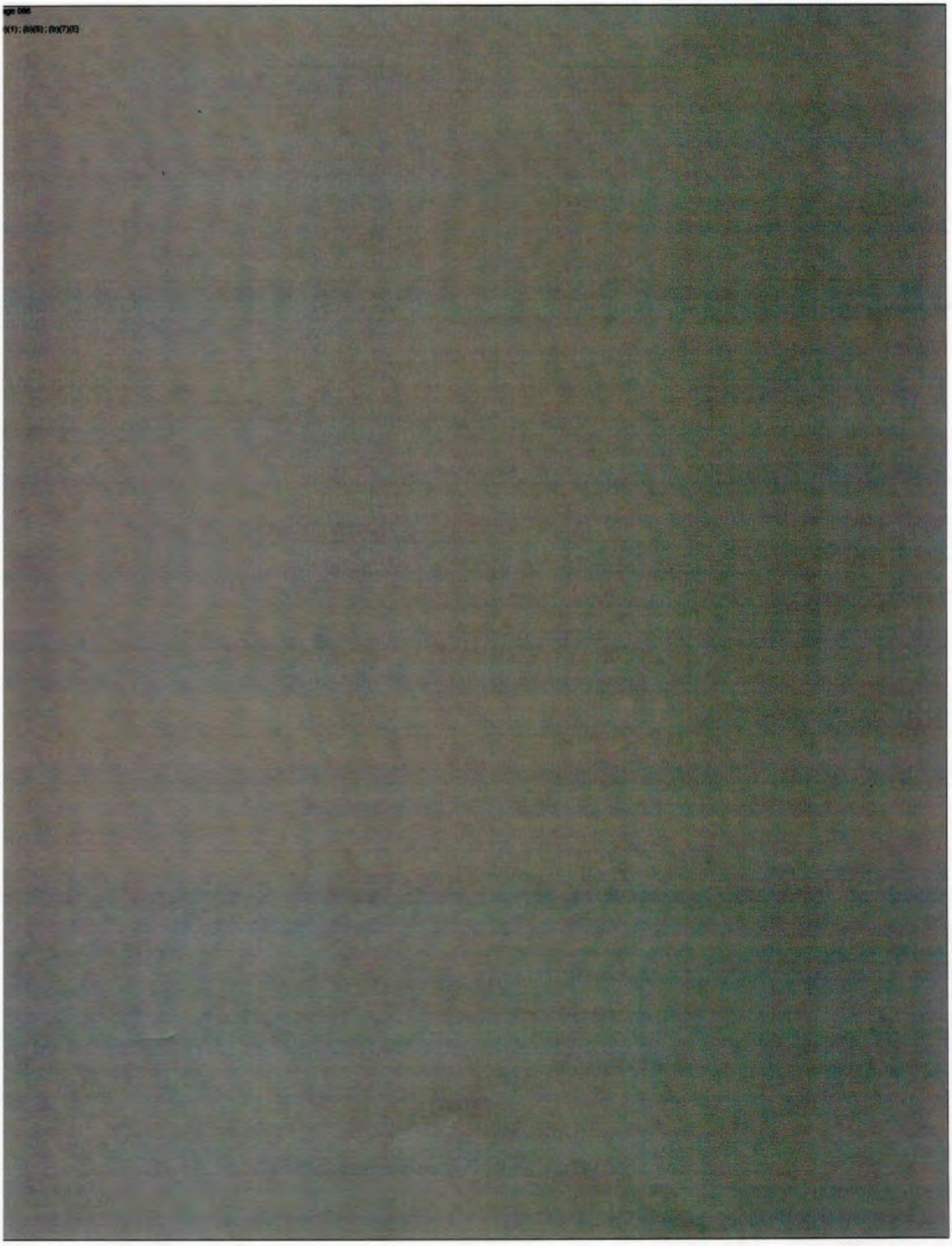
(U//~~FOUO~~) These comparisons do not take into account increased OPTEMPO and the surge in number of Coalition forces in Afghanistan in 2010 compared to 2009. These factors could be expected to increase air-to-ground civilian casualties, making the decrease in these civilian casualties more striking.[167]

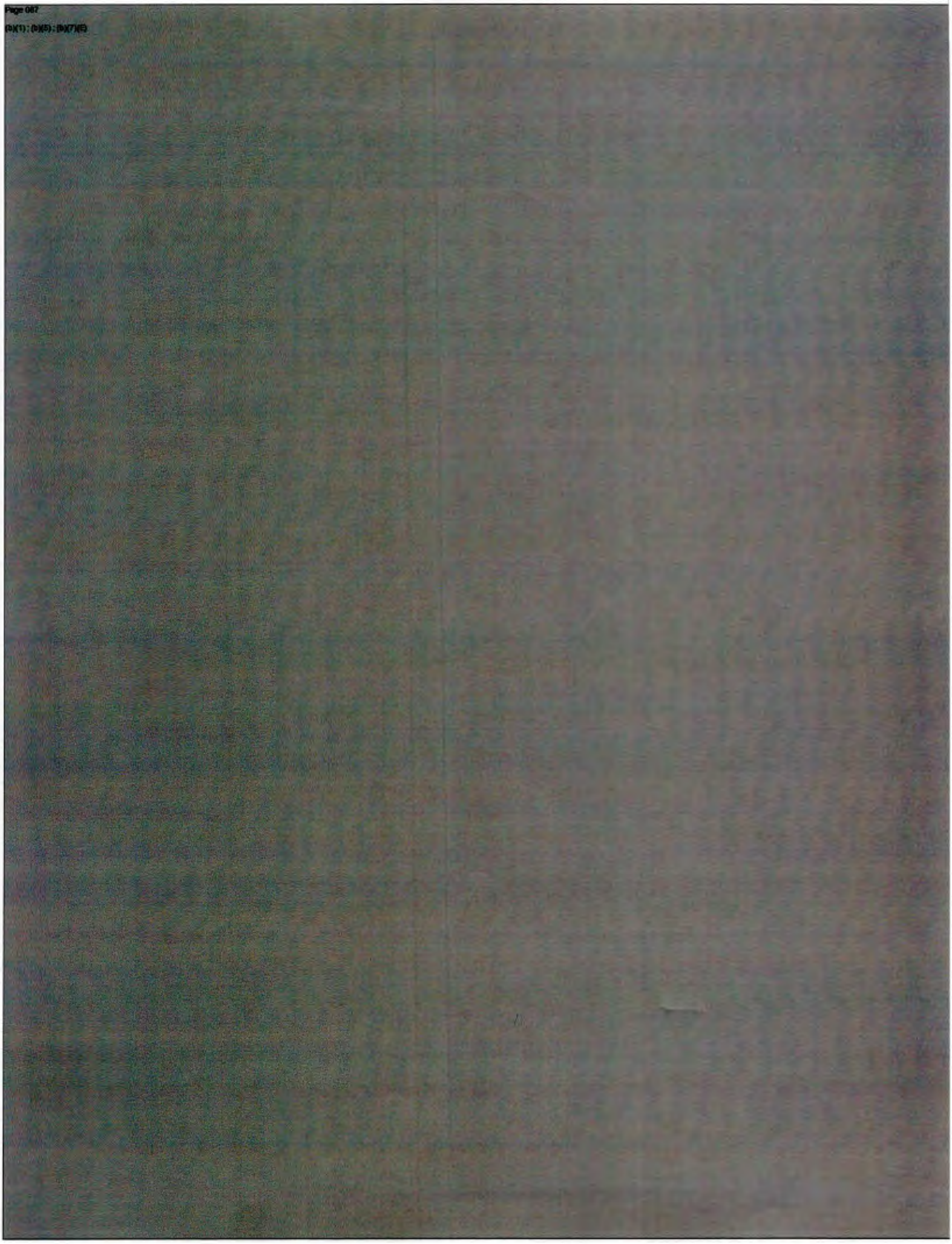
[166] (U) This incident had 23 civilians KIA and 12 WIA.
[167] (U) Based on preliminary analysis conducted by HQ AF/A9A

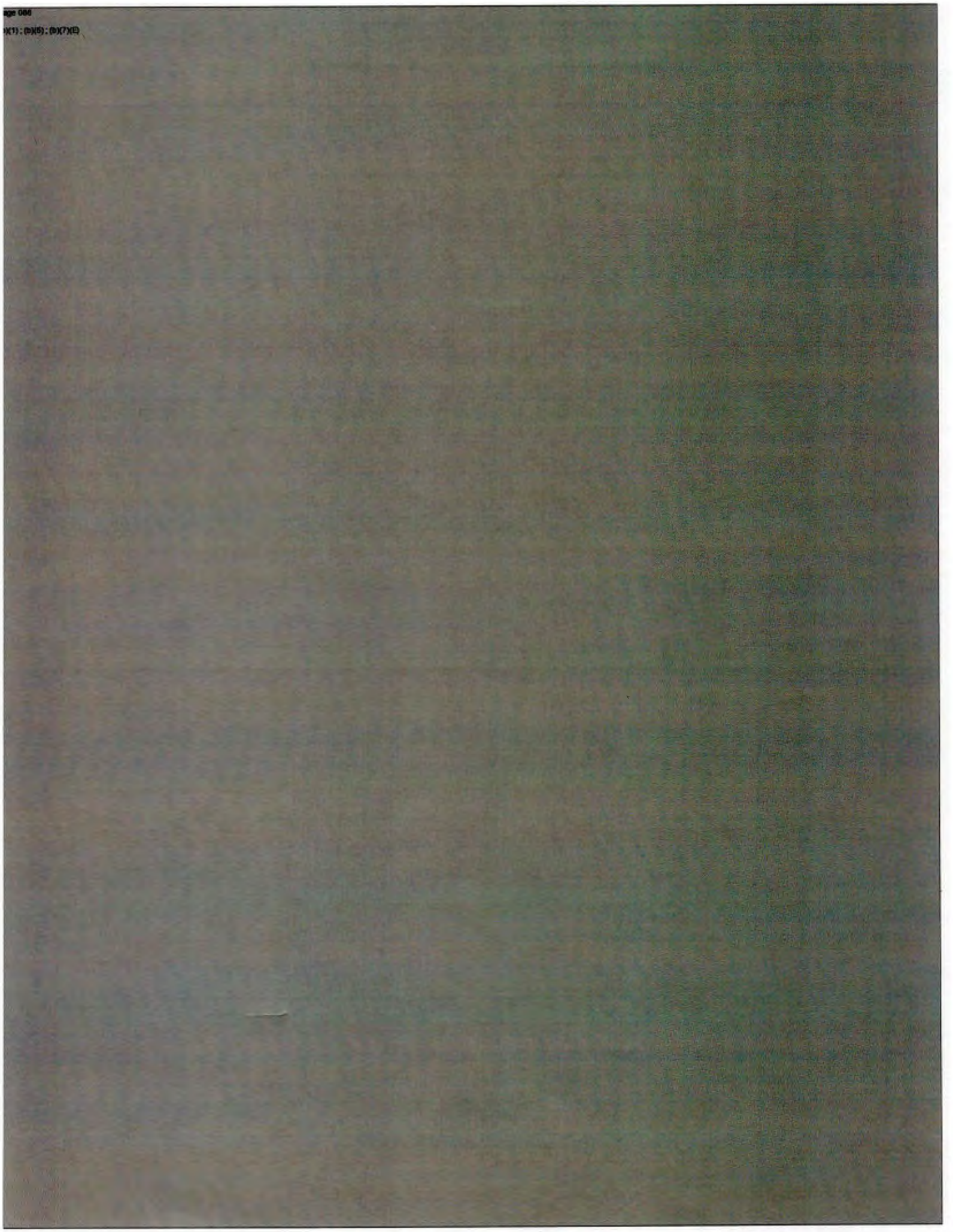


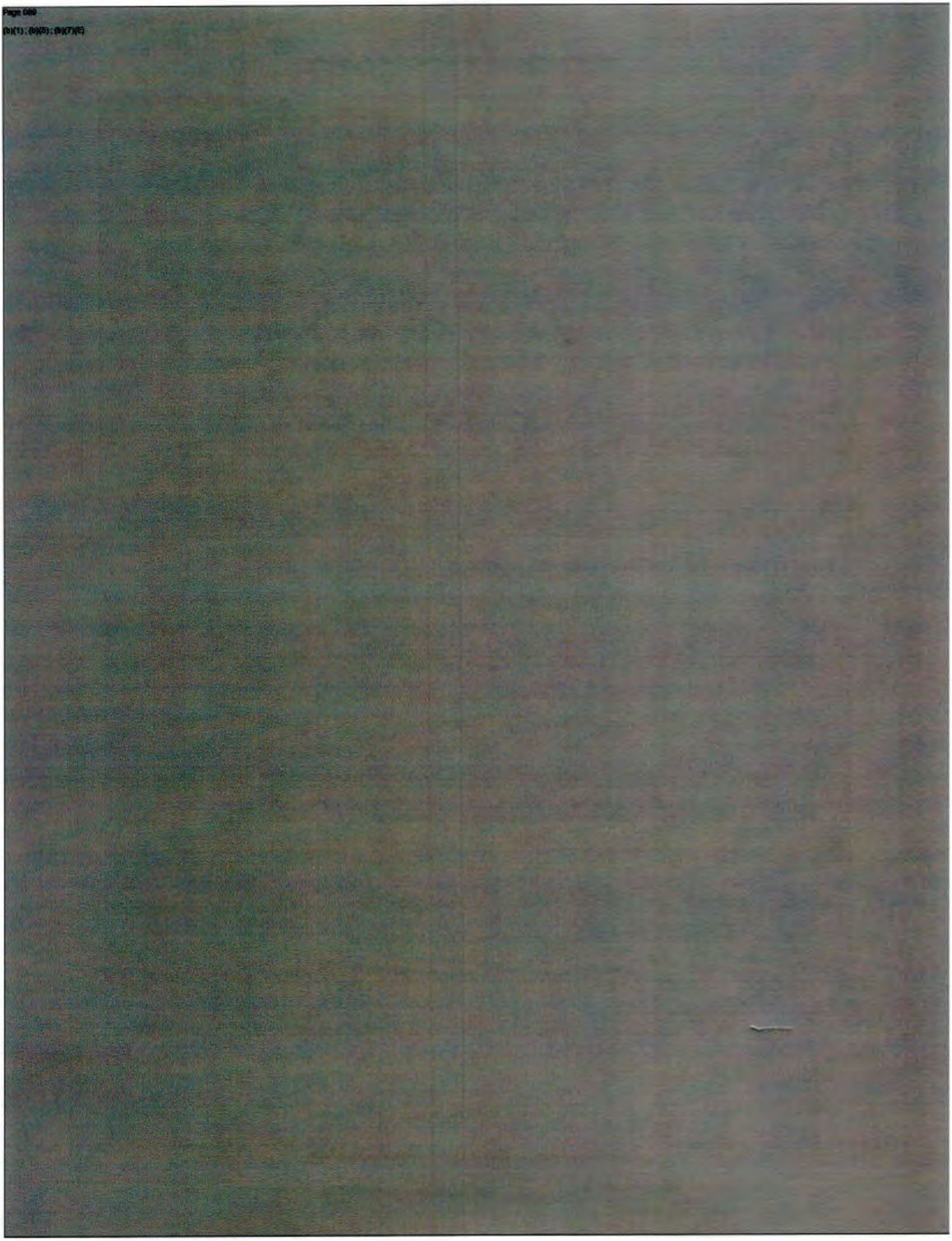


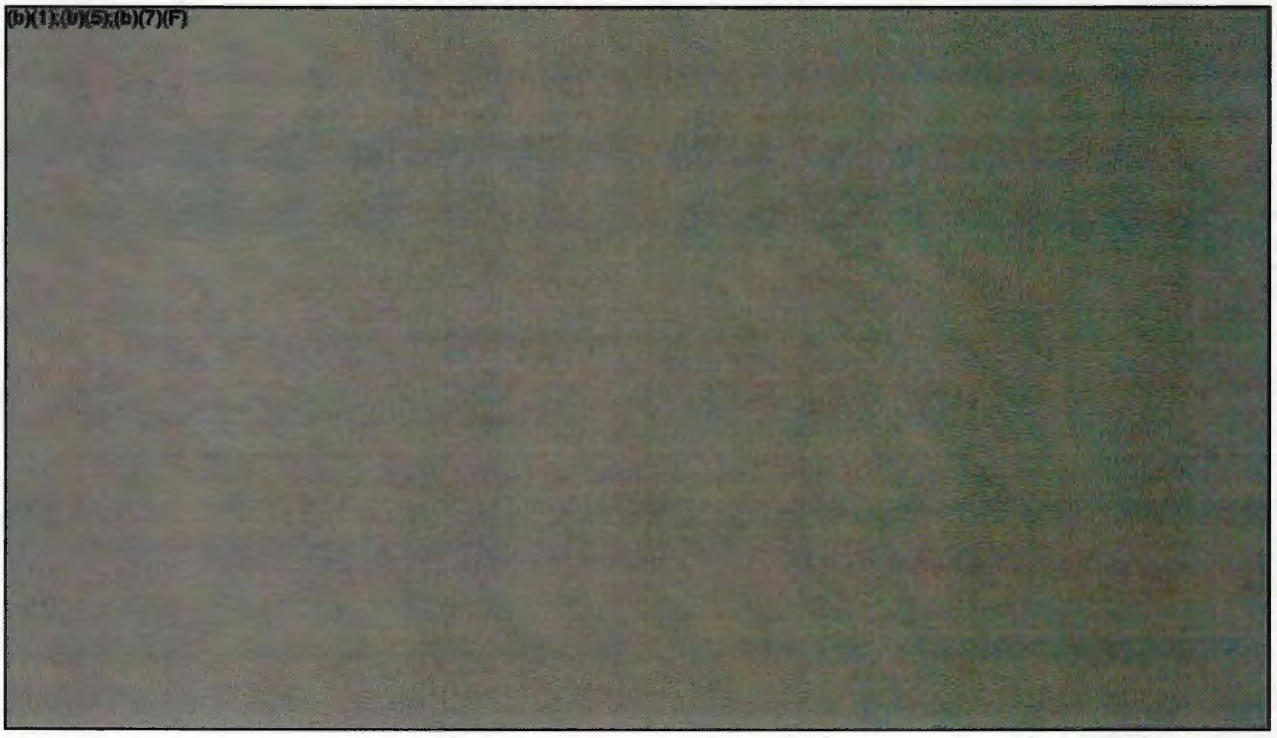




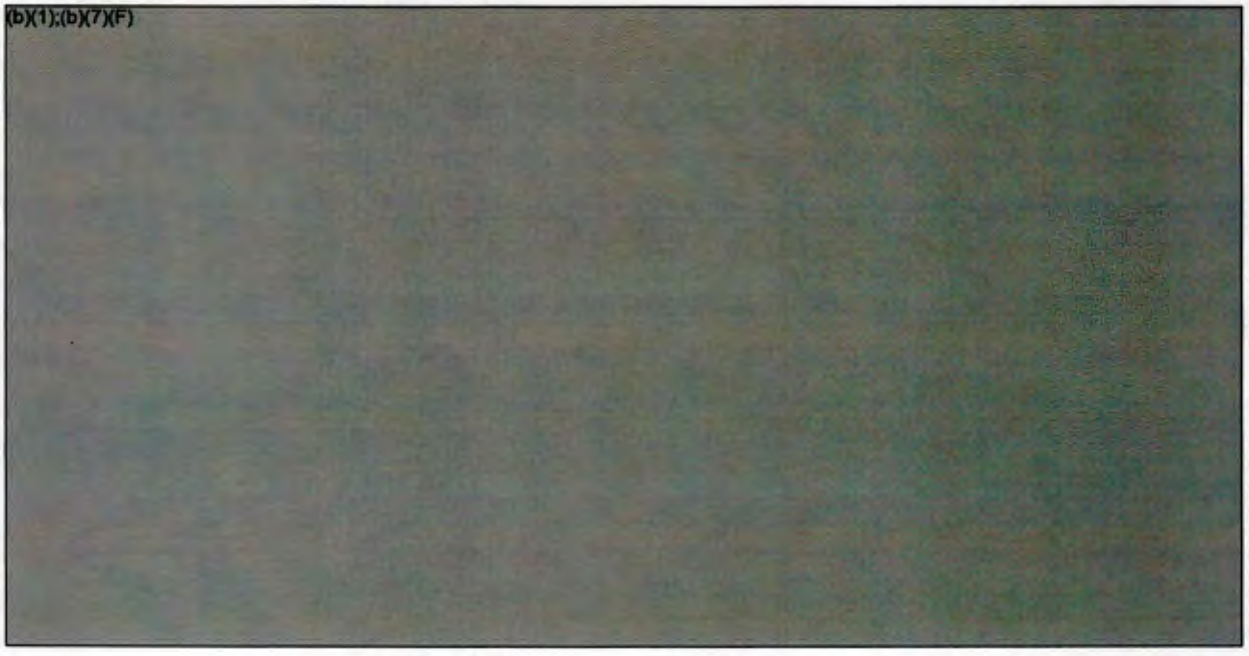






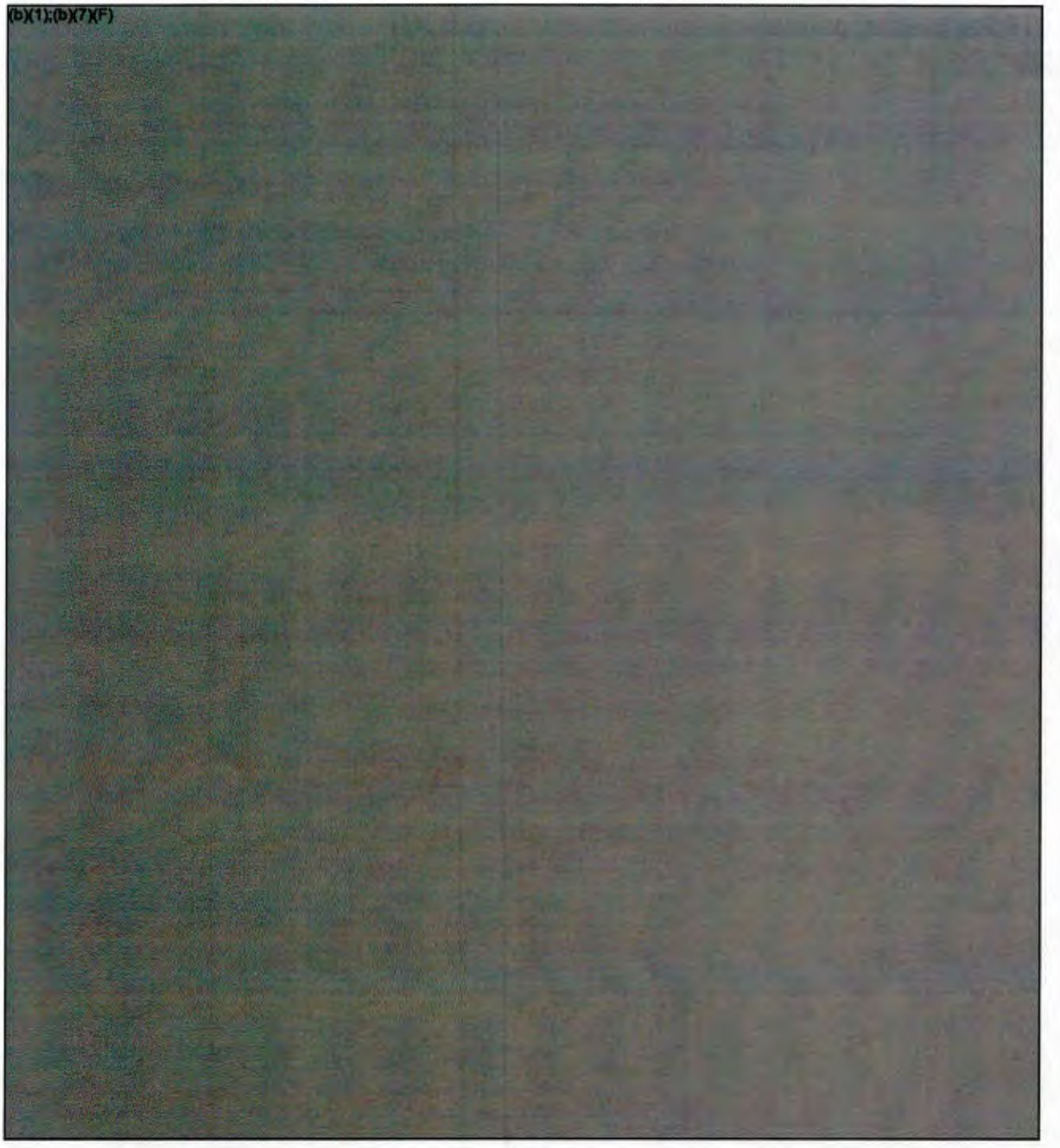


Task Force 3-10 Recalibrates Its Approach (U)



[189] (U//~~FOUO~~) COL Ian Hope, Unity of Command in Afghanistan: A Forsaken Principle of War, November 2008
[190] (U) In-theater interview, 12 December 2008
[191] (U) In-theater interview, 10 April 2010
[192] (U) Ibid
[193] (U) Ibid

(b)(1);(b)(7)(F)

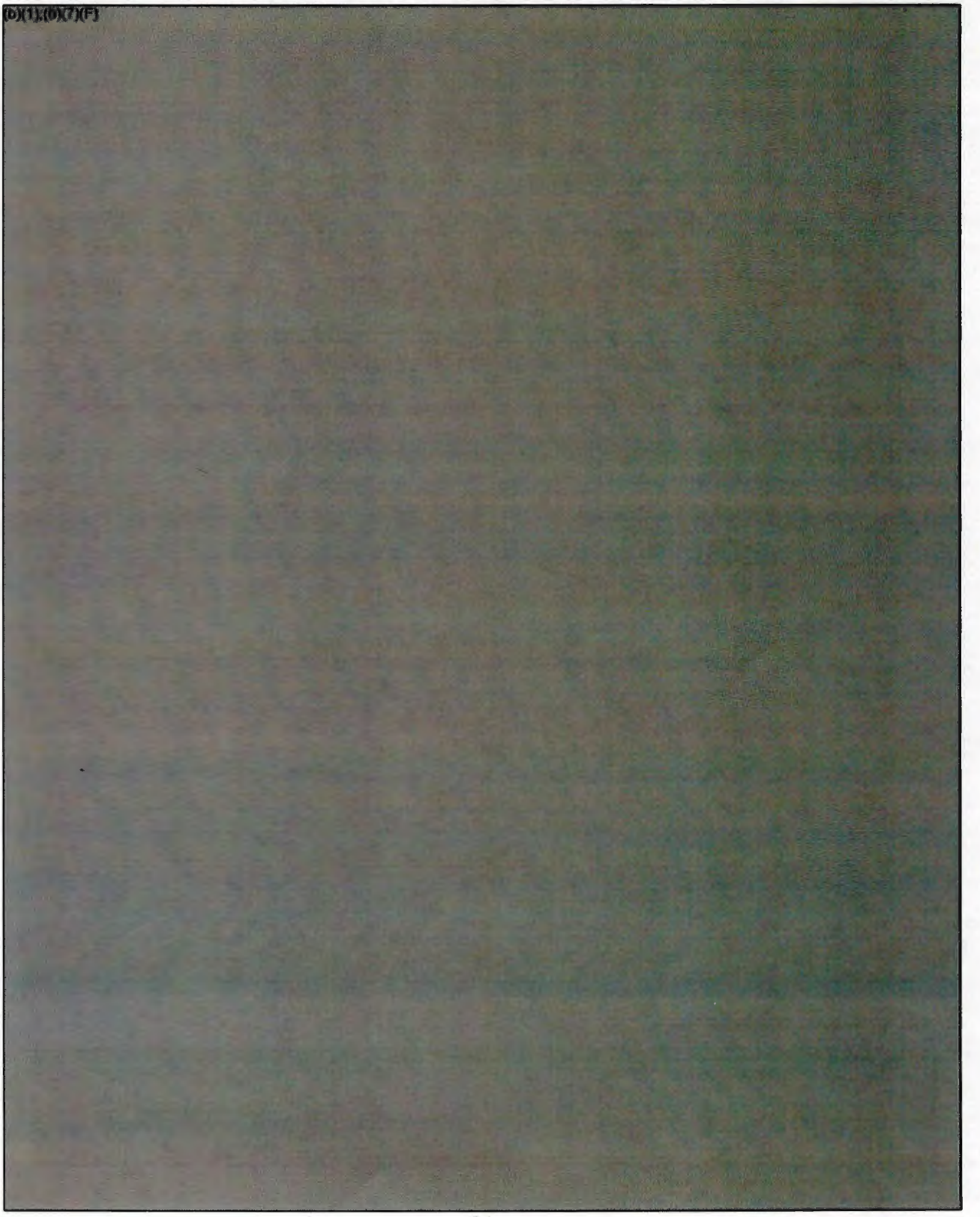


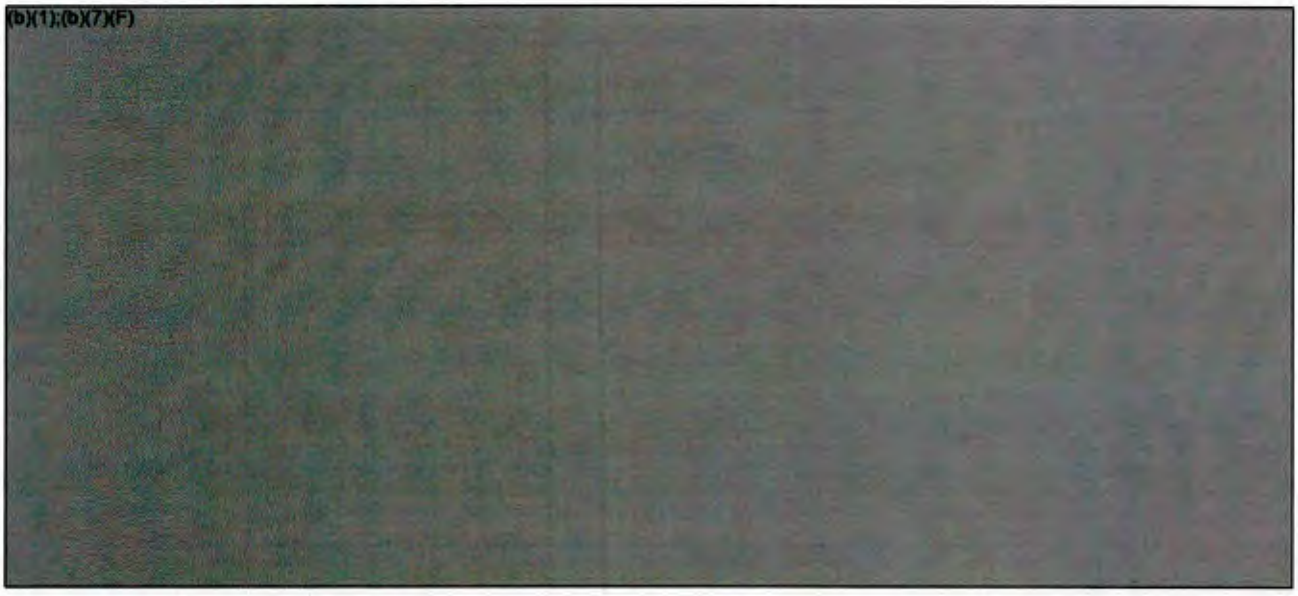
[194] (U) In-theater interview, 11 April 2010

(b)(7)(E)

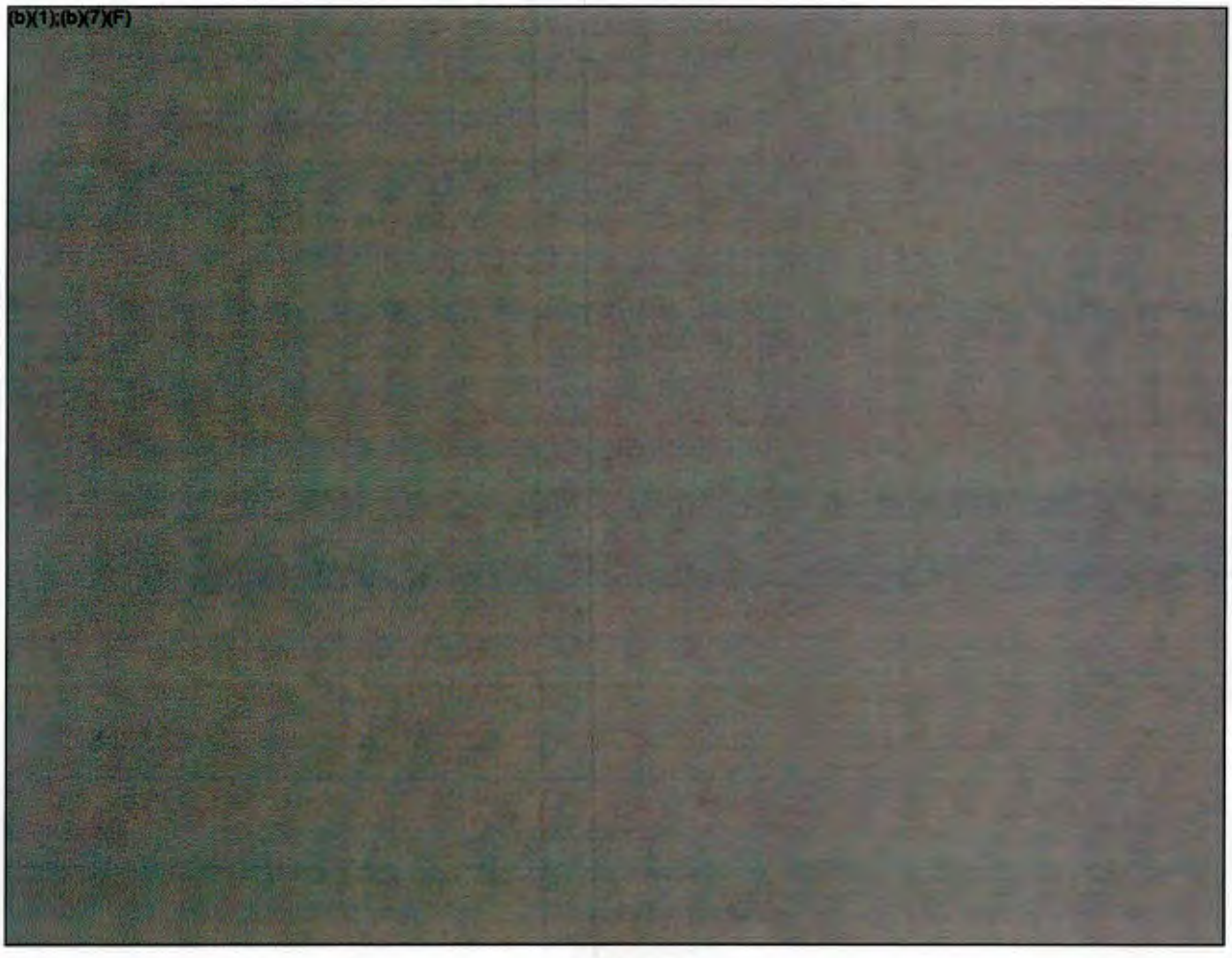
[197] (U) In-theater interview, 7 April 2010
[198] (U) In-theater interview, 11 April 2010

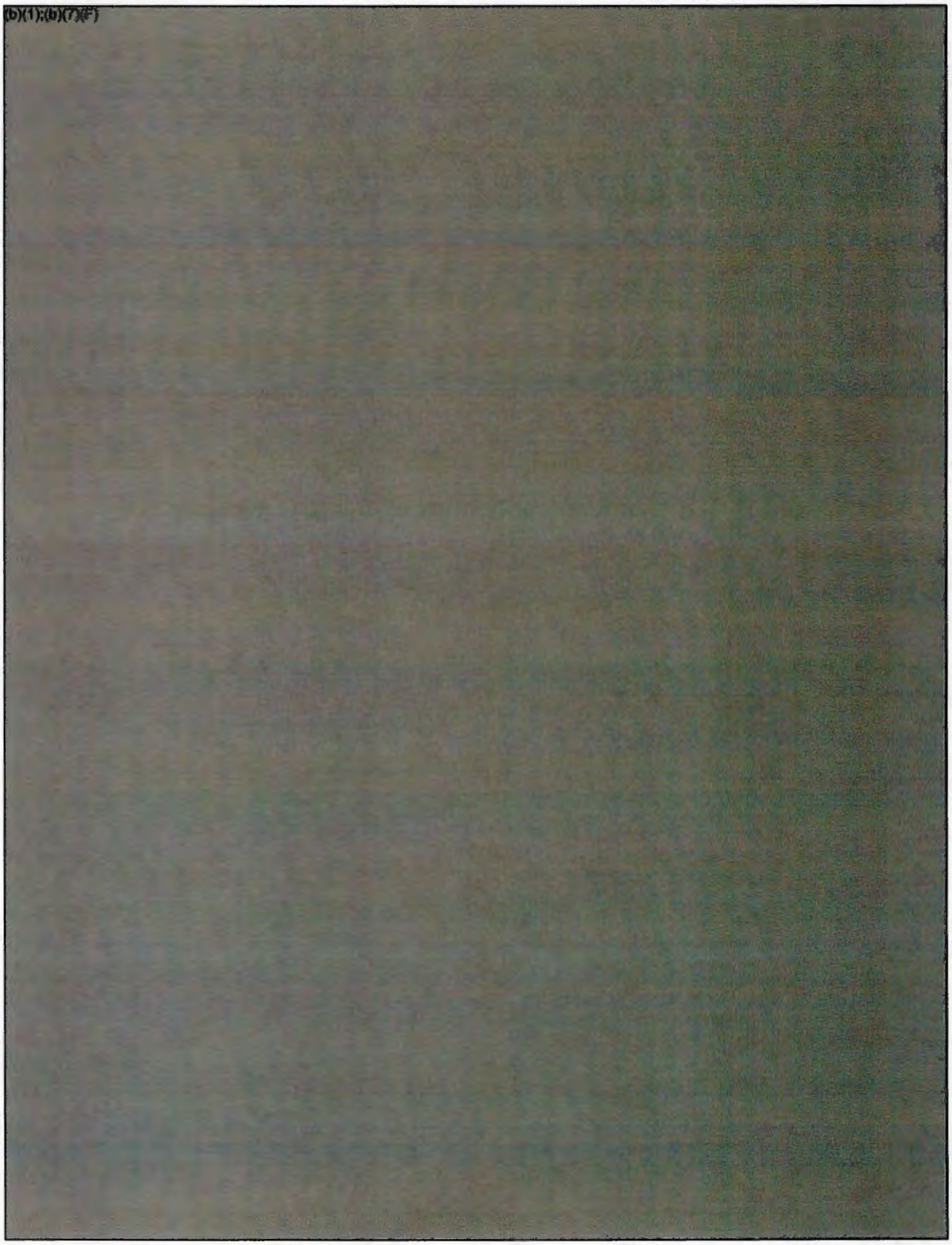
TF Partnering at Tactical and Strategic Levels (U)





CJSOTF-A and TF 3-10: Numbers and Rates of Civilian Casualties (U)

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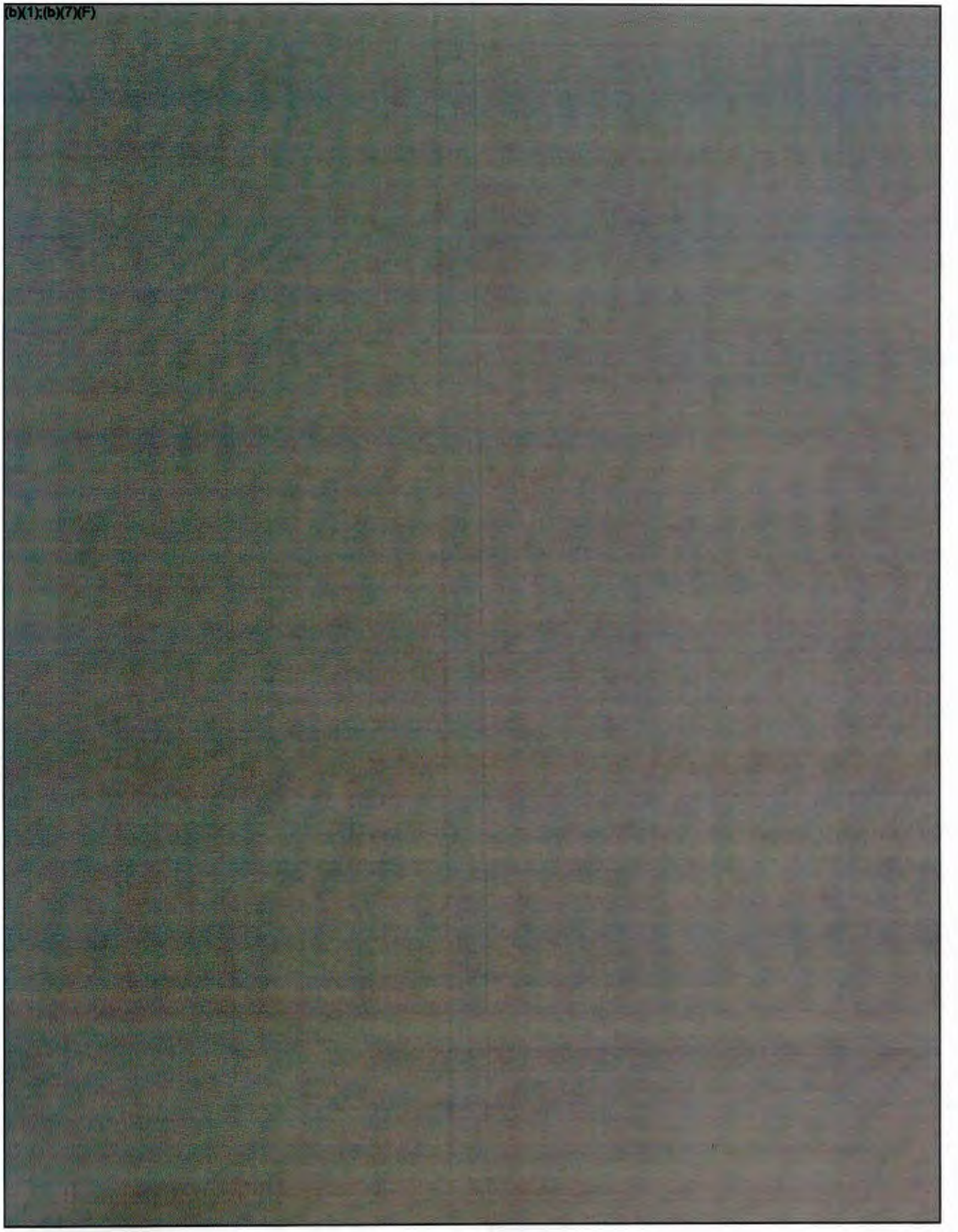
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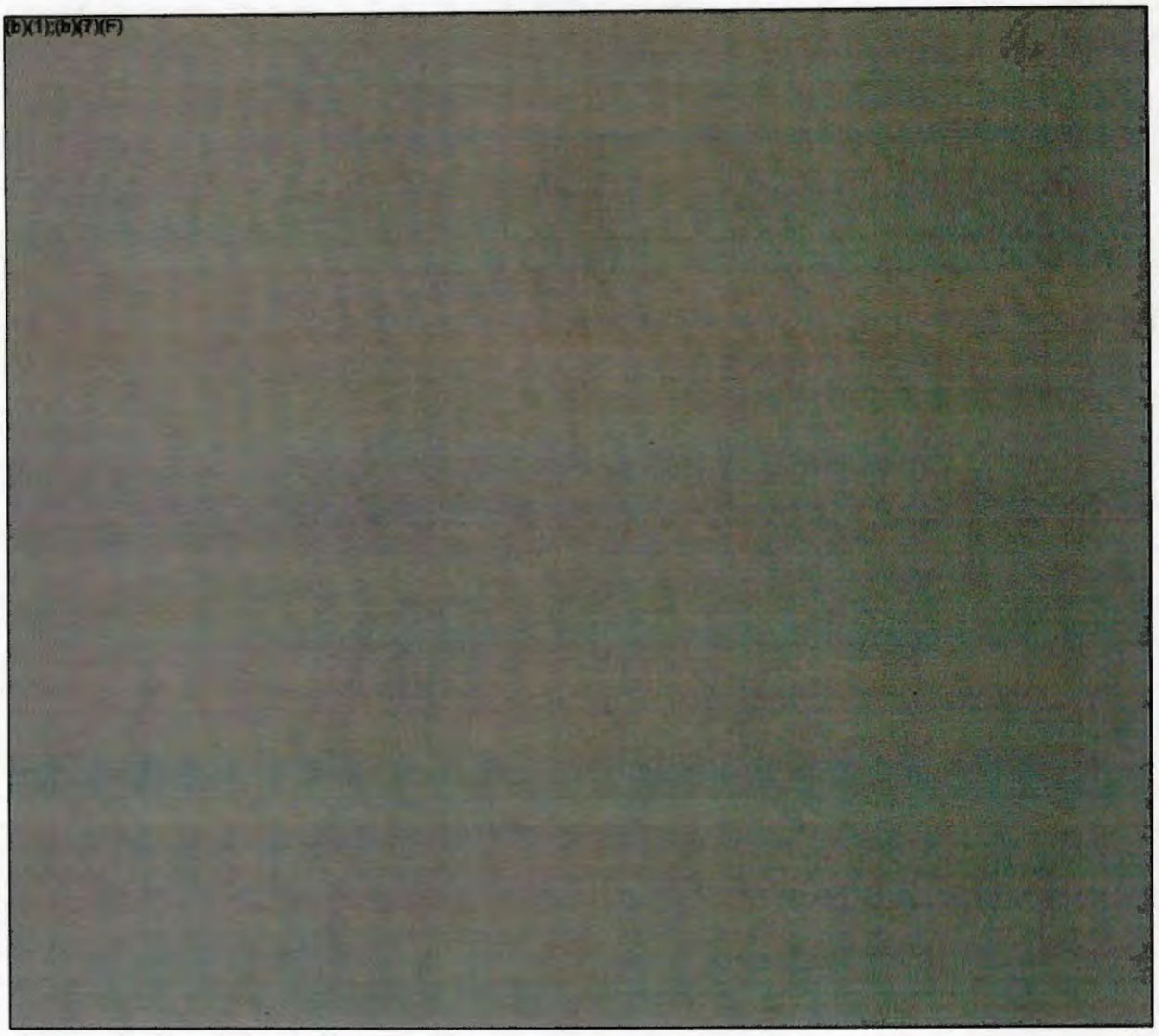
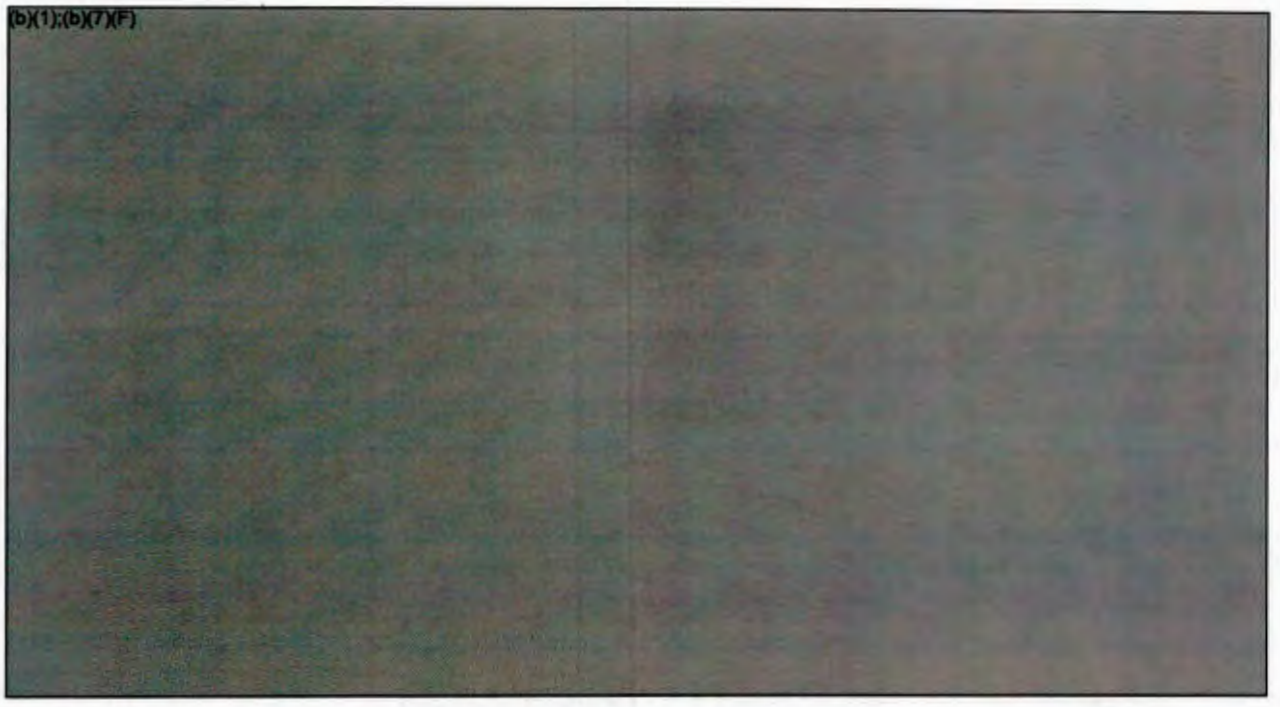


Room for Improvement: Non-lethal Capabilities (U)

[205] (U) In-theater interview, 11 April 2010

(b)(7)(E)

[207] (U) In-theater interview, 11 April 2010
[208] (U) Ibid
[209] (U) In-theater interview, 9 April 2010
[210] (U) In-theater interview, 11 April 2010
[211] (U) Ibid
[212] (U) In-theater interview, 3 April 2010. Also discussed in another In-theater interview, 3 April 2010

