

Part of the Countries in Conflict Series



**Civilian Harm And Conflict in
Northwest Pakistan**

**CENTER FOR
CIVILIANS IN CONFLICT**

RECOGNIZE. PREVENT. PROTECT. AMEND.

Civilians in Armed Conflict

Civilian Harm and Conflict in Northwest Pakistan

RECOGNIZE. PREVENT. PROTECT. AMEND.

This report was written by Christopher Rogers and funded by the Harvard Law School Frederick Sheldon Traveling Fellowship and Center for Civilians in Conflict (formerly CIVIC).

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Written by Christopher Rogers

Cover photo: Pakistani women, internally displaced from Swat, wait in a queue as they travel homeward at a joint Police and Army checkpoint, in Shergar on July 15, 2009 near Takht Bai, Pakistan.
Photo by Daniel Berehulak

Website address: www.civiliansinconflict.org

NOTE: All names in this report have been changed to protect the identity of survivors.

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Glossary

| | |
|-------------|--|
| ACO | Assistant Coordination Officer |
| ACS | Additional Chief Secretary |
| APA | Assistant Political Agent |
| CIA | Central Intelligence Agency |
| DCO | District Coordination Officer |
| ERW | Explosive Remnants of War |
| FATA | Federally Administered Tribal Areas |
| FC | Frontier Corps |
| FCR | Frontier Crimes Regulations |
| FDMA | Federal Disaster Management Authority |
| ICRC | International Committee of the Red Cross |
| IDP | Internally Displaced Persons |
| IED | Improvised Explosive Device |
| ISI | Inter-Services Intelligence Agency |
| HDI | Human Development Index |
| HRCP | Human Rights Commission of Pakistan |
| HRW | Human Rights Watch |
| KPK | Khyber Pakhtunkhwa |
| LRH | Lady Reading Hospital |
| NATO | North Atlantic Treaty Organization |
| NIC | National Identity Card |
| NGO | Non-Governmental Organization |
| NWFP | North-West Frontier Province |
| PA | Political Agent |
| PDMA/PaRRSA | Provincial Disaster Management Authority/Provincial Reconstruction, Rehabilitation, and Settlement Authority |
| PIPOS | Pakistan Institute of Prosthetic and Orthotic Sciences |
| PIPS | Pakistan Institute for Peace Studies |
| Rs | Pakistan Rupees |
| SATP | South Asian Terrorism Portal |
| SPADO | Sustainable Peace and Development Organization |
| TNSM | Tehrik-i-Nifaz-i-Shariat-i-Muhammadi, or Movement for the Enforcement of Islamic Law |
| TTP | Tehrik-il-Taliban Pakistan, or the Pakistani Taliban |
| UAV | Unmanned Ariel Vehicle |
| UNHCR | United Nations High Commissioner for Refugees |
| USAID | United States Agency for International Development |
| USD | United States Dollar |
| UXO | Unexploded Ordnance |

**IN 2009, AN ESTIMATED
2,300 CIVILIANS WERE
KILLED IN TERROR AT-
TACKS ALONE WITH
MANY MORE INJURED.**

Executive Summary

Since 2001, the conflict in northwest Pakistan has killed and injured thousands of civilians, displaced millions, and destroyed countless homes and livelihoods. The warring parties include Pakistani forces, US forces, and militant groups. This report documents civilian losses as a result of this armed conflict, analyzes the humanitarian, security, and strategic consequences of those losses, and examines existing—and needed—efforts by warring parties to make amends to survivors.

The number of civilian casualties—meaning deaths and injuries—is significant in Pakistan, though exact figures are unknown due to insecurity and government restrictions on information. In 2009, an estimated 2,300 civilians were killed in terror attacks alone with many more injured. Counting losses from Pakistani military operations and U.S. drone strikes, civilian casualties in Pakistan likely exceed in number those in neighboring Afghanistan.

Despite the severity of losses and consequences of ignoring them, civilian casualties receive too little attention from US, Pakistani and donor-nation policymakers, military officials, and international organizations alike. Overlooking the majority of civilians harmed or displaced by combat operations is undermining the Pakistani government's legitimacy. The US, too, has an obligation to these victims, as a major supporter of Pakistan's anti-terror efforts and as a warring party itself, with small numbers of troops on the ground and drones conducting strikes from overhead.

Over the past year, Center for Civilians in Conflict conducted interviews with Pakistani and US policymakers, humanitarians and officials from international organizations, and over 160 Pakistani civilians suffering direct losses from the conflict. After nearly a decade of conflict and billions of aid channeled into Pakistan, more can and should be done to address the civilian cost of the conflict. The Center proposes concrete, specific measures to warring parties and their partners toward finally acknowledging and making amends for civilian harm.

Neither the US nor Pakistani governments officially deny the program exists but tacitly concede its existence.

Headlines focus on the horrors of terrorism in Pakistan, but the Center's research shows that civilians suffer greatly from a much broader range of conflict-related violence. Pakistani military operations, particularly artillery shelling and airpower, cause significant civilian losses. Civilians are caught between militants and Pakistani forces, while also suffering the consequences of extrajudicial killings, sectarian violence, explosive remnants of war, and US drone strikes.

US drone strikes, in particular, have touched off intense public debate. Neither the US nor Pakistani governments officially deny the program exists but tacitly concede its existence. Anonymous US officials insist that civilian casualties caused by drone strikes are minimal. The Center's research and that of other independent non-government organizations indicates that the number of civilians killed and injured by drones is higher than the US admits.

Civilian losses in Pakistan are often long-lasting and complex, destabilizing families and entire communities. The loss of a husband can deprive the family of its only source of income. An injury can require expensive medical treatment, care by other family members, and prevent survivors from working in the household or finding a job. A house destroyed can mean homelessness, but also the loss of a family's most important financial asset, forcing them into cycles of debt and dependency.

For Pakistanis already struggling to make ends meet, losses like these are compounded by underdevelopment, displacement, and economic vulnerability. Without savings, insurance, or social safety nets, the shock of a death, injury or property damage can dramatically alter families' lives, pushing many into debilitating poverty.

Civilian victims expressed anger at warring parties for their losses. Despite some people's fear of retribution for speaking out, many placed the blame squarely on the Pakistani and US militaries. Almost all victims insisted that the Pakistani or US governments, respectively, had a responsibility to make amends—meaning, an acknowledgement of the harm suffered and an offer of assistance or compensation.

Of the warring parties involved in the conflict, the Pakistani government is the only one making some form of amends to war victims. For example, the Pakistani government maintains compensation programs for some civilian deaths and injuries as well as housing destruction. While these programs need improvement in practice, amends like these can restore a measure of dignity through recognition of losses and provide much-needed help, while also mitigating anger and enhancing the perceived legitimacy of the Pakistani government and military.

This report demonstrates that amends are both possible and practicable in Pakistan, and expected by Pakistani civilians. This requires new programs and a significant improvement of efforts underway. Most Pakistani war victims have yet to receive any assistance, compensation, or even recognition of the harm they suffered.

Summary of Findings

- Significant civilian casualties are caused by Pakistani military operations, US drone strikes, militant and terror attacks, and other forms of conflict-related violence such as unexploded ordnance and sectarian clashes;
- There is no governmental or military mechanism that systematically and publicly investigates or collects data on civilian casualties;
- Deaths, injuries, and property losses are greatly compounded by widespread poverty and displacement;
- Civilians interviewed acknowledge the relative accuracy of US drone strikes but criticize them for causing civilian casualties and question the program's long-term effectiveness against militants; most opposed the strikes and demanded an end to the practice;
- Civilians hold warring parties responsible for their losses and expect amends (compensation, for example) from both the Pakistani and US governments;
- The Pakistani government is the only warring party attempting to make direct amends to civilian war victims, with a compensation and housing program;
- Civilians see Pakistani government efforts to compensate or assist war victims as providing real help to those in need and dignifying losses. These programs can also mitigate anger and enhance the perceived legitimacy of the Pakistani government and military;
- Most victims interviewed were left without amends for their losses due to serious deficiencies in Pakistani compensation mechanisms and no US effort to help those harmed by its combat operations; this, despite US programs for such victims in Iraq and Afghanistan.

Recommendations

To the Government of Pakistan

- Ensure all forces—including military, intelligence, security, and *lashkars*—adhere to the rules of international humanitarian law, including principles of distinction and proportionality, and that all government forces are adequately trained on the same;
- Refrain from using artillery, mortars and airpower in densely populated areas and ensure such weapons are deployed in a manner that appropriately discriminates between civilians and combatants;
- Publicly investigate all incidents of civilian harm and, when appropriate, acknowledge responsibility for causing harm;
- Halt all extrajudicial killings and investigate potential incidents of extrajudicial killings;
- Halt destruction of homes and other civilian property as retribution or collective punishment;
- Remove restrictions preventing UN and non-governmental organizations from accessing conflict-affected areas;
- Halt all intimidation and coercion of journalists, civilian victims or advocates who document or speak out about civilian harm;
- Improve existing compensation mechanisms for civilians suffering losses by:
 - » Proactively investigating all potential incidents of civilian casualties (or allowing independent investigators to do so), identify victims including those who are displaced, acknowledge responsibility where appropriate, and ensure harm is fully addressed;
 - » Designating federal and provincial level institutions and administrators to oversee, coordinate, and standardize compensation mechanisms;
 - » Developing mechanisms to ensure compensation accountability and transparency with record-keeping, clear and publicized guidelines, and official oversight;
 - » Ensuring compensation amounts are appropriate to the loss (i.e. a multi-family house may require a larger payment) and standardizing amount ranges for compensation;
 - » Standardizing eligibility and procedures for civilians filing claims and for officials that proactively offer compensation across the country;
 - » Ensuring sufficient and timely financing (i.e. an accountable and steady funding stream) for compensation;
 - » Developing mechanisms, preferably in partnership with the US, to make amends to victims of drone attacks;
 - » Ensuring women and other vulnerable groups have equal access to compensation;
- Do not ignore or improperly address civilian losses from the conflict in responding to the humanitarian crises caused by the recent floods.

To Militant Groups

- Immediately cease all attacks directly targeting civilians;
- Comply with applicable laws of war, including proportionality and distinction between combatants and non-combatants;
- Publicly investigate all incidents of civilian harm and, when appropriate, acknowledge responsibility for causing civilian harm;
- Provide compensation or assistance to civilians collaterally harmed as a result of legitimate combat actions, acknowledging that such assistance in no way justifies or excuses attacks that target or disproportionately harm civilians;

- Do not inhibit or undermine aid provided to civilian victims, whether provided by the Pakistani government or humanitarian organizations;
- Ensure civilians have freedom of movement and facilitate civilians' departure from conflict areas;
- Ensure UN, NGOs, other neutral humanitarian organizations, and journalists have access to conflict-affected areas and ensure forces refrain from any intimidation or violence targeting these groups.

To the United States Government

- Ensure proportionