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## Invisible Victims of Drone Strikes in Afghanistan

KAI CHEN

Drone strikes are a “hallmark” of the Obama administration’s counterterrorism strategies. During the past years, the United States has been conducting drone strikes against terrorists in Afghanistan, Pakistan, Yemen, and elsewhere. As Micah Zenko and Sarah Kreps note, “killing is more straightforward than capturing—in choosing to target ostensibly high-threat individuals with drone strikes.” Less known to the international society, most of the drone strikes have been conducted at the risk of producing more civilian casualties (e.g., innocent women, children, and first responders to rescue the wounded).

Numerous reports have revealed civilian casualties in U.S. drone strikes. For instance, the Associated Press reported in 2015 that there have been an estimated 522 U.S. drone strikes in Pakistan, Yemen, and Somalia since September 11, 2001, which have killed 3,852 people, of whom 476 were civilians. A study conducted by Peter Bergen and Katherine Tiedemann shows that, between 2004 and 2010, 114 drone strikes were reported in northwest Pakistan, killing 830 to 1,210 individuals, of whom around 550 to 850 were described as militants in reliable press accounts, which means that the “true civilian fatality rate” through 2010 is “approximately 32 percent.”

Compared to Pakistan and Yemen, the victims of drone strikes in Afghanistan are significantly under-discussed. Afghanistan is one of the most heavily drone-affected countries in the world, and its northern tribal areas are arguably part of the worst-hit region. Civilian casualties in Afghanistan rarely receive the attention they deserve despite the likelihood that there have been large numbers of them. As Larry Lewis, a principal research scientist at the Center for Naval Analyses, told the *Guardian*, the missile strikes conducted by remotely piloted drones were “10 times more deadly to Afghan civilians than those performed by fighter jets.”

Unfortunately for the majority of the drone victims in Afghanistan, there is no official apology and no public acknowledgment of their losses. The Obama administration has neither publicly acknowledged that civilians have been killed by drone strikes in Afghanistan, nor how many. In addition,

the U.S. Department of Defense did not keep track of civilian casualties, yet made the unsubstantiated claim that such casualties were “minimal.” So far, few investigations have been conducted into the drone victims in Afghanistan. Based on the material available, this essay will draw attention to the drone victims in this country, and examine several questions about the extent to which the drone attacks violate the human right to peace in Afghanistan.

**H**ow effective are drone strikes in Afghanistan? In a report submitted to the United Nations Human Rights Council, Philip Alston, then–United Nations Special Rapporteur, defined a targeted killing as the “intentional, premeditated and deliberate use of lethal force.” Unfortunately, in the case of drone strikes in Afghanistan, as Grégoire Chamayou argues, “the targets are presumed guilty until they are proved innocent.”

For instance, on October 30, 2006, a religious seminary in Chenagai, in the Bajaur tribal region, was attacked by a U.S. drone. Up to 80 people were reportedly killed instantly in the strike, the majority of who were non-combatant civilians. It is alleged that “as many as 69 of the drone victims were children under 18 years of age, and that 16 of those killed were under the age of 13.”

A similar tragedy occurred on February 21, 2010. Three pick-up trucks traveling near Khotal Chowzar were attacked by the International Security Assistance Force (ISAF), and a U.S. Predator drone was “involved in assessing and determining the target of the operation.” Up to 23 civilians were killed and 12 more were injured. The victims included one woman and three children under the age of 14. The follow-up investigation indicated that the drone operators “provided misleading situational information.”

U.S. targeted killing operations conducted by drones also permeate Afghanistan’s shared border with Pakistan. On July 6, 2012, a U.S. drone targeted a tent in Zowi Sidgi village in North Waziristan. The first wave of strikes killed eight of the occupants. A second wave occurred shortly afterward, killing a group of first responders. Eighteen people were killed in the strikes and 22 people were injured. Inquiries into the affiliations and activities of the drone victims confirmed that all of them were civilians. This is but one of innumerable examples. It is hard to explain how the victims could have been mistaken for combatants or terrorists. In short, drone operators have failed to account for the presence of non-combatant civilians before launching lethal strikes.

According to *BBC Monitoring International Reports*, until now, no agreement or treaty has been signed between Afghanistan and the United States that specifically authorizes drone strikes inside Afghanistan. The ISAF does not specify whether airstrikes are conducted by conventional air force or armed drones. Former Afghan President Hamid Karzai, however, repeatedly condemned drone strikes that killed civilians in Afghanistan. At one point,

Karzai even demanded an end to all drone strikes conducted against Afghan homes and villages.

**W**hy have drone operators misidentified non-combatant civilians as legitimate targets? There are three contributing factors: misjudgment, misinformation, and inaccurate reporting in drone strikes. First, drone operators are hampered by limitations found in the video surveillance used when launching drone strikes. Particularly, the “soda straw” effect can prevent drone operators from being aware when civilians move into “the vicinity of the strike.” If a drone operator has a wider field of vision, many innocent victims of drone strikes may not have unnecessarily been killed.

A second factor is data overload or system breakdown. In most cases, drone strikes are wholly dependent on satellite links. Any delay caused by data overload or system breakdown could result in mistakenly identifying civilians as the intended targets. For example, due to data overload, a U.S. drone strike attacked a civilian convoy in Afghanistan, leaving 23 civilians dead. Third, the increasing demand for drone pilots has outpaced the supply of experienced drone operators. According to the *Wall Street Journal*, the Air Force has been offering “\$15,000 annual bonuses” to drone operators, and has been recruiting flight-school graduates to operate drones for the first time.

**T**he compensations for civilian victims of drone strikes vary significantly. Although the U.S. government does not officially acknowledge these victims of drone strikes, the U.S. military did issue “1,630 condolence payments in Afghanistan” between October 2005 and September 2014, with “an average per payment of \$2,985.” From a comparative perspective, the compensation for drone victims in Afghanistan is much less than the compensation received by those in other countries. For example, the Yemeni government, presumably on behalf of the U.S. government, paid more than \$1 million to the families of 12 drone victims. In another drone strike in Yemen, the families of two innocent men killed in 2012 received \$155,000 in compensation from the Yemen government. In contrast, despite commendable efforts by the Afghan government to address civilian casualties, according to the Center for Civilians in Conflict, payments of only 1,500 AFN (30 USD) per month are provided to dependents of civilians killed, coming from the Afghan government.

In some cases, drone victims and their families received no apologies or compensation for their loss. Compensation for drone victims’ families rests largely on the affected communities. When compensation is paid by the United States, it is typically “capped at \$2,500.” In some cases, compensation is even less than \$2,500. On September 7, 2013, in the eastern Afghan province of Kunar, a pick-up truck was attacked by a U.S. drone. Fourteen passengers (mostly women and children) were killed, and only a four-year-old girl named Aisha Rashid survived. Since the attack, Aisha’s family has received financial

compensation from the U.S. government for the fourteen relatives killed in the drone strike. For each victim, the family received \$2,000.

This phenomenon constitutes a serious infringement of the principles of the Charter of the United Nations and is contrary to the human right to peace. The Draft UN Declaration on the Right to Peace establishes “the right of victims to an effective remedy.” Generally speaking, “every victim of a violation of human rights has the right to restitution of his/her rights and to obtain reparation in accordance with international law, including the right to compensation and measures of satisfaction, as well as guarantees of non-repetition.” Under ideal conditions, both the U.S. and Afghan governments should ensure that drone victims and their families have effective access to remedies, including in the form of compensation, rehabilitation, and guarantees of non-repetition.

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