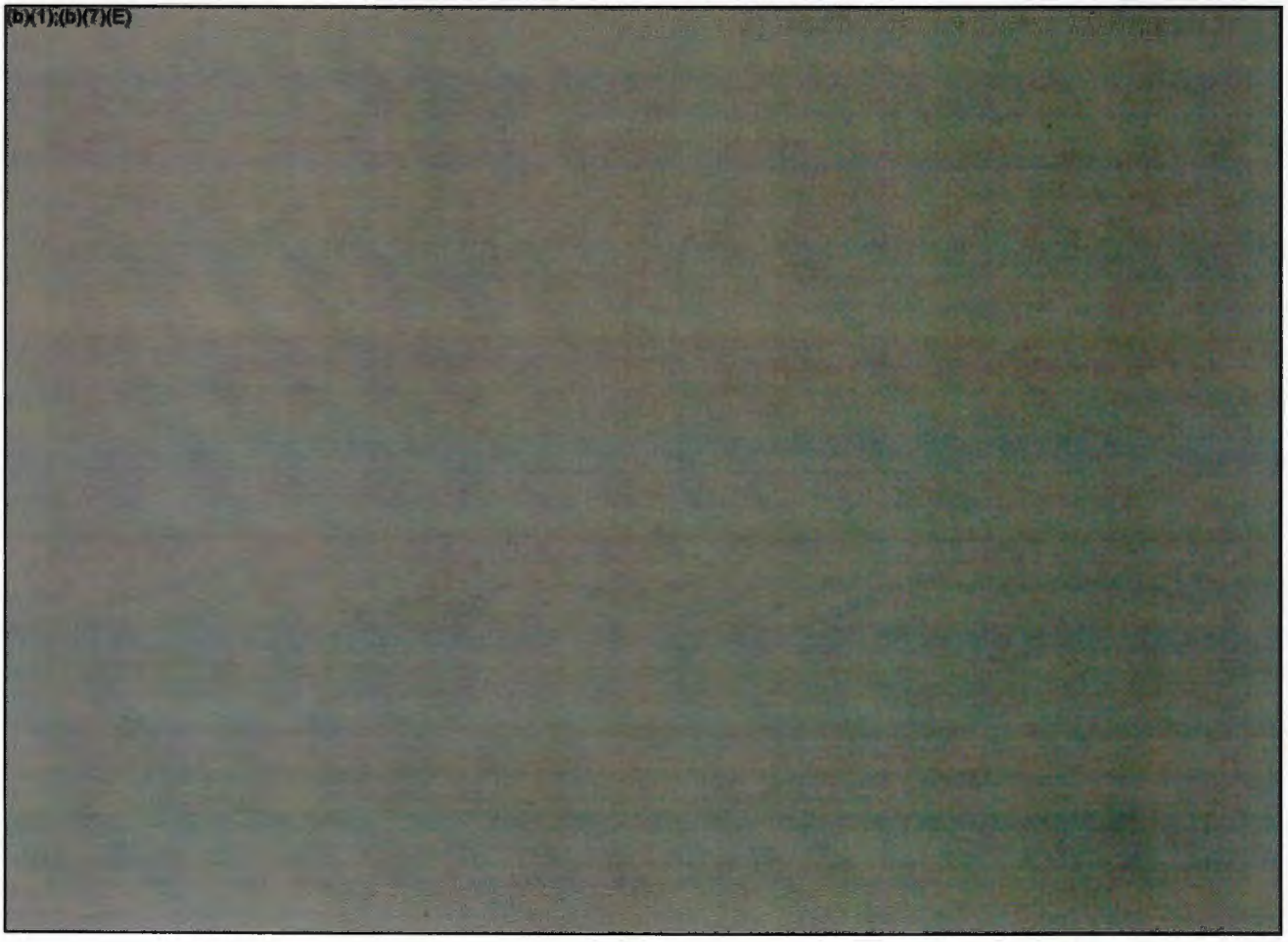


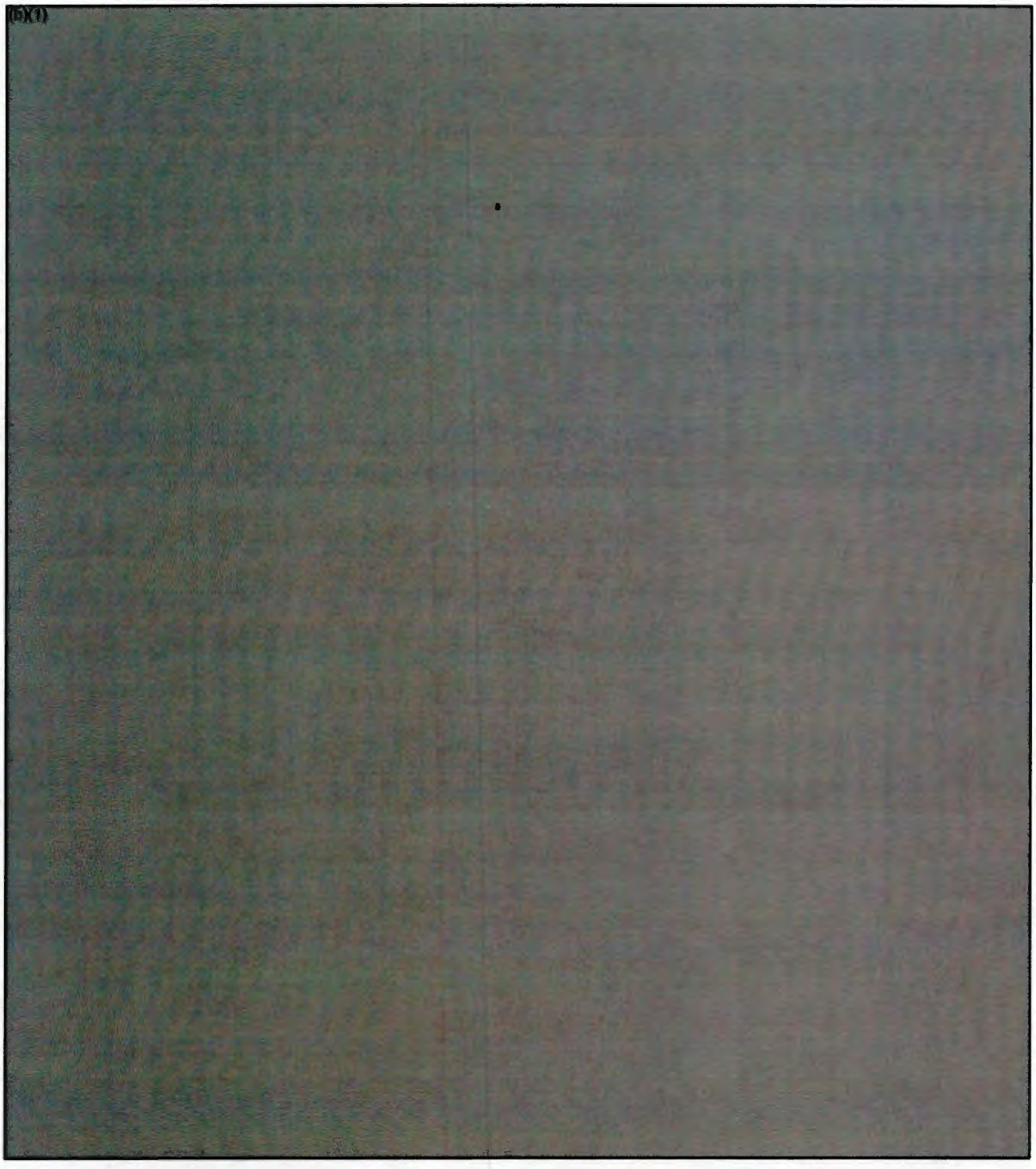
Other SOF on the Battlefield (U)

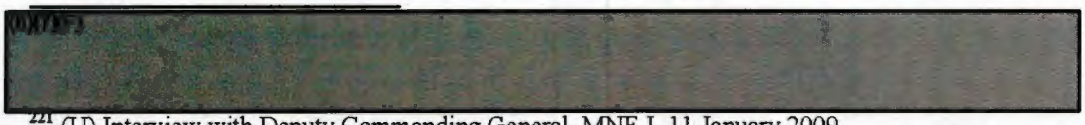
[214] (U) In-theater interviews, 4-6 April 2010
[215] (U) Second Impression report, 29 January 2010

SOF and GPF: Roles and Missions in COIN Targeting (U)

A Best Practice from Iraq: SOF-GPF Collaboration (U)

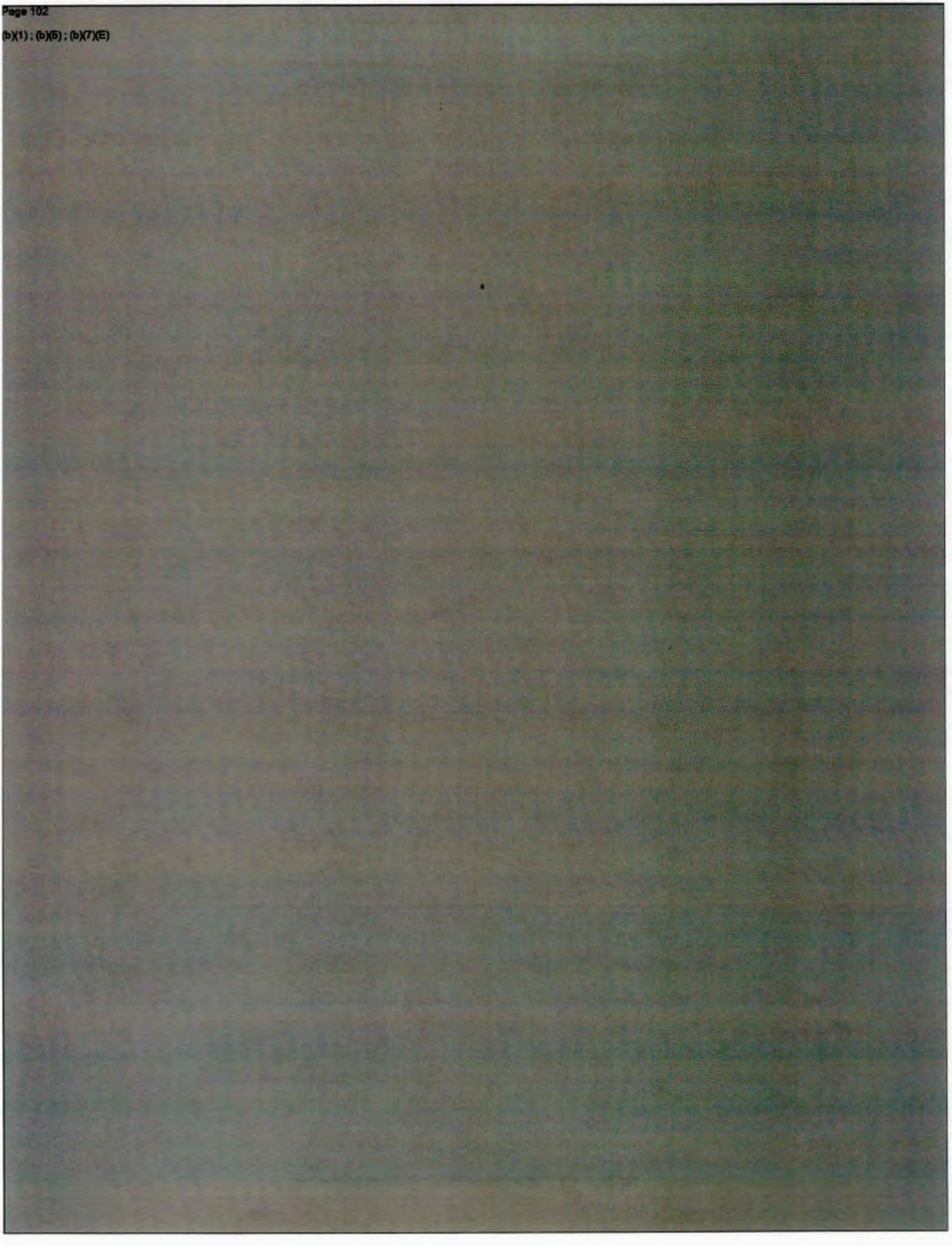






[221] (U) Interview with Deputy Commanding General, MNF-I, 11 January 2009
[222] (U) In-theater interview, 9 April 2010
[223] (U) In-theater interview, 8 April 2010

(b)(1) ; (b)(5) ; (b)(7)(E)



Chapter 7: Partnering with Afghan National Security Forces (U)

(U) Enabling the ANSF is one of the five lines of operations within the ISAF campaign plan. One of the ways ISAF enables ANSF is by partnering them with ISAF forces, so that ANSF can emulate ISAF in planning and execution. This partnering builds capacity and helps achieve ISAF's desired end-state for an Afghanistan wherein the ANSF is capable of providing security without the assistance of international forces.

(U) Besides building better security capacity, partnering has operational benefits. One operational benefit discussed in-theater was the reduction of civilian casualties during partnered operations. We examine recent operational data to examine whether this benefit is in fact observable. We also discuss some noted operational benefits of partnering voiced identified by Coalition forces as well as drawbacks.

Data Related to Partnering and CIVCAS Incidents (U)

(U) To determine the benefits of partnering related to civilian casualties, we first examined the respective number of CIVCAS incidents that were reported to be partnered or conducted independently by ISAF forces. Using ISAF's CIVCAS database, we examined CIVCAS incidents over a four-month period starting on February 2010.[225] There were a total of 78 Coalition-caused CIVCAS incidents wherein the incident was indicated to be either partnered or independent. Of these 78 incidents, 25 incidents (32%) were partnered and 53 incidents (68%) were independent ISAF-only operations. We also examined the distribution of partnered vs. independent CIVCAS incidents by RC and by nation.

~~(U//FOUO)~~ Figure 34, on the next page, shows the number of partnered and independent CIVCAS incidents and the percent (%) of CIVCAS incidents that were partnered. The two RCs with a significant number of CIVCAS were RC-S and RC-E. Approximately 72% of all CIVCAS incidents occurred in RC-S during the four month time period we examined; 14% of CIVCAS incidents occurred in RC-E. We examined RC-S incidents in more detail, breaking them out by responsible Task Force (brigade element). These are listed in Figure 35, on the following page. This shows that the distribution of partnered versus independent CIVCAS incidents is about 50% for all Task Forces except TF Kandahar, which had all independent CIVCAS incidents.

(U) It is important to note that the designation of an incident as "partnered" or "independent" in the CIVCAS database does not include details on what level of partnering existed during the operation. Was the partnering simply a few ANA soldiers in the rear vehicle of a convoy? Or was it a truly joint operation in both planning and execution? The extent of partnering would be expected to play a role in the amount of civilian casualty mitigation benefit obtained from

[225] (U) The CIVCAS Tracking Cell database includes a field indicating whether incidents were partnered or conducted independently—this field was added at the beginning of February 2010.

partnering, but we cannot examine this in more detail because of lack of granularity in the data. This effect could potentially be investigated in more detail for US incidents using 15-6 legal investigations, which typically contain more operational narrative on individual incidents.[226]

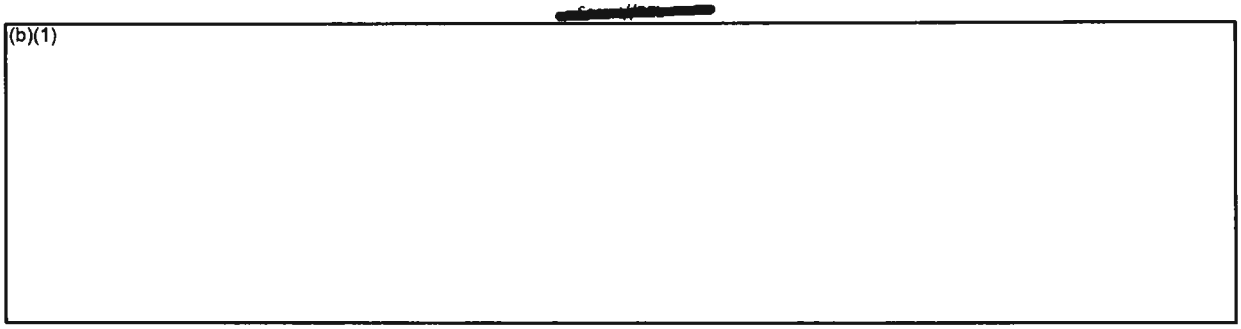


Figure 34: Partnered and Independent CIVCAS Incidents by RC (U)

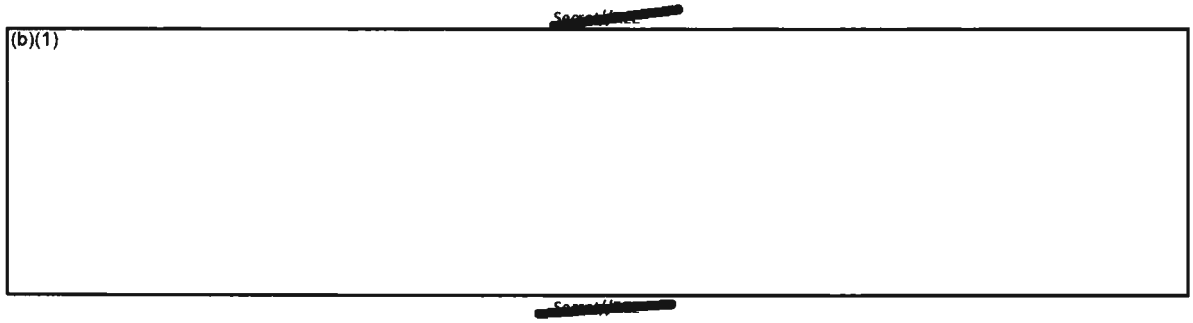


Figure 35: Partnered and Independent CIVCAS Incidents in RC-S by Unit (U)

Relative Rates of CIVCAS in Partnered and Independent Operations (U)

(U) The percentages of CIVCAS incidents that were partnered or independent are not illuminating with respect to the benefits of partnering without some knowledge of how many operations overall were partnered versus independent. We used an ISAF brief that documented ISAF partnering rates[227] to obtain an approximate percentage of operations by RC where ISAF forces were partnered with ANSF; these percentages are listed in Figure 36 on the following page. We note that this brief simply provides a single number for partnered operation and does not break out levels of partnering by types of missions or mission difficulty.

[226] (U) However, we discuss in the Reporting and Learning chapter that 15-6 legal investigations tend to be uneven in detail from one investigation to another, so it is unlikely that this could be comprehensively done without improving the process for investigations, which we recommend.

[227] (U) ISAF produced a brief that documented the number of partnered and independent operations overall and by RC based on RC-reported SITREPs. Values were taken from average partnering numbers during 3 weeks in January 2010. Data contained in "012410-NRI-COMISAF UPDATE-PARTNERING PETIT.PPT"

RC	% Partnered Operations
RC-S	75%
RC-E	40%
RC-W	71%
RC-N	48%
RC-C	58%*[228]
Average	58%

Figure 36: Percent of Operations Where ISAF and ANSF Were Partnered by RC (U)

(U) We used the numbers of CIVCAS incidents that were partnered and independent in combination with the percentage of partnered operations to calculate a ratio of rates of CIVCAS incidents for partnered vs. independent operations. These ratios are listed in Figure 37. If CIVCAS were equally likely in partnered and independent operations, then the ratios should be about 1. Figure 37 shows that the ratios are consistently above 1, with an average of about 3. This indicates that, for the four month period examined, CIVCAS incidents were about 3 times more likely in independent operations as they were for partnered operations.

RC	Ratio (independent/partnered)
RC-S	5.4
RC-E	1.8
RC-W	2.4
RC-N	NA
RC-C	4.1
Average	2.9

Figure 37: Ratio of CIVCAS Rates for Independent vs. Partnered Operations (U)

(U//FOUO) We also examined the distribution of CIVCAS incidents for US and non-US Coalition partners. There were nine Coalition nations with CIVCAS incidents during this four-month period: the UK, Germany, France, Canada, Spain, Hungary, Turkey, Croatia, and Norway; seven of these nations reported whether they were partnered or independent operations.[229] Out of 13 CIVCAS incidents total, three (23%) were partnered operations.[230] This compares to 35% of US CIVCAS incidents being partnered operations, with 22 US incidents that were partnered and 39 that were independent. From the data above, smaller percentages of CIVCAS incidents tended to mirror areas where there were reduced levels of partnering. Although based on a small data set, analysis suggests that measuring the extent of partnering by Coalition nations could be valuable in addition to the current process of assessing partnering by RCs.

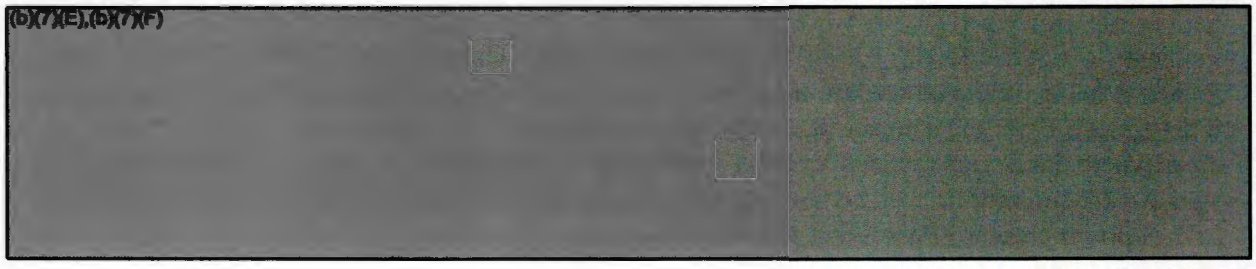
[228] (U) A value was not reported for RC-C, so the average across all RCs was used as an approximate value
[229] (U) Neither Canada nor Hungary reported whether their incidents were partnered.
[230] (U) Two of the three non-US partnered incidents were by the UK in RC-S. This is consistent with RC-S tending to have the highest percentage of partnered operations.

Discussion of Relative Rates of CIVCAS (U)

(U) Although available data suggests that partnering reduces the probability of CIVCAS, it should be noted that this data analysis does not necessarily demonstrate causality. There are other factors could explain the trends observed above, which we cannot rule out because of limitations in available data. For instance, it is possible that Coalition forces tend to partner in operations that are not as tactically challenging. If this were the case, engagements and opportunities for CIVCAS would likely be heightened during independent operations. Current data on partnering does not provide information on mission type or difficulty, so we cannot try to account for these factors. At the same time, the ISAF CIVCAS database does not allow us to determine the level of partnering during the operation. Benefits from partnering are expected to differ depending on whether the partnering consists of a few ANA soldiers embedded in a unit but playing no visible role, compared to a truly joint operation. More information on the extent of partnering in these operations could also show which elements of partnering (if any) provide the strongest benefit for CIVCAS reduction.

Benefits and Risk Factors for Partnering (U)

(U) We also discussed the benefits of partnering with Coalition forces when visiting theater. Some of the benefits forces discussed were directly tied to CIVCAS. For example, Afghan forces were said to have an increased awareness of cultural cues that help them discriminate between who belonged in local areas and outsiders who may be more likely to be a threat.[231] Additionally, partnered forces were able to better communicate directly with locals without using an interpreter. Forces stated that this language fluency aided KLE, improved the ease and speed of redress efforts, and helped with collecting HUMINT. ANSF were seen as better able to understand the behavior of locals when they act in ways that Coalition forces find inexplicable. In some cases, partnering dissuaded the enemy from attacking Coalition forces because of concerns that ANSF would also be affected. ISAF Forces often found that both their patrols, and their response to CIVCAS incidents, were better received by locals when they were partnered with ANSF. In fact, partnering frequently gave an "Afghan face" to operations from the local population's perspective.[232] SOF forces found that ANSF were more effective at SSE because they could pick up on subtle cultural cues that Coalition forces often missed.[233]



[231] (U) In-theater interview, 4 April 2010
[232] (U) For example, *"The message is most effective with an Afghan face, when they are the ones telling the message. It means more to them that way,"* In-theater interview, 2 April 2010
[233] (U) TF 3-10 Command brief, 3 May 2010

(U) The general consensus by forces in the field was that partnering probably provides some reduction in CIVCAS; though [redacted] Additional benefits are likely to be observed as the ANSF becomes a more professional force. [redacted] These are opportunities for Coalition forces: Coalition forces can leverage the positive traits and focus on mentoring for the negative traits, in order to improve overall ANSF capacity.

[234] (U) In-theater interview, 4 April 2010. *"Messages carried by an Afghan is more effective,"* In-theater interview, 9 April 2010
[235] (U) In-theater interview, 7 April 2010
[236] (U) Ibid
[237] (U) Ibid
[238] (U) In-theater interview, 12 April 2010
[239] (U) In-theater interview, 5 April 2010

Figure 38: ANSF Partnering Considerations (U)

Planning and Mitigation (U)

~~(U//FOUO)~~ In addition to tactical operations, forces performed other kinds of partnering. For example, 2-501 Bn (2 Fury) in RC-S partnered with an ANA brigade and worked with them in planning as well as execution of operations. This partnering in planning effectively modeled for the Afghans how a headquarters functioned. One of the elements stressed in this partnering was CIVCAS mitigation. As a result of these efforts, the ANA brigade considered CIVCAS in its planning process.

~~(U//FOUO)~~ In another kind of partnering, TF 5-35 established an OCG in its headquarters to provide GIRoA partnering to their operations. The OCG, located in the TF headquarters, was made up of three groups of GIRoA personnel from MOD, MOI, and NDS. Their responsibilities included vetting targets and communicating with their parent ministries. Besides having the ability to "turn off" operations against sensitive targets, the OCG also provided useful information, such as political connections involving targeted individuals or villages. In a few cases, the OCG recommended that the TF not notify the local ANP force because of OPSEC concerns and known corruption issues.

(U) We also observed robust partnering in response, redress, and information activities. This partnering led to successful mitigation in many cases of civilian casualty incidents once they occurred. This partnering is discussed in detail in Chapter 8, Response, Redress, and Information Operations. There are also opportunities to extend this partnering model to the national level.

(U) Overall, interviewed forces were generally positive about the operational benefits of partnering. In addition, it was widely recognized that an effective and legitimate ANSF was key to strategic success in Afghanistan. This was summarized best by one officer in an Army Bn in RC-S: "if you don't want to deploy here [to Afghanistan] many more times, then calm down and become less kinetic and train up the ANA."[240]

[240] (U) In-theater interview, 4 April 2010

Chapter 8: Response, Redress, and Information Operations (U)

(U) Conflict can create a significant toll on civilians, both emotionally and financially. When a sovereign state exercises its right to use force, international law is unanimous that the state is not liable for civilian harm.[241] However, the US has found that there are strategic advantages in mitigating harm when it is a consequence of its actions.

(U) One advantage is improved relationships with a host nation population. During World War I, GEN Pershing, the commander of American Expeditionary Force Europe, requested that the War Department develop a system where the military could pay claims to compensate the French population for US-caused harm. Failure to respond to these incidents, he said, "injures our reputation" among the population.[242]

(U) A second positive effect is the signal sent to partner nation governments. Before the US entrance into World War II, the US offered to protect Iceland against an emerging German threat. The alliance was accepted with the condition that the US agree to compensate Icelandic citizens for all losses due to US military activities.[243] Similarly, compensation provided to Afghan citizens signals to the GIRoA that Coalition nations are concerned about the Afghan population. It also reinforces perceptions of GIRoA sovereignty by showing that ISAF does not act with impunity.

(U) A third positive effect of mitigating instances of civilian harm is to promote stability and avoid the creation of additional enemies. In Afghanistan, this effect was called "insurgent math," where an action could kill five insurgents but simultaneously alienate the population and thus create fifteen more. This is a losing proposition, described as "you can't kill your way out of an insurgency."[244] Similarly, in World War II, the US military found that providing compensation for civilian harm "had a pronounced stabilizing effect" that more than justified the expenses of the program.[245]

Goals of Response Efforts (U)

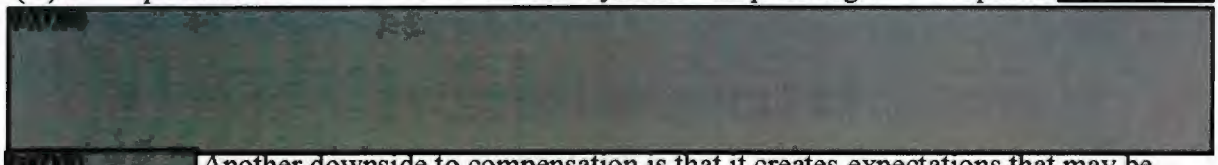
(U) ISAF forces developed specific ways to mitigate the effects of civilian casualties in Afghanistan, an operational imperative in light of ISAF's population-centric counterinsurgency approach. The population generally sought two things following Coalition-caused civilian

[241] (U) For example, Coalition military forces in Afghanistan are not considered liable for Coalition-caused civilian deaths and injuries, as well as property damage. In the US this is because of the Foreign Claims Act, reinforced by the Status of Forces Agreement between ISAF and the Government of Afghanistan.
[242] (U) Senate Report No. 379, 1918
[243] (U) Message from the Prime Minister of Iceland to the President of the United States, 55 US Statutes-at-Large 1547, 1941
[244] (U) GEN Petraeus, Newsweek, "The Petraeus Generation," 16 March 2008
[245] (U) Report of the General Board, US Forces European Theater, Legal Questions Arising in the Theater of Operation 1, 35, 1945

casualty incidents: some form of redress or compensation for losses incurred, and a form of apology and explanation of what happened, which illustrates ISAF remorse and acceptance of responsibility for the incident.[246]

(U) Forces conducted a number of activities to address these two concerns and to support their overall operational goals. These activities included: determination of ground truth through BDA, providing medical care to civilian casualties, host nation KLE and apology to families (which could include participation in Pashtunwali customs and attending funerals), providing compensation or solatia payments (in the form of cash payments, food, goats, or other culturally acceptable compensation), and conducting supportive information operations.

(U) Local political considerations are another dynamic complicating ISAF response.



Another downside to compensation is that it creates expectations that may be problematic in the long term, as GIRoA is unlikely to sustain current levels of payment as combat shifts to ANSF-led operations.

