

*Open Society Foundations*  
*Regional Policy Initiative on Afghanistan and Pakistan*

**The Trust Deficit:  
The Impact of Local Perceptions on Policy in Afghanistan**



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## **The Trust Deficit: The Impact of Local Perceptions on Policy in Afghanistan**

### **Executive Summary**

Despite the outpourings of billions of dollars and hundreds of thousands of troops over the last eight years, many Afghans are angry and resentful at the international presence in Afghanistan. This reflects a growing divide between the perceptions of the Western public and policymakers and those of Afghan citizens about the intentions and accomplishments of international forces in Afghanistan. For the Western public, the international community is in Afghanistan to stabilize the government and stop the spread of terrorism. Western policymakers tend to act on the assumptions that the Taliban, Al Qaeda, and other insurgents bear the greatest responsibility for civilian casualties; and that international forces are in Afghanistan to improve the situation.

In dozens of individual interviews and focus groups conducted by the Open Society Foundations with partner nongovernmental organizations in late 2009 and 2010, Afghans repeatedly called into question the truisms held by the international community and Western policymakers. Incidents of civilian casualties, night raids, wrongful or abusive detentions, deteriorating security, and the perceived impunity of international forces have generated negative stereotypes of international forces as violent, abusive, and sometimes, deliberately malevolent in their conduct and nature.

While statistics show that insurgents are responsible for most civilian casualties, many we interviewed accused international forces of directly stoking the conflict and causing as many, if not more, civilian casualties than the insurgents. Many were even suspicious that international forces were directly or indirectly supporting insurgents. These suspicions, in turn, have fed into broader shifts toward framing international forces as occupiers, rather than as a benefit to Afghanistan. Today, each incident of abuse, whether caused by international forces or insurgents, reinforces these negative perceptions and further undermines any remaining Afghan trust.

International actors often dismiss these perceptions as being based on rumors, conspiracy theories, propaganda, or bad analysis. However, many of these perceptions seemed based as much on actual policies—albeit often due to indirect effects—as on propaganda or lack of information. Many Afghan communities drew these conclusions only after they suffered from civilian casualties, night raids, detention operations, and saw few signs of progress in their country.

Suspicion and resentment of the international military is also often dismissed as a product of Afghanistan's history. Commentators often voice the assumption that such views

would be part of Afghan relations with any outside power, or alternately that these views are only endorsed by select political groups, tribes, or ethnicities—particularly those who are Taliban sympathizers. While it is true that there are delicate ethnic dimensions that buttress negative perceptions, such as a history of Pashtuns regularly defending their lands from intruding foreign forces, negative perceptions of international forces and suspicion about the international community are broadly accepted across much of Afghanistan. In the course of this research, the Open Society Foundations found few meaningful differences in perceptions of international forces, regardless of the ethnicity of the Afghans interviewed, their level of education, political affiliation, or proximity to conflict. Those with staunch pro-government or pro-Western views, and those belonging to regions or groups that have benefited the most in the post-Taliban period also expressed negative attitudes toward the international community, and international forces in particular.

Western policymakers have recently recognized that civilian casualties, detention operations, and other activities that harm Afghan communities have engendered distrust and anger, undermining overall success in Afghanistan. Overcoming Afghan resentment toward international forces and the Afghan government has been a key concern in the new counterinsurgency strategy, and recent policies have reduced civilian casualties, improved detention conditions, and increased strategic communications in an attempt to win Afghan “hearts and minds.” Yet these policy reforms have often been too little, too late. Any policy aimed at rebuilding the trust and confidence of Afghan communities must take into account how to mitigate both the direct and indirect effects of the international community’s actions in Afghanistan. It must also consider the build up of mistrust and grievances from the past nine years of conflict.

By dismissing Afghan perceptions of the international community as propaganda or conspiracy theories alone, policymakers have often failed to understand how much these negative perceptions may be distorting their policies and efforts. The international community needs the trust and cooperation of Afghan communities for many of its most crucial policies to succeed, including counterinsurgency initiatives, strengthening governance and rule of law, and reconciliation and reintegration. Past civilian casualties, night raids, and detention operations have not only deeply angered Afghans; they have negatively shaped the way Afghans view foreigners, and have the potential to stymie the success of both short- and long-term policy initiatives in Afghanistan.

With the international community fighting an uphill battle against Afghan perceptions, the following recommendations would allow foreign policymakers and military officials to make inroads toward establishing the trust and cooperation with Afghans that has been lost due to civilian casualties, night raids, detention operations, insecurity, and lack of accountability:

- Recognize the causes and importance of Afghan community narratives, rather than dismissing them out of hand as conspiracy theories, propaganda, or tribal bias.

- Institute changes for broader transparency and responsiveness by international forces to allegations—both past and present—of misconduct against Afghans. Such allegations must be taken seriously, and result in meaningful investigations and disciplinary procedures. The results should then be communicated directly to affected individuals or communities.
- Reaffirm and extend the recent military tactical and policy changes that have reduced the potential for civilian harm by international troops and continue to provide greater protections for those detained in the conflict.
- Stop the increased use of night raids as the primary kill/capture mechanism. Every night raid should be scrutinized prior to its approval as to why it must be conducted during the night and why more traditional law enforcement safeguards for neutralizing suspects are not appropriate or possible.
- Exercise greater political accountability over Special Operations and non-military forces engaged in night raids and related operations.
- Reconsider the new counterinsurgency strategy of pushing international troops closer to villagers until the population can be meaningfully protected from the increased insurgent violence, collateral damage from international forces, and broader humanitarian consequences that often accompany such troop movements.
- Exercise caution regarding initiatives that arm, train, or otherwise empower local militias. Past attempts have often resulted in the unintended side effects of empowering local warlords, leading to abuses of power, inflaming tribal rivalries, indirectly supporting insurgent groups, and otherwise feeding the conflict.

In addition, there are important steps that the Afghan government can take to ensure that the consequences of conflict for their communities are not forgotten. The international community should work with the Afghan government to:

- Ensure that any reconciliation talks include a transitional justice mechanism that acknowledges the suffering of the victims and helps Afghan communities address past grievances.
- Establish a public, national registry for victims of conflict that will publish not only the number of casualties caused by the ongoing conflict, but also account for the cause of death, and those believed to be responsible. An Afghan institution with some degree of independence from all warring parties should be charged with this responsibility.

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This brief is the second in a series by the Open Society Foundations Regional Policy Initiative on Afghanistan and Pakistan. The Regional Policy Initiative was developed to examine key policy issues in Afghanistan and Pakistan, including civilian casualties and conflict-related detentions. The Open Society Foundations are a network of nongovernmental organizations that work to build vibrant and tolerant democracies whose governments are accountable to their citizens. On a local level, the Open Society Afghanistan implements a range of initiatives to advance justice, education, public health, and independent media.

“Even a seven year old child hates the foreign military because of their activities. Since the international community came to Afghanistan, they have lots of staff and have spent lots of money, but they still can’t bring security.”

*-Interview with Wardak community member, April 2010*

## **I. Introduction**

It is hard to overstate the level of Afghan resentment over civilian casualties, or detentions, in Afghanistan. A single incident can be enough to spark public protests across the country.<sup>1</sup> A few months after taking command of U.S. and NATO forces in Afghanistan in mid-2009, General Stanley McChrystal told the news program *60 Minutes*, “[T]his civilian casualty issue is much more important than I’d even realized. It is literally how we lose the war, or in many ways, how we win it.”<sup>2</sup>

While Western officials have recognized that civilian casualties, detention, and other issues have created blowback that is harmful to their overall mission,<sup>3</sup> they often fail to understand why these issues have had such an impact, or the larger ramifications in terms of how these incidents shape basic Afghan narratives of the conflict. This often leads them to treat the symptoms, but not the underlying problems. Beyond the immediate anger and resentment that incidents of civilian harm can generate in affected communities, nine years of repeated incidents and little in the means of accountability or transparency to address them have snowballed into a growing feeling of distrust between Afghans and the international community. Instead of seeing them as stabilizing and beneficial actors in Afghanistan, Afghan communities increasingly voice concerns that international military are equally responsible for civilian harm and in many cases suspect that they are deliberately fueling the conflict.

