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Afghanistan: Control of US special forces in Afghanistan a step toward accountability

New US military measures to control the activities of US Special Operations forces in Afghanistan are a welcome step but more needs to be done to improve accountability for civilian casualties of military operations, said Amnesty International.

General Stanley McChrystal, Commander of US forces and the NATO International Security Assistance Force (ISAF), has brought most US Special Operations forces under the same chain of command as regular US and NATO forces for the first time, responding to resentment spurred by ongoing casualties suffered by Afghan civilians.

"Putting most Special Operations under the regular chain of command is a crucial step toward improving security for ordinary Afghans, but it doesn't resolve the threat to civilians until all forces, regular as well as Special Operations, are subject to a proper, transparent accountability process," said Sam Zarifi, Director of Amnesty International's Asia-Pacific programme.

"A major part of the problem is that even regular US and NATO forces in Afghanistan have a very poor record of accountability. For far too long Western forces, especially US forces, have operated as if they're above the law in Afghanistan. If there is a breach of the laws of war during a military operation, then there should be a credible, transparent investigation and those involved in carrying out or ordering the operation should be brought to justice and punished if found guilty."

Special Operations forces in Afghanistan have been operating according to their own rules of engagement, leading to allegations that they are not taking enough precautions to avoid civilian casualties.

The complicated nature of the NATO and US Coalition forces and their bilateral agreements with the Afghan government have led to separate and unclear chains of command and little accountability for civilian casualties resulting from operations by these forces.

"Those forces that remain outside the regular chain of command, such as the US Army's Delta Force and the Navy Seals, as well as special operations units from other countries, must also be held accountable for their actions," said Sam Zarifi.

According to the United Nations Assistance Mission in Afghanistan (UNAMA), of the 2,412 civilian deaths reported in Afghanistan last year, 1,630 (67 per cent) were attributed to the Taliban and other insurgent groups.

UNAMA says that International Forces and the Afghanistan National Security Force (ANSF) were responsible for nearly 600 civilian deaths - 359 of which were caused in air strikes and 98 in night raids and search operations carried out by Special Operations forces.

This figure is a 28 per cent reduction of the total number of deaths attributed to Afghan government and international forces in 2008.

On 4 March 2010, General McChrystal issued a new Tactical Directive with guidelines for the

conduct of night raids by all ISAF forces operating in Afghanistan.

The killing of two brothers in Kandahar in the middle of the night in January 2008 is a notable example of the lack of accountability of international forces. Amnesty International documented their case, and the wider problem of impunity for special operations forces in Afghanistan, in a February 2009 report, *Getting Away with Murder? The impunity of international forces in Afghanistan*.

Amnesty International's research in Kandahar indicates that Abdul Habib and Mohammed Ali, who were unarmed, were shot at home at point blank range by international forces in camouflage uniforms. No one has admitted responsibility for the killings despite enquiries by Amnesty International, the Afghan Independent Human Rights Commission, and the United Nation's Special Rapporteur on extrajudicial, summary or arbitrary executions.

There are currently military personnel from more than 40 countries operating in Afghanistan, most of them under the mandate of the ISAF, provided by NATO, and a smaller number as part of the counter-terrorism mandate of the US-led Operation Enduring Freedom.

In addition to regular military forces in Afghanistan, there are numerous members of civilian intelligence agencies as well as private contractors and local militias conducting military operations.

"International forces, and in particular the US, should ensure that special forces, intelligence agencies, and civilian contractors are also governed by the rule of law; most Afghans do not recognize the distinctions between these forces, and at any rate, the victims are entitled to justice regardless of which branch of the military was responsible," said Sam Zarifi.
