

Literature Review

# Civilian Harm Tracking Tools & Investigation Mechanisms

PAX Protection of Civilians Programme  
Protection in Practice Project  
Erin Bijl, April 2020



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## General

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### Objective

The ensuing literature review seeks to provide a mapping of publications that address civilian harm (CH) tracking tools and investigation mechanisms with the objective of garnering an overview of existing tools and mechanisms, their limitations, and practical recommendations for improved and more transparent CH tracking and investigation. Internally, the review is meant to serve as a baseline study and first exploration of tools and mechanisms currently out there; external users may find it useful as a resource document and/or to identify the main organisations and voices working on this topic.

### Scope

The literature review limits itself to:

- Publications dating from 2013 until 2020;
- CH tracking tools and investigation mechanisms currently used by governments and state military forces (tools and mechanisms used by (I)NGOs and civil society organisations are explicitly excluded);
- research articles and reports, and policy briefs.

### Organisation

The first two entries of the literature review consist of more general discussions of CH tracking and investigation that provide an introduction to the topic; afterwards, the entries are structured according to date of publication (starting with the most recent) and represent specific case-studies of CH tracking and investigation, focusing either on a particular country or set of countries, or on a specific mission engaged in CH tracking and investigation processes.

## Glossary

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<b>AMISOM</b>	African Union Mission to Somalia <sup>1</sup>
<b>AR 15-6</b>	Administrative investigation (U.S.)
<b>BDA</b>	Battle Damage Assessment
<b>CAMB</b>	CIVCAS Avoidance and Mitigation Board (ISAF)
<b>CCAR</b>	Civilian Casualty Assessment Report
<b>CCMT</b>	Civilian Casualty Mitigation Team (ISAF)
<b>CCTARC</b>	Civilian Casualty Tracking, Analysis and Response Cell
<b>CCTC</b>	Civilian Casualty Tracking Cell (ISAF)
<b>CENTCOM</b>	Central Command (U.S.)
<b>CH</b>	Civilian harm
<b>CIVCAS</b>	Civilian casualty
<b>CSO</b>	Civil society organisation
<b>DoD</b>	Department of Defense (U.S.)
<b>IO</b>	Investigating Officer
<b>ISAF</b>	International Security Assistance Force <sup>2</sup>
<b>JIAT</b>	Joint Incident Assessment Team (ISAF)
<b>OIR</b>	Operation Inherent Resolve <sup>3</sup>
<b>SOP</b>	Standard Operating Procedure

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<sup>1</sup> African Union peacekeeping mission in Somalia (2007-present).

<sup>2</sup> NATO-led military mission in Afghanistan (2001-14).

<sup>3</sup> U.S.-led military coalition operation against ISIS in Iraq and Syria (2014-present).

## 1. Introduction to CH Tracking and Investigation

### Entry 1: Keenan (2013). Operationalizing Civilian Protection in Mali: The Case for a Civilian Casualty Tracking, Analysis and Response Cell

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**Title** Operationalizing Civilian Protection in Mali: The Case for a Civilian Casualty Tracking, Analysis and Response Cell

**Author** Marla Keenan

**Associated organisation** CIVIC (at the time of publication)

**Publication date** June 2013

**Link to document** [Keenan article - PDF](#)

**Type of literature** Research article

#### Focus of the publication

The article represents a call for the implementation of a **Civilian Casualty Tracking, Analysis and Response Cell** (CTARC) in MINUSMA as a means to better understand and mitigate CH, drawing on examples from Afghanistan and Iraq. Keenan defines civilian casualty tracking, analysis and response as an “internal process by which a particular coalition, military, stabilization, or peacekeeping operation gathers data on civilian harm caused by its operations and then uses that data to improve operations and properly respond to civilian losses.” (p. 2)

#### CH tracking tools and investigation mechanisms

- Main purposes of civilian tracking, analysis and response is both to enable the adjustment of tactics to prevent future harm, as well as to enable making amends to victims. (p. 1)
- A CCTARC’s process should encompass: (1) the systematic gathering of data through field reports; (2) the gathering of further data/evidence through investigations; (3) the analysis of data for trends and challenges; (4) the learning of lessons from the analysis, including to shape commanders’ guidance and training; and (5) the facilitation of appropriate responses to incidents of CH. (p. 2)
- Keenan emphasis that a CCTARC is not a mechanism to determine blame or to assess accountability for harm done: In case of suspected violations, the case would have to be referred to a mission’s law enforcement and legal officers for follow-up. (p. 6)