Unless fully appreciated—and addressed—these negative perceptions have the potential to derail critical elements of the international community’s military and political strategy in Afghanistan. From reconciliation and reintegration to counterinsurgency to building good governance, the current strategies depend heavily on the trust and buy-in of Afghan communities.

## **II. Methodology**

In late 2009 and 2010, the Open Society Foundations, in cooperation with local Afghan civil society organizations, including the Afghan Development Association, the Community Health Association<sup>4</sup>, The Liaison Office, and the Welfare Association for the

Development of Afghanistan, conducted research to understand Afghan perceptions about warring parties to the conflict.

Over 250 Afghans participated in focus groups or individual interviews across Kabul and in six provinces: Herat, Khandahar, Khost, Nangarhar, Paktia, and Wardak. Participants were primarily male, although women from Kabul, Kandahar, Khost, Nangarhar, Paktia, and Herat were also interviewed. In addition to this research, the authors consulted with independent human rights monitors, researchers, and community representatives who have examined similar issues in other parts of the country, for example, in Kunduz, Logar, and Uruzgan provinces.

The interviews were conducted by both international and Afghan teams to see whether respondents answered differently when questioned by an international person. There were no significant differences. Nonetheless, there may be an overall bias to questions from outsiders, as with any survey in Afghanistan. In addition, many interviewed were from provinces in which conflict is prevalent, and insurgents have a significant presence. Attempts were made to conduct all interviews in private, safe locations to ensure that participants felt secure. Despite these precautions, fear of later retaliation may have biased some responses. It is significant to note, however, that the responses of those in more Taliban-influenced provinces, for example, Kandahar, varied little from provinces where there is less of an insurgent influence, for example Herat, suggesting that fear of retaliation did not have a significant impact.

We also asked interviewees a range of other questions about the conduct of Afghan security forces, militia groups, other forms of foreign engagement in Afghanistan, and reconciliation. For the purposes of a more focused analysis and policy recommendations, however, this policy brief focuses primarily on answers related to the conduct of international forces and insurgent groups.

### **III. What Afghans Say about the West**

Western public perceptions about the causes of instability in Afghanistan and the role of international forces and insurgents could be characterized as follows: 1) Insurgents treat the civilian population far worse than disciplined and professional international forces; insurgents are brutal in their intimidation and harassment of the population. 2) Insurgents are, quantitatively and qualitatively, more responsible than international forces for civilian harm and escalating the conflict.

These baseline assumptions are not, however, shared by most Afghans. Most Afghans we spoke with believed the opposite to be true. They blamed insurgents for many attacks against civilians and other misconduct, but they did not think the international military had a much better record than insurgents, citing continued insecurity, detention abuses, airstrikes that killed civilians, and night raids that offended entire communities. Many Afghans also thought that international forces were, in some cases, colluding with insurgents to prolong the conflict. Many Western military officials and policymakers

often disregard these criticisms as the result of propaganda or poor analysis. But, when the conflict is seen from the perspective of Afghans, these perceptions become understandable.

### *Perceptions of Misconduct and Civilian Harm*

Though international forces have been responsible for significant civilian harm, many independent monitors attribute a greater share of casualties to insurgent groups. According to UN statistics, insurgents were responsible for 76 percent of civilian casualties in the first half of 2010, compared to 12 percent by international forces.<sup>5</sup> Insurgents including the Taliban have conducted widespread targeted assassinations,<sup>6</sup> beheadings,<sup>7</sup> executions of women and minors,<sup>8</sup> public stonings,<sup>9</sup> torture and disfigurement,<sup>10</sup> and other potential war crimes.<sup>11</sup> Faced with evidence of such brutality, many Western policymakers question why Afghans protest international military operations, but often have little to no response to the more widespread insurgent bomb attacks, kidnappings, or targeted assassinations.

Whereas the Western public and policymakers tend to assume that the conduct of professional and disciplined Western forces is far better than that of insurgents, most Afghans we spoke with viewed them on par, contributing to the perception that international forces are equally, if not more to blame than insurgents, for civilian casualties.<sup>12</sup> Afghans recognized the violent nature of insurgent groups, describing suicide bombings, kidnappings, and other acts of violence. But they also recounted repeated instances of international forces causing civilian casualties and angering local communities through airstrikes, night raids, detention operations, and checkpoint and convoy shootings – many of which have been documented by the media and independent rights monitors.<sup>13</sup>

These legitimate grievances, which sometimes are combined with a mistrust of foreigners, insurgent propaganda, or pro-Taliban sympathies among some tribes or ethnicities have come to generate negative perceptions about international forces. As one man from southern Afghanistan explained, “The Taliban’s actions against common people are very bad. But the international military forces’ behavior and actions against the common people are the same, and are actually worse than the Taliban. For example, they killed many innocent people in night raids.”<sup>14</sup> Another noted, “If even one Taliban enters the village, then Americans bomb the entire village. Due to their bombings, the entire population of the village is harmed.”<sup>15</sup> Another community elder from Kandahar province who had seen many in his village detained said similarly, “When they are arresting one insurgent, they are killing more than 10 civilians.”<sup>16</sup> Other Afghans described international soldiers as people who have shot unarmed men in front of their families, took away injured women in helicopters to then only return with their dead bodies, and allowed dogs to attack families or corpses.<sup>17</sup>

Many Afghans also said international forces do not act in accordance with Afghan culture and religion, which sharpened their anger. For example, many objected to the common practice of night raids, in which typically a joint group of international and Afghan forces enter homes at night to kill or capture suspected insurgents.<sup>18</sup> Forcibly entering the home

at night, and searching women of the family, are outrageous acts according to Afghan culture. From the Afghan perspective, it puts the forces on par with thieves or criminals.

Repeated incidents of harm with little explanation or accountability have led a wide segment of the Afghan population to believe that international forces do not care for them and, in some cases, kill large numbers of civilians intentionally. “They don’t care about Afghan people. They slaughter Afghan people like they would kill an animal,” a man from Kandahar complained.<sup>19</sup>

Afghan perceptions of international forces as equally bad, or worse, than insurgents were expressed by people from conflict-prone areas and by those living in more stable provinces, including those that are historically less sympathetic to the Taliban and less susceptible to their propaganda. An English language student from the relatively stable province of western Herat fiercely criticized the Taliban’s violence but went on to state that international forces were also responsible for some of the worst wartime behavior, including indiscriminately firing on civilians, burning the Koran, and harassing locals on a daily basis.<sup>20</sup> In a focus group discussion in Kabul, participants working for Western-oriented nongovernmental organizations said they knew of a case in which international forces shot a baby in its bed at point-blank range during a night raid.<sup>21</sup> A business owner, from Herat province said, “International military broke into a house in Helmand and killed a child in the house and beat the members of the family without having any cause, or even asking what happened.”<sup>22</sup>

#### *International Forces’ Assist Insurgents and Prolong the Conflict*

A second reason that Afghan communities place more blame on international forces than statistics might suggest is that they often hold international forces responsible for both their own acts and for some insurgent attacks. The majority of civilians we interviewed believed that international forces were directly or indirectly aiding insurgents to some degree. Some thought international forces were actively perpetrating attacks on civilians and blaming them on insurgents.<sup>23</sup>

Many Afghans shared stories of international forces giving or leaving arms or ammunition for insurgents. As one man from a village near Kandahar City said, “The international troops are the source of illegal activities. Narcotics smuggling, bombing, suicide attacks, everything goes back to international military forces. They are also instigating fighting between tribes.”<sup>24</sup> A woman in Paktia province told of a rumor that “Americans” gave a suicide bomber \$50,000 to blow himself up during the election period.