CIVCAS Response in Planning and Execution (U)

(U) Response begins with the planning process. Forces in Afghanistan consider second-order effects, including civilian casualties, in their CONOPS development and targeting processes.[247] This affected both how they used force and how they responded after using force. Forces often factored in their ability to conduct BDA prior to the release of any munitions; in some cases, fires were withheld because of potential adversary IO concerns if they did not think they could conduct BDA.[248] A number of units developed CIVCAS "battledrills," pre-planned procedures that were exercised any time civilian casualties were suspected.[249] Planners also

[246] (U) Losing the People: The Costs and Consequences of Civilian Suffering in Afghanistan, Campaign for Innocent Victims in Conflict (CIVIC), 2009
[247] (U) In-theater interview, 8 April 2010
[248] (U) In-theater interview, 5 April 2010; Units were concerned that they would be more vulnerable to enemy IO efforts if they were unable to conduct BDA to establish ground truth; for example: "we held mortars because the effects did not outweigh the potential of negative IO." In-theater interview, 7 April 2010
[249] (U) In-theater interview, 4 April 2010

identified the appropriate Afghan officials and community leaders for KLE in case CIVCAS response was required.[250]

(U) After operations, some units conducted elements of CIVCAS response, such as KLE and IO activities, regardless of whether they suspected CIVCAS had occurred. This was because they found that "it was easier to control a situation early than to react to it several hours later and [these practices] provided additional opportunities to engage the populace."[251]

CIVCAS Planning and Response: Coordination with Host Nation (U)

(U) Forces almost universally stressed the importance of partnering and coordinating with Afghan government, military, and local leaders. A number of forces discussed how they shared information on upcoming operations with village elders, Provincial Governors, and local ANSF leaders prior to operations. For example:

- "Before any operation, Provincial Governor and local ANSF officials were informed. This was to get GIRoA buy-in of the operation. This… sharing of information assisted greatly in reducing civilian blowback and bad local press in the event of civilian casualties."[252]

- "Under previous conditions… units would have gone to CAS or artillery earlier. Now, there is more coordination with the local leaders before employing those types of fires.[253]

- "The relationship with the local authorities has evolved to include local leaders in clearance of fires."[254]

(U) Local leaders and security forces had a better understanding of the local environment and culture, including Pashtunwali code whereby harming a member of an Afghan's family could create enmity within that family for generations.[255],[256] Familiarity with acceptable ways to respond to civilian casualty incidents according to Pashtunwali was invaluable. Afghans could help bridge the culture gap in redress, avoiding a backlash from Coalition efforts to make amends.[257],[258] Another element was an understanding specific tribal structures and nuances, which varied according to the specific tribe involved. One unit observed that a more powerful tribe, or one more

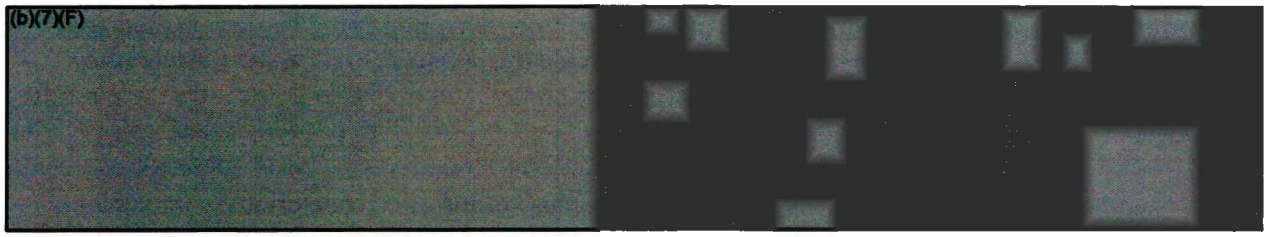
[250] (U) In-theater interview, 6 April 2010
[251] (U) Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010
[252] (U) Ibid
[253] (U) In-theater interview, 10 April 2010
[254] (U) In-theater interview, 7 April 2010
[255] (U) In-theater interview, 2 April 2010
[256] (U) Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010
[257] (U) Ibid
[258] (U) One stated concern about ISAF response and redress efforts was that ISAF forces tend to be perceived as overly apologetic. From a Pashtun perspective this could create an appearance of weakness. In-theater interview, 8 April 2010

connected to the local government, tended to respond more negatively to incidents.[259]. Forces said that they needed "a firm grasp on the tribal and geographic realities on the ground."[260]

(U) A number of units institutionalized their coordination with local or national leadership. One example was TF Fury, which created a "Unified Command Team" (UCT) consisting of local leadership and ISAF forces prior to operations. The UCT was given the authority to make key decisions and processes during operations, such as whether the governor's approval was needed before airstrikes or getting a local elder to contact home owners before a strike to ensure that they were not at home.[261]

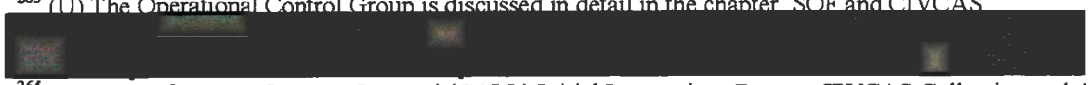
(U) Another example was TF 4/73, which stood up an Operation Coordination Center Provincial (OCCP). The OCCP was a single headquarters that housed ISAF forces, ANA, and ANP forces. The OCCP was essentially a fusion center where forces could quickly communicate information and synchronize efforts. Rapid decisions were made easier since the center was collocated with the provincial HQ, the US TOC, and across from the local sub-governor's office.[262]

(U) A third example was the OCG, created by TF 5-35. This group was created specifically to reduce civilian casualties in operations conducted by its subordinate task force, TF 3-10. Duties of the OCG included review and raising concerns over proposed CONOPS, as well as active deconfliction with Afghan security forces.[263]



(U) It takes deliberate, sustained effort to build relationships and achieve optimal coordination for effective combined action. One unit discussed that combined action "is painful to implement, but critical."[265] Another stated that it took about two months to build needed relationships with local GIRoA and community leaders, referring to that time/effort as "the price of friendship."[266] A third unit stated that the value of relationships with local community leaders transcended other more typical approaches to mitigation through doctrinal IO: "Forget about leaflets. Just look the

[259] (U) Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010
[260] (U) Ibid
[261] (U) When the elders called the owners of the compound, the owners replied, "Yes, we left yesterday. The Taliban took it over." This led the UCT to decide to strike the compound. In-theater interview, 6 April 2010
[262] (U) In-theater interview, 7 April 2010
[263] (U) The Operational Control Group is discussed in detail in the chapter, SOF and CIVCAS



[265] (U) Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010
[266] (U) In-theater interview, 6 April 2010

local elder in the eye and six cell [phone] calls later, the situation will be worked out."[267]

Battle Damage Assessment (U)

(U) To address civilian casualties, ISAF forces first need to know that they have occurred. This is best achieved through a civilian casualty BDA, where forces assess the effects of their operations on the civilian population. This assessment was typically done by forces on the ground. CIVCAS BDAs could include photos, statements of locals, and physical evidence from the site.[268] Forces developed a number of best practices for CIVCAS BDA. For example, some units used their SSE kits to improve their ability to capture ground truth.[269] Others used biometrics or field forensics[270] to assess whether casualties had been involved in prior actions against ISAF or GIRoA, such as emplacing of IEDs, allowing them to better differentiate combatants and noncombatants.[271] BDAs were sometimes conducted in partnership with ANSF, who were sometimes more aware of cultural cues, enabling them to find key evidence in the site. Units then built storyboards based on the BDA and often provided them to local leaders and ANSF leadership.[272] Several units stressed the value of storyboards and particularly photographic evidence in convincing locals of the facts. In some cases, local or provincial leadership would also visit the site and gather the facts, adding legitimacy to the findings.[273]

(U) In cases where air platforms were involved, full motion video from airborne platforms could be used as a surrogate for ground forces. In addition, recorded video could be declassified and used as evidence to provide ground truth.[274] To provide this in a timely way, the CAOC developed practices to locate and declassify full motion video in only two hours after the aircraft landed.[275]

(U) Some units did not conduct BDA consistently because of threat considerations; some units expressed frustration about exposing themselves to additional risk in order to conduct BDA. In particular, Taliban appear to have adapted to routine BDA efforts by preparing ambushes following major engagements. In some cases, the inhospitable terrain and distances that precluded using ground forces in the attack also precluded ground force BDA. Sometimes units felt that they had reliable intelligence about the absence of civilians, obtained through POL surveillance or other means. ISAF has developed procedures that require special higher level approval of CONOPS that do not include BDA. Where units cannot conduct BDA, they stated that they relied on locals

[267] (U) In-theater interview, 6 April 2010
[268] (U) Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010
[269] (U) Ibid
[270] (U) For example, X-spray which shows recent exposure to explosive materials
[271] (U) Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010
[272] (U) In-theater interview, 8 April 2010
[273] (U) Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010
[274] (U) In-theater interview, 6 April 2010
[275] (U) In-theater interview, 29 March 2010

showing up at the base gate with civilian casualties. This approach may miss some affected Afghans who will not approach Coalition forces due to proximity, lack of knowledge about ISAF compensation policies, and/or threats from the Taliban.[276]

(U) CIVCAS BDA was an important component to effective IO following an actual or suspected civilian casualty incident. Units faced several challenges with the conduct of BDA, including balancing the speed and accuracy of BDA and coordinating with other organizations that conducted independent BDAs. These organizations included the ICRC, UNAMA, the Afghanistan Independent Human Rights Commission (AIHRC), and sometimes the ANSF. These challenges are discussed below in the section Communications and Information Operations.

Medical Care (U)

(U) After a civilian casualty incident, forces often provided immediate medical care to casualties. In observed incidents, the primary reasons for not providing medical care were lack of awareness of the casualties (due to no or poor BDA) or a lack of MEDEVAC support. In most cases, military forces administered medical care, and as a result, some casualties became wounded in action instead of killed in action. This treatment was not simply administered in the case of Coalition-caused civilian casualties: civilians injured by IEDs often received the same level of medical care.[277] Forces stated that this treatment sometimes had a mitigating effect. While there was no ISAF policy on administering medical care in cases of civilian casualties, forces were to report what medical care was provided to civilian casualties as part of their standard CIVCAS reporting.[278]

Compensation (U)

(U) The killing or wounding of Afghan civilians can cause considerable economic hardship. This can include costs for medical care, funeral costs, and lost economic livelihood because of the death or injury of a wage-earner.[279] While ISAF forces were not legally liable for civilian casualties or damage to property during the conduct of their operations, most nations developed methods for providing financial assistance to those adversely affected by ISAF operations as a goodwill gesture. This compensation became an important part of overall

[276] (U) Losing the People: The Costs and Consequences of Civilian Suffering in Afghanistan, Campaign for Innocent Victims in Conflict (CIVIC), 2009
[277] (U) In-theater interview, 4 April 2010. This approach was summarized at one battalion: "treat them [civilian casualties] as you would treat one of your own." In-theater interview, 7 April 2010
[278] (U) Forces were required to report on provided medical care for civilian casualties as part of their Second Impression Report, which was supposed to be submitted within 8 hours of the First Impression Report. ISAF FRAGO 398-2009, ISAF SOP 307, HQ ISAF CIVILIAN CASUALTY BATTLE DRILL, 28 July 2009
[279] (U) Losing the People: The Costs and Consequences of Civilian Suffering in Afghanistan, Campaign for Innocent Victims in Conflict (CIVIC), 2009

CIVCAS response efforts.[280] However, both circumstances where compensation could be applied and the amounts paid varied by partner nation. For example:

- **US:** There was no overarching US policy for compensation of US-caused civilian casualties, as the Foreign Claims Act precludes US forces from compensating for civilian casualties or damages during combat operations. Instead, units used Commander's Emergency Response Program (CERP) funds to compensate for casualties. This compensation was an expression of sympathy, not an admission of fault. In fact, US units sometimes provided funding in cases where other ISAF partners or even the Taliban was determined to have been responsible, because of the positive mitigating effects. There were no overarching criteria for payments; the monetary amount of compensation was at the discretion of the unit commander. Units tended to pay out a set amount for fatalities ($2500) but this amount could be increased with justification, such as the victim being the sole provider of a household.

- **UK:** The UK could only pay compensation when their forces were found both responsible and negligent. This requirement resulted in the UK not paying many submitted claims for civilian casualties.

- **Canada:** Canada had an approach similar to the US except that the standard amounts of compensation were somewhat lower than US levels. This caused some friction with Afghans as they wondered why they received less compensation than others for the same type of incident.

- **Poland:** Poland was able to provide compensation for incidents that they caused.

- **Germany and Italy:** Neither nation had a policy for compensation. Both nations appear to provide compensation in some cases but, similar to the US, there was no overarching criteria for how payments are determined.

- **Netherlands:** The Netherlands had a policy for property damage but not for civilian casualties. [281]

(U) Forces also undertook efforts to mitigate property damage. In one example, where a compound had been destroyed, within 24 hours, the Battalion had moved a tractor and flat bed to the site to clean up the damage and was employing locals to help. This effort made a positive impression on the local population.[282] There were also efforts to help victims of civilian casualties in the longer term: these efforts were often conducted using US Agency for

[280] (U) In-theater interview, 6 April 2010
[281] (U) Addressing Civilian Harm in Afghanistan: Policies & Practices of International Forces, Campaign for Innocent Victims in Conflict (CIVIC), 2010
[282] (U) In-theater interview, 6 April 2010

International Development (USAID) funds. USAID funds were provided through the Afghan Civilian Assistance Program (ACAP), a continuation of the "Leahy Initiative" begun in 2003.[283]

(U) Compensation payments had operational benefits and helped those impacted by ISAF operations; however, it was sometimes difficult to determine in which cases compensation should be paid. One unit commented that "people always wanted more money," and recommended that units pay compensation as quickly as possible so that locals would not change their story to seek more money.[284] Units also developed tracking systems to document incidents to avoid compensation for fictional incidents.[285] In a number of incidents, including the Azizabad incident in August 2008 and the Farah incident in 2009, it appeared that the local population intentionally inflated the numbers of casualties in order to claim more money. An accurate BDA went far in avoiding spurious claims, but these BDA efforts had to act quickly because of cultural requirements for timelines of burying bodies and prohibitions on exhuming graves.

(U) Conversely, compensation was not always paid when it was warranted. The lack of consistent policies and procedures among nations and even specific units, processes and designated locations for seeking compensation were not always clear to the Afghan population, so locals did not necessarily pursue compensation when appropriate.[286] Some locals did not pursue compensation out of fear of reprisal from insurgents, and the Taliban were known to tax solatia payments.[287]

Communication and Information Operations (U)

(U) Coalition forces often conducted three distinct kinds of communications after an incident occurred: incident reporting (both to other echelons of Coalition forces and to Afghans and international media), apology and KLE, and IO.

(U) **Incident Reporting.** After an actual or potential civilian casualty incident, it was important to provide ground truth quickly, as the enemy and others were adept at producing their own version of what really happened within several hours of the incident. Once media reports or Afghan public statements were made, it was difficult or impossible for Coalition forces to correct that perception. This effect was observed in a number of high-profile incidents, such as Azizabad (August 2008), Farah (May 2009), and Kunduz (September 2009). ISAF therefore needed to

[283] (U) Beneficiaries of this program are limited to those affected by Coalition military operations, either if harm was caused by Coalition forces or if the harm was committed by insurgents targeting Coalition forces. The program provides both short term and livelihood assistance to affected families for up to six months. Communication with ACAP Program Manager, USAID, 6 July 2010.
[284] (U) Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010
[285] (U) Ibid
[286] (U) Losing the People: The Costs and Consequences of Civilian Suffering in Afghanistan, Campaign for Innocent Victims in Conflict (CIVIC), 2009
[287] (U) Correspondence with SOCOM, 19 August 2010

have its own position articulated quickly.[288] This position was reported both to local Afghans as well as to higher level headquarters for tracking and media engagement.[289]

(U) To this end, ISAF developed a battle drill SOP containing desired actions to be conducted after an actual or suspected civilian casualty incident. The SOP was first developed under GEN McKiernan (former COMISAF) in late 2008. This SOP detailed "the immediate procedures to alert the Chain of Command, manage the initial response to the incident and, if necessary, stand-up and deploy the Headquarters (HQ) ISAF CIVCAS Incident Action Team (IAT) to rapidly assess the situation and respond with civil assistance, media releases and other options designed to mitigate CIVCAS impact on the strategic environment, protect ISAF reputation and deliver the truth." The SOP included roles and responsibilities for different elements of ISAF when a civilian casualty incident occurred, as well as an alert roster to aid rapid reporting and notification.[290]

(U) The SOP also included standard forms for reporting. Units were supposed to submit a First Impression Report (FIR) within two hours of an actual or suspected civilian casualty incident. This provided a rapid report on the basics of the incident, including estimated numbers of civilian casualties. This report was to be followed up with a more detailed Second Impression Report (SIR), to be submitted no later than eight hours after the FIR. The SIR included additional information such as background information on the operation during which the civilian casualties occurred, what medical care was provided, which local officials were contacted, an assessment of implications for media, and expected further actions. Forces were also supposed to fill out an Investigation Recommendation Report (IRR) if there was a civilian killed or if there was suspected misconduct by ISAF forces. This report was due 72 hours after the incident. This was used to determine if an ISAF investigation was needed. However, there was only one case (the Kunduz incident in September 2009) in which ISAF conducted an investigation—in other cases, investigations were conducted unilaterally by contributing nations.[291]

(U) Despite these formally mandated reporting requirements, ISAF sometimes lacked full information regarding civilian casualty incidents. One reason for the lack of complete information concerning civilian casualty incidents was the standard reporting procedure. Reporting for incidents often included four fields for casualties: enemy KIA, enemy WIA, CIV KIA, and CIV WIA. In reporting, these fields normally default to zero until they are updated by an on-the-ground BDA, at which time they are updated to the best known information. In the case of CIVCAS, preliminary reporting of these numbers can create the impression of certainty of information (zero CIVCAS) when in actuality the presence and magnitude of CIVCAS simply has not yet been determined. When civilian casualties occur, this reporting procedure can create inaccurate reporting and a false sense of certainty regarding CIVCAS. Using unknown (UNK) as a default number for CIVCAS until a BDA is conducted would help avoid this situation. Ideally, the UNK values would only be removed when criteria for BDA, to be determined by IJC, have

[288] (U) Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010
[289] (U) First Impression reports were the primary means of this reporting.
[290] (U) ISAF FRAGO 398-2009, ISAF SOP 307, HQ ISAF CIVILIAN CASUALTY BATTLE DRILL, 28 July 2009
[291] (U) Ibid

been met. When BDA is not conducted, a process would be needed to determine when a value other than UNK could be entered. This reporting policy change could be accompanied with clear guidance that accuracy in CIVCAS reporting is a significant responsibility and, while speed is also critical for IO and KLE, accuracy is ultimately more important than speed.

(U) Another reason for inaccurate information concerning civilian casualty incidents was a lack of communication with other organizations. In past high profile civilian casualty incidents, ISAF did not reach out to other organizations to seek additional information concerning the incident. This resulted in either ISAF declaring that there were no civilian casualties when they had in fact occurred, or ISAF declaring a much lower number of casualties than had actually occurred.[292] This sometimes might have been avoided if forces had consulted with other organizations that collect information on civilian casualties, such as UNAMA, ICRC, and the AIHRC. While the US did not always agree with these independent assessments, they sometimes had better—or at least different and complementary—information regarding civilian casualty incidents. Similarly, GIRoA allegations were often wrong but sometimes were more informed than US initial reporting, requiring the US to correct its inaccurate initial reporting.

(U) When GEN McKiernan was COMISAF, he proposed a process for investigating Coalition-caused civilian casualty incidents where ISAF and Afghan officials would form a combined investigation board or commission and together determine ground truth and causal factors. This group was believed to be beneficial for several reasons: first, GIRoA could know ground truth with no concerns of a 'cover-up' that would be easier to hide in a pure US- or ISAF-led investigation; second, ISAF could avoid criticisms from GIRoA leadership because they would now be part of the process. This proposal emerged after the Azizabad incident in August 2008, but it appears to have never been put in place. In a meeting with the Afghan Minister of Defense in April 2010, he reinforced the value of a combined civilian casualty investigation process. This could be achieved by establishing an ISAF-GIRoA commission that would jointly investigate civilian casualty incidents and publish its findings. The success of this process would depend on a clear understanding that both GIRoA and ISAF would refrain from making public statements at variance with the findings of this commission.

(U) **Key Leader Engagements and Apology.** When a US service-member dies in the line of duty, military representatives visit the family and provide both condolences and an explanation of the circumstances of their loved one's death. Where possible, it is valuable to provide an explanation and express condolences to the family of civilians who are killed or wounded by military actions. Many units discussed KLE as an integral part of their response to civilian casualty incidents, helping to defuse many incidents at the tactical level. For example, one unit stated that KLE "was successful because it showed the local nationals that US forces and ANSF forces legitimately cared about the incident."[293]

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[292] (U) This could occur for several reasons: for example, forces could conduct a cursory and incomplete BDA, or the results of a BDA could be delayed because of coordination breakdowns.

[293] (U) Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010

(U) Forces often stated that it was best when the specific force responsible for a CIVCAS event conducted the KLE and apology. At the same time, this was not always possible, as some ISAF partner nations were not willing to be involved in this process[294]; in these cases, US units conducted the KLE in the interest of mitigating effects in their operating area. GPF battlespace owners also tended to handle KLE in response to SOF operations in their areas, since SOF did not always do this.[295]

(U) Despite the importance of KLE, the roles and specific parties conducting the KLE varied depending on unit and area. Some forces conducted the KLE themselves, while other units either partnered with ANSF or had the ANSF conduct the KLE to provide an Afghan face to the engagement. In some areas, the provincial reconstruction team (PRT) Commander took on a role in conducting KLE; in others, the PRT commander saw no role in mitigating civilian casualties. Similarly, some District and Provincial Governors were more willing to participate in this process than others.[296] In response to a lack of established responsibilities and roles within ISAF and interagency partners as well as the personality dependent nature of GIRoA and community leaders' participation in the process, units developed tailored solutions to conduct KLEs in their local areas.

(U) Senior leaders also provided apologies and KLE. GEN McChrystal as COMISAF made public apologies for specific incidents as well as stating ISAF's commitment to reducing civilian casualties in the future. This was a marked departure for ISAF leadership: President Karzai had been protesting Coalition-caused civilian casualties since 2005 and had become increasingly frustrated with the Coalition's apparent unresponsiveness to these concerns. However, the deep personal involvement of COMISAF could be problematic when GIRoA insisted on a fundamentally different version of the facts or sought to use this legitimate concern as a means of achieving other objectives.

(U) **Information Operations.** In conjunction with CIVCAS response efforts designed to compensate the victim and provide explanations and apologies, forces also conducted focused IO in support of the operational objective to win the support of the population. Methods included IO through Afghans, Radio in a Box (RIAB), TV, and education campaigns for the Afghan population.

(U) **IO through Afghans.** In a country where TV, newspapers, and even radio is not commonly available and most of the population is illiterate, units discussed that the best IO method was through the local population.[297] Units involved local GIRoA and community leaders to get out ground truth concerning specific incidents. GPF forces, CJSOTF-A, and PRT commanders discussed going to leaders with specific BDA results to convey ground truth and ensure that these leaders understood what had happened in order to pre-empt or combat enemy IO messages.

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[294] (U) In-theater interview, 6 April 2010
[295] (U) In-theater interview, 5 April 2010
[296] (U) In one positive example, the Governor in West Paktika responded to every incident, diffusing tension using physical evidence given to him by ISAF forces. Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010
[297] (U) In-theater interview, 4 April 2010

(U) **RIAB and TV.** Units used both RIAB[298] and television[299] to educate the population regarding ground truth of specific incidents, to combat enemy IO efforts, and to convey the message that ISAF forces intend to protect the population. This was seen as most effective when GIRoA leaders, local elders, and ANSF leaders could explain what happened and what was done in response.[300] Many units considered RIAB to be the quickest way to get IO messages out to a broad audience. Television was also used when possible; for example, one unit discussed how they were able to get the provincial governor to appear on TV and discuss the incident, what ISAF and ANSF were doing to compensate the family, and what was being done to avoid similar instances in the future.

(U) **Education Campaign.** Many civilian casualties occurred during Escalation of Force situations. A common theme in many of these incidents is that ISAF forces followed certain procedures during the escalation of force process that were not properly understood by the local national in question. This lack of understanding led to noncompliance, which led to an assessment of hostile intent and a resulting use of force. An education process could help to bridge the gap of understanding between ISAF forces and Afghan nationals. Some units reported conducting local campaigns on what measures they used for checkpoints and similar situations[301]; however, this was not done consistently. This was also hindered in effectiveness because different areas tended to use different procedures and/or equipment, endangering individuals transiting across different areas.

(U) **IO: Message versus Message.** Insurgents have a proven record of being able to get IO messages out more quickly that Coalition forces. Using news stringers, they can get their version of the truth to international media within two hours or less, setting the first impression of what happened. Coalition forces worked to oppose insurgent IO messages for particular incidents, using local Afghans, RIAB, and TV, and official reporting to provide those messages.

(U) In working to oppose insurgent messaging, a number of forces mentioned that there was a tension between reporting quickly and reporting accurately.[302] After a number of high-profile incidents where the Coalition message was lost in favor to a message that was quickly released but erroneous, ISAF focused on getting better ground truth through BDA and enabling more rapid reporting on actual or suspected incidents. There was a difference in approach between ISAF higher headquarters and tactical level forces. Higher headquarters generally sought to respond rapidly with definitive statements. Those closer to the incident preferred to respond quickly with just the available information, then providing periodic updates containing whatever additional information was available at the time. These messages were provided in conjunction with an expression of sympathy and a commitment to finding the truth. One unit described this approach as being a nuanced evolution of the principle "first with the truth," which could cause trouble when bad information was pushed out prematurely, to an approach of "being fast and not

[298] (U) In-theater interview, 7 April 2010
[299] (U) Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010
[300] (U) Ibid
[301] (U) In-theater interview, 7 April 2010
[302] (U) We discuss this tension in Chapter 9, Adapting and Learning

wrong."[303] This points out that the general principle "first with the truth" can be implemented in different ways because there is an inherent trade-off between completeness and timeliness, and there is also the question of which echelon is responsible for providing a particular message. In Afghanistan, ISAF attempted to be the messenger, compared to Iraq where higher echelons decentralized the ability and responsibility for telling the message.[304] We discerned considerable discomfort at local levels with higher headquarters in Kabul pre-empting public reporting while local units were still unable to verify claims or provide an accurate BDA.