#### Overarching findings and/or recommendations

- Civilian harm tracking and analysis mechanisms in military operations in Iraq and, in particular, in Afghanistan have demonstrated that the information gathered effectively informed tactical and procedural changes, eventually lowering CIVCAS. (pp. 3-4)

- The establishment of a CCTARC should go hand-in-hand with developing Standard Operation Procedures (SOPs) by force commanders to clarify the type of information required for CCTARC, to establish procedures for feeding information into the cell, and to establish guidelines related to the conduct of investigations. (p. 7)

## Entry 2: Keenan & Muhammedally (2015). Civilian Harm Tracking

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**Title** Civilian Harm Tracking (chapter in ‘Acknowledge, Amend, Assist: Addressing Civilian Harm Caused by Armed Conflict and Armed Violence’)

**Authors** Marla Keenan, Sahr Muhammedally

**Associated organisation** CIVIC

**Publisher** Action on Armed Violence, Harvard Law School Human Rights Program

**Publication date** April 2015

**Link to document** [AOAV & HLS HRP report – PDF](#)

**Type of literature** Explainer

### Focus of the publication

Brief article explaining CH tracking and its benefits. The authors define CH tracking, analysis and response as “the internal process by which a military or peacekeeping operation gathers data on civilian harm caused by its operations and then analyses that data for use in future planning and operations”, whereby CH includes loss of life, injury and property damage. (p. 8)

### CH tracking tools and investigation mechanisms

- Possible data sources for CH tracking: field liaison reports, Battle Damage Assessments (BDAs), spot reports, troop movements, weapons discharge and targeting data, reporting chains among troops, investigations of alleged incidents of CH. (p. 8)
- CH tracking and investigation by ISAF in Afghanistan began with the CCTC (**Civilian Casualty Tracking Cell**), which was established to document and analyse information to inform commanders of the impact of their and the insurgents’ operations on civilians. (p. 9) The CCTC was followed by the establishment of the CCMT (**Civilian Casualty Mitigation Team**) in 2011. This unit oversaw the CCTC, analysed CIVCAS data, identified trends, and advised the ISAF commander on ways to reduce harm to civilians. The CCMT facilitated tactical/procedural changes that led to a documented decrease in ISAF-caused civilian casualties. (p. 10)

### Overarching findings and/or recommendations

- In time, CH tracking is meant to fulfil four purposes: (1) It creates awareness among troops and peacekeepers that the impact of their operations on civilians are being documented and taken seriously; (2) it reduces CH by providing commanders and military planners with information that is aimed at adjusting tactics to minimise future harm; (3) it helps commanders to respond appropriately to credible claims and to push back against false claims with factual information and evidence; and (4) it enables forces to identify cases that warrant legal investigation, and to make amends to civilians. (p. 8)
- The chapter identifies ethical, strategical and legal reasons for CH tracking:
  - Ethically, CH tracking backs up armed forces' claims that they seek to minimise harm to civilians.
  - Strategically, CH tracking shows a civilian population that a mission takes steps to minimise harm, while also enabling appropriate responses to cases of harm.
  - Legally, CH tracking demonstrates adherence to IHL. (p. 9)

## 2. CH Tracking and Investigation Tools, Procedures and Practices

### Entry 3: CIVIC (2020). In Search of Answers: U.S. Military Investigations and Civilian Harm

**Title** In Search of Answers: U.S. Military Investigations and Civilian Harm  
**Authors** Anna Khalifaoui, Daniel Mahanty, Alex Moorehead, Priyanka Motaparthy  
**Associated organisations** CIVIC, Columbia Law School HRI  
**Publication date** February 2020  
**Link to document** [CIVIC & CLS HRI report - PDF](#)  
**Type of literature** Research report