Stories about international forces laying improvised explosive devices in the roads or bazaars are common. A typical example of this narrative was shared by a man from Khost:

In Mohammad Agha District of Logar Province, at night a car full of wood overturned and the American forces surrounded the area for the whole night and in the morning they left the area. When all the civilians gathered



near the car, suddenly the car exploded and over 100 people lost their lives there. The explosion was done intentionally by the Americans themselves.<sup>25</sup>

In August 2009, a Taliban suicide attack went astray and hit a seemingly random civilian site, killing 40 people. Because the attack seemed to have no particular target, the majority of Kandaharis we spoke with assumed the explosion must have been caused by an airstrike, not an insurgent bomb, which often attack Afghan government, international military, or other international targets.<sup>26</sup> The Taliban's public denial of the attack reinforced this belief. Many interviewees said the Taliban were only responsible for attacks they admitted publicly.<sup>27</sup>

An English teacher in Herat noted, "Two or three years ago, there weren't any foreign forces in Herat City and the surrounding districts; and the security was better. But now they are here and it is worse. The Taliban are, in my view, supported indirectly by the international forces."<sup>28</sup> Even Afghan President Hamid Karzai implied that insurgents were being flown from the south to the previously stable northern provinces to instigate violence.<sup>29</sup>

Rumors that international forces are supporting insurgent actions reinforce and are themselves reinforced by the growing perception that foreign actors, including Western governments, are supporting insurgent and intertribal violence, and seeking to occupy Afghanistan. One of the most common responses to questions about which warring party was most responsible for civilian harm was that international forces were equally or more responsible because they were deliberately failing to prevent the conflict from spreading. A woman from Khost explained, "In my opinion, the American forces themselves want to create insurgency for their own interest. Because, if there is peace in the country, then the people will tell them that there is no need for the international forces to stay in the country. That is why they have let the insurgency increase."<sup>30</sup>

A man from Herat similarly stated, "International forces cause all these security issues so that they have an excuse to stay here for a long time. If they kick out the Taliban or solve the security problem, then the Afghan people will tell them they can go; that they don't need them any more. The suicide bombers and everything that's happening can all be traced back to international forces."<sup>31</sup>

The U.S. and its NATO allies were not the only foreign powers suspected of fanning the conflict for their own strategic motivations. When asked who supported insurgent activities and insurgent groups, the most common response by far was Pakistan, and more specifically, the Pakistani intelligence service.<sup>32</sup> A number of interviewees also pointed to Afghanistan's other neighbor, Iran.<sup>33</sup> The high levels of mistrust of these regional powers, and the strong U.S. support for Pakistan often exacerbated Afghan suspicions about the intentions of U.S. or international forces. "Pakistan and the American and British intelligence help insurgents, give them weapons, money, and other support. They don't want to bring security to the area. They want to work, fight, bring the people for their benefits. They want to stay for a long time against their enemies in the area."<sup>34</sup>

These views should not be pushed aside as irrational—no matter how unbelievable they seem to Westerners. What matters is that Afghans believe them, the beliefs are widespread, and the beliefs impact the way Afghans perceive and interact with the international community. Further, as the next section will discuss, once seen from their perspective, it is not impossible to understand why Afghans might believe that international forces are colluding with insurgents.

#### **IV. Where these Perceptions Come From**

In contrast to widespread insurgent abuses, which include suicide attacks that kill civilians, kidnappings, acid attacks, and other forms of intimidation, international military forces in Afghanistan were responsible for only 12 percent of civilian casualties in the first half of 2010. Yet, Afghan civilians we spoke with said international forces are equally responsible for civilians casualties and harm to civilians. Many suspected international forces of planting mines, supporting suicide attackers, or directly supporting insurgent forces in other ways. A large number of interviewees also stated that international forces and foreign governments involved in Afghanistan are deliberately fomenting conflict for their own strategic motivations.

Many policymakers regard these accounts as ludicrous and dismiss them out of hand. This is a mistake. While the details or facts of any given story or narrative may not be accurate many of the overall suppositions that Afghan communities make about international forces are not irrational given the conduct they have observed over the last nine years, and the lack of accountability of the international military following allegations of misconduct.

Afghan community perceptions that international forces have been abusive and responsible for civilian casualties are accurate, even if specific stories or theories of harm have been exaggerated or incorrect. International forces engaged in Afghanistan have been involved in many cases of abuse, misconduct, and preventable mistakes over the last nine years. Examples include:

- Five U.S. soldiers stand charged with forming a “death squad” in 2010 that intentionally killed and then dismembered Afghan civilians, keeping some of the bones and skulls as trophies.<sup>35</sup>
- In April 2010, international forces engaged in a night raid shot an elderly man in his bed.<sup>36</sup>
- In August 2009, international forces forcibly entered a Western medical clinic in Wardak province, tied up local staff and some patients’ family members, and ordered patients out of their wards before searching the premises.<sup>37</sup>
- During an incident in Kandahar in 2007, international forces broke into the homes of two UN translators at night, booby trapped them to explosives, destroyed or damaged several thousand dollars in property, and later took the men to an

- undisclosed base where they were held overnight, questioned, and subjected to harsh treatment.<sup>38</sup>
- In March 2007, U.S. Marines in eastern Afghanistan responded to a suicide attack that wounded one of their men by firing on all civilian vehicles in sight, killing 19 and wounding many others.<sup>39</sup>

While in most cases, the military has justified its actions under the laws of war and as self-defense, these retorts do little to ease the anger of Afghans.

Detention operations have been equally destructive to the image of international forces.<sup>40</sup> U.S. soldiers in particular have detained people without giving them any meaningful way to challenge the allegations against them—leading to a system of *de facto* indefinite detention.<sup>41</sup> Detainees were also held in conditions of confinement well below international standards, and exposed to mistreatment that caused at least two detainees to die.<sup>42</sup> Afghans have made allegations throughout the war of soldiers at the point of capture beating them while handcuffed and destroying their personal property for no good reason.<sup>43</sup> Many of these abuses confirmed for Afghans the pre-existing perceptions they had about U.S. detention operations based on media reports about abuses at Abu Ghraib in Iraq and in Guantanamo Bay, Cuba.

These incidents of harm toward Afghan civilians undergird Afghans' negative perceptions of international forces. A former detainee held at the U.S. Bagram Theater Internment Facility who was arrested with his brother in a 2009 night raid explained, "I thought the U.S. had come to build our country and to help our people. But my brother was a principal at a school; and I was a farmer. And what was the fault of the women and children who were in the house when it was raided and destroyed? I went to open the gate for them and they shot at me. Why are people being arrested for no reason?"<sup>44</sup>

The man's uncle summed up the sentiments that many Afghans feel:

The U.S. slogans are different from what they're actually doing. They came to develop the country and destroy Al Qaeda, not to arrest innocent people. The U.S. is creating a distance between themselves and Afghans. People would gather around the U.S. when they first came to the district. Now we hate them and don't talk to them. Even when they give out small things like candy to children, the children throw it back. The trust has been destroyed.<sup>45</sup>

Four other elements have exacerbated the negative effects of these incidents, and also contributed toward broader conspiracy theories: 1) a failure by international forces to acknowledge or publicly hold themselves accountable for their mistakes; 2) the higher expectations that Afghans have of international forces' conduct; 3) the fact that Afghans do not see the insurgency as a homogenous group; and 4) an accumulation of well-founded doubts and disappointments over the past nine years.

When incidents of civilian casualties, detainee abuse, and mistaken arrest occur there have been few public investigations or other attempts to demonstrate accountability to affected communities, creating a vacuum for many of the details of these incidents to be exaggerated, or for baseless stories to spread.<sup>46</sup> For most of the last nine years, the international military response to allegations of harm typically ranged from ignoring the charges to denying them. As one man from a village near Kandahar City noted, “[International forces] can do anything they want and no one has to explain why they did these bad things.”<sup>47</sup> Another man from the same area said, “Any time the international military forces kill people they say ‘please forgive us.’ Then the day after they do the same thing.”<sup>48</sup>

The U.N. Special Rapporteur on Extrajudicial Killings Philip Alston noted after a visit to Afghanistan in 2008 that in most cases it was virtually impossible for average Afghans to get even basic answers about what happened to a detained loved one.<sup>49</sup> The few public findings that have been released came only after extensive public pressure, and even then they have been cursory and lacked transparency into the methodology of the investigation. For example, when the United States was accused of killing around 90 civilians in a bombing raid in August 2008 in Shindand, it rejected the accusations, saying only five to seven civilians were killed. After intense public pressure and condemnation, a military investigation found that at least 33 civilians were killed.<sup>50</sup>

But even when investigations, prosecutions, convictions, and disciplinary actions for misconduct have taken place, the military often does not communicate the outcomes to affected communities, such that most Afghans believe that international forces are never held accountable.<sup>51</sup> A United Nations report on the protection of civilians noted that it “documented only a few cases in which the results of investigations have been partly published,” and the “[v]ictims and affected communities were often not informed whether disciplinary or other action had been taken against those who may have been responsible for civilian casualties including commanders.”<sup>52</sup> In addition, independent monitors have noted that where investigation does take place, the resulting disciplinary actions are often too light for the conduct involved.<sup>53</sup>

Another important factor influencing how Afghans view these incidents is that Afghans have higher standards of behavior for a military with precision force capabilities and an established status as a professional and advanced military. In the initial U.S. invasion in 2001, U.S. airstrikes relied on military technology that awed Afghans who had been exposed to 20 years of indiscriminate and blunt force. The accuracy of these initial strikes and subsequent stories about the surveillance and targeting capabilities of unmanned drones nurtured a now commonly held belief that international forces have endless capabilities to recognize their enemies from afar and target them with precision.

