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Petraeus reviews directive meant to limit Afghan civilian deaths

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To the U.S. soldiers getting pounded with thunderous mortar rounds in their combat outpost near Kandahar, it seemed like a legitimate request: allow them to launch retaliatory mortar shells or summon an airstrike against their attackers. The incoming fire was landing perilously close to a guard station, and the soldiers, using a high-powered camera, could clearly see the insurgents shooting.

The response from headquarters -- more than 20 miles away -- was terse. *Permission denied.* Battalion-level officers deemed the insurgents too close to a cluster of mud-brick houses, perhaps with civilians inside.

Although the insurgents stopped firing before anybody was wounded, the troops were left seething.

"This is not how you fight a war, at least not in Kandahar," said a soldier at the outpost who described the incident, which occurred last month, on the condition of anonymity. "We've been handcuffed by our chain of command."

With insurgent attacks increasing across Afghanistan, frustration about rules of engagement is growing among troops, and among some members of Congress. Addressing those concerns will be one of the most complicated initial tasks facing Gen. David H. Petraeus, the new commander of U.S. and NATO forces in the country.

The controversy pits the desire of top military officers to limit civilian casualties, something they regard as an essential part of the overall counterinsurgency campaign, against a widespread feeling among rank-and-file troops that restrictions on air and mortar strikes are placing them at unnecessary risk and allowing Taliban fighters to operate with impunity.

During his confirmation hearing before the Senate Armed Services Committee, Petraeus promised to "look very hard" at the rules of engagement. He has since asked Lt. Gen. David M. Rodriguez, the top operational commander in Afghanistan, to review the rules. The examination will include discussions with troops around the country, military officials said.

At issue is a tactical directive issued last July by Petraeus's predecessor, Gen. Stanley A. McChrystal, that limits the use of air and mortar strikes against houses unless personnel are in imminent danger. The directive requires troops to take extensive measures, including a 48-hour "pattern of life" analysis with on-the-ground or aerial surveillance, to ensure that civilians are not in a housing compound before ordering an airstrike.

Senior U.S. military officials in Afghanistan and Washington said Petraeus almost certainly will not rescind the directive but instead will issue revised guidance in the coming days in an attempt to streamline procedures and ensure uniformity in how the rules are implemented.

Despite claims from some relatives of military personnel killed in Afghanistan that the directive has limited the ability of troops to defend themselves, the officials said a review by the U.S. military of every combat fatality over the past year has found no evidence that the rules restricted the use of lifesaving firepower.

"We have not found a single situation where a soldier has lost his life because he was not allowed to protect himself," one of the officials said.

If troops are in imminent danger, there is no restriction on the use of airstrikes or mortars. "The rules of engagement provide an absolute right of self-defense," the official said.

The official, like others quoted for this article, spoke on the condition of anonymity because military regulations limit discussion of rules of engagement.

Differing interpretations

Part of the controversy is rooted in divergent interpretations of the directive. To those atop the chain of command, the restriction has helped reduce civilian casualties, which have been a politically charged issue in Afghanistan and have helped sap popular support for the international military presence. There have been 197 civilian fatalities caused by NATO forces, including U.S. troops, in the 12 months since the directive was issued, compared with 332 in the previous year, according to figures compiled by the NATO command in Kabul.

Although the directive has markedly reduced the bombing of housing compounds, dozens of Afghans continue to die each year in airstrikes on other types of targets, including vehicles.

For troops on the ground, however, the directive has lowered their morale and limited their ability to pursue insurgents. They note that Taliban fighters seem to understand the new rules and have taken to sniping at troops from inside homes or retreating inside houses after staging attacks.

"Minimizing civilian casualties is a fine goal, but should it be the be-all and end-all of the policy?" said a junior Army officer in southern Afghanistan. "If we allow soldiers to die in Afghanistan at the hands of a leader who says, 'We're going to protect civilians rather than soldiers,' what's going to happen on the ground? The soldiers are not going to execute the mission to the best of their ability. They won't put their hearts into the mission. That's the kind of atmosphere we're building."

The principal problem, senior officials say, is that U.S. and allied units across Afghanistan have carried out the directive in ways that are more restrictive than McChrystal intended. Fearful of career-ending sanctions if they violate the order, commanders at every subordinate level down the chain have tightened the rules themselves, often adding their own stipulations to the use of air and mortar strikes.

This spring, the Army brigade to which the soldiers at the outpost near Kandahar belong rescinded authority from on-the-scene commanders to fire mortars or call for air support, except in the most urgent cases of self-defense. Permission now has to be granted by a battalion headquarters -- a requirement not enumerated in the tactical directive that could delay any strike on an enemy.

"Now you have to think like a lawyer when you're getting shot at," the soldier at the outpost said. "It's a case of hesitancy and oversimplification. When you're getting shot at, you don't have a lot of time to build a picture for the guys back at headquarters. Your head is in the ground."

Less than six hours before Marines commenced a major helicopter-borne assault in the town of Marja in February, Rodriguez's headquarters issued an order requiring that his operations center clear any airstrike that was on a housing compound in the area but not sought in self-defense. But before the order was given to the Marines, the British-run regional headquarters in southern Afghanistan amended the language to include any strikes "near" houses, according to two U.S. sources familiar with the incident.

The angst over the directive on airstrikes has been compounded by additional orders on driving -- be polite and don't hog the road -- and escalation-of-force situations, such as when suspicious vehicles approach convoys or entrances to bases. The rules, titled Standard Operating Procedures 373, call for military personnel to "use force for the duration and to the extent required to meet the threat and defeat or neutralize it, but no more." Some soldiers say those orders have also been used in a more draconian and patchwork way than senior commanders intended.

"We have to be absolutely certain that the implementation of the tactical directive and the rules of engagement is even throughout the force, that there are not leaders at certain levels that are perhaps making this more bureaucratic or more restrictive than necessary," Petraeus said at his confirmation hearing.

Permission denied

The tightened rules on airstrikes during the initial days of the Marja operation prompted intense frustration not just among Marines on the ground but for mid-level officers in the combat operations center at their headquarters at Camp Leatherneck.

Within an hour after the first Marines landed in Marja, officers in the command center were watching a live black-and-white video feed from an aerial drone that showed suspicious activity around a cluster of 50-gallon fuel drums within the open courtyard of a house. Marines on the ground also had intelligence that insurgents intended to target approaching U.S. forces with 50-gallon drums filled with homemade explosives and metal fragments.

But when officers at the command asked for permission to strike from the regional command in Kandahar, they were rejected. Too close to the house, they were told.

The Marines proposed targeting the drums at an angle to avoid damaging the house in case, as one officer noted, "they contained baby milk." Again they were denied.

Finally, as the sun rose, a Marine unit began approaching the compound. The frustrated officer, fearful that a detonation would kill the troops, declared the target a case of self-defense. No longer was he required to seek permission.

Three Hellfire missiles were launched at the drums, igniting them into a huge fireball, indicating that they were filled with explosives.

"You can't fight a war like this," the officer growled.