(U) **IO: Campaign versus Campaign.** Coalition forces also sought ways to counter the broader insurgent IO campaign. One strategy was to highlight atrocities and casualties caused by the insurgent. This contrasted ISAF and ANSF, who were committed to protecting the population, and the insurgent, who purposely emplaced IEDs and committed other acts of violence against the population. This message seemed to be most effective when put forth by Afghans.[305] However, other units highlighting insurgent atrocities of in their IO messages found those messages were not well received by the population. Instead, the messages were seen as evidence that the GIRoA and ANSF were not capable of providing security and that life in Afghanistan was not improving.[306]

(U) This illustrates that ISAF forces are finding greater success at countering enemy IO *messages* than the enemy's IO *campaign.* In a potential best practice, one unit observed that "hard messages" (such as, "look at the atrocities the Taliban are committing") were not resonating with the population, perhaps because of so many decades of war, and tried a "softer" IO approach. They broadcast a series of radio programs in which women spoke about reconciliation, reintegration, and how the population needed to look out for the future of the children of Afghanistan. Intercepted insurgent communications indicated that they found this type of message particularly threatening.[307]

(U) Another potential approach for an ISAF IO campaign is to highlight atrocities as an inconsistency of Taliban behavior with its stated Code of Conduct. The Taliban published a Code of Conduct in early 2009 in response to public criticism of their behavior. The Code of Conduct includes a number of guidelines for their operations, akin to an enemy Tactical Directive. One of these stated guidelines is to minimize civilian casualties. However, insurgent actions, including the heavy use of IEDs, belie the statement in their code of conduct. This could be a way to effectively highlight the documented fact that insurgents cause many more civilian casualties than do ISAF forces.[308] Also, some detainee statements show a contradiction between insurgent attitudes concerning civilian casualties and the stated position in the Code of

[303] (U) In-theater interview, 6 April 2010
[304] (U) "Tell the truth, stay in your lane, and get the message out fast." MNC-I Counterinsurgency Guidance, 15 June 2007
[305] (U) In-theater interview, 6 April 2010
[306] (U) In-theater interview, 10 April 2010; This approach also had negative side-effects in Iraq in that it sometimes made the population more afraid of the enemy, increasing their ability to intimidate the population. JCOA brief, Iraq Information Activities, 21 July 2009
[307] (U) In-theater interview, 7 April 2010
[308] (U) For example, JCOA brief, "Civilian Casualties in Afghanistan: 2007 to mid-2009", February 2010

Conduct.[309] Highlighting such internal inconsistencies in insurgent positions and behavior could be one component of an effective IO campaign against insurgents.

Was the Response Effective? (U)

(U) ISAF civilian casualty reporting requirements, such as First/Second Impression Reports and Investigation Recommendation Reports, include reporting of information such as whether a KLE was done or compensation payment was made. However, they do not provide any value judgment of what effect the response effort had on the local effected population. For example, in a civilian casualty incident where a Hellfire missile killed half a dozen Afghans as they were digging in their village, ISAF reporting indicates that the unit conducted KLE.[310] What it does not say is that the KLE was considered a failure by the unit, with all four families walking out of the KLE and declaring that they would support the Taliban because of the incident.[311] This feedback and the unit's lessons learned from the KLE were not captured by higher headquarters. While intrinsically a value judgment, providing a sense of how the response and redress efforts were received would give ISAF and IJC a measure of geographic trends in civilian casualty mitigation, which could suggest courses of action to engage specific areas that have been impacted by civilian casualty incidents, possibly providing extra presence, aid, or services. In addition, the lessons on the KLE would be useful for other units to consider if they conducted KLE in similar circumstances.

Training Considerations (U)

(U) Forces had some training in responding to civilian casualty incidents prior to their deployment. This included providing compensation payments and conducting KLE.[312] However, forces discovered in-theater that response and redress efforts were more complex than what they had trained for, involving a larger number of organizations with no set responsibilities in this area. Furthermore, the timescale in theater was dramatically different from that in training: CONUS training tended to relegate CIVCAS response to activities within the same day of a civilian casualty incident. In contrast, repercussions from civilian casualty incidents in theater could last several weeks to several months and could be complex and emotionally charged. These repercussions make intuitive sense when considering how similar incidents would be perceived in the US: "Keep in mind that we killed an innocent person. How would we feel in the States if the Government killed an innocent person?"[313] Several individuals we talked with, including a Judge Advocate General (JAG) and a PRT commander, indicated that they were entirely unprepared for the emotional aspects of dealing with redress and urged that this be stressed in pre-deployment training.

(U) Forces also found that they were conducting on the job training for key pieces of the response process. For example, forces had not trained with Radio in a Box, and units learned how to employ

[309] (U) Communications with TF 5-35 JAG, May 2010
[310] (U) ISAF CIVCAS Second Impression Report, Tirenman Incident, February 2010
[311] (U) In-theater interview, 6 April 2010
[312] (U) Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010
[313] (U) Ibid

that capability on the fly.[314] Similarly, the mechanics of compensation payments and similar longer-term programs were not clearly addressed in pre-deployment training, requiring forces to become proficient in their use when they hit the ground.[315] Overall, it appears that forces would benefit from the publication of a handbook for deploying forces on civilian casualty response: such a guidebook could be US-specific or produced by NATO for ISAF forces.

[314] (U) Center for Army Lessons Learned (CALL) Initial Impressions Report, CIVCAS Collection and Analysis Team, 15 April 2010
[315] (U) In-theater interview, 6 April 2010

Chapter 9: Adapting and Learning (U)

(U) "In COIN, the side that learns faster and adapts more rapidly—the better learning organization—usually wins." Army/USMC COIN Manual, December 2006

(U) "We catch on fast after a long time." In-theater interview, April 2010

Success through Adapting and Learning (U)

(U) Counterinsurgency operations are "learning competitions," as both insurgents and counterinsurgents continually adapt to gain advantages against the other. The COIN manual states that "victory is gained through a tempo or rhythm of adaptation that is beyond the other side's ability to achieve or sustain," stating that one maxim of COIN is "learn and adapt." However, with a few recent exceptions, "learn and adapt" has not been a good description for ISAF and OEF forces with regards to civilian casualties in Afghanistan.

(U) Over the past year, there are some examples of learning: specifically in significant reductions of civilian casualties from fixed wing air-to-ground engagements and from SOF operations by one US counterterrorism unit. However, overall progress has been mixed and existing processes for identifying lessons and achieving change—both in-theater and institutionally—have not always proved effective. We discuss below that one reason for this mixed and slow progress has been poor sharing of existing lessons regarding civilian casualties. But a key reason—something that this study attempted to remedy at least in part—was the lack of operational analysis regarding this issue. As a result, available lessons tended to be "merely experiential and lack broad, defensible, and cross-cutting insights."[316]

Operational Analysis: A Tool for Adaptation and Learning (U)

(U) Operational analysis has been defined as "a scientific method of providing [decision makers] with a quantitative basis for decisions regarding the operations under their control."[317] Operational analysis can include:

- Tracking of operational trends
- Identification of root causes for incidents or trends
- Assessment of performance or effectiveness
- Development of standards

[316] (U) "USAF Focus Collection: USAF Comprehensive Civilian Casualty Study," HQ AF/A9A, 16 July 2010 (Draft version)

[317] (U) "Operational Research in the British Army 1939-1945," October 1947; during WWII this was called "operational research" but was later renamed to operational analysis.

(U) As suggested in the definition above, operational analysis when conducted properly can help military leaders learn and adapt through:

- Informing overall choices and tradeoffs
- Equipping leaders to better explain their approach and decisions to the force and others
- Identifying lessons and required institutional change

(U) The issue of civilian casualties is of strategic importance and has recently received significant leadership focus in Afghanistan. While in this report we note some operational successes in Coalition forces reducing civilian casualties, these successes are often ad hoc in nature, with lessons and best practices not being shared among the entire force. In addition, the aforementioned tool of operational analysis is not effectively being brought to bear on civilian casualty mitigation. Factors that limit operational and institutional change include:

- **Reporting:** Lack of robust standards for and validation of reporting, needed to provide data for quantitative assessments;

- **Analysis:** No organization that is both tasked to and has expertise for operational analysis and lessons learned for civilian casualty issues;

- **Integration and Dissemination:** Ineffective means of integrating and disseminating lessons, both in-theater and in US institutions;

- **Validation:** Insufficient validation of implemented solutions to determine that they address identified issues.

(U//~~FOUO~~) We address each of these factors in turn.

Reporting (U)

(U) Reporting is a primary source of data necessary to provide the basis for quantitative assessments of the issue under investigation. Civilian casualties occur across a broad spectrum of operations, and thus operational analysis requires data concerning individual incidents as well as data concerning those types of operations in which civilian casualties take place.

(U) **Data from Individual Incidents.** The first step in learning from a CIVCAS incident is understanding what took place during the incident. This is achieved through BDA. A BDA, when discussed in doctrine, is an assessment of the effects an operation has on the enemy[318]. But in Afghanistan, BDA has also taken on the meaning of assessing effects on the population; this is sometimes called a CIVCAS BDA. In US civilian casualty incidents between 2007 and mid-2009 a large percentage of civilian casualty incidents either had no CIVCAS BDA conducted or the BDA had shortfalls that prevented the battlespace owner from collecting all

[318] (U) JCOA CIVCAS Phase 2 Study and review of JP 3-0, 22 March 2010

of the important information about the incident.[319] Part of the problem is ensuring forces understand the need to conduct a BDA focused on the effects on the civilian population. Without a complete CIVCAS BDA, our ability to ascertain what actually happened on the objective is limited, which hinders operational and institutional learning. Also, while the Tactical Directive directs the conduct of BDA, there was no BDA checklist that units could use to ensure that they captured all the information that was needed.

(U) In cases such as EOF incidents, a BDA is conducted more frequently because the unit is already at the site of the incident and it is usually straightforward easy to describe what happened and why. In other cases, such as air-to-ground engagements or indirect fire engagements, capturing this information can be more challenging because the unit may not "hold the ground" either due to the enemy situation or because challenging terrain does not allow the unit to reach the objective.[320] The COMISAF July 2009 tactical directive specifically required a BDA focused on effects on the civilian population after these types of fires, but units did not necessarily achieve this goal.[321] For example, a battalion S3 estimated that his unit was only able to conduct a BDA 10-15% of the time that they used air or indirect fire due to terrain and some areas being held by the enemy. Use of ISR is another alternative for conducting BDA, but units stated that they did not have resources necessary to devote needed resources to this purpose.

(U) In 2009 and 2010, SOF conducted BDA in more of their operations because of command emphasis. The SOF unit was more likely to remain on the objective until an element from the BSO arrived to take over the battlespace. BDA is discussed in more detail, see Chapter 8, Response, Redress, and Information Operations.

(U) **Reporting of Incidents.** After a unit identifies the possibility of civilian casualties, it must report this to its higher headquarters. ISAF SOP 307, HQ ISAF Civilian Casualty Battle Drill, requires the unit to submit a series of reports call First Impression Reports (FIR), Second Impression Reports (2IR), and, in some cases, Investigation Recommendation Reports (IRR).[322] While SOP 307 requires the reports, it provides limited guidance on what information needs to be included in each of the reports. Because of this, the reports that are sent higher do not contain a standard set of information which makes it challenging to conduct analysis on civilian casualties. One can find examples where the FIR and 2IR are very detailed and contain the majority of information needed for analysis but many of the reports contain limited information. Something as basic as how the shooter acquired PID is often missing.

(U) In many cases where CIVCAS occurs, the units will conduct a formal legal investigation. For the US, this is typically an Army Regulation (AR) 15-6 investigation or a USN/USMC legal investigation. These investigations are another method for reporting the specifics of a civilian casualty incident and normally contain significantly more detail than the FIR, 2IR, or IRR reports. However, there is no set format for a civilian casualty legal

[319] (U) JCOA CIVCAS Phase 2 Study
[320] (U) Information comes from multiple in-theater interviews
[321] (U) COMISAF July 2009 Tactical Directive
[322] (U) From ISAF SOP 307, Civilian Casualty Battle Drill, 25 July 2009

investigation. As a result, there is a wide variance of facts included in legal investigation reports and in many cases these reports left out critical information necessary for operational learning.[323]

(U) Another challenge with using legal investigations as a means of data collection is the stigma that comes with this type of investigation. Even though units will state that the investigation is not for punitive purposes, many Soldiers and Marines indicated that they would be wary about giving complete information to the investigating officer out of fear that it could be used against them.[324] This fear can be reinforced when an investigating officer reads an individual his rights. Numerous units stated that, as part of their pre-deployment training, they train on conducting legal investigations to ensure Soldiers understand it is being used to identify lessons and recommend corrective actions and not for punitive purposes. Based on discussions in-theater, this training did not fully meet its aim. And this purpose of legal investigations was not completely accurate—a number of recent legal investigation reports for civilian casualty incidents did recommend letters of reprimand or other punitive measures.

(U) **Data on Operations.** As seen in this report, operational analysis can both help contextualize civilian casualties overall and provide insight to issues regarding specific types of operations. This analysis requires data not just on civilian casualties but on broader operations for this context and understanding. Civilian casualties from air-to-ground operations are one example. Over the past 18 months, civilian casualties from CAS have decreased while civilian casualties from CCA have increased.[325] Does the apparent increase in civilian casualties from CCA correlate to an overall increase in CCA engagements? Has there been a change in CCA targets that could factor into the overall CIVCAS increase? Specifically, have units shifted engagements of compounds from CAS to CCA? What corrective action can be taken to reduce CCA civilian casualties while maximizing operational effectiveness?

(U) These are questions that operational analysis could help answer, but the requisite data does not exist in an exploitable form. Fixed wing air operations feature a mature process for reporting on air operations using the Mission Report (MISREP). The MISREP format has a standard set in Military Standard (MILSTD) 6040,[326] so air operations involving fixed wing aircraft use that standard regardless of the theater in which they are operating. MISREPs are centrally collected for all air operations[327] and kept by the CFACC. While the format is not perfect—there are current proposals to add improvements to the MISREP[328]—the concept of a standard reporting format conducive to analysis is a best practice that other areas of operation can benefit from. In addition, a separate reporting process was developed in-theater to capture the ground commander and JTAC perspective in air-to-ground operations. The JTAC Post Mission Report (JPMR) provides another perspective that enables thorough operational analysis of air-to-ground operations; the JPMR is a best practice that should be institutionalized for use in

[323] (U) JCOA CIVCAS Phase II Study
[324] (U) Information comes from multiple in-theater interviews
[325] (U) This is discussed in Chapter 5, Air Operations
[326] (U) "USAF Focus Collection: USAF Comprehensive Civilian Casualty Study," HQ AF/A9A, 16 July 2010 (Draft version)
[327] (U) Except for some SOF operations
[328] (U) "USAF Focus Collection: USAF Comprehensive Civilian Casualty Study," HQ AF/A9A, 16 July 2010 (Draft version)

future operations. And overall, the progress in civilian casualty reduction for fixed-wing aircraft between 2009 and mid-2010 is likely at least partially attributable to the ability of the air community to collect and review data, including the immediate review of operations for training and operational learning.

(U) In contrast, Army rotary wing aircraft (CCA) tend to use PowerPoint storyboards for reporting. These are useful products in themselves in that they provide context that MISREPs sometimes lack. However, these PowerPoint slides are not centrally stored and the format does not facilitate consolidation and analysis.[329] As a result, operational analysis for rotary-wing air operations cannot be done currently as it is for fixed-wing air.

(U) Ground operations also have no standard format for reporting the various activities they conduct, and not all engagements are captured in reporting. For example, the use of smaller indirect fire munitions (e.g. 60mm) is not reported above battalion level. Similarly, it is unlikely that reporting of friendly force SIGACTS captures all relevant activity of ISAF forces. Capturing activities of multiple-mission forces is obviously more complex than that for SOF or air platforms, but without this information, it is difficult to place incidents of interest (such as civilian casualties) in context or quantitatively address performance. In this report we have used SIGACTS as a proxy for such data, but the use of automated mechanisms for some reports[330] as well as alternative reporting formats could improve this fidelity of this information.

(U) **Consolidating Data from Incidents.** Consolidation and validation of reported data is a critical function that enables effective operational analysis. The CCTC served as the primary consolidation of civilian casualty data, though this consolidation only occurred for data in reports submitted in accordance with ISAF SOP 307 and reports in JOCWatch[331]. The CCTC's primary mechanism for learning of a CIVCAS incident was through JOCWatch. However units could only enter information into JOCWatch if the incident occurred fewer than 12 hours ago; if an incident was over 12 hours old, the report went directly to the Comprehensive Information Data Network Exchange (CIDNE) database and will not appear in JOCWatch.[332] In this case, the CCTC will only know about the incident if they receive a FIR from the unit. Units that do not report to ISAF, such as TF 3-10, do not submit reports to the CCTC. In a few cases, the CCTC heard about information concerning those units and included them in the database, but they had no means for validating that information.

(U) While the creation of the CCTC and mandating reporting of civilian casualties has made significant improvements in available data regarding civilian casualties, the data is still lacking. One issue is the apparent lack of validation and correction of basic errors in the database. While analyzing data from the CCTC database, the study team identified myriad entries that appeared to be inaccurate or inconsistent. A few examples of inconsistencies from the month of April 2010 include:

[329] (U) Communication with former CCA BN S3, March 2010
[330] (U) Potentially using data that already exists, such as Blue Force Tracker (BFT) data
[331] (U) JOCWatch is an IT solution used by ISAF.
[332] (U) In-theater interview, 5 April 2010

- **Incident 04-1024:** The CCTC database lists 15 civilians wounded (confirmed) but the 2IR states there were 3 wounded and an additional 15-20 individuals with minor injuries that did not require medical attention. This raises the questions: what criteria constitute a wounded civilian in the database, and why are the totals different in the two sources?

- **Incident 04-0134:** The CCTC database lists 5 civilians killed (confirmed) but the event description in the database states they were ANA.

- **Incident 04-0558:** The CCTC database classifies this as an IDF Event, but based on the FIR and 2IR, this incident should be classified as either CCA or CAS.

(U) Another limitation of the database is wide variance in naming conventions and level of detail in particular fields of the database. While the database has some fields that have drop down options to guarantee standard terms and spelling, many of the fields must be manually entered. For the "Unit Involved" field, there is not a standard convention for entering units which has resulted in numerous naming conventions for the same unit. For example, the unit TF Leatherneck was referred to in different incidents in six different ways. This variance in unit names was not limited to this particular unit. One of the reasons for this variance was that units were listed as anywhere from brigade size down to company size. One can also find cases where the 'unit' is listed simply as RC-S or MP. This causes great difficulty if a leader desired to examine CIVCAS as it relates to units (such as finding units that cause more or less civilian casualties), the nonstandard nomenclature makes this impossible without significant investment of time.[333] Another flaw is the event description field. While this field should remain brief in the database (one can review the FIR or 2IR for more detailed information), it should still give the reader an idea of the circumstances of the incident. In multiple records, this was not the case, such as incident 02-1882 where the description field simply states "AC was trying to steal [*sic*] a speed bump." It would be more useful to have a description such as: Coalition forces conducted escalation of force against a man in a tractor who was stealing a speed bump.

(U) The CCTC also used a nonstandard definition of civilian. When asking forces what their description of a 'civilian' was in a civilian casualty incident, the answer was 'a noncombatant' or 'a noncombatant at the time' (alluding to the fact that they could be part-time members of the insurgency). However, the CCTC had a more restrictive definition of civilian, which does not consider government employees civilians if they are killed or wounded while performing their official duties. This means that a member of Parliament or even a teacher who is killed while doing their job would not be recorded as a civilian.[334] This contradicts principles in the Law of Armed Conflict and criteria used by legal staff for the three ISAF partner nations we visited in-theater.

(U) There is an irony that the ISAF CCTC data has become the definitive dataset for civilian casualties in Afghanistan, but the CCTC is made up of non-subject matter experts

[333] (U) We did this for EOF incidents during 4 months in 2010, and it took several days to determine involved units by correlating specific entries in the CCTC database with extant reporting on EOF incidents contained in FIRs and SIRs. This analysis is contained in Chapter 4, Escalation of Force.
[334] (U) In-theater interview, 5 February 2010

(and has no ORSA trained personnel) who often lack the proper expertise needed to manage and validate this data. This impacts the quality of the data available and thus limits the quality and thoroughness of analysis.

(U) Another data issue for the CCTC database stems from legal investigations. The CCTC does not typically see legal investigations since these are partner nation investigations and are often not releasable to ISAF. However, legal investigations are typically the most comprehensive review of the incident, with the most up to date information and significantly more detail than the standard civilian casualty reports available to the CCTC. Thus the database considered to be the most authoritative data on civilian casualties typically does not benefit from the most accurate source of information on civilian casualty incidents. The study team observed a number of cases where legal investigation reports had different and more accurate information than that contained in the CCTC database. An example of this is the Kunduz tanker incident from September 2009. The investigation was completed in early 2010, yet as of June 2010, the CCTC database still lists the number of CIVCAS from that incident as "unconfirmed." This could be addressed at least in part by having extracted data and lessons from civilian casualty legal investigations provided to the CCTC.

(U) Another issue with reporting is the focus in entirely on cases where something went wrong. The military, as a culture, does not typically report when everything goes well. When a unit goes on a mission and enters a situation where there is a high risk of CIVCAS but they are able to mitigate that risk and avoid the casualties, either due to a decision made by a leader or Soldier or through a unit TTP, the incident is not usually reported. The study refers to these incidents as "non-barking dogs." We found some units that would put together a storyboard on the non-barking dogs, but that was not standard practice as it took significant time and resources that the unit felt they could not afford to dedicate to that incident. The problem, though, is without reporting these non-barking dogs, units lose the opportunity to learn from them, as will be discussed in the Learning section of this chapter.

Analysis and Data Consolidation (U)

(U) **In-theater Analysis.** In theater, there are many organizations with responsibilities that involve civilian casualties to some extent. The CCTC is the primary organization within ISAF and IJC that addresses CIVCAS. Its responsibility is to consolidate reported information concerning civilian casualty incidents into a single database (which is actually an Excel spreadsheet).[335] The CCTC does not conduct detailed CIVCAS analysis. The majority of the information coming out of the CCTC is a breakdown of CIVCAS by date and type. At the time we visited Afghanistan, the CCTC did not provide numbers of civilian casualties by unit or specific location to help leaders identify potential trouble spots. It also did not contextualize civilian casualty statistics—e.g. normalized over time by force strength or OPTEMPO. (The issue of context is discussed in greater detail in Chapter 3, Civilian Casualty Statistics.) Finally, the CCTC does not identify nor distribute CIVCAS lessons learned.

[335] (U) The CCTC is also supposed to confirm and validate reported data, but observed anomalies in the database suggest that this function is not being executed effectively.

(U) There are a number of other agencies that have some part in CIVCAS analysis or lessons (see Figure 39), but none of them have primacy concerning the issue and most of them (except for the RC-S CIVCAS Manager) depend on the CCTC for data. In addition, there were no subject matter experts in any of these organizations. Besides the CCTC, which has elements in both ISAF and IJC headquarters, other organizations and their involvement with civilian casualties analysis included:

- **Afghanistan Assessment Group (AAG):** took CIVCAS statistics from the CCTC and reported them in their larger assessments for COMISAF and external audiences;
- **COIN Advisory and Assistance Team (CAAT):** looked for and disseminated civilian casualty lessons identified at lower echelons;
- **ISAF and IJC Lessons Learned:** disseminated lessons learned to ISAF partner nations;
- **RC Assessments:** had a similar function to the AAG but maintained at the RC level for an ISAF and IJC audience;
- **CIVCAS Manager:** in RC-South, the RC-S Joint Operations Center (JOC) maintained a CIVCAS Manager who performed the function of the CCTC at the RC level. RC-S also had an unofficial civilian casualty analysis process involving the CIVCAS Manager and others.

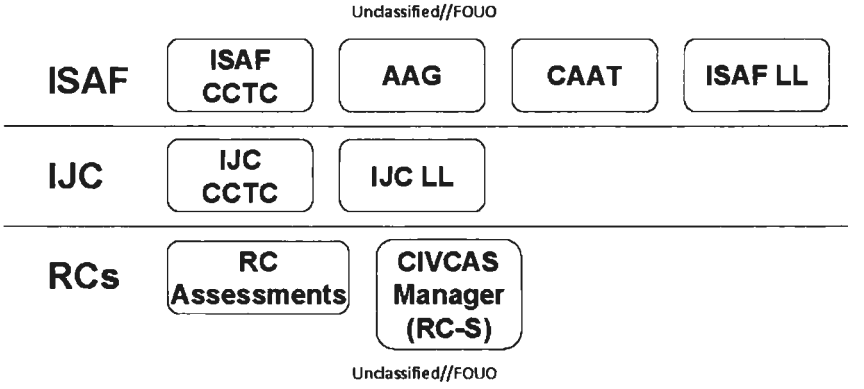

Figure 39: Agencies That Conduct Some Level of CIVCAS Analysis (U)

(U) Of the RCs that we visited, only RC-S had a dedicated cell to analyze CIVCAS. The cell collected information and ensured that information was passed immediately if appropriate or in subsequent reporting; conducted monthly analysis of CIVCAS trends and geographic hot spots that they need to focus on; passed lessons to the RC-S J7; and handled queries from ICRC and NAMA regarding CIVCAS. When the RC-S CIVCAS manager found a unit for which the CIVCAS incident rate was higher than normal, he would work with the command to address potential issues. In several cases, RC-S sent its best available expert to specific units to identify why they had a higher rate of EOF incidents and provide mentoring.[336]

[336] (U) In-theater interview, 5 April 2010

(U) In an example of what can be done either in-theater or in CONUS, we conducted analysis of trends regarding units involved in civilian casualty incidents. Such analysis can point out certain units that tended to cause relatively large numbers of specific kinds of civilian casualties. In our analysis, using data from the first five months of 2010, there were three specific units of potential concern:

- **Task Force Stryker:** this US brigade (USA) had a disproportionate number of EOF incidents involving local nationals in vehicles in 2010.

- **Task Force Leatherneck:** this US brigade-sized element (USMC) had a disproportionate number of EOF incidents involving 'dismounts' (individual local nationals who were not in a vehicle) in 2010.

- **CJSOTF-A:** a disproportionate number of civilian casualties from CAS over the past three years occurred in support of their operations.

(U) This type of analysis alone is not necessarily indicative of problems within the unit—there are other factors that can contribute to large numbers of civilian casualties. For example, both TF Stryker and TF Leatherneck are in RC-S, the most kinetic area of Afghanistan. TF Stryker has responsibility for security along the roads in certain parts of RC-S, so it is logical that their incidents would involve vehicles. But such analysis can be an indicator for further scrutiny and leadership involvement as necessary.

(U) **CONUS Analysis.** In a number of cases, DOD has assigned responsibility for analysis and/or lessons learned for issues of importance. Joint IED Defeat Organization (JIEDDO) leads lessons and analysis for friendly force casualties, while JFCOM J85 leads lessons and analysis for friendly fire. This assignment of responsibility does not mean that these organizations have a monopoly on analysis of these issues, but it ensures that necessary attention is devoted to these issues and that lessons are consolidated so that they can be better acted on.

(U) Unlike the examples of IEDs and friendly fire above, and in contrast to in-theater, where there are many organizations with responsibilities that involve civilian casualties, there is no DOD CONUS organization that has responsibility for analysis and/or lessons learned for civilian casualties. A lack of organizational responsibility for the issue of civilian casualties likely contributed to the issue not receiving significant attention until recently. There were only two CONUS military organizations that conducted civilian casualty studies prior to this effort: HQ AF/A9A conducted the first military study of civilian casualties in Afghanistan in early 2009, followed by two Joint Center for Operational Analysis studies in mid and late 2009. This current study, involving the different Services, has been the impetus for additional analysis products, including reports by CALL, MCCLL, HQ AF/A9, and CNA. However, it is unclear whether this issue will continue to be an emphasis of study in these Joint and Service analysis organizations absent direction from the highest levels.

(U) A complicating factor in operational analysis of civilian casualties—and an additional argument for assigning institutional responsibility for this analysis—is the complexity of civilian

casualty issues. Few people are truly expert on the multiple dimensions of the subject of CIVCAS; it is a multifaceted, inter-Service, cross-domain topic that encompasses fires, discrimination and Positive Identification, operational law, tactics, nuances of civilian behavior and local culture, quantitative assessment, targeting processes, training and leadership, and human factors for different types of forces conducting different types of operations. Because of this demanding requirement and the historical lack of priority within DOD, there is no extant "cadre" of CIVCAS mitigation experts; in fact there are just a handful of individuals who could claim that expertise. We have found that it is not effective to simply assign responsibility for overall CIVCAS analysis or assessment to diverse subject matter experts on narrow topics: overall CIVCAS analysis requires considerable broad experience and education.

(U) At the same time, further research into the specific incidents suggests that while their area of operation and mission puts them into more circumstances where civilian casualties can result, there are systemic issues regarding PID and consideration of tactical alternatives that training and leadership emphasis could likely help.

Integration and Dissemination of Lessons (U)

(U) Just as there is no single agency responsible for analysis and identifying lessons, there appears to be challenges in effectively disseminating CIVCAS lessons. In-theater, many units described lessons they had learned from CIVCAS incidents that they or others in their unit were involved with, but those lessons were not typically shared among other units in theater or outside of theater. One reason is that lessons are most valuable when they are collated, organized, validated, and contextualized from a comprehensive framework than when they are isolated reports. For example, the Joint Lesson Learned Information System (JLLIS) has several thousand reports that are available when searching for lessons concerning civilian casualties. But most of them are developed in isolation, often from a single data point. It is difficult if not impossible for forces to take away necessary lessons from self-inspection of this information.

(U) Another challenge in dissemination is that a primary mechanism for identifying CIVCAS lessons was through national legal investigations such as AR 15-6 investigations. There were two problems with this: first of all, AR 15-6 investigations do not have identification of lessons as their primary charter, so the extent that lessons were identified depended on the personnel assigned to the investigation. As a result, the investigations were uneven with respect to drawing lessons for the future. The other challenge of using legal investigations for identifying lessons is that the investigation typically resides in legal channels. They are typically only seen by the chain of command and are considered too sensitive to disseminate widely. They are also rarely shared between Coalition nations, preventing transfer of lessons across ISAF partner nations. While lawyers in-theater acknowledged that they were not the optimal individuals to identify and disseminate lessons, some unit JAG representatives took this on as an additional duty. TF 3-10 was one example where legal personnel deliberately extracted lessons from their incidents. However, in the cases where legal personnel did attempt to capture lessons learned, they were only focused on getting those lessons to their unit.

(U) The Farah civilian casualty incident during May 2009 is evidence that this situation, where forces in and out of theater are not aware of civilian casualty lessons, does not have to be the case. Because of leadership emphasis—including the Chairman of the Joint Chiefs of Staff (CJCS), CG CENTCOM, Service chiefs, and others—combined with explicit tasking to lessons learned agencies to capture and disseminate lessons from this incident, the Farah incident is probably the most commonly-known civilian casualty incident. Lessons from that incident are briefed to most deploying forces, and courses and videos describing the incident are widely available. This product is also a best practice in that lessons were contextualized and presented in a way that could be understood by operating forces, in contrast to having dozens of entries in JLLIS.

(U) Yet the successful dissemination of lessons for the Farah incident is an outlier. Other incidents are far less well known to operating forces. For example, in discussions with fifty airmen, virtually all were familiar with the Farah incident but only four were aware of any other air-caused incident. These four only knew of other incidents through press releases or other unofficial channels.[337]

(U) In fact, the Farah incident is also an example of less-than-perfect dissemination of lessons. In discussions with the ground commander, the JTACS, and the pilot involved in the Farah incident, they were all completely unaware of any of the lessons that came out of the incident they themselves were involved in.[338] This points to the need to either aggressively extract lessons from legal investigations in a form that can be effectively disseminated and understood, or that a non-punitive after action report (AAR) process separate from a legal investigation should be developed. Note that several models exist for the latter. For example, the air community has the safety investigation process that seeks to identify lessons in a non-punitive environment. This process offers legal protection for those providing information to ensure that accurate information is provided. RC-S also developed its own non-punitive AAR process for a blue-on-green incident in late 2009. This process offered no legal protections, but RC-S staff felt that it was an effective and rapid process to identify lessons outside of legal channels.[339]

(U) It is important to note that lessons on civilian casualties do not come simply from actual incidents, but also from incidents where there was a high risk of civilian casualties were possible but were avoided. In the friendly fire community, such incidents are referred to as 'near misses' and can offer valuable lessons and best practices. While collecting civilian casualty near misses is likely to be a challenge, leaders should encourage that these cases be collected for analysis and learning purposes.

Validation of Solutions for Implementation (U)

(U) No one—the Services, JFCOM, our study team, or the Joint Staff J-7, which is collecting Service responses to the Chairman's tasker on civilian casualties—has standards for assessing the level and success of efforts addressing the CIVCAS challenge. The only metric now being

[337] (U) "USAF Focus Collection: USAF Comprehensive Civilian Casualty Study," HQ AF/A9A, 16 July 2010 (Draft version)
[338] (U) Communication with MSOT commander and JTACs and B-1 pilot, Joint CAS Conference, May 2010
[339] (U) In-theater interview, 3 April 2010

used is the number of CIVCAS deaths in theater, and the time lag, lack of robust historical reporting, and intervening variables render this an insufficient means of determining whether DOTMLPF changes are adequate. Thus, the Services can do "more," but they have no way of knowing if what they are doing is appropriate or effective.

(U) This study, like the aforementioned CJCS effort, relies upon the Services to describe DOTMLPF changes. However, the long lists of changes can defy a consistent qualitative assessment either individually or collectively, and so there is a question of their effectiveness. For example, the Services report that civilian casualty lessons are embedded in ethics or LOAC training. This has been true for decades. What have they recently changed relating to civilian protection? Is the operational self-interest of civilian harm also conveyed? Are the operational aspects best conveyed through LOAC and ethics discussions? It is important to know what the "lessons" are in the ethics discussions and whether the format is effective in reaching the student. When a Service reports that a unit is rewarded in training for preventing civilian casualties, how challenging or realistic are the scenarios, what are the rewards, and how are the operational costs of killing civilians experienced in the training? When a Service reports that it is deploying an array of materiel solutions to aid forces in Escalation of Force situations, do these materiel solutions match up with actual in-theater requirements? Because the study did not have a single team of experts visit every training center and Service headquarters, we are not able to speak definitively to these issues. However, the Service efforts to address civilian casualty issues do not appear to address fully the challenges identified in this study.

(U) The challenges with civilian casualties may require combing intellectual investment with institutional ownership of the civilian casualty issue. GEN Petraeus, former CDR of MNF-I, saw this approach as a key to the success of the 2007 "surge" in Iraq. As commander of the Combined Arms Center (CAC), he was able to act on insights with institutional leverage in the form of new doctrine, and then as MNF-I commander, he had the authority to make changes in the strategy in Iraq in accordance with that doctrine.[340]

(U) In contrast, there is no cadre of "experts" on civilian casualties and US military operations, nor is there an existing body of knowledge on the topic. There is no simple way to import standards to assess the effectiveness of current Service and Joint initiatives. It appears that there would be value in developing a set of experts, where one of their roles could be to validate Service efforts in light of existing requirements. This would ensure that progress was made also also assist the Services in making the best use of limited resources.

(U) Relevant questions include but are not limited to:

- What is the appropriate balance of kinetic versus than non-kinetic activities in a CTC rotation and who decides?

[340] (U) GEN Petraeus, speech at AEI, May 2010

- How do Services evaluate the overall impact of the training—is the metric the commander who receives the forces, the unit commander six months into his deployment or another standard?

- How and why does the view of CIVCAS mature or change as individuals advance within the Service?

- Do the training centers adequately replicate the second and third order effects of actions in the field?

- What does the data tell us about effectiveness of specific tactics in the field? Are these TTPs being incorporated through the learning process into CTCs?

- How does doctrine incorporate the ongoing adaptation in the field relating to civilian casualties such as: changes to CAS, CIVCAS mitigation, partnering to prevent and respond to CIVCAS, and the speed versus accuracy tradeoffs in IO with respect to CIVCAS?

- Why are so few material solutions being prioritized for CIVCAS mitigation?

(U) As discussed in Chapter 1, minimizing civilian casualties while maximizing mission success may require organizational, intellectual, and modest resource investment from the highest levels. The objective must be to mainstream civilian casualty reduction efforts throughout the DOTMLPF process. However, given the pace of adaptation since 2005, an injection of attention and pressure may be critical to ensure adequate prioritization of an issue that has no institutional or bureaucratic home or sponsor.

(U) US and ISAF forces' slow pace of learning to date has led to the erosion of freedom of action over time in Afghanistan. In addition, the lack of data and analysis contributed to suboptimal ROE changes or directives that provided band aid fixes on complex problems. The ability to ask these kinds of questions, determine answers, and inform senior leaders as they determine Service and Joint priorities is critical to the long term ability of the US to adapt and learn regarding the issue of civilian casualties, and thus preserve needed freedom of action in future operations.

Chapter 10: Force Preparation (U)

(U) "Effective training is the cornerstone of operational success."
FM 7-0, Training for Full Spectrum Operations, December 2008

(U) The US military views force preparation as a key component of fighting and winning the Nation's wars. This study focuses on two components—training and equipping forces to achieve competency in core areas, and then instilling adaptability to be able to learn and innovate as needed. With the importance that force preparation has for the US military, this study sought to begin to address the question of how current training and equipping is supporting both current and future requirements regarding reducing and mitigating civilian casualties during operations.

(U) A number of factors limited our examination of this area. First, due to many competing requirements and a shortage of time, the core study team was not able to visit any training centers or observe predeployment training. So we were not able to directly observe elements of current training or what impact guidance and lessons from Afghanistan were having on current training. Second, the team largely used interviews from personnel in-theater in Afghanistan. Since these personnel had gone through training prior to deployment, this meant that their perspectives on pre-deployment preparation reflected the state of training programs that were months to even a year prior to the interview. Changes made to training since that time will not be evident in these in-theater interviews.

(U) In a video teleconference (VTC) with GEN Petraeus (COMISAF) on 13 August 2010, the authors pointed out these limitations and indicated the requirement to examine this particular issue more completely. COMISAF directed JFCOM JCOA, in partnership with the study authors, to conduct a study examining force preparation for forces heading to Afghanistan, in order to identify ways to best prepare forces to deal with the issue of civilian casualties.

(U) This follow-on study will be a robust effort to determine the current state of training and equipping regarding civilian casualties, and provide a roadmap for needed changes. So, this chapter is provided as initial impressions regarding force preparation issues with respect to civilian casualties. We also outline a three-step approach to provide the basis for future comprehensive and qualitative assessments, to include the JCOA study requested by COMISAF.

(U) This study intended to answer three questions:

1. What are the Services currently doing in their training and equipping efforts with relation to civilian casualties?
2. What do in-theater forces think of the training and equipment they received?
3. What do civilian casualty incidents tell us about training and equipping requirements?

Service Views on Current Training (U)

(U) Our first step was involving each of the Services in self-examination of current training efforts relating to prevention and mitigation of civilian casualties. Their assessments were conducted by Service representatives of the overall study team. Ideally this examination would have been completed after the in-theater portion of the data collection and conducted by a Joint vs. Service team, but limited time and resources precluded this approach. The Service teams provided summaries of initiatives regarding civilian casualties. Because of their length, these are included in Annexes A (Army), B (USAF), and C (USMC).

(U) **Service Actions in the Aftermath of Farah.** Many of the 2010 observations echo the Services' responses to a June 2009 CJCS request for a CIVCAS training update following the Farah civilian casualty incident. The summary of their 2009 responses to the Chairman included assertions that the relevant Service had "addressed doctrinal gaps" or that "training revised/training [was] integrated throughout PME and unit". The responses detailed changes pertaining to such tasks as fire control, CDE, and air/ground communication, depending upon the Service. Several Services reported their actions or plans to increase numbers of critical personnel such as JTACs, air liaison officers (ALOs), and field command officers (FCOs). The reports cited Farah-specific changes such as posting the incident's lessons learned report on their website also incorporating the Farah incident into pre-deployment training. The reports described efforts to familiarize deploying troops with ISAF directives. The Services each stressed their efforts to maintain links with the field and incorporate lessons immediately into training.

(U) The reports also include a variety of routine actions that presumably would have occurred regardless of any intent to reduce civilian harm, such as "lessons in leading large complex organizations", "training to identify IED via sensor," "formal instruction on counterinsurgency operations, military operations on urban terrain, fire support, ROE, military ethics, and the Law of War," and "a lecture on fratricide prevention." The tie between these items and civilian casualties is unclear on inspection, and further examination of these particular issues would have been useful to confirm the relevance of these activities for addressing the issue of civilian casualties.

(U) **Observations on Service Reports.** Several of the Services reported that they covered civilian casualties in their training because they trained on the LOAC and ROE. Training on LOAC is important, but regarding civilian casualties, the LOAC is simply the baseline for civilian casualty reduction efforts in Afghanistan. The majority of CIVCAS occur during engagements that are legal and permissible under LOAC and the ROE. Many times, an engagement is permissible under the ROE, but that does not make it the best course of action for achieving the strategic objective of protecting the population. Thus, it is unclear that CIVCAS training contained in LOAC topics meets operational requirements for forces deploying to Afghanistan regarding civilian casualties. Training ideally should feature scenarios that require forces to achieve PID under ambiguous circumstances, exercise tactical patience, and make challenging decisions regarding greater risk on behalf of civilian protection.

(U) **Air-Ground Training.** The USAF personnel interviewed indicated the coordinated pre-deployment training objectives during pre-deployment exercises dealing with joint fires

(including airpower) and CIVCAS considerations were limited. When USAF units conduct their exercises at Green Flag and Atlantic Strike, they often operate concurrently with Army units going through an Army CTC rotation. The Army and Air Force units did not coordinate their Mission-Essential Task Lists (METLs) to ensure they got the most out of this training. Many air crew members left with the impression the ground commander was only thinking of kinetic uses for fixed wing air assets. They did not feel they received sufficient training on de-escalation of force or pure non-traditional ISR (NTISR) and POL scenarios that are common in theater. Just as with the ground forces, this had the potential to create the unintended side effect of causing the air crews to deploy to theater with a more kinetic mindset than appropriate for the environment to which they deployed.[341]

(U) Air Force units at Green Flag East developed training exercises designed to help air crews and JTACs experience the challenges of differentiating civilians from combatants. In one example, a situational training exercise (STX) lane was developed with an individual first walking around with an AK-47, then again with an ax, and then with a trombone case. This taught aircrews some difficulties associated with PID of individuals from the air and strove to avoid them from jumping to conclusions.[342]

Theater Perspectives on Training (U)

(U) Forces in theater often expressed frustration about their preparation for Afghanistan. Some were content overall with the training they had received and felt well prepared. But the majority felt that their training had not replicated the challenges they faced and required them to compensate for deficiencies in unit training.

(U) **Impression: Training too Kinetic and Rigid.** Units uniformly described how they were doing full-spectrum counterinsurgency operations in Afghanistan. Many forces described how their training did not reflect full-spectrum operations; rather, it was focused on the lethal end of the spectrum. Staff and leadership from Army brigade down to company level stated their Service-run CTC training was too focused on lethal effects.[343] The RCT-7 staff (USMC) did not share this observation, though it was mentioned by one USMC Battalion commander.[344] One brigade commander discussed how his unit's Joint Readiness Training Center (JRTC) rotation tried to squeeze in too many kinetic events into a limited schedule.[345] Another Brigade commander stated that his unit's National Training Center (NTC) rotation was overly kinetic and was not representative of the operating environment in Afghanistan.[346] Sometimes the scenarios appeared

[341] (U) From USAF A9 CIVCAS report
[342] (U) Ibid
[343] ~~(U//FOUO)~~ Interviews with TF Mountain Warrior (4-4 IBCT) CO, TF Bayonet (173d IBCT) S3, TF-PRO CO, 1-91 CAV S3, TF Rock company roundtable, and multiple interviews from the TRADOC report [redacted] (b)(6)
[344] (U) Communication with USMC BN CDR, 25 July 2010. He observed that the scenarios in his EMV training both forced action at times and often painted local nationals inaccurately. He noted that in Afghanistan, in contrast to training scenarios, "most of the time nothing happens, and the locals are not upset, violent, or creating problems. They are just living their lives, and they avoid any action."
[345] (U) Interview with TF Mountain Warrior (4-4 IBCT) CO
[346] (U) Interview with 5-2 SBCT CO (RC-W)

to be structured to drive forces to decisions to use lethal force and did not permit problem-solving or development of tactical alternatives. One USA battalion operations officer mentioned how his unit's Joint Multinational Training Command (JMTC) rotation did not allow them to deviate from preplanned scenarios.[347]

(U) The result was that many forces arrived in theater with a misunderstanding of the operational environment. Many felt they missed opportunities to train on non-lethal equipment or to develop their own alternative approaches to operational challenges. They also noted that training failed to replicate faithfully the second-order effects of civilian harm. A heightened sense of the enemy threat from training venues can drive forces to tactical aggressiveness rather than encouraging tactical patience. One brigade S3 discussed how the emphasis on lethal outcomes in his unit's CTC rotation kinetic "conditioned" his soldiers—unit leadership compensated by emphasizing to their soldiers that "not every mission out of the gate will get hit by an IED, not every mission will go kinetic, and not every helo will get shot down."[348] A battalion assistant S3 stated, "95% of pre-deployment training was not what we ended up doing. We knew what we would be doing far in advance, and the training was not relevant or current."[349]

(U) We received multiple comments about the Relief in Place/Transition of Authority (RIP/TOA) process where a unit arrives in theater to replace another unit. Even with the best of training, on-scene commanders must be prepared to adapt in response to their operating environment, and balance their use of lethal and non-lethal options based on the threat in their area. However, it appeared that training could be improved to more accurately capture the operating environment encountered by deploying forces: we received multiple comments that their operating environment was considerably different than that encountered in training, requiring forces to refocus their mindset.

(U) **Impression: Units are Developing Best Practices.** Many of these units described how they used their unit level training to emphasize requirements for full spectrum counterinsurgency. Units developed complex shoot/no-shoot scenarios or obtained vignettes from theater and incorporated them into their STX lanes. Units that deployed after the July 2009 COMISAF tactical directive discussed using the tactical directive in their training, which caused them to take CIVCAS more into consideration and encouraged development of tactical alternatives. One brigade developed a COIN training seminar, run by the brigade commander and his chaplain, which combined a consideration of morals and ethics with counterinsurgency principles. The seminar was a response to a concern by unit leadership that soldiers had become too "heavy handed" during their CTC rotation.[350] In their pre-deployment training, the Massachusetts National Guard has directed that 75% of their training be focused on non-lethal events. This focus on non-lethal effects is a result of their unit commander's recent Afghanistan deployment and familiarity with the overall operating environment. He believed that this focus provided more opportunity to practice the tasks necessary to execute a solid COIN campaign.[351]

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[347] (U) Interview with 1-91 CAV S3
[348] (U) Interview with TF Bayonet (173d IBCT) S3
[349] (U) From Interview with RC-S TF Fury AS3
[350] (U) In-theater interview with 173d IBCT CO and 173d IBCT Chaplain
[351] (U) Information from former USFOR-A Deputy COS and current SRAAG, JFHQ MANG

(U) **Impression: Joint Fires Training is Improving.** Both Army and Air Force personnel in theater developed methods to overcome existing gaps in Joint training. For example, one Army unit discussed how they would bring air crews to their TOC to observe operations and help them to better understand the perspective of forces on the ground. Similarly, an Air Force squadron discussed bringing ground forces in to observe gun tapes so they could understand the capabilities and perspectives held by air crews.

Implications for Training from Analysis of Civilian Casualty Incidents (U)

(U) We also examined civilian casualty incidents and trends looking for best practices and indicators of possible opportunities for better training. Previous analysis has demonstrated that analysis of civilian casualty incidents can reveal trends and common factors, including areas where training can be improved. Such areas include:

- Close air support air-ground coordination, including development of Positive identification
- Need for tactical patience
- Training on escalation of force procedures, including warning shots and use of non-lethal tools
- Safe driving to avoid road traffic accidents
- Understanding of ROE and Positive ID requirements
- Conducting KLE and redress in the aftermath of a civilian casualty incident

(U) This analysis can serve as a window into tactical operations and complement other means for identifying training deficiencies.

(U) We have additional examples of areas where training can be improved from analysis in this report. For example, Chapter 2, The Application of Force, discussed incidents in which PID was derived from a determination of hostile intent. The cases highly challenges with discrimination between true hostile intent and unexpected or inexplicable behavior by local nationals that nevertheless was not hostile—such as not responding to verbal or visual cues during EOF, digging at night, or carrying tools with shapes that resemble weapons. These suggest the need to improve training for ground forces on PID of individuals, akin to the USAF training at Green Flag. One USMC battalion (BN) commander mentioned that this kind of training with an emphasis of making best use of available optics would be valuable.

(U) In several air-to-ground civilian casualty incidents involving RPA, someone in the RPA process knew information that could have helped to inform the engagement decision and potentially avert civilian casualties, but this information did not reach the decision maker. These instances, discussed in Chapter 5, Air Operations, point to the need to improve training regarding RPA engagements to improve communication and coordination between all members of the air

ground team, so that all can benefit from their different perspectives and have access to all available information.[352]

~~(U//FOUO)~~ The Farah civilian casualty incident in May 2009 revealed some best practices for JTACs correlating ground-based SIGINT with airborne visual descriptions and locations. This kind of teamwork in the air-to-ground team where SIGINT and video are fused by forces on the ground would be useful elements to emulate in Service training. This illustrates that examination of civilian casualty incidents can yield best practices as well as lessons for improvement.

(U) Continued identification of training concerns such as those identified in this section requires a process for analysis of civilian casualties. There is currently no such continuing analysis—this issue is discussed in Chapter 9, Adapting and Learning.

Materiel Aspects of Preparation (U)

(U) The emphasis of this chapter is in preparation of forces through training. However, another component of force preparation is materiel, equipping forces to be prepared for the mission. This study did not examine materiel considerations in detail. The study team observed several issues regarding materiel requirements for reducing and mitigating civilian casualties while maintaining mission effectiveness. These fell into two categories: tactical alternatives and technologies for improving PID.

(U) **Tactical Alternatives.** ISAF forces in Afghanistan are engaged in full-spectrum counterinsurgency operations. These forces are well equipped to deliver lethal force, but they are not similarly equipped with non-lethal or less-than-lethal alternatives. One soldier put the dilemma simple: "if you want non-lethal effects, give us non-lethal tools." As discussed in detail in Chapter 4, Escalation of Force, forces often lacked appropriate non-lethal tools.

(U) Tactical alternatives can also include lethal options. Some forces discussed the use of snipers or other precision, relatively long range use of small arms fire as an alternative to close air support. This type of fires is more discriminate, but forces did not always have these weapons available or the training to use them. And sniper weapons were not just appreciated for long range, accurate fires, but also the powerful optics that could be used for long range PID (discussed below).

(U) The need for tactical alternatives appears to apply to counterterrorism forces as well. A number of incidents could potentially have been prevented through use of non-lethal or less-than-lethal tools. Alternately, means for alerting local nationals that CT teams are actually Coalition forces working in cooperation with Afghan forces—as opposed to Taliban forces—could also avert escalation of situations where locals are acting to protect their homes.

[352] (U) The USAF also noted training concerns associated with inexperienced RPA operators due to the current surge in RPA deployments. USAF A9 Civilian Casualty Collection Report, preliminary version, 24 May 2010

(U) **Improving PID.** In a counterinsurgency environment where the enemy does not bear distinguishing characteristics and hides within the population, PID is a challenge. There are a number of TTPs that can help the counterinsurgent to improve PID, including the practice of tactical patience when possible. Yet technology can also aid in PID determinations. For example,

(b)(1),(b)(5)

Conclusion (U)

(U) The Services have put effort into addressing training and preparation issues regarding civilian casualties. The CJCS tasker regarding civilian casualties is likely to result in further efforts. At the same time, as stated in FM 7-0, "managing training for full-spectrum operations presents challenges for leaders at all echelons."[353] Our initial impressions of requirements for training and equipping of forces, based on in-theater perspectives and analysis of incidents, point to further opportunities for improving force preparation. Also, some Service-reported training and material solutions do not appear to match current challenges. It is our hope that this report will assist the Military Services in the challenging task of managing training and equipping of forces. We also believe that continued high-level attention to this issue, in line with a mechanism for validation of solutions discussed in Chapter 9, Adapting and Learning, is necessary to ensure that institutional changes fully support both current operations and longer-term requirements of the future operating environment.

[353] (U) FM 7-0, Training for Full Spectrum Operations, December 2008

ISAF and DOTMLPF Recommendations (U)

ISAF Recommendations (U)

(U) ISAF leadership should sustain a robust dialogue with forces at all levels about how best to implement the COIN strategy in their unique AORs, including the balance of offensive and defensive operations; the assessment and allocation of risk to mission, forces, and civilians; and the development of tactical alternatives;

(U) IJC should build a capable data analyses center (possibly relying on reachback capability in the short term; eliminating duplicative or underperforming elements at HQ) to assess operational efforts and identify units and tactics requiring additional scrutiny or support;

(U) IJC should provide tools and resources (ranging from effective in-theater mentoring and training support programs to additional non-lethal options) to support civilian casualty reductions;

(U) ISAF should couple greater operational flexibility with decisive disciplinary action where commanders violate COMISAF intent;

(U) For optimal CIVCAS prevention and synergy, ISAF should use both SOF and GPF for offensive targeting of enemy networks and pursue a teamed, network-centric, TTP exchanging, Iraq-like methodology;

(U) ISAF should consider whether ROE 421/422 could be streamlined in order to encourage US compliance and reduce incentives for US forces to fall back to the SROE.