With these expectations in place, Afghans became more outraged when international forces caused civilian casualties than when the technologically inferior insurgents did. A man from Khost explained, “These Americans ... claim to be able to see something from the sky even if it is six inches long. So how could they not see the Taliban, and instead of bombing them, bomb the innocent civilians?”<sup>54</sup>

When a man from Kandahar was asked whom he blamed for civilian casualties, he explained, “Most of the responsibility belongs to international forces because they have all the equipment, support, training, command structure, and facilities that they need. And yet so many casualties happen.”<sup>55</sup>

Analyst Antonio Giustozzi has suggested that malign views of international forces and conspiracy theories about foreign intentions in Afghanistan began to dramatically increase from 2006 onwards due to the contrast between the high expectations that Afghans had of international forces’ power and their inability to stop the Taliban from creating instability on the ground:

In particular, the fighting around Kandahar that October (the battle of Pashmul), despite being a tactical defeat of the Taliban, conveyed the message to the Afghan population that the Taliban were able to challenge an alliance of the world’s most powerful armies (United States, Britain and Canada) in a conventional battle near one of Afghanistan’s main cities. That convinced many Afghans that something was wrong in the official account of the conflict as given by the Americans.<sup>56</sup>

Because of international forces’ higher capabilities and promises of protection, many interviewees also blamed them for the harm they failed to stop. Afghans expected international forces’ superior technology and discipline to protect them from insurgent abuses. When they did not, it often led them to suspect international forces of bad intentions. One woman from Paktia province said she thought that international forces could bring peace and security to the country if they really wanted to: “They got rid of the Taliban in three days so why can’t they stop the insurgents from taking over a single village or district.”<sup>57</sup> The fact that they did not, she suggested, meant that they simply did not care about Afghans.

A mullah from Herat province noted, “Gradually the Taliban are working their way back into Afghanistan and the international forces seem to be doing nothing about it. In 2001, international forces were not even in Afghanistan but when the United States wanted to kick out the Taliban, they did so in a very short time. International forces are everywhere in Afghanistan now. The Taliban are right in front of them, and they do nothing.” He gave the specific example of an incident in which a bus he was traveling in was held up at a Taliban checkpoint. “The place where the Taliban inspected the bus was only four kilometers from a main highway. Do they not know about this? Or do they just not care?”<sup>58</sup>

In contrast to the high expectations Afghans placed on the foreign military, they place low expectations on insurgents. For example, when asked about the harm caused by insurgent attacks several respondents said that insurgents “had to” use suicide bombings or roadside bombs because it was the only way they could respond to international forces.<sup>59</sup> A study by the International Crisis Group on insurgent propaganda suggested the Taliban has sometimes used their perceived weaknesses to deflect public anger and excuse insurgent attacks that resulted in a high civilian death toll.<sup>60</sup>

Afghan civilians also have different perceptions of international forces than the Western public and policymakers because they tend to distinguish between insurgent groups. When discussing examples of civilian casualties caused by insurgents, interviewees frequently attributed responsibility to a specific insurgent group—for example the Taliban, Hesb-i-Islami, or Al Qaeda—rather than generically blaming “insurgents” for the attack. Many Afghans do not see the war as a two-party conflict—international and Afghan forces versus insurgents. Instead, they attributed blame for civilian casualties to a specific group or even individual.

In this context, many Afghans are comparing international forces to each faction of insurgents, not insurgents as a whole. This may help explain why Afghans assign relatively more blame to international forces than Western observers might. For example, the UN 2010 mid-year analysis attributed 76 percent of civilian casualties to insurgents, and 12 percent to pro-government (primarily international) forces. Statistics like this form a basis of Western perceptions that international forces cause far less harm. However, if the statistics about insurgent attacks were broken down by insurgent group—for example, if 20 percent of attacks were caused by one group, 15 percent by another group, and so on—then international forces might appear to be as responsible as other key warring parties for a significant portion of civilian harm.

The more complex Afghan perceptions about international forces to explain are those alleging that international forces are planting mines, supporting insurgents, and otherwise instigating conflict. Yet even these “conspiracy theories” may have roots in actual Western policy, and thus are worth closer examination. Years of civilian casualties, arbitrary detention, and misconduct by international forces, and the fact that the conduct of international forces is judged against higher standards than those applied to the insurgents, have contributed toward Afghan perceptions of international forces that are harsher than one might expect given the worse record of insurgent groups. These legitimate grievances, fed by propaganda and unchecked by meaningful accountability by international forces, have simmered for nine years. Afghan citizens’ mistrust of international forces is now so great that they are willing to believe stories about international forces supporting the insurgency or instigating conflict.

Though many of these claims are baseless, some Western policies have helped buttress allegations that international forces or other foreign powers are providing support to the insurgents. For example, when asked why they believed that international forces might be giving arms or support to the insurgents they are supposed to be fighting, Afghans often point to Western support of Pakistan, whom they suspect of supporting insurgents. The United States and other foreign donors have increasingly supported Pakistan since the engagement in Afghanistan began, and Afghan civilians continue to suspect that there is some Pakistani government involvement in Taliban support. Few Western commentators or policymakers would make the next leap in logic that the international community was knowingly supporting the Taliban and other insurgents via Pakistan, but given Afghan assumptions of Western military omnipotence and mistrust of regional power plays it is not irrational to think that they might conclude this.

There may also be some basis for Afghan community accounts that the international military or members of foreign governments or the international community have sometimes passed weapons or support onto insurgent groups, albeit not knowingly. For example, it has been estimated that as much as 20 percent of funds from major development contracts fall into the hands of local insurgent groups as protection bribes, an allegation taken seriously enough to initiate a USAID probe into contracting practices.<sup>61</sup> *The Times* of London, *Al Jazeera*, and other media have also reported instances of international forces paying bribes to local Taliban commanders to avoid attack.<sup>62</sup> More broadly, over the past several years some foreign military and intelligence units have supported various local defense initiatives, public protection forces, election militias, tribal groups, and other *ad hoc* groups in an attempt to support stability in particular provinces or areas.<sup>63</sup> Most of these initiatives were well intentioned, but they ultimately ended up empowering unaccountable groups and individuals, some of whom might have had past or active affiliations with insurgent groups. All this serves to reinforce Afghan suspicions that international forces are colluding with insurgents.

Considering the legitimate grievances sparked by harsh international military tactics, the lack of accountability, and the growing strength of insurgents despite seeming international military omnipotence, the narratives that are often dismissed as blatant propaganda or unfounded conspiracy theories do not appear so extraordinary. The willingness of Afghans to believe in a strategy of Western occupation and malign intentions result from an accumulation of well-founded doubts and disappointments over the years, as well as a strong dose of insurgent propaganda. Many may be factually wrong, or be the result of mistaken conclusions, but the policy take-away should be that better communication and trust-building to address these false premises is needed, not to simply dismiss them out of hand.

## **V. Why the West Doesn't Listen**

Western officials often disregard Afghan accounts of international forces harming civilians deliberately or supporting insurgent activities as conspiracy theories or rumors. They dismiss them as products of ethnic or tribal bias against the Afghan government or the international community, general Afghan bias against foreign invaders, or the product of insurgent propaganda and a lack of access to credible information. Though all these factors hold some sway in how Afghans view the West, interviews conducted by the Open Society Foundations and their partners suggest that these factors do not have as much to do with Afghan perceptions as the actual policies and conduct of international actors in Afghanistan over the last nine years.

Western policymakers often suggest that stories about outrageous conduct of international forces or Western ulterior motives in Afghanistan are shared only by Afghans who supported or continue to support the Taliban movement, or who bear a grudge against those currently in power. But this is a simplified understanding of the problem. While tribal disenfranchisement or sympathy with Taliban ideology is an

important factor behind some Afghan perceptions, they are not the only ones. Of those we interviewed, those who were staunchly pro-government, or who were most opposed to the Taliban movement—for example female human rights activists, educated, nongovernmental organization partners, and even governmental staff—often voiced some of the same suspicions and criticisms of international forces as those from areas that are more supportive of the Taliban. Harsh views of international forces were not limited to certain ethnicities or tribes, or to Taliban supporters. The negative perceptions documented in our research are widespread, with varying degrees of buy-in across political, tribal, or ethnic lines.

Western policymakers also dismiss the legitimacy of negative perceptions because, they say, Afghans will always mistrust foreign “occupiers.” Afghanistan’s historical suspicion, rightfully, of foreign armies certainly creates a powerful bias. For example, a man from Nangarhar province explained that many Afghans believe the United States is providing support to insurgents through its military aid packages to Pakistan just as it covertly supported Pakistan to provide a safe haven, training, and weapons to the mujahedeen militias fighting in Afghanistan in the 1980s.<sup>64</sup>

While Afghans may always have some degree of mistrust of foreign troops, the levels of disillusionment and resentment present today are at an all-time high. Animosity toward the Western presence and intentions was not as widespread in the first few years after the U.S. invasion, and many Afghans welcomed foreign troops and foreign influence, according to researchers and journalists there at the time. The change in attitudes in the last nine years suggests that current levels of hostility have more to do with the recent conduct of international forces and the ineffectiveness of post-2001 Western involvement in Afghanistan, than with Afghans’ historical mistrust of foreigners.

Finally, many Western policy makers and military professionals believe that negative narratives are generated primarily by intimidation and propaganda, and that they therefore should have little bearing on policy beyond strategic communications initiatives. Insurgents often are better at getting their story out first.<sup>65</sup> Successful insurgent propaganda can dissemble responsibility or mute public anger over insurgent attacks that kill civilians.<sup>66</sup> Propaganda has a powerful influence on Afghans, amplified by the fact that until very recently international forces did little in the way of transparency or public relations to communicate or be sensitive to Afghan viewpoints. In addition, the spread of propaganda may be facilitated by insurgent intimidation.<sup>67</sup> Afghan communities or individuals may be too afraid to speak out publicly about insurgent abuses, either to their own communities or to those documenting civilian harm and causes.

Propaganda and intimidation must be factored into assessing the validity of any one account. Some Afghan we interviewed made this distinction and attributed the negative stories they had heard about international forces to propaganda.<sup>68</sup> Yet it is hard to blame such strong discrepancies on insurgent intimidation and public relations alone.<sup>69</sup> Many Afghans may be illiterate, but that does not make them uninformed. Radio coverage is wide and Afghans listen. It was not uncommon for illiterate, rural Afghan women to be



able to recite a litany of very real airstrikes, night raids, and detention operations that caused civilian harm. Many recited back to us the promises of former General Stanley McChrystal or President Obama to improve stability and reduce civilian harm, and made cogent arguments backed with examples of how these promises had not materialized.

The fact that some of this information may be spread by insurgents for strategic purposes does not negate the fact that the propaganda may reflect real and accurate grievances. A report by the International Crisis Group that analyzed the spread and impact of insurgent propaganda in Afghanistan noted that unaddressed past human rights abuses and the “high-handed tactics” of international forces were “the starting point from which the Taliban began its outreach, feeding on local grievances...”<sup>70</sup> It recommended that the best way to address insurgent propaganda would be to alter policies to address the underlying grievances that propaganda depends upon.<sup>71</sup>

While propaganda and inherent Afghan mistrust of foreigners are reasons for Western policymakers to take Afghan accounts of Western behavior with a grain of salt, they are not a reason to disregard Afghan views altogether. Even the most outlandish conspiracy theories or negative perceptions may have elements of truth to them, and may offer insights into the growing Afghan mistrust and disillusionment with foreign engagement in Afghanistan. As the next section will discuss, such insights are crucial for key Western policies in Afghanistan to succeed.

## **VI. Why these Perceptions Matter and How to Address Them**

The U.S. and NATO military counterinsurgency strategy in Afghanistan is premised on denying insurgents the support of the population. The end result should be that local communities turn on insurgents and the tide of the war changes. But this will be difficult to accomplish when international forces themselves are starting from such a base of mistrust and resentment with the Afghan people. Current efforts to address this problem, though in the right direction, have often been either superficial or only half-steps. Western policies must take into account not only the direct but also the indirect effects of troop behavior and take more meaningful measures toward accountability.

The idea that civilian casualties, detention operations, and other abuses of power have bred extreme Afghan hostility toward the international coalition and the Afghan government is not new. The counterinsurgency strategy (COIN) that was put in place in the summer of 2009 to reverse dwindling popular Afghan support prioritized reducing civilian harm and offending behavior for precisely these reasons.<sup>72</sup> Immediately upon taking command of U.S. and NATO forces in Afghanistan in July 2009, now former General Stanley McChrystal issued policies limiting troop tactics like airstrikes and night raids that Afghan communities had long objected to.<sup>73</sup> International forces reached out more to Afghan communities and civil society, and began to publicly recognize and apologize for civilian deaths, albeit with some continued foot-dragging on investigations. Parallel efforts by U.S. military and civilian officials improved oversight, transparency, and reduced the risk of mistreatment at U.S. detention facilities in Afghanistan.<sup>74</sup> These

strategies were largely kept in place when General McChrystal was succeeded by another COIN proponent, General David Petraeus, in July 2010.<sup>75</sup>

Despite these significant policy reforms, 2010 has not seen the reversal in momentum for the insurgency that the COIN strategy envisaged. Though international forces have reduced the number of civilian killed by their soldiers and actions in the last year,<sup>76</sup> Afghans still hold them as much to blame for civilian casualties. One reason for the lingering hostility is that with such an accumulation of mistrust it will take time for Afghan perceptions to change. Too many Afghans are upset about the past nine years.

Further, limited attention given to understanding the full impact of Afghan narratives of the conflict has led policymakers to make only superficial changes to practices that have been highly objectionable to Afghan communities, and in some cases to continue past practices that have negative consequences for the overall strategy. Though the conduct of international forces has improved, civilian casualties, night raids, and abusive detention operations have not stopped. To the contrary, there are some indications that inflammatory practices, such as night raids, have continued apace or even increased.<sup>77</sup> This is particularly true for covert military, intelligence, and detention operations that seemingly act outside the counterinsurgency strategy.

Past attempts by international forces to form local irregular militias have also empowered warlords and criminal groups; led to incidents of mistreatment, serious human rights abuses and corruption, including extortion; and, in some cases, led to international community resources being diverted to insurgents or supporters of insurgents.<sup>78</sup> Despite the fact that these consequences continue to fuel mistrust and disillusionment among the population, and thus undermine the broader COIN strategy, Special Forces continue to engage in such activities, the latest inception being the Afghan Local Police.<sup>79</sup> Until such policies are stopped or drastically reformed, such that all such militia groups are subject to meaningful accountability, Afghans will likely continue to look at other Western trust-building measures with skepticism.