#### Focus of the publication

The report covers the U.S. military's standards and procedures for investigations into CH, focusing in particular on the critical factors and challenges that enable and/or may prevent effective investigations into CH allegations. The authors define investigations as "formal or informal processes of inquiry [...] employed by the military to evaluate the facts and circumstances of alleged or reported incidents of civilian harm." (p. 1)

#### CH tracking tools and investigation mechanisms

- The four stages of a U.S. military investigation into CH are (1) discovery and reporting of harm, (2) a preliminary inquiry to determine the need for further research, (3) a more formal administrative or criminal investigation<sup>4</sup>, and (4) the conclusion and outcome of the investigation (see **Annex A** for a process overview). (p. 12)
- In case of suspected IHL violations, there is a military-wide obligation to report; regarding a broader range of incidents, individual commanders are in charge of issuing command-specific guidance on reporting. (p. 13)
- The most commonly used investigative tool is the **administrative investigation** (AR 15-6): An Investigating Officer (IO) is appointed and has considerable autonomy in choosing the methods used in the investigation; a Staff Judge Advocate conducts a legal review of the IO's report; the commander conducts a final review and may modify, approve or disapprove of the report to his/her discretion. (pp. 19-20)
- Another, more recent tool is the **Civilian Casualty Assessment Report** (CCAR), which assesses whether a CIVCAS case is 'more likely than not to have occurred as a result' of U.S. military operations. The assessment is generally based on internal sources and does not formally require the consultation of non-military sources. Officially, the CCAR is not meant to replace the AR15-6, but may precede it, for instance to deal with a larger number of incidents as it is a quicker, less thorough process. (pp. 17-18)

<sup>4</sup> The criminal investigation applies to situations where a violation of IHL is suspected.



- In comparison to the AR15-6, the CCAR provides little description of the incident, does not include after-action recommendations, and provides little to no opportunity for victims to participate in the investigative process (see Annex B). (p. 35)

### Overarching findings and/or recommendations

- Main finding: A lack of standardised approaches to CH investigations leads to significant inconsistencies in when and how U.S. military investigations into CH are conducted. (p. 2)
- The thoroughness of investigations is currently highly dependent upon individual military commanders. *They should make reporting on all CIVCAS incidents mandatory and should appoint CIVCAS tracking personnel who are not directly involved in operations to avoid bias.* (p. 2)
- The military too often relies solely on internal records and sources, which can be incompletely/inconsistently maintained, while non-military sources can serve as an important resource for further investigation. (pp. 2-3) *The U.S. military should ensure that there is an accessible and reliable reporting channel or complaints mechanism for civilians/civil society, and should recognise the importance of such external information by emphasising its importance in policy and requiring its consideration in procedures.* (p. 31)
- The military often relies exclusively on overhead surveillance, such as post-strike air videos, to investigate CH allegations, even though these sources are limited and may well overlook important evidence of CH: *The military should therefore make interviews with civilian witnesses and visits to sites of CH standard practice or – in case it is not possible to do either – investigators should document why/how any resulting evidentiary gaps were addressed.* (p. 4)
- The military's public reporting on CH claims provides little to no information about why certain allegations are dismissed as 'non-credible' and the sources used to arrive at this conclusion. (pp. 36-37) *The U.S. military should use standardised procedures and publicly available criteria for determining how complaints are determined (non-)credible to avoid valid claims being dismissed without sufficient scrutiny.* (pp. 3-4)
- Previous investigations' lessons learned are not systematically learned, disseminated or implemented beyond other units or theatres of operation, resulting in a failure to adapt or to avoid similar mistakes in future operations. *The military should therefore invest in a single database to communicate lessons learned across branches and over time.* (p. 5)

## Entry 4: CIVIC (2019). The Sum of All Parts: Reducing Civilian Harm in Multinational Coalition Operations

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**Title** The Sum of All Parts: Reducing Civilian Harm in Multinational Coalition Operations

**Authors** Annie Shiel, Daniel Mahanty

**Associated organisation** CIVIC

**Publication date** January 2019

**Link to document** [CIVIC report - PDF](#)

**Type of literature** Research report

### Focus of the publication

The report is focused explicitly on the civilian harm-related challenges brought forth by coalition warfare, also providing recommendations for improvement.

### CH tracking tools and investigation mechanisms

#### International Security Assistance Force (ISAF), Afghanistan:

- ISAF's Civilian Casualty Mitigation Team (CCMT) led to the working-level **CIVCAS Mitigation Working Group** (CCMWG), which fed into the higher-level **CIVCAS Avoidance and Mitigation Board** (CAMB).
- The CAMB met quarterly, chaired by ISAF's Deputy Commander, and considered all CIVCAS-related issues, provided ISAF staff and subordinate commands with lessons learned, and CIVCAS avoidance and mitigation methods, which resulted in tactical-level techniques and procedures. (p. 17)
- ISAF also set up **Joint Incident Assessment Teams** (JIATs), composed of ISAF and Afghan personnel, to investigate specific CIVCAS incidents, often involving interviews with involved personnel and physical site investigations. JIATs suffered from discontinuous staffing practices, leading to lack of continuity and professional knowledge, including knowledge of the geographic area, history and culture. (p. 18)

#### Operation Inherent Resolve (OIR), Syria and Iraq:

- Alleged CH could be reported through mandated self-reporting by involved military personnel or through external reporting. Command then sent potential CH incidents to CIVCAS investigators within 24 hours. (p. 18)
- CIVCAS assessments were initially conducted by US CENTCOM personnel at Tampa HQ or by coalition forward command centres; from 2017 onwards, CENTCOM transferred CIVCAS reporting to the **CTJF-OIR Civilian Casualty Cell**. This conducts an Initial Assessment to determine the need for further inquiry; if yes, then a CCAR to investigate the claim's credibility is tasked to the unit that approved (and may have executed) the strike, tracks

the assessment, and routes it to the approval authority for a final determination. Field visits and on-the-ground research are often not conducted. (p. 18)

### Overarching findings and/or recommendations

- Coalition structures may provide an incentive for lack of transparency as they enable states to attribute CH to the coalition as a whole, obscuring individual responsibility. *Coalitions should therefore establish coalition-wide CH disclosure policies, including guidelines for both public and private acknowledgement of CH incidents.* (pp. 2-3)
- Future coalition operations may improve CH tracking, investigation and response by:
  - *Centralising CH investigating and reporting in a multinational Civilian Casualty Mitigation Cell responsible for assessing all CH reports, identifying lessons learned, and using the analysis to adapt tactics, techniques and procedures.* (p. 2)
  - *Publicly clarifying the steps the coalitions take to evaluate and determine an external CH report's credibility.* (p. 3)
  - *Implementing coalition lessons learned processes.* (p. 2)
  - *Resolving outstanding CIVCAS assessments at the conclusion of coalition operations, and providing a mechanism that facilitates the continued reporting of CH incidents by civilians.* (p. 3)

### Entry 5: NUPI (2019). The Civilian Casualty Tracking and Response Cell in the African Union Mission in Somali: An emerging best practice for AU peace support operations?

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**Title** The Civilian Casualty Tracking and Response Cell in the African Union Mission in Somalia: An emerging best practice for AU peace support operations?

**Author** Natasja Rupesinghe

**Associated organisation** Norwegian Institute of International Affairs (NUPI)

**Publication date** January 2019

**Link to document** [NUPI Policy Brief - PDF](#)

**Type of literature** Policy brief

### Focus of the publication

The brief analyses AMISOM's civilian casualty tracking mechanism's performance from 2015-19. Rupesinghe defines Civilian Casualty Tracking as "a process through which a military or peacekeeping operation gathers data on civilian harm caused by its operations and then uses that data to improve operations and properly respond to civilian losses." (p. 1)

## CH tracking tools and investigation mechanisms

- The African Union Mission in Somalia (AMISOM) uses the Civilian Casualty Tracking Analysis and Response Cell (CCTARC) since June 2015 to track harm it has caused civilians, including death, injury, Sexual Exploitation and Abuse (SEA), and damage to property. This is the AU's first use of a mechanism dedicated solely to tracking CH. (p. 1)
- CCTARC's mandate has three pillars: (1) It tracks harmed caused to civilians by AMISOM; (2) it feeds this data into planning for future operations by adapting procedures and practices, and by informing pre-deployment/in-mission training, in order to ultimately reduce harm to civilians and enhance operational effectiveness; and (3) it advises the mission on when it has to make 'ex-gratia payments'. (p. 1)
- Information sources for CH incidents: social media open-source information; mission SitReps; information from CivMil Coordination Officers; AMISOM police patrol reports; external sources from Somali police, social media, newspapers; individual claims from Somalis made via telephone, website or in person. (p. 2)
- When a CH allegation is made, the veracity of the claim is researched, an assessment is submitted and, in case of serious allegations, a Board of Inquiry conducts further investigation. (p. 3)

## Overarching findings and/or recommendations

The brief identifies three main challenges for AMISOM's CCTARC. These are of a structural, operational and political nature respectively:

- Structural: Different sectors within AMISOM often provide CCTARC with inconsistent/insufficient information, meaning that the cell cannot benefit from detailed internal information on operations in areas that only AMISOM can reach. (p. 2) *AMISOM leadership should review procedures for comprehensive information-sharing on CIVCAS between sectors and Force HQ together with TCCs.* (p. 3)
- Operational: There exists no fund to pay out compensation to civilians, damaging AMISOM relations with the Somali population, and hurting its overall credibility and legitimacy. (p. 2) *AMISOM should establish a fund to enable amendment payments to harmed civilians.* (p. 3)
- Political: Competing strategic interests within AMISOM lead to limited information exchange and internal support for CCTARC. *There is a need for more buy-in and ownership from the outset, for instance by seconding TCC liaison officers into CCTARC.* (p. 3)

## Entry 6: Shortland, Sari & Nader (2017). Recounting the Dead: An Analysis of ISAF Caused Civilian Casualties in Afghanistan

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**Title** Recounting the Dead: An Analysis of ISAF Caused Civilian Casualties in Afghanistan

**Authors** Neil Shortland, Huseyin Sari, Elias Nader

**Associated organisation** University of Massachusetts Lowell

**Publisher** Armed Forces & Society (academic journal)

**Publication date** November 2017

**Link to document** [Shortland et al. article – PDF](#)

**Type of literature** Academic article

### Focus of the publication

The article represents a data-driven analysis of ISAF-caused CIVCAS, investigating ISAF's ability to mitigate CIVCAS by analysing data from its CCMT. The article's predominant focus lies on CH mitigation rather than tracking and investigation, and is limited to harm that involves civilian casualties.

### CH tracking tools and investigation mechanisms

- In Afghanistan, ISAF's CCMT expanded from mere data collection to monitoring and outreach, as well as to gathering lessons learned that were fed back into pre-deployment training. (p. 124)
- The CCMT's database, containing all reports of ISAF investigations into CIVCAS reports and allegations confirmed to have been ISAF-caused, has been openly released. (p. 126)
- Possible CIVCAS causes contained in the database: direct fire, indirect fire, escalation of force, close combat attack, close air support, and 'others'. (p. 127)
- Apart from counting individual CIVCAS, the database also documents the number of CIVCAS *events*, meaning the number of times ISAF forces caused an event in which any CIVCAS occurred, allowing the mission to keep track of trends in both numbers of casualties and number of overall instances in which CIVCAS occurred. (p. 127)

### Overarching findings and/or recommendations

- From 2010-2013, both the overall number of ISAF-caused CIVCAS and the number of casualties per CIVCAS event decreased.<sup>5</sup> (p. 127)
- The most notable decreases of CIVCAS occurred in the category of escalation of force, whereas categories related to airpower did not show significant decreases in ISAF

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<sup>5</sup> Based on ISAF's data, which overall reported fewer CIVCAS than other organisations, such as UNAMA, did.

lethality, implying that the former category lends itself better to adaptation in favour of CH mitigation. (p. 133)

- The authors emphasise that the fact that lethality of airpower remained has significant implications for the expectations regarding PoC in future engagements where operations are led through the air, such as the International Coalition against ISIS. (pp. 135-36)

## **Entry 7: Airwars & Remote Control (2016). Limited accountability: A transparency audit of the Coalition air war against so-called Islamic State**

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**Title** Limited accountability: A transparency audit of the Coalition air war against so-called Islamic State

**Author** Chris Woods

**Associated organisations** Airwars & Remote Control (Oxford Research Group)

**Publication date** December 2016

**Link to document** [RC & Airwars report – PDF](#)

**Type of literature** Research report

### **Focus of the publication**

The report represents a study of CIVCAS investigation and reporting processes of the Coalition against ISIS, examined both as a whole and separately for several of its participating states.

### **CH tracking tools and investigation mechanisms**

- The Coalition's monitoring, investigation and assessment of alleged CIVCAS incidents has been conducted primarily by military personnel at CENTCOM HQ or at coalition forward command centres. (p. 8)
- For the investigation of possible CIVCAS incidents, CENTCOM and allies have so far relied primarily on post-strike video analysis, and have conducted neither field visits nor sought consistent engagement with external monitoring organisations. (p. 8)

### **Overarching findings and/or recommendations**

- The Coalition's CIVCAS assessment process was found to be opaque, ad hoc and biased towards internal military reporting; investigators had poor resources, finished their assessments in a limited and rapid manner, and often did not engage with external sources. More than half of all alleged CIVCAS incidents were found not to have been investigated at all. (p. 1)
- While the US has made progress with regard to CIVCAS monitoring/reporting and engagement with external actors, other coalition partners (among which the Netherlands) remain far from transparent regarding their actions. Such discrepancies were caused in

part by a lack of coalition-wide rules for CIVCAS monitoring and reporting. (pp. 1, 11)  
*Aerial military coalitions should, as a norm, establish a baseline for public reporting and investigating standards for all partners involved, including standardised, rigorous and transparent CIVCAS investigatory processes at both the coalition and national level, as well as prompt public disclosure of any investigation findings into alleged CIVCAS at both the coalition and national level.* (p. 2)

- Overreliance on internal, aerial assessments is likely to lead to CIVCAS underreporting, *military coalitions should therefore consistently engage with external monitors.* (p. 2)
- The coalition has often dismissed CH-related claims as non-credible within 24-48 hours, hindering further investigation, without having conducted interviews with key witnesses and/or sources. (p. 8)

## **Entry 8: OSF (2016). The Strategic Costs of Civilian Harm: Applying Lessons from Afghanistan to Current and Future Conflicts**

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**Title** The Strategic Costs of Civilian Harm: Applying Lessons from Afghanistan to Current and Future Conflicts

**Authors** Christopher D. Kolenda, Rachel Reid, Chris Rogers, Marte Retzius

**Associated organisation** Open Society Foundations

**Publication date** June 2016

**Link to document** [OSF report - PDF](#)

**Type of literature** Research report

### **Focus of the publication**

Report on CH in Afghanistan and its strategic impact. It examines the efficacy of ISAF reforms to reduce CH, and offers lessons on civilian protection for current and future conflicts. Civilian harm is defined as “damage to personal or community well-being.” (p. 10)

### **CH tracking tools and investigation mechanisms**

- In Afghanistan, the CCTC and CCMT teamed with the Afghan Assessment Group and JIATs to provide consistent data tracking and analysis, which supported several in-depth studies that helped understand the root causes of CH and which informed tactical and procedural changes. (p. 32)
- CH tracking by ISAF was aided by pro-active engagement with the UN, the ICRC and other NGOs recording civilian casualties. (p. 32)

### Overarching findings and/or recommendations

- The report finds that ISAF reforms significantly reduced ISAF-caused harm to civilians, and that these reforms succeeded through combining tactical directives with leadership emphasis, training, systematic data collection and analysis, and more openness for input from CSOs. (p. 11)
- CH-related lessons are likely to be lost if they are not institutionalised and if there is not sufficient attention for it from leadership, in training/education, and in resources. (p. 11)
- *The report recommends the U.S. Department of Defence (DoD) to develop standards and methodology for CH tracking and monitoring, as well as permanent policies and mechanisms for reporting and verifying CH that also incorporate non-military input (pp. 12-13)*
- *The DoD is recommended to create Civilian Protection Cells in J3/J5 Joint Command, Combatant Command and Operational HW, modelled after ISAF's CCTC. These should, fi,:*
  - Monitor CH and assess causes and strategic effects;
  - communicate regularly with relevant CSOs and international organisations;
  - communicate with all other cells and ensure ongoing lessons learned;
  - strengthen decision-making tools by complementing Collateral Damage Estimations with data and analysis of CH and assessments of strategic impact. (p. 12)
- *CH response should avoid premature denial, provide timely and clear communication of investigation outcomes and accountability measures to host nations, victims and the public. (p. 12)*
- *Information channels to independently assess CH and its strategic impact should be developed, also to assess harm caused by partner forces. (p. 14)*
- Overreliance on air video for CH tracking/BDA's risks having significant blind spots if it is not combined with other sources of intelligence and on-the-ground information. (p. 54)

### Entry 9: Muhammedally, Sahr (2016). Minimizing civilian harm in populated areas: Lessons from examining ISAF and AMISOM policies

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**Title** Minimizing civilian harm in populated areas: Lessons from examining ISAF and AMISOM policies.

**Author** Sahr Muhammedally

**Associated organisation** CIVIC

**Publisher** International Review of the Red Cross

**Publication date** 2016

**Link to document** [Muhammedally article - PDF](#)

**Type of literature** Research article



### Focus of the publication

The article examines ISAF and AMISOM policies to reduce CH in populated areas, exploring how these strengthened adherence to IHL. The article is more focused on CH mitigation than CH tracking and investigation.

### CH tracking tools and investigation mechanisms

#### ISAF, Afghanistan:

- In 2008, ISAF created a CCTC at its HQ to gather data on harm caused during operations and to report this to ISAF leadership. Initially, the CCTC functioned to strengthen ISAF's internal situational awareness of CH in order to better respond to allegations; over time, it began to examine CIVCAS data for trends in order to provide recommendations on CIVCAS mitigation. (p. 234)
- Reporting was institutionalised through SOPs, providing guidance on reporting requirements for CIVCAS. (p. 235)
- In 2011, ISAF's CCTC was expanded with the CCMT, which had more resources to reach out to CSOs to cross-check allegations. (p. 236)

#### AMISOM, Somalia:

- In 2015, AMISOM's CCTARC began operations, composed of data, military and legal analysts. Its tasks include tracking incidents and allegations of CH, analysing the causes of harm, recommending guidance on tactics and training, responding to individual incidents, ensuring that civilians receive amends, and entering into dialogue with external organisations to cross-check internal incident reporting. (pp. 240-41)

### Overarching findings and/or recommendations

- Commander's intent with regard to CIVCAS mitigation was critical in Afghanistan: It was communicated through tactical directives so that subordinates would understand its importance and the importance of reporting, but also to reinforce the requirement of balancing military necessity against the risk of CH. (p. 234)
- The analysis of CH incident causes by ISAF's CCMT led to improvements in assessing hostile intent/better contextual understanding when determining the right to use lethal force. This, in turn, led to new guidance and tactics, which reduced the risks of CH to the Afghan population. (p. 237)
- U.S. BDAs are useful for assessing an operation and its harm to civilians, but as they rely on aerial data can result in an incomplete picture. *It is therefore necessary that reporting by external organisations with a field presence is considered to cross-check operational data.* (p. 245)

## Entry 10: CIVIC (2014). Civilian Harm Tracking: Analysis of ISAF Efforts in Afghanistan

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**Title** Civilian Harm Tracking: Analysis of ISAF Efforts in Afghanistan

**Author** Jennifer Keene

**Associated organisation** CIVIC

**Publication date** May 2014

**Link to document** [CIVIC report – PDF](#)

**Type of literature** Research report

### Focus of the publication

The report describes the development and operation of CIVCAS tracking efforts in ISAF to understand what prompted it, to identify challenges in its implementation, and to address successes and limitations in its operation. In addition, it identifies lessons learned to inform future practices.

### CH tracking tools and investigation mechanisms

- The CCTC's first purpose was to strengthen ISAF's internal situational awareness of CIVCAS, and to enable quick and accurate response to allegations of CIVCAS to prevent disinformation by insurgents, thereby establishing trust that ISAF was working for the best interests of the Afghans. (pp. 4, 10)
- The CCTC (and later CCMT) hired civilian staff for their understanding of Afghan culture, their ability to liaise with non-ISAF organisations and their data experience. (p. 5)
- In 2009, ISAF established JIATs, consisting of Afghan government-appointed representatives and ISAF personnel, to investigate incidents, determine incident facts, to recommend actions to prevent CH in the future and to recommend changes in techniques. Though not formally linked to CCTC, JIAT information often flowed to the CCTC, which lacked the capacity to investigate everything. (p. 6)
- In 2011, the CCTC expanded into the CCMT: Besides data collection, its tasks then include addressing CIVCAS and providing guidance on CIVCAS avoidance and mitigation. (p. 7)
- Internally, the CCMT's mandate included:
  - Coordinating subject-specific studies and providing recommendations to ISAF leadership;
  - leading working groups and decision-making bodies that address modification or establishment of guidelines, tactical directives, SOPs or fragmentary orders;
  - collecting and archiving lessons learned and best practices regarding CIVCAS within ISAF. (p. 7)
- Both CCTC and CCMT were focused only on civilian casualties, not other types of CH. (p. 21)

### Overarching findings and/or recommendations

- The CCTC's and later CCMT's effectiveness were hindered by a lack of incorporation of non-ISAF data and a lack of willingness to revise ISAF CIVCAS numbers based on new data that was not ISAF's. In addition, there was often disagreement between ISAF and external organisations over casualties' status as having been civilians or combatants. (pp. 12-13)
- The value of CIVCAS data collection was not always clear to commanding officers and troops, endangering the overall quality of reporting/data collection. Interviewees in the CIVIC report moreover indicate that they thought members of the military would have taken the CCTC/CCMT's work more seriously if its personnel had been of higher rank. At the troop level, there had been no coordinated efforts to explain the importance or purpose of CCTC/CCMT, *whereas leadership could play an important role in this*. (pp. 13-14)
- Lessons learned for future CH tracking and analysis efforts:
  - *CIVCAS tracking must be backed by sincere attention to mitigating and reducing CH, not solely collecting data, which does not by itself mitigate or prevent CIVCAS*. (pp. 21-22)
  - *CIVCAS tracking does not require tremendous resources but does require sustained attention and assertion of value*; reliable data collection and tracking depends largely on individual commitment to reliable reporting, and leadership has a key role in communicating its value and on keeping attention on the need to mitigate CIVCAS. (p. 22)
  - *Data collection does not have to be complicated, but reporting must be standardised, working with the same (clear) definitions, and the data reported must be robust enough for deep analysis*. (p. 22)
  - *To be most useful, a tracking mechanism must be in place before a mission begins*; by creating frameworks in the planning phases, it enables the use of common definitions and procedures, and helps in making it a mission priority. (pp. 22-23)

## Annex A

Figure 1 The U.S. military's investigative process regarding incidents of CH (source: CIVIC & CLS HRI, 2020: 16)



## Annex B

Figure 2 A comparison of the AR15-6 and CCAR investigative procedures (source: CIVIC & CLS HRI, 2020: 39)

### Civilian Casualty Assessments vs. AR 15-6 investigations

<b>CCARs</b>	<b>AR 15-6</b>
Less formalized process with less consistent controls for quality assurance, <sup>138</sup> although guided by standard operating procedures.	More formalized as a process, with army regulation governing its conduct and standardized procedures.
Quicker process, more adaptable to higher tempo situations, and potentially quicker release of information.	Slower, but more deliberate process.
No requirement for formal appointment by commander for investigating officer; often conducted by standing cell or unit.	Appointment order provides additional, standardized guidance to investigator, but not always followed.
Focused on factual findings; no specific requirement for after-action recommendations.	Includes not just findings but recommendations for after-action.
Less well-suited to lessons learned as currently designed.	Better suited to lessons learned, trend analysis, and future harm mitigation – but only if conducted by suitably knowledgeable authority.
Provides date, basic locational data, cause of harm to public (but may release additional information to Airwars or other organizations).	May contain important facts and details that are important to family-members and other survivors; results rarely shared with survivors or released to public.
At times carried out by operational staff from within same command that oversaw or were involved with operations, providing proximity and access to records, but potentially creating risk of bias. At other times, conducted by staff “firewalled” from those involved in operations.	Ordered and overseen by commanders who may have had a role in operation under investigation or outsourced, but subject to review by Staff Judge Advocate.