(U) ISAF should ensure that subordinate commanders are not placing excessive restrictions on units due to intent to reduce CIVCAS, potentially infringing on mission effectiveness or self defense.

(U) ISAF and US Embassy should adopt a public posture that acknowledges responsibility for Coalition-caused actions while maintaining realistic expectations and setting civilian casualties in the context of Coalition contributions to Afghan security.

(U) ISAF should create an organization for ISAF or IJC headquarters that acts as an equivalent of the TF 5-35 Operational Control Group.

(U) ISAF should reconsider the ideal balance of speed versus accuracy in civilian casualty response.

(U) ISAF forces should set the default "dashboard" value for civilian casualties as "unknown" instead of zero until BDA is conducted, to reduce the possibility that an absence of reporting could be misconstrued as an assessment that no civilians were harmed.

(U) ISAF and GIRoA should form a Joint Civilian Casualty Commission to investigate civilian casualties to determine ground truth and causal factors, thereby increasing the practice of GIRoA and ISAF speaking with one voice concerning CIVCAS incidents.

(U) ISAF should dissect the adversary's CIVCAS propaganda campaign (sponsors, TTP, means of communication, themes, messages, target audiences, and means of measuring effectiveness) and implement a combined campaign to disable the system and defeat the message.

(U) ISAF should work with GIRoA to develop a Host Nation (HN) education campaign to educate the Afghan population about ISAF EOF procedures as well as gain Afghan insights and perspectives to better inform those procedures. Forums should be identified to aid communication with local nationals regarding culturally effective measures for stopping traffic and individuals.

(U) The National Training Mission—Afghanistan should include COIN, target discrimination, and CIVCAS related instruction in the training of Afghan forces.

(U) ISAF should provide their forces with a more standardized set of procedures for escalation of force.

(U) ISAF should adopt common standards or guidelines for compensation for the families of ISAF caused CIVCAS. The Coalition should also attempt to involve the Afghan government in the process.

(U) ISAF CCTC should consider redefining "civilian" for reporting purposes to be consistent with LOAC.

(U) CJSOTF-A should develop a detailed civilian casualty tracker to be able to assess progress in civilian casualty mitigation.

(U) ISAF Red teams should work to help units be conscious of the risks they might be imposing risk on civilians. Through role reversal and empathy, the teams could replicate reactions of civilians to proposed operations.

(U) SOF should formalize expectations for collaboration with battlespace owners before and after operations in order to improve handover of terrain from SOF to GPF, to include clear responsibility for SSE, BDA, and CIVCAS reporting and subsequent mitigation. This coordination should include pre-operational coordination with IO personnel.

(U) SOF in Afghanistan should continue to refine TTPs and materiel solutions that alert noncombatants to their presence, and pass lessons on to the GPF.

(U) ISAF should improve reporting on partnering to gain fidelity on what aspects of partnered operations lower CIVCAS and improve mission effectiveness, and enable identification of best practices and TTPs.

(U) ISAF should coach units to conduct AARs for civilian casualty incidents that include friendly actions, enemy actions, and role-reversal to determine what civilians perceived and the actions they took that affected the fight.

(U) Services and/or ISAF should include service men and woman who take personal risk to protect civilians among those they recognize for actions furthering the campaign.

(U) CCA platforms in theater should document their operations using the MISREP format and submit these reports to the CFACC.

(U) After each CIVCAS incident, Investigation Recommendation Reports (IRRs) and the ISAF CIVCAS tracking cell database should include a description of their response and redress efforts (compensation, KLE) as well as a subjective assessment of the effectiveness of these efforts.

(U) ISAF and subordinate units should consult informally with other organizations that collect information on civilian casualties, such as UNAMA, ICRC, and the AIHRC both to improve available information on specific civilian casualty incidents and to inform its own redress efforts.

(U) ISAF should encourage small units to report vignettes that show good results from exercising tactical patience or employing tactical alternatives to prevent CIVCAS. These reports have value both for tactical lessons learned and IO purposes.

(U) Legal investigations for CIVCAS incidents should leverage unconventional data sources, to include intelligence reports and NGO information (e.g. ICRC and UNAMA)

(U) ISAF should create new guidelines for reporting CIVCAS incidents and conduction legal investigations. These guidelines should include a standard set of required data elements and a list of basic issues that should be addressed (e.g. ROE, BDA, KLE, solatia).

(U) Lessons from 15-6 investigations should be harvested and disseminated as a tool to educate and train troops on desirable and undesirable TTPs. These can include vignettes of actual incidents, and such tools can also be used in CONUS pre-deployment training.

DOTMLPF Recommendations (U)

Doctrine (U)

(U) CIVCAS considerations should to be clearly articulated as a necessity in systemic operational design and campaign planning.

(U) Doctrine should stress the need to avoid the imposition of civilian risk to leaders, red teams, operational designers, and planners.

(U) Doctrine should capture the process and components of civilian casualty response and redress, including identified best practices.

(U) A handbook should also be developed for civilian casualty response, including redress, KLE, BDA, and IO.

(U) BDA should be redefined to include focus on civilians as well as the enemy.

(U) Guidelines should be developed to explain what is different about CIVCAS BDA, including the actions that must be taken (e.g. photographing the unaffected persons and structures) in order to facilitate KLEs and mitigation and to counter enemy IO.

(U) The EOF process should be defined in doctrine. That doctrine should also address the two distinct purposes for that process.

(U) Roadblocks and check point CIVCAS incidents have been a persistent problem in Panama, Iraq, and Afghanistan. Doctrine should provide guidelines for roadblock and checkpoint procedures based on the threat and operating environment. It would be valuable to instruct units on how to employ non-lethal tools and allow for adjustments due to culture, language, local conditions, driving patterns, literacy rates, etc.

Organization (U)

(U) OSD and Joint Staff should assign organizational responsibility for the issue of civilian casualties. The office would monitor policy, doctrine, and operational effects, and oversee analysis and data requirements of military operations and institutional adaptation.

(U) The armed forces should create institutional capability for analysis of civilian casualties, including building a cadre of CIVCAS experts. This capability could be established within a joint analytic organization or a Federally Funded Research and Development Center (FFRDC) and should be used to support deployed warfighters while informing institutional change. A near-term initiative could be to assist ISAF headquarters with civilian casualty analysis and monitoring.

(U) The USAF should examine current RPA processes and architectures for command and control and PED processes in light of observed disconnects in recent CIVCAS incidents. Widely dispersed, imagery analysts, pilots, and JTACs appear to have communication arrangements that do not guarantee adequate information exchange.

(U) In order to reduce collateral damage, the Army should follow the USMC model of training a designated marksman per infantry squad. The additional training and advanced optics can provide greater reach (range) and precision in engaging targets.

Training (U)

(U) Services should ensure deploying units train on air/ground scenarios that match current scenarios and conditions in Afghanistan. Such training should include PID, POL and other considerations that are important in-theater.

(U) Overall air-to-ground training for deploying forces should include joint training, including both execution of sorties and collaborative debriefs involving all members of the air-ground team.

(U) The US military should evaluate the shoot-no shoot discrimination regimen employed by the UK in its pre-deployment training to determine if there is value in the approach for US forces.

(U) Service and joint training should address the use of leading language between all members of the air-ground team, to include PED personnel where applicable.

(U Units should be equipped and trained on non-lethal technology that applies to their upcoming mission/deployment.

(U) Ground forces should train to be the full complement of CIVCAS response and redress measures, including best practices from Afghanistan.

(U) Service and joint scenario-based training should emphasize tactical alternatives, tactical patience, consideration of second-order effects, and what constitutes hostile intent.

(U) CTC pre-deployment training should be balanced between lethal training and other problem solving scenarios to include CIVCAS situational training lanes.

(U) Units should be trained to weave CIVCAS considerations into intent, plans, orders and rehearsals.

(U) Units and red teams should be taught to use role reversal in both planning and AARs. By including friendly activities, enemy activities, and civilian activities in AARs, units can gain valuable lessons that may improve TTP and lessen CIVCAS.

(U) Afghanistan SPINS should be used as the basis for training air controllers in the US who are deploying to the theater.

Materiel (U)

(U) Simulations must better simulate second- and third-order effects in order to help compensate for limited time available for live training opportunities and to help forces understand the mission benefits of civilian casualty prevention.

(U) The USMC or US Army should prioritize the development of capabilities that can halt an individual or moving vehicle at the range in which most civilian deaths are occurring in Afghanistan (20 to 100 meters distance).

(U) The Services should take detailed CIVCAS problem-solving scenarios from the current fight and interject them into ongoing soldier and leader simulation products and programs.

(U) The Services need to obtain better sensors for air platforms to observe individuals day and night for PID and target discrimination.

(U) Ground forces should accelerate research and development on non-lethal and precision weaponry that will increase tactical alternatives.

(U) Services should buy a standard alternate color dazzler instead of green laser dazzlers. Host nation drivers think green means "Go."

(U) The Services should develop alternative technology options to more rapidly and accurately conduct a remote BDA (to include CIVCAS requirements) when ground forces cannot do so.

(U) SOF should continue to refine TTPs and materiel that alerts noncombatants to their presence and they should prioritize transferring technology that successfully prevents CIVCAS on to the GPF.

(U) The Services should assess whether they are fully exploiting precision, miniaturization, ISR and other technologies on behalf of civilian protection.

Leadership (U)

(U) Leaders should understand that CIVCAS prevention, response, and redress will be requirements in virtually all future military operations as they have been historically and are today.

(U) Leaders should appreciate the implications of transparency of the modern battlefield for operational and campaign design, particularly in analysis and framing.

(U) Leaders must appreciate the command and control implications of seeking to control effects and find ways to mitigate the unintended consequences. Translating complex strategy guidance to the force is more challenging in long term, less violent conflicts. Moving from centralized planning and decentralized execution toward intent-driven operations requires frequent dialogue with subordinates to ensure reasonable oversight and guidance without stifling initiative or innovation.

(U) Leaders should grasp the value being gained in Afghanistan from partnered operations and establishment of strong personal relationships. The beneficial integration of Afghan officials and military officers into planning cells, TOCs, and on operations must be captured and taught at educational institutions so that it can be applied in appropriate operational contexts.

(U) Leadership should sustain a robust dialogue with forces at all levels about how best to implement a COIN strategy across unique AORs, including the balance of offensive and defensive operations; the assessment and allocation of risk to mission, forces, and civilians; and the development of tactical alternatives.

Policy (U)

(U) US Standing ROE should change the definition of "imminent" to mean immediate.

(U) PID should be defined in US Standing ROE and the ROE should specify that PID applies to both deliberate and self-defense situations.

(U) Services and ISAF should continue to reward service men and women who risk their lives to protect host nation civilians.

(U) The US should establish an overall policy for compensating civilians for harm caused as a result of combat operations. This compensation would not admit liability but rather demonstrate sympathy and goodwill.

(U) The armed forces should consider establishing a joint alternative investigative procedure for future US operations. It should be modeled on the Air Safety Investigation, be cabined off from legal proceedings, and focus on swift collection of the facts to support operational learning.

Annex 1: Army Response Regarding CIVCAS Training (U)

(U) The Army fully supports the population-centric COIN strategy implemented by COMISAF in Afghanistan. Even before GEN McChrystal stepped up protection of the civilian population in June 2009, the Army had made significant progress in integrating COIN into its doctrine, institutional training and education programs and pre-deployment training of operational units. Clearly CIVCAS prevention and proper mitigation of CIVCAS incidents are fundamental aspects to successful achievement of COIN. We don't always get it right. Mistakes have been made which have led to CIVCAS and total elimination of CIVCAS in the future is unrealistic given the challenges of the complex operational environment in Afghanistan. With that being said, it is worth noting some successful changes the Army has made to address CIVCAS as well as point out some areas where continued progress is in order.

Incorporating CIVCAS Lessons Learned into Institutional Training and Education (U)

(U) It is unlikely that anyone searching Army lesson plans will find a single lesson dedicated solely to CIVCAS because CIVCAS is not taught as a standalone subject. However, there is a CIVCAS "thread of continuity" within institutional instruction that manifests itself in both common core and functional courses. Examples of common core lessons that include CIVCAS instruction are Law of Armed Conflict, Rules of Engagement (ROE), Escalation of Force (EOF) and Military Decision Making Process (MDMP). Soldiers and leaders from Initial Military Training through Army War College receive instruction that emphasizes the avoidance of CIVCAS using scenarios and vignettes of increasing complexity commensurate with their experience and rank. Examples of functional courses that incorporate CIVCAS instruction include Joint Fires Observer, Precision Strike Suite-Special Operations Forces and Collateral Damage Estimate. Many of the functional courses provided in an institutional setting are geared toward members of the fire support kill chain and meet CENTCOM pre-deployment training and certification requirements. In both general and functional courses, the Army is making extensive use of CENTCOM and ISAF guidance, tactical directives and theater-specific TTPs to support its doctrinally-based training and education.

(U) Using CIVCAS lessons learned captured by CALL, MCCLL and JCOA, and the technological expertise of TCM-Virtual, TCM-Gaming and JTCOIC, the Army has developed live, virtual and constructive training scenarios and simulations featuring several of the high visibility CIVCAS incidents. Some products are easily accessed on the Army Training Network (ATN) by anyone possessing AKO privileges, while others are designed for use on the Virtual Battle Space 2 gaming model in a battle command training/simulation facilities. Additionally, a wealth of CIVCAS lessons learned informative products are posted on CALL's website as well as the ATN. The Army anticipates significant progress in this area as it continues to pursue gaming and simulation technology to provide more realistic training, shoot-no shoot scenarios and enhanced mission rehearsal capabilities.

Changes to Home Station/Pre-deployment Training (U)

(U) For the past several years, Army units have experienced short dwell times between deployments and even narrower windows within which to conduct meaningful collective training prior to deployment in support of ARFORGEN requirements. Consequently, unit home station training is currently focused almost exclusively on preparing for their in-theater mission—in many cases to the exclusion of the unit's traditional mission. The driver for much of this training is FORSCOM Southwest Asia training guidance, which largely reflects CENTCOM's mandatory training requirements. Additionally, once the unit commander knows what his specific mission in theater is and which unit he will be replacing, an almost continuous dialogue occurs between units to ensure TTP, best practices, SOPs and lessons learned are passed to the deploying unit. Examples of CIVCAS related training that units incorporate into their home station, pre-deployment training are language and culture, EOF, ROE, BDA, IO, use of ISR for PID, and shoot-no shoot scenarios using live fire shoot houses. Additional progress can be made in this area regarding sharing of lessons learned. Lessons are typically passed from deployed unit to deploying unit but inconsistently captured and shared to the larger training community.

Changes to Combat Training Centers (U)

(U) The CTC program which includes the Maneuver CTCs and the Battle Command Training Program is designed to hone the fundamentals of unit training that began at home station and serves as a final rehearsal leading to a unit's deployment. As such, much of the training at the CTCs is similar to that at home station, but is taken to the next level thanks to replication of the operational environment to include a robust presence of role players on the battlefield, the presence of subject matter expert Observer Controller/Trainers, an advanced instrumentation system, high fidelity AARs, and an ability to present updated theater-specific training due to close linkages with theater and the JIIM community. Unit leaders participate in a Leader Training Program (LTP) approximately 45 days prior to a rotation to a maneuver CTC. Training at LTP incorporates all theater-specific guidance and directives and avoidance of CIVCAS is emphasized to include the use of non-lethal targeting. During CTC rotations, AR 15-6 investigative procedures are followed when notional CIVCAS occurs much the same as when a real CIVCAS incident occurs in theater. Units are also evaluated on their mitigation efforts and IO following an incident. Role players provide the ability to provide street level engagements and a range of responses to Soldier and unit behavior that eventually could lead towards or away from CIVCAS incidents. The vast majority of today's CTC rotations are filled with non-kinetic activities replicating to the maximum extent possible, what units will face in theater. The tyranny of time prevents a CTC experience from being totally realistic however. In theater, a CIVCAS incident may impact a unit's ability to interact with the population for weeks or even months. Given the limited time a unit is "in the box" at a CTC, scenarios must be played out in hours and days.

Issues to Consider (U)

(U) **Doctrine:** CIVCAS has become an enduring and increasingly important problem on the battlefield and it must be addressed across DOTMLPF. Current Army COIN doctrine in FM 3-24 provides an effective framework for training the prevention and mitigation of CIVCAS. However, without a specific, as opposed to implied, discussion of CIVCAS in our doctrinal publications, there is a tendency for the training to be focused more on what is legally permissible versus that which is designed to change the mindset of deploying Soldiers and modify unit behavior.

(U) **Non-lethals:** As the statistics in this report will show, EOF is now both the most frequent and the most deadly cause of CIVCAS. There are likely numerous factors that combine to contribute to the increase to include a larger ground force going into areas that we have long ceded to the Taliban. EOF procedures, training and equipment have been inconsistent across the Force. There is currently a "tools gap" between visual methods for assessing hostile intent of a moving vehicle and options for stopping the vehicle short of lethal force. Some units have shied away from non-lethals due to limited effectiveness of currently fielded equipment, unfamiliarity because the equipment isn't available in the training base or having to make a choice on what foot patrols are able to carry. We owe our Soldiers better options of non-lethal tools as well as the proper training on how to employ the tools.

~~(U//FOUO)~~ **SIPR Access:** Much of the information related to CIVCAS is found only through SIPR. SIPR access is limited both in TRADOC schools as well as in operational unit locations. Until additional access is achieved, the flow and exchange of information will be retarded.

In Conclusion (U)

(U) The Army has proven to be a learning organization by adapting its institutional and operational training and education programs in support of prevention and mitigation of CIVCAS. We will continue to maintain continuous contact with in-theater sources to ensure we are in tune with the latest TTP, best practices, guidance and directives with the ultimate goal of a reduction of CIVCAS and the success of the COMISAF COIN strategy.

Annex 2: USAF Response Regarding CIVCAS Training (U)

(U) **Observation:** USAF has identified findings and undertaken specific actions aimed at the incorporation of Civilian Casualties (CIVCAS) After Action Report (AAR) Lessons Learned into Service Training Curriculums (~~Secret REL//ACGU and ISAF~~).

References (U)

Findings and Actions Taken (U)

Doctrine Review (U)

(U) Finding: Service and joint doctrine should reflect CIVCAS LL's:

(U) Action taken: The LeMay Center for Doctrine conducted a comprehensive review of joint and service doctrine. The Center also reviewed joint doctrine and multi-service tactics, techniques, and procedures in order to frame further opportunities to enhance joint doctrine. The review found that the collateral damage definition is identical in both JP 1-02 and USAF service doctrine, and that Air Force Doctrine Document 2-1.9, Targeting, contains thorough coverage of Afghanistan CIVCAS LL's. Other service doctrine documents were found to have detailed discussions of collateral damage, fratricide, and civilian casualties. However, the review identified several subject areas that could be included in subsequent revisions.

(U) Also, the review identified several suggestions for additional CIVCAS related information in JP 3-09.3 and J-FIRE. JP 3-09.3 should be expanded include an explanation of how Collateral

Damage Estimates (CDE's) are made, and resources on how to conduct deliberate CDEs. Suggested changes for JFIRE include an expanded discussion of CDE. The LeMay Center also identified AFTTP 3.2.29 as an excellent source for collateral damage mitigation, and suggested that JP 3-09.3 and JFIRE could benefit from incorporating much of the CD and checklists from this publication.

(U) The LeMay Center and Air Force A3O-AY have taken all the suggested changes for action and will submit them during the normal review cycle for these documents.

Operational Training (U)

(U) Finding: Units should conduct iterative formal, continuation, predeployment and theater indoctrination training on CIVCAS Lessons Learned and Rules of Engagement.

(U) Action taken: The 505th Command and Control Wing, which conducts training for Air Operations Center (AOC) personnel, developed CIVCAS vignettes that are now included into their training courses.

(U) Action taken: The USAF Weapons School (WS) delivers COIN academics to all WS students during Core instruction that addresses insurgent TTPs and the strategic impact of civilian casualties. Additionally, COIN CAS scenarios with collateral damage concerns are part of course syllabi for all WS squadrons that employ munitions in a CAS environment: 66 WPS (A-10), 16 WPS (F-16), 77 WPS (B-1), 17 WPS (F-15E), 26 WPS (MQ-1/9), 340 WPS (B-52).

(U) Action taken: AFSOC administered SOTACC schoolhouse provides JTAC training to all services special operations forces. The course curriculum now includes a block of instruction on the Farah CIVCAS incident.

(U) Action taken: USAF MAJCOMs reviewed CAS platform aircraft training syllabi and found that all CAS platform training currently incorporates the principles of CIVCAS LL's. Positive target ID, strict ROE adherence, and prevention of friendly fire are all thoroughly covered in each course.

(U) Action taken: AFSOC reviewed gunship and Remotely Piloted Aircraft (RPA) training and TTP (Tactics, Techniques, and Procedures) and concluded that no changes are required, as CIVCAS mitigation is fully incorporated into Gunship and RPA Tactics, Techniques, and Procedures (TTP). However, the LLs have been included into the AFSOC LL database for Close Air Support.

(U) Action taken: USAF JTAC web-based training system (TACTICS) now includes a block of training on CIVCAS avoidance which is both an initial and an annual training requirement.

(U) Action Taken: AFSOC sends a Judge Advocate officer to each squadron to brief changes to ROE and Tactical Directives as required.

(U) Action taken: USAF initial JTAC qualification training now includes a block of training on CIVCAS lessons learned.

(U) Action taken: 720th Special Tactics Group (AFSOC) briefs non-combatant casualties in JTAC annual training, and also as pre-deployment training. They also produced an AFSOC lessons learned pamphlet on the Farah incident, which was distributed to all 720th squadrons and JTACs. They also brief the most current theater lessons learned to all deploying JTACs.

(U) Action taken: AFCENT revised its Unit Prep Messages to require all deploying units conduct training on CIVCAS LL's and be briefed on the most current Tactical Directive.

(U) Action taken: The 561st Joint Tactics Squadron (JTS) hosts the Joint Combat Aviation Preparation (JCAP) conference three times a year, which is mandatory for deploying squadrons to attend. The JCAP is designed to arm Squadron leaders and Weapons Officers with the latest guidance and TTPs being used in OIF and OEF so they can incorporate them into their pre-deployment focused training. Over 160 AF, ARMY, Navy and Marine Operators, including ASOS, USA Brigade Combat Teams scheduled to support OIF/OEF in CY10 attended the latest JCAP 8-10 December 2009. JCAP dedicates 2.5 hours of instruction on minimizing Civilian Casualties (CIVCAS). The lessons from the Farah Incident are specifically addressed to all deploying units, as well as ISAF guidance and operational directives. Furthermore, the JTAC perspective is briefed to all flying units, and CAS PID ROE is taught in detail. All lessons and TTPs are available on the 561st web based COP, available DOD wide.

(U) Action taken: USAF reviewed its pre-deployment training exercises (RED FLAG, GREEN FLAG, and ATLANTIC STRIKE) for compliance with CIVCAS LL's and ensured that exercise scenarios include decision points designed to require critical analysis of CIVCAS potential by all participating members. CIVCAS LL's are also briefed to all participants, including JTACs and CAS aircrew. CIVCAS avoidance is now a training objective for all participating units.

(U) Action taken: The AR15-6 Investigating Officers Report on the Farah incident was briefed to all JTACs and airmen in the air-ground kill chain currently in theater. The USAF directed that AR 15-6 report be briefed to all Airmen as a pre-deployment training requirement.

(U) Action taken: AFCENT published CIVCAS LL's in Flight Crew Information Files (Aircrew) and Controller Read Files (JTACs) as a Special Interest Item. Review of these items is tracked and reported to squadron and wing leadership as well as being a go-no-go item for crews to perform missions and training events.

(U) Action taken: AFCENT conducted a review of all CAS platforms utilized in theater and developed a briefing tool (PowerPoint briefing) to be used as a stand-alone educational tool for all members of the air-ground kill chain. The briefing tool is utilized by 561st Joint Tactics Squadron (JTS) at JCAP conferences and at unit level by all deploying units.

Employment (U)

~~(S//REL)~~ Finding: Additional Air Liaison Officers are needed to provide enhanced, professional liaison to supported Ground Component Commanders (GCCs) to improve airpower employment decisions, reduce the risk of CIVCAS, and to prevent fratricide and collateral damage.

(U) Action taken: USAF created the 13L ALO career field to enhance liaison capabilities with supported commanders. 13L career ALOs are focused, professional experts on air-to-ground employment. Eventually, 13L ALOs will populate supported GCCs down to battalion level, allowing JTACs to concentrate on core mission duties and ALOs to concentrate on planning and execution.

~~(S//REL)~~ Action taken: USAF is providing additional air planners to improve Joint Fires planning and coordination in OEF. The planners are being placed into Joint Air Control Elements (JACE). The JACE is designed to assist in the planning and execution for integrating airpower into the ground scheme of maneuver. The first JACE is in place at RC-West.

~~(S//REL)~~ Recommendation: CDRUSCENTCOM requested that USAF and Army review the requirement for JTACS in theater and implement increases as soon as possible, as JTACs are a critical enabler for safe, effective CAS.

~~(S//REL)~~ Action taken: USAF and Army conducted a comprehensive review of theater JTAC requirements which resulted in a commitment to double the number of JTACs from two to four per battalion in OEF.

(U) Action taken: USAF has implemented training initiatives to approximately double the number of USAF JTACs. Increased JTAC training initiatives have begun and will remain in effect until all valid JTAC requirements have been met.

(U) Action taken: USAF and AFCENT will continuously review and refine theater JTAC requirements to keep pace with COCOM requirements.

Lessons Learned and Service Professional Military Education (PME) (U)

(U) Finding: Revise Mission Reporting (MISREP) formats to enhance analysis of factors relating to CIVCAS events.

(U) Action taken: USAF coordinated modifications to the JTAC Post Mission Report (JPMR) used by USFOR-A and ISAF and changes to the aircrew MISREPs. Additional fields in both reports will provide enhanced information, understanding, and assessment of CIVCAS events.

(U) Finding: Lessons Learned during current operations should be "quick turned" to the next deploying units.

(U) Action taken: 561st Joint Tactics Squadron collects, analyzes, and disseminates lessons learned at the JCAP Conference and posts them on their Community of Practice in time to reach

the next cycle of deploying Airmen. 561st JTS also briefs squadron leaders, weapons officers and joint team members on the latest lessons learned at the quarterly JCAP conferences.

(U) Finding: Service Professional Military Education (PME) should teach and reinforce CIVCAS LL's.

(U) Action taken: Air Education and Training Command (AETC) completed a comprehensive review of Officer and Enlisted PME to ensure adequate coverage of the topic of CIVCAS. The review found that although the topic of CIVCAS is not specifically identified as a Special Area of Emphasis (SAE), or specifically identified in CJCSI 1800.01C (Officer Professional Military Education Policy), irregular warfare (IW) and the unique warfighting concerns are thoroughly covered during the lesson on IW against the Taliban and Al Qaeda. Joint PME Learning Areas cover the topic of civilian casualties in IW and receives considerable coverage under SAE #2, Countering Ideological Support for Terrorism (Conduct of Operations) and SAE #6, Irregular Warfare. No changes to school curricula were required.

Conclusion (U)

(U) USAF actions echo the fundamental intent of the CENTCOM Tactical Directive: to reduce/eliminate CIVCAS events in IW operations. Deployed Airmen have been briefed and understand CIVCAS lessons learned. Deploying Airmen will understand CIVCAS lessons learned and will have the opportunity to practice scenarios in a joint environment to enhance decision making and combat effectiveness. The USAF will grow more ALOs and JTACs as required to support the warfighter and improve liaison and airpower employment. Service training, education and doctrine will continue to reflect CIVCAS Lessons Learned.

Annex 3: USMC Response Regarding CIVCAS Training (U)

~~(U//FOUO)~~ Fully understanding the imperative to balance employment of fires to defeat the enemy with the necessity to protect civilian lives, the US Marine Corps has modified the training and education of ground commanders, aviators, forward air controllers (FAC), joint terminal attack controllers (JTAC), and others in the fire support approval chain to incorporate the lessons learned and guidance contained in the US Joint Forces Command investigation into the 4 May 2009 incident in Farah Province, Afghanistan, and the issuance of the ISAF Tactical Directive on 6 July 2009.

(U) The COMISAF tactical directive and the Farah incident investigation have been fully integrated into the Marine Corps training and education continuum from entry level training, through follow on institutional training, to service level predeployment training. This approach ensures that ground commanders, aviators, terminal attack controllers and all others in the fire approval chain understand and consider the strategic environment when conducting counterinsurgency (COIN) operations.[354] [355]

(U) Marine Corps units and individuals preparing to deploy to Afghanistan are trained on theater specific directives and measures to prevent civilian casualties, to include ROE, considerations for use of air-to-ground and indirect fires, and requirements for collateral damage estimation and BDA.

(U) Training for forces deploying to Afghanistan is tailored for that threat and environment by monitoring events in theater, reviewing intelligence summaries, after action reports, e-mails, information provided by recently redeployed Marines, and MCCLL products. Instructors at Tactical Training and Exercise Control Group (TTECG) and Marine Aviation Weapons Training Squadron (MAWTS) 1 maintain situational awareness through periodic "lessons learned" trips to Afghanistan and participation in video teleconferences with deployed forces.

(U) The following summarizes changes throughout the Marine Corps training and education continuum and actions taken to reduce civilian casualties.

Entry-Level Training (U)

(U) The [USMC] Basic School's Basic Officer Course identifies the local populace as the center of gravity. Recurring themes include: Kinetic force must be used judiciously, with understanding

[354] (U) "US Marine Corps After-Action Report on Reduction of Civilian Casualties," Deputy Commandant, Plans, Policies and Operations (PP&O), HQMC Letter to Joint Staff J-7, Operational Plans and Joint Force Development, (UNCLAS). Same material is contained in "Incorporation of Civilian Casualty After Action Review Lessons Learned into Service Training Curriculums," Col Rick Fenoli, Deputy Director, Joint Exercise Training Division, J-7, Joint Staff briefing, 16 March 2010

[355] (U) Information paper entitled "Incorporation of Civilian Casualty Lessons Learned into Marine Corps Training and Education," Training and Education Command, 6 October 2009

of potential negative ramifications on support of the populace. ROE/law of war (LOW): Clearly identify and target only enemy personnel, use appropriate force, avoid collateral damage. "Three block war" and "strategic corporal:" Tactical decisions can have strategic level implications.

(U) Infantry Officer Course includes Arab role players, tactical scenario is scripted to reward sound tactical decisions based on cultural, tribal considerations, sensitivity to civilian casualties and measured use of force. Supports both spirit and intent of ISAF tactical directive.

(U) Field/Marine Artillery Officer Basic Course now includes detailed instruction on collateral damage estimation and increased precision required of all supporting arms, as described in the ISAF tactical directive.

Follow-on Institutional Training and Education (U)

(U) Expeditionary Warfare School: A new class, "Fires in the Current Operating Environment," includes collateral damage estimates, ROE, PID, considerations for application of fires in COIN operations, effects, roles of fires and risk vs. gain analysis. These themes continue during the Occupational Field Expansion Course fires preparation practical application and live fire events. For artillery officers, the course addresses advanced collateral damage estimates and precision guided munitions (PGM) employment.

(U) Tactical Air Control Party Course now includes the ISAF tactical directive and events leading to the directive, a hazard report lecture, and emphasis on use of non-kinetic support and minimizing collateral damage.

(U) Joint Fires Observer Course includes fratricide prevention, case study of the Farah incident, other in theater and training incidents, and the ISAF tactical directive in detail.

(U) Air Officer Development Course includes Farah case study, investigation and lessons learned as part of the collateral damage estimate and ROE class.

(U) Weapons and Tactics Instructor Course includes Farah case study, investigation and lessons learned in the ROE class.

(U) Infantry Unit Leaders, Infantry Company Operations Chief and Infantry Operations Chief Courses now include discussion on implications of the ISAF tactical directive in coordination and approval processes. [356]

[356] (U) Information paper entitled "Incorporation of Civilian Casualty Lessons Learned into Marine Corps Training and Education," Training and Education Command, 6 October 2009

Pre-Deployment Training (U)

(U) The TTECG, at the Marine Corps Air-Ground Combat Center, has incorporated the ISAF Tactical Directive into the Marine Corps service-level mission rehearsal exercise, Enhanced Mojave Viper. The guidance, spirit, and intent of this directive are being met in the following methods:

(U) The operational law instructor covers the guidance and intent of the ISAF Tactical Directive during the ROE lesson. Aspects of the use of force to support ISAF operations to include the constraints and restraints contained within the directive are specifically highlighted. The aspects of tactical victories versus strategic losses are covered as well as how the loss of Afghan popular support is a decisive aspect of the counterinsurgency fight. This lesson also covers the constraints and restraints associated with entry into Afghan structures in accordance with the ISAF tactical directive.

(U) During the Fire Support Coordination Exercises, units are required to conduct precision target location and weaponeering based on the ROE and collateral damage estimate requirements that are commensurate with the Tactical Directive. Additionally, fires academic classes reinforce the guidance and intent of the Tactical Directive to include the requirement for collateral damage estimates as part of all fires practical applications.

(U) During the three clear-hold-build exercises, units are assessed on their ability to demonstrate carefully disciplined and controlled use of force. During these exercises, assessors incorporate role players (i.e. host nation police and army forces) to allow units to further demonstrate their understanding of the ISAF Tactical Directive. Additionally tactical scenario injects are carefully crafted to assess a unit's use of the ROE. In cases where use of force, ROE, or Law of War violations are observed by the assessors, investigations are directed to further reinforce the carefully controlled and disciplined use of force. Any cases of civilian casualties require an investigation to be conducted and specific learning points are reinforced during debriefs and the unit's after-action review.

(U) Training incorporates a mirror version of the ISAF Tactical Directive and draws upon this during every training day. Units are required to operate under the guidance of the Tactical Directive to include employment of unmanned aerial system full motion video to support BDA. Units are also required to submit BDA reports throughout the exercise. Units are debriefed on their application of this directive, and areas of remediation are identified.

(U) The TTECG remains in weekly contact with Marine forces deployed forward to Regional Command - South to capture near real-time lessons learned. Additionally, during each Enhance Mojave Viper a secure video teleconference is conducted between exercise forces and deployed battalions in Afghanistan to further sharing and incorporation of lessons learned.

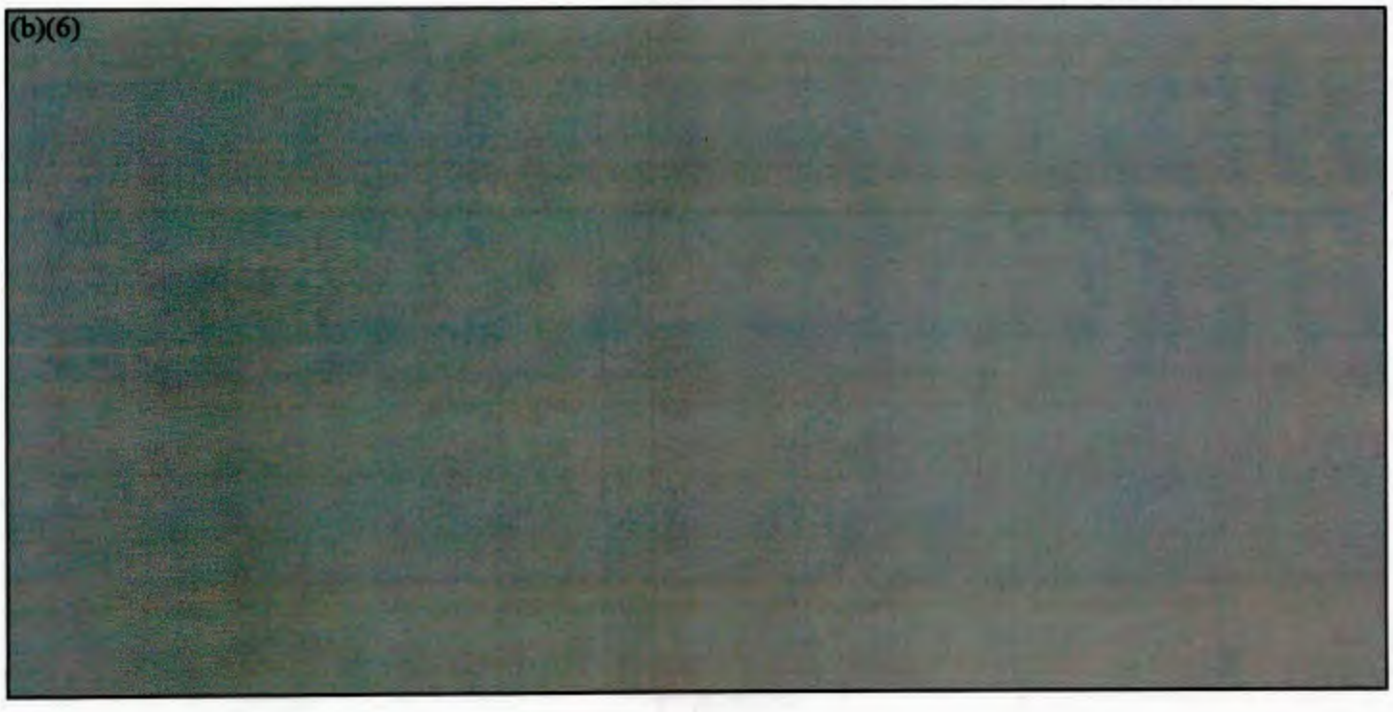
Appendix A: Biographical Information for the Core Study Team (U)

(b)(6)

Lecturer in Public Policy

Harvard Kennedy School of Government

(b)(6)



(b)(6)

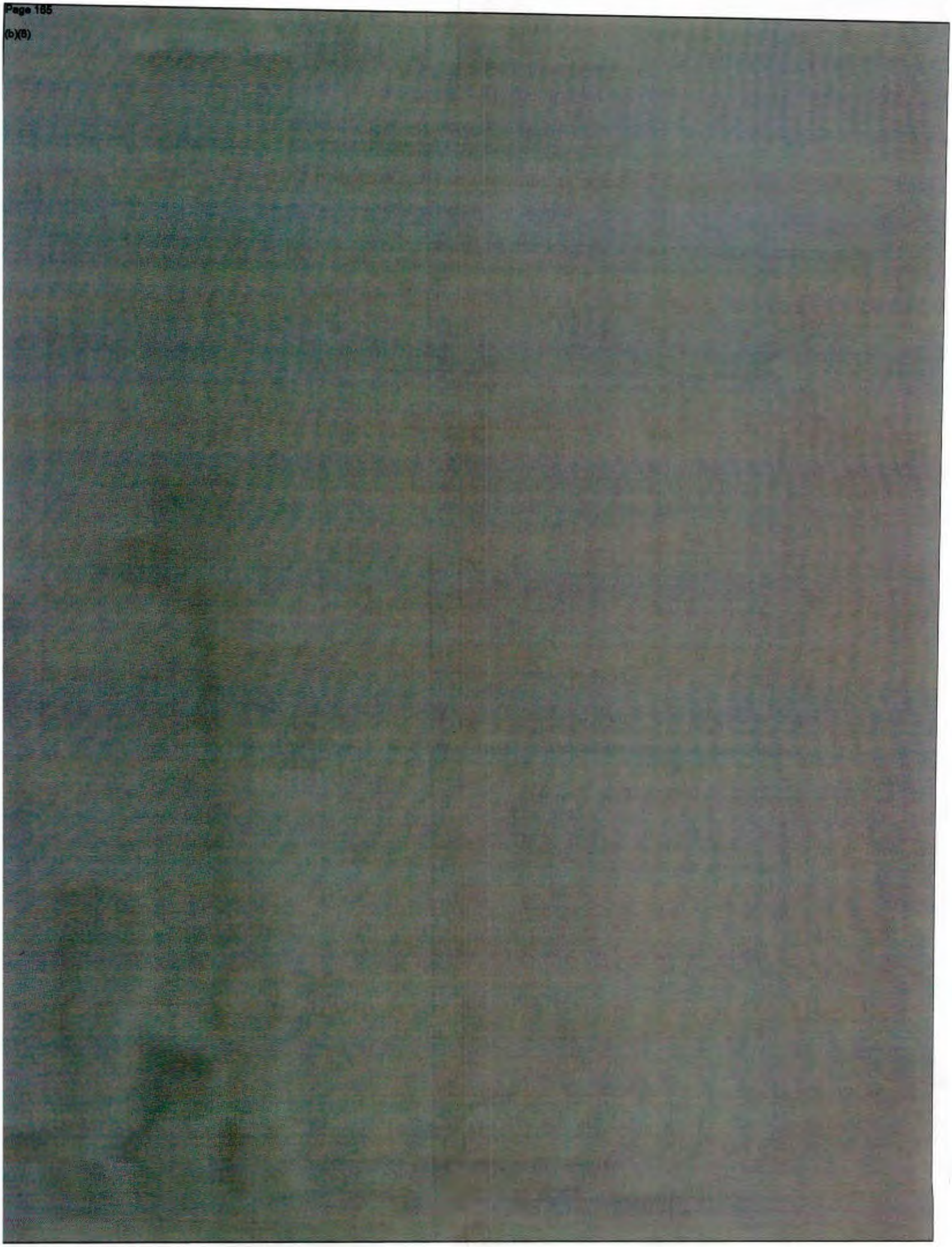
Principal, Strategic Requirements

Quantum Technology Sciences, Incorporated

(b)(6)

(b)(6)

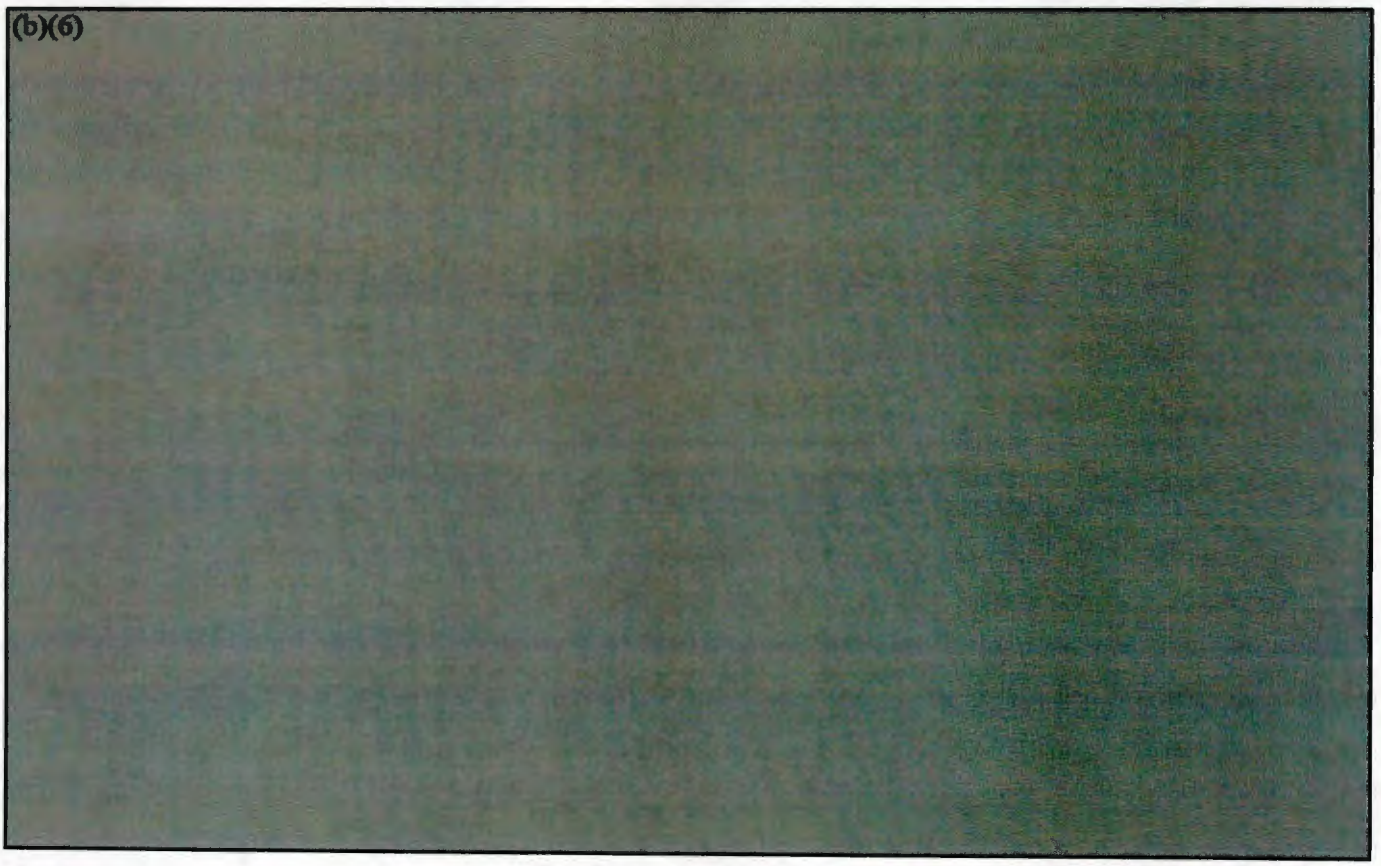
(b)(6)



(b)(6)

Center for Naval Analyses Representative

to US Joint Forces Command



Appendix B: Members of the Full Study Team (U)

Service Representatives (U)

USSOCOM (b)(6)

USA

- TRADOC G 3/5/7 (b)(6)
- CAC QAO (b)(6)
- CAC CALL (b)(6)
- Fires Center of Excellence (b)(6)
- Maneuver Center of Excellence (b)(6)

USAF

- A9 (b)(6)
- ACC A2 (b)(6)
- 93 AGOW (b)(6)

USMC

- MCCLL (b)(6)

USN

- CNA (b)(6)

JNLWD (b)(6)

In-theater Collection Team (U)

(b)(6)

Appendix C: Units and Organizations Visited During In-theater Collection (U)

ISAF
IJC
ACCE-A
NTM-A/CSTC-A
JPOTF
TF 41
EASOG
TF 435
UNAMA
ICRC
AIHRC
GIRoA MOD
GIRoA MOI
CAOC/CFACC
RC-S
TF Kandahar (CAN)
TF Helmand (UK) [VTC]
451 AEW
205 BDE (ANA)
Kandahar PRT (CAN)
Stab-A CO (CAN)
1-508 PIR
2-508 PIR
RCT-7
RC-E
CJSOTF-A
TF 5-35
TF 3-10
455 AEW
3 CAB
807 ASOS
AWG
2-503 PIR
4-4 IBCT
4-4 BSTB
JBAD PRT
173rd ABCT
203 Corps (ANA)
RC-E TAC
1-91 CAV
RC-W
TF Professional
SOTF-W
RC-W Fusion Cell
Farah PRT
TF 4-73 CAV
TF South

Appendix D: Acronyms (U)

A

AAG	Afghan Assessment Group
AAR	After Action Report
ACAP	Afghan Civilian Assistance Program
AIHRC	Afghanistan Independent Human Rights Commission
ANA	Afghan National Army
ANP	Afghan National Police
ANSF	Afghan National Security Forces
AOR	Area of Responsibility
APU	Afghan Partner Unit
AR	Army Regulation
AWT	Air Weapons Team

B

BCT	Brigade Combat Team
BDA	Battle Damage Assessment
BN	Battalion
BOG	Boots on the Ground
BSO	Battlespace Owner

C

C2	Command and Control
CAAT	COIN Advisory and Assistance Team
CAC	Combined Arms Center
CALL	Center for Army Lessons Learned
CAOC	Combat Air Operations Center
CAS	Close Air Support
CCA	Close Combat Attack
CCTC	Civilian Casualty Tracking Cell
CDE	Collateral Damage Estimate
CDR	Commander
CENTCOM	US Central Command
CERP	Commander's Emergency Response Program
CFACC	Combined Forces Air Component Commander
CIDNE	Comprehensive Information Data Network Exchange
CIVCAS	Civilian Casualties
CIVIC	Campaign for Innocent Victims in Conflict
CJCS	Chairman of the Joint Chiefs of Staff
CJSOTF-A	Combined Joint Special Operations Task Force-Afghanistan
CNA	Center for Naval Analyses
COIN	Counterinsurgency
COMISAF	Commander, International Security Assistance Force
CONOPS	Concept of Operations

C *continued*

CONUS	Continental United States
CSM	Command Sergeant Major
CT	Counterterrorism
CTC	Combat Training Center

D

DCOM	Deputy Commander
DF	Direct Fire
DOD	(US) Department of Defense
DOTMLPF	Doctrine, Organization, Training, Material, Leadership, Personnel, Facilities

E

EOF	Escalation of Force

F

F3EA	Find, Fix, Finish, Exploit, and Analyze
FFRDC	Federally Funded Research and Development Center
FID	Foreign Internal Defense
FIR	First Impression Report
FM	(US Army) Field Manual
FMV	Full Motion Video
FOB	Forward Operating Base
FRAGO	Fragmentary Order

G

GIRoA	Government of the Islamic Republic of Afghanistan
GPF	General Purpose Forces
GRGs	Grid Reference Graphics

H

HQ USAF/A9A	Analyses and Assessments Directorate, Air Force Headquarters
HUMINT	Human Intelligence
HVI	High-Value Individual
HVT	High-Value Target

I

2IR	Second Impression Report
IAT	Incident Action Team
ICRC	International Committee of the Red Cross
IDF	Indirect Fire
IED	Improvised Explosive Device
IJC	ISAF Joint Command
IO	Information Operations
IRR	Investigation Recommendation Report

I *continued*

ISAF	International Security Assistance Force
ISR	Intelligence, Surveillance, and Reconnaissance

J

JAG	Judge Advocate General
JCOA	Joint Center for Operational Analysis
JIEDDO	Joint IED Defeat Organization
JLLIS	Joint Lessons Learned Information System
JOC	Joint Operations Center
JFCOM	US Joint Forces Command
JMTC	Joint Multinational Training Command
JNLWD	Joint Non-lethal Weapons Directorate
JPMR	JTAC Post Mission Report
JRTC	Joint Readiness Training Center
JTAC	Joint Terminal Attack Controller

K

KIA	Killed in Action
KLE	Key Leader Engagement

L

LNO	Liaison Officer
LOAC	Law of Armed Conflict

M

MAM	Military-Age Male
MEB	Marine Expeditionary Brigade
MEDEVAC	Medical Evacuation
MET-TC	Mission, Environment, Threat-Terrain, Civilians
METL	Mission-Essential Task List
MILSTD	Military Standard
MISREP	Mission Report
MNF-I	Multinational Forces-Iraq
MOD	Ministry of Defense
MOI	Ministry of the Interior
MSOT	Marine Special Operations Teams

N

NATO	North Atlantic Treaty Organization
NCO	Noncommissioned Officer
NDS	National Directorate for Security (Afghanistan)
NGO	Nongovernment Organization
NTC	National Training Center
NTISR	Non-traditional Intelligence, Surveillance, and Reconnaissance

O

OCCP	Operation Coordination Center Provincial
OCG	Operational Control Group
ODA	Operational Detachment-Alpha
OEF	Operation Enduring Freedom
OPSEC	Operational Security
OPTEMPO	Operational Tempo
ORSA	Operations Research and Systems Analysis
OSD	Office of the Secretary of Defense

P

PED	Processing, Exploitation, and Dissemination
PID	Positive Identification
PME	Professional Military Education
POL	Pattern of Life
PRT	Provincial Reconstruction Team
PSYOP	Psychological Operations

Q

QTSI	Quantum Technology Sciences, Inc.

R

RC	Regional Command
RC-C	Regional Command Central
RC-E	Regional Command East
RC-N	Regional Command North
RC-S	Regional Command South
RC-W	Regional Command West
RIAB	Radio in a Box
RIP/TOA	Relief in Place/Transition of Authority
ROE	Rules of Engagement
RPA	Remotely Piloted Aircraft

S

SECDEF	Secretary of Defense
SIGACTs	Significant Activities
SIGINT	Signals Intelligence
SIR	Second Impression Report
SOCOM	US Special Operations Command
SOF	Special Operations Forces
SP	Secure Perimeter
SPINS	Special Instructions
SROE	Standing Rules of Engagement
SSE	Sensitive Site Exploitation

S *continued*

STX	Situational Training Exercise
SVBIED	Suicide Vehicle-Borne Improvised Explosive Device

T

TACP	Tactical Air Control Party
TC	Target Compound
TF	Task Force
TIC	Troops in Contact
TOC	Tactical Operations Center
TRADOC	US Army Training and Doctrine Command
TTP	Tactics, Techniques, and Procedures

U

UCT	Unified Command Team
UN	United Nations
UNK	Unknown
UNAMA	United Nations Assistance Mission in Afghanistan
USAID	US Agency for International Development

V

VSEP	Village Stability Engagement Plan
VTC	Video Teleconference

W

WIA	Wounded in Action