Concerns about conduct are further exacerbated by the continued weakness of transparency and accountability measures, particularly with regard to Special Forces and nonmilitary forces. Since 2008, International Assistance Security Force (ISAF) headquarters and other troop contributing nations have increased efforts toward strategic communications, public announcements, and press releases.<sup>80</sup> There is also an increased emphasis on goodwill gestures to Afghan communities—encouraging troops to discuss issues with elders through local *shuras*, translating more mission titles, slogans, or terms into locally spoken languages, and reinforcing courtesy gestures like respectful driving in public areas. Monetary compensation and immediate public apologies were more frequent in 2009 and 2010 than in the past.<sup>81</sup>

These public relations strategies and goodwill measures, however, have not done enough to answer Afghan demands for meaningful accountability. Allegations of civilian casualties and calls for investigation are still too often met initially with denial and obstruction. In September 2009, Germany forces called in a U.S. air strike on two

disabled tankers in Kunduz that had been hijacked by insurgents. Civilians had gathered around the tanker by the time the air strike took place, resulting in over 70 civilian deaths. Initially, German military officials denied the extent of the civilian damage, which led to resignations after the full toll of civilian casualties was revealed.<sup>82</sup>

To date, it seems that media reports are what spark robust investigations and uncover abuses rather than internal oversight mechanisms. In February 2010, U.S. Special Forces conducted a night raid that killed five civilians, which included three women, two of whom were pregnant.<sup>83</sup> An ISAF press release initially suggested the women died prior to the raid through an “honour killing.”<sup>84</sup> A full internal investigation was only triggered weeks later when a journalist interviewed the families and reported that the women had been killed by international forces. After initially denying the journalist’s account, ISAF later issued another press release that apologized for the denial, accepted responsibility, and offered paid compensation for the women’s deaths.<sup>85</sup> An investigation was conducted, both on the incident and on the cover-up; however, the findings of this investigation were not immediately released despite repeated requests from independent monitors. Researchers from the Open Society Foundations have recently been informed that a Freedom of Information Act request regarding this investigation will be honored, and a redacted version will be released.

Public and individual accountability (for both international and Afghan security forces), for past and present abuses and lesser missteps is needed. Providing meaningful accountability could be a game changer, both to soften Afghan perceptions of international military forces and to better ensure that misconduct is not repeated. It also allows the international community to lead by example. For long-term stability, Afghanistan needs strong rule of law, rights protection, and a functioning government. While many international aid projects attempt to target these sectors at a micro level, Afghan officials often tell local and international rights monitors that the international community needs to “Get your own house in order first.”

Finally, as discussed above, Afghans blame international forces for civilian casualties not only because of the harm their troops cause, but also for a failure to protect civilians from insurgent attacks. A key element of the current COIN strategy is to increase troop numbers so that they have more of a presence in key population areas, to protect the population, and to undermine local support for insurgents.<sup>86</sup> While the idea of population protection is good in theory, in many contested areas, the presence of international troops has increased the risk to civilians without any corresponding increase in protection from insurgent suicide attacks, improvised explosive devices, assassinations, or retaliation.<sup>87</sup> Civilians do not interpret such movements as benevolent population protection, but instead as further examples of international forces’ indifference to their suffering.

## **VII. Recommendations**

After 30 years of war, Afghans are not willing to ignore the consequences of conflict for their communities. This is part of the reason that civilian casualty issues have such a

significant impact on Afghan attitudes about the present conflict. A transitional justice mechanism that acknowledges the suffering of the victims and helps Afghan communities address past grievances would play an important role in reconciliation. Additionally, an Afghan institution should be charged with creating a public, national registry for victims of conflict. Although many Afghan and international entities (civilian and military) track civilian casualties, few release any information beyond the casualty statistics. A more thorough, public accounting, including the cause of death, and those believed to be responsible would help ensure that these losses are not forgotten.<sup>88</sup> The Afghan institution in charge of this work should have some degree of independence from all warring parties, and should maintain significant ties to Afghan communities and civil society.

With the international community fighting an uphill battle against Afghan perceptions, the following additional recommendations would allow policymakers and military officials to make inroads toward establishing the trust and cooperation with Afghans that have been lost due to civilian casualties, night raids, detention operations, insecurity, and lack of accountability:

- Recognize the causes and importance of Afghan community narratives, rather than dismissing them out of hand as conspiracy theories, propaganda, or tribal bias.
- Institute changes for broader transparency and responsiveness by international forces to allegations, both past and present, of misconduct against Afghans. Such allegations must be taken seriously, and result in meaningful investigations and disciplinary procedures. The results should then be communicated directly to affected individuals or communities.
- Reaffirm and extend the recent military tactical and policy changes that have reduced the potential for civilian harm by international troops and continue to provide greater protections for those detained in the conflict.
- Stop the increased use of night raids as the primary kill/capture mechanism. Every night raid should be scrutinized prior to its approval as to why it must be conducted during the night and why more traditional law enforcement safeguards for neutralizing suspects are not appropriate or possible.
- Exercise greater political accountability over Special Forces and nonmilitary forces engaged in night raids and related operations.
- Reconsider the new counterinsurgency strategy of pushing international troops closer to villages, until the population can meaningfully be protected from the increased insurgent violence, collateral damage from international forces, and broader humanitarian consequences that often accompany such troop movements.
- Exercise caution regarding initiatives that arm, train, or otherwise empower local militias. Past attempts have often resulted in the unintended side effects of empowering local warlords, leading to abuses of power, inflaming tribal rivalries, indirectly supporting insurgent groups, and otherwise feeding the conflict.

## VIII. Conclusion

Failure to understand the impact of Afghan narratives of the conflict has contributed to ill-informed policymaking, leading to Western policies that are either not as effective as they could be, or worse, inadvertently exacerbating existing problems. So long as these perceptions continue to be ignored, Western policies on issues ranging from reconciliation, to rehabilitation and reintegration, to civilian protection, to Afghan government mentorship will operate based on fundamentally mistaken assumptions about how Afghan actors will react to these initiatives.

Sustainable conflict resolution must be brokered from a base of trust, something the international military and policy community currently do not have given the record of the last nine years. The analysis in this policy brief suggests many local Afghans see the international community, particularly the international military, as an entity that they are forced to interact with rather than engage with as a trusted partner. This does not engender productive or sustainable resolution of differences, but simply a jockeying for position among groups prioritizing immediate survival followed by short- to medium-term power grabs.

Further, many of the issues that have engendered this mistrust will also be important grievances for the international community to address during any reconciliation discussion, since anger and resentment over civilian casualties and other legitimate grievances have pushed many communities into the arms of the Taliban in the past. Many interviewees said they had no confidence in proposed reconciliation talks with the Taliban because those in the Taliban were often those who were most aggrieved by the actions of international forces, and thus they would never reach an amicable solution with them.

Admittedly, military actions are only one factor shaping Afghan public opinion about the international community's intentions in Afghanistan. Others include the international community's inability to control rampant corruption, establish sustainable development projects, improve weak governance programs, and strengthen an almost nonexistent justice system. But civilian casualties, night raids, and detentions remain atop the list of factors that Afghans cite when they explain how they view Westerners. If we do not take the time to listen, it is hard to imagine how Afghans will ever truly trust the international community and see it as a vehicle for moving toward stability rather than conflict.

## Notes

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<sup>1</sup> See, for example, “Villagers in Eastern Afghanistan Protest Alleged Killing of 3 Civilians by NATO,” *Associated Press*, August 11, 2010; and Anand Gopal, “Afghans Protest Killings by Military,” *Wall Street Journal Online*, December 30, 2009.

<sup>2</sup> “McChrystal’s Frank Talk on Afghanistan,” *CBS*, September 27, 2009.

<sup>3</sup> See, for example, “U.N.: Civilian Deaths Rise Sharply In Afghanistan,” *Associated Press*, August 10, 2010; and “Petraeus Stresses Avoiding Civilian Casualties in Afghanistan,” *VOANews.com*, March 18, 2010.

<sup>4</sup> Participation of the Afghan Development Association and the Community Health Association was undertaken as part of the Afghan NGOs Against Civilian Casualties, an Afghan nongovernmental coalition that seeks to raise Afghan voices against civilian casualties and other harm caused by the ongoing conflict.

<sup>5</sup> United Nations Assistance Mission in Afghanistan (UNAMA), *Afghanistan: Mid-Year Report on Protection of Civilians in Armed Conflict 2010*, August 2010, p. i.

<sup>6</sup> Bashir Ahmad Naadem, “Target Killings Force Tribal Leaders in Kandahar to Flee,” *Pajhwok News*, August 8, 2010; and UNAMA, *supra* note 5, pp. 6-9.

<sup>7</sup> “Taliban Behead Six Afghan Police in North: NATO,” *Reuters*, July 21, 2010.

<sup>8</sup> “Taliban Execute 7-Year-Old Afghan Boy,” *Press TV*, June 9, 2010.

<sup>9</sup> “Taliban Stone Afghan Couple to Death,” *Associated Press*, August 16, 2010.

<sup>10</sup> Aryn Baker, “Afghan Women and the Return of the Taliban,” *TIME*, July 29, 2010.

<sup>11</sup> Amnesty International, “Amnesty International Says Taliban Should be Prosecuted for War Crimes in Afghanistan,” press release, August 10, 2010.

<sup>12</sup> David Nakamura, “Afghans Blame Civilian Deaths on U.S. Despite Spike from Insurgent Violence,” *Washington Post*, August 14, 2010.

<sup>13</sup> See, for example, Open Society Institute, “Strangers at the Door: Night Raids by International Forces Lose Hearts and Minds of Afghans,” February 23, 2010; and *Fadial al Maqaleh, et al., v. Gates, et al.*, U.S. District Court for the District of Columbia, Memorandum Opinion, April 2, 2009.

<sup>14</sup> Interview with male, Kandahar province, March 17, 2010.

<sup>15</sup> Interview with male, Paktia province, 2009. Another student from Herat noted “When an accident happens, or there is an attack against NATO troops, then NATO troops react and start firing on people. For example there was an attack on ANA [Afghan National Army], and troops responded by shooting into the crowd and harmed innocent civilians. They never think about those around them as human. They think every person on the street is their enemy.” Interview with male, Herat province, April 5, 2010.

<sup>16</sup> Interview with male, Kandahar province, March 16, 2010.

<sup>17</sup> One commentator noted, “Most Afghans cannot imagine how a group of bearded mountain men with Kalashnikovs and roadside bombs can really pose such a threat to the all-powerful U.S. military and its technology. (I was told over and over of the U.S. military’s ability to strike a target ‘within three inches.’)” Kim Barker, “Letter from Kabul: Solving Afghanistan’s Problems,” at “Part III: The Taliban,” *Foreignaffairs.com*, November 30, 2009.

<sup>18</sup> Open Society Institute, *supra* note 13.

<sup>19</sup> Interview with male, Kandahar province, March 17, 2010.

<sup>20</sup> Interview with male, Herat province, April 5, 2010.

<sup>21</sup> Focus group discussion with Afghan nongovernmental organizations, Kabul province, August 27, 2010.

<sup>22</sup> Interview with male, Herat province, April 5, 2010.

<sup>23</sup> See, for example, Alissa J. Rubin, “After Attack, Afghans Question Motives or See Conspiracies,” *New York Times*, January 19, 2010.

<sup>24</sup> Interview with male, Kandahar province, March 21, 2010.

<sup>25</sup> Interview with male, Khost province, November 18, 2009.

<sup>26</sup> See also, Alissa J. Rubin, “Deadly Explosion Arouses New Afghan Anger at U.S.,” *New York Times*, January 7, 2010 (describing the reaction to an accidental detonation of unexploded ordnance as follows: “While the first reaction to the explosion was shock, within a few hours an angry crowd gathered, chanting anti-American slogans. The crowd blocked the road to the border for several hours to protest the episode. The protests quickly spiraled into accusations that the Americans had set off the explosion, though nine American service members were among the wounded....”).

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<sup>27</sup> A mullah in Kandahar City noted, “There are many attacks carried out but we don’t know who did them. If the Taliban doesn’t claim responsibility, people think it might be the government or it might be international forces.” Interview with male, Kandahar province, March 17, 2010.

<sup>28</sup> Interview with man, Herat province, April 6, 2010.

<sup>29</sup> Andrew McGregor, “Karzai Claims Mystery Helicopters Ferrying Taliban to North Afghanistan,” *Terrorism Monitor*, Volume 7, Issue 33, November 6, 2009; Antonio Giustozzi, “The ‘Great Fears’ of Afghanistan: How Wild Rumours Shape Politics,” *IDEAS Today*, Issue 4, June 2010, p. 13.

<sup>30</sup> Interview with woman, Khost province, November 19, 2009. See also, Alissa J. Rubin, “Prospect of More U.S. Troops Worries Afghan Public,” *New York Times*, November 7, 2009 (“If the foreign forces are not seen so by Afghans already, they are on the cusp of being regarded as occupiers, with little to show people for their extended presence, fueling wild conspiracies about why they remain here.”).

<sup>31</sup> Interview with male, Herat province, April 5, 2010; and interview with male, Khost province, November 17, 2010. (“[International forces] themselves have created the Taliban. They themselves trained them. They themselves equipped them with arms and ammunitions. They themselves want the war going on because if there were peace then there would be no reason for them to stay here.”). Antonio Giustozzi similarly noted that in 2006, “The conspiracy theory that the Americans were tolerating the Taliban in order to justify their long-term presence in the country started gaining currency. This point was made by many Afghans I met and is probably the most commonly held view concerning the American role in Afghanistan.” Antonio Giustozzi, *supra* note 29, pp. 11-12.

<sup>32</sup> There have been numerous media and longer form research reports suggesting some degree of Pakistani government support for insurgent groups in Afghanistan, although none of these allegations have been confirmed. Matt Waldman, “The Sun in the Sky: The Relationship Between Pakistan’s ISI and Afghan Insurgents,” LSE Crisis State Research Centre, Discussion Paper No. 18 (Series 2), June 2010; and Peter Galbraith, “WikiLeaks and the ISI-Taliban nexus,” *Guardian.co.uk* (comment), July 26, 2010.

<sup>33</sup> There have been frequent press reports that Iran has provided some training and arms to the Taliban or other insurgent groups active in Afghanistan, citing State Department reports. See, for example, Thomas Joscelyn, “State Department: Iran supports Taliban, Iraqi militants,” *Long War Journal*, August 6, 2010.

<sup>34</sup> Interview with male, Kandahar province, March 17, 2010.

<sup>35</sup> Craig Whitlock, “Members of Stryker Combat Brigade in Afghanistan Accused of Killing Civilians for Sport,” *Washington Post*, September 18, 2010.

<sup>36</sup> Interview with member of the Afghanistan Independent Human Rights Commission, Kabul province, June 23, 2010.

<sup>37</sup> Swedish Committee for Afghanistan, “International military violently entered SCA Hospital in Wardak,” press release, September 6, 2009.

<sup>38</sup> Afghanistan Independent Human Rights Commission, “From Hope to Fear: An Afghan Perspective on Pro-Government Forces in Afghanistan,” December 2008, p. 22.

<sup>39</sup> Ann Scott Tyson and Josh White, “Excessive Force By Marines Alleged,” *Washington Post*, April 14, 2007.

<sup>40</sup> See also, International Crisis Group, “Taliban Propaganda: Winning the War of Words?” *Asia Report* No. 158, July 24, 2008, pp. 18-19 (“Extrajudicial detentions at Guantanamo Bay and Bagram airbase, [cit] along with ham-fisted or ill-informed raids, have undermined the perceived legitimacy of the foreign presence and have become enduring symbols of oppression, particularly among Pashtuns.”).

<sup>41</sup> See Jonathan Horowitz, “New Detention Rules Show Promise and Problems,” *Huffington Post*, April 20, 2010.

<sup>42</sup> See Senate Armed Services Committee, *Inquiry into the Treatment of Detainees in U.S. Custody: Report of the Committee on Armed Services*, United States Senate, November 20, 2008, pp. 151-152.

<sup>43</sup> See, for example, Open Society Institute, *supra* note 13.

<sup>44</sup> Jonathan Horowitz, “Former Bagram Detainee Describes ‘Completely Wild’ Arrest, Interrogation by US Troops,” *Huffington Post*, July 28, 2009.

<sup>45</sup> *Ibid.*

<sup>46</sup> Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: Philip Alston, Addendum: Mission to Afghanistan, May 9, 2009, A/HRC/11/2/Add.4. See also, CIVIC Worldwide, “Losing the People: the Costs and Consequences of Civilian Suffering in Afghanistan,” February 2009 (noting the absence of acknowledgement or compensation in most incidents involving international forces).

<sup>47</sup> Interview with male, Kandahar province, March 17, 2010.

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- <sup>48</sup> Interview with male, Kandahar province, March 17, 2010.
- <sup>49</sup> Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: Philip Alston, press release, May 15, 2008.
- <sup>50</sup> Afghanistan Independent Human Rights Commission, *supra* note 38, pp. 15-16.
- <sup>51</sup> Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: Philip Alston, *supra* note 46. See also, CIVIC Worldwide, *supra* note 46.
- <sup>52</sup> UNAMA, *supra* note 5, p. 25.
- <sup>53</sup> According to the UN Special Rapporteur on Extrajudicial Killings, Philip Alston, “While the U.S. military justice system has achieved a number of convictions for unlawful killings in Afghanistan and Iraq, numerous other cases have either been inadequately investigated or senior officers have used administrative (non-judicial) proceedings instead of criminal proceedings.” He also noted that the sentences “appear too light for the crime committed, and senior officers have not been held to account for the wrongful conduct of their subordinates.” Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: Philip Alston, Addendum: Mission to the United States of America, 28 May 2009, A/HRC/11/2/Add.5, para. 51.
- <sup>54</sup> Interview with male, Khost province, November 17, 2009. Statements like this, articulating the accuracy of U.S. targeting to see or strike tiny objects or strike with precision from the sky are frequently mentioned by Afghan communities to explain why they do not understand how civilian casualties keep happening. See also Alissa J. Rubin, *supra* note 30, (““What have the Americans done in eight years?” asked Abdullah Wasay, 60, a pharmacist in Charikar, a market town about 25 miles north of Kabul, expressing a view typical of many here. ‘Americans are saying that with their planes they can see an egg 18 kilometers away, so why can’t they see the Taliban?’”).
- <sup>55</sup> Interview with male, Kandahar province, March 17, 2010.
- <sup>56</sup> Antonio Giustozzi, *supra* note 29, pp. 11-12.
- <sup>57</sup> Interview with female, Paktia province, December 12, 2009.
- <sup>58</sup> Interview with male, Herat province, April 6, 2010.
- <sup>59</sup> For example, an English teacher from Herat City stated, “At the moment, the Taliban don’t have the ability to fight face to face with the international forces or the Afghan government so they hide themselves in civilian areas. This can increase the casualties of civilian people”; and focus group interview, Paktia province, 2009.
- <sup>60</sup> International Crisis Group, *supra* note 40, p. 20 (noting that the Taliban denied involvement “in most bombings that kill large numbers of bystanders” and quoting a Taliban spokesman deflecting blame for suicide bombings that resulted in high civilian death tolls as the result of the youthfulness and inexperience of their volunteers).
- <sup>61</sup> Jean MacKenzie, “Are U.S. Taxpayers Funding the Taliban?” *Global Post*, September 2, 2009.
- <sup>62</sup> “Taliban Claim French Bribery Ploy,” *Al Jazeera.com*, December 1, 2009; and Arthur Bright, “Afghanistan: Italy Denies Report It Bribed Taliban Forces,” *Christian Science Monitor*, October 16, 2009.
- <sup>63</sup> Matthieu Lefevre, “Local Defence in Afghanistan: A Review of Government-backed Initiatives,” thematic report, 03/2010, Afghanistan Analysts Network.
- <sup>64</sup> Interview with male, Nangahar province, March 28, 2010.
- <sup>65</sup> International Crisis Group, *supra* note 40, pp. 8-10.
- <sup>66</sup> See, generally, *ibid.*; and Alissa J. Rubin. “Taliban Overhaul Their Image in Bid to Win Allies,” *New York Times*, January 21, 2010.
- <sup>67</sup> International Crisis Group, *supra* note 40, p. 8.
- <sup>68</sup> For example, a resident of Herat City noted, “Some people say that the foreign troops and coalition forces are behind [insurgent attacks] but I reject this. I think that’s propaganda.” Interview with male, Herat province, April 5, 2010. A leading mullah from Kandahar City suggested that many of the rumors about international forces planting mines are spread through Taliban propaganda. Interview with male, Kandahar province, March 17, 2010.
- <sup>69</sup> Taliban intimidation also has a potential to act as a bias in research questions. As noted in the methodology, attempts were made wherever possible to conduct interviews in private, and focus group discussions non-obtrusively, so that discussants could feel secure enough to speak freely.
- <sup>70</sup> International Crisis Group, *supra* note 40, p. 17.
- <sup>71</sup> *Ibid.*, p. 19 (“There must be a greater focus on the wider rule of law in Afghanistan, including public trials, if Taliban propaganda is to be negated.”)



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<sup>72</sup> See, for example, Andrew M. Exum, Nathaniel C. Fick, Ahmed A. Humayun, and David J. Kilkullen, *Triage: the Next Twelve Months in Afghanistan and Pakistan*, Center for New American Security (2009), p. 7. See also, ISAF, “ISAF Commander’s Counterinsurgency Guidance,” August 26, 2009; and “COMISAF Initial Assessment (Unclassified)–Searchable Document,” August 30, 2009.

<sup>73</sup> See, for example, ISAF, “Tactical Directive,” July 6, 2009; ISAF, “ISAF Commander Gives Troops New Guidance for Conducting Afghanistan Operations,” press release, July 6, 2009; and Dexter Filkins, “U.S. Toughens Airstrike Policy in Afghanistan,” *New York Times*, June 21, 2009.

<sup>74</sup> See, Jonathan Horowitz, “The New Bagram: Has Anything Changed?” *Huffington Post*, November 20, 2009.

<sup>75</sup> Jason Motlagh, “Petraeus Tightens Afghan Rules of Engagement,” *Time.com*, August 6, 2010.

<sup>76</sup> Mark Thompson, “McChrystal’s Rules Helped Reduce Attacks, Study Says,” *TIME*, July 22, 2010.

<sup>77</sup> See, for example, Julian E. Barnes, “U.S. Steps Up Special Operations Mission in Afghanistan,” *Los Angeles Times*, December 16, 2009 (noting that night time raids by Special Forces units have “more than quadrupled in recent months” from 20 raids in May 2009 to 90 in November 2009); and Helene Cooper and Mark Landler, “Targeted Killing Is New U.S. Focus in Afghanistan,” *New York Times*, July 31, 2010.

<sup>78</sup> Matthieu Lefevre, *supra* note 63. When asked about the value of such local militias or “*arbakai*,” many interviewees said such actions would return Afghanistan to the violent period of civil war in the 1990s. As an elder from Shindand district, in Herat province, noted, “In the past, the Russians decided to arm militias. But now 30 years later we still can’t get the arms back, and still it is feeding the fighting. If you do that again with *arbakai* today then it will be even longer before they can stop the fighting.”

<sup>79</sup> NATO Training Mission–Afghanistan, “‘Afghan Local Police’ Approved For Village Protection,” August 18, 2010.

<sup>80</sup> David Zucchino, “U.S. Fights an Information War in Afghanistan,” *Los Angeles Times*, June 11, 2009 (describing the increase in public affairs initiatives under General Stanley McChrystal to fight a “propaganda” war against the Taliban).

<sup>81</sup> Chris Rogers, “Addressing Civilian Harm in Afghanistan: Policies and Practices of International Forces,” *CIVIC Worldwide*, April 2010.

<sup>82</sup> UNAMA, “Afghanistan Annual Report on Protection of Civilians in Armed Conflict, 2009,” January 2010, p. 18.

<sup>83</sup> UNAMA, *supra* note 5, p. 18.

<sup>84</sup> See, Richard A. Opiel Jr. and Rod Nordland, “U.S. Is Reining In Special Operations Forces in Afghanistan,” *New York Times*, March 15, 2010.

<sup>85</sup> ISAF, “Gardez Investigation Concludes,” news release, April 4, 2010.

<sup>86</sup> Eric Schmitt, “Warning from General on End to Afghan Conflict,” *New York Times*, July 15, 2009 (noting the centrality of population protection for then commanding General McChrystal’s new strategy for Afghanistan).

<sup>87</sup> UNAMA, *supra* note 5, pp. 15-17; and “Taliban Raids Increase In Afghanistan,” *Reuters*, June 14, 2009 (noting increased Taliban attacks on communities in areas where international forces are increased).

<sup>88</sup> In many cases, complete information may not be possible immediately after the incident occurs. In turn, a registry should be continually updated as new information becomes available. In addition, it may be necessary for the institution in charge to withhold some identifying information in cases where listing it might otherwise spark retaliation against victims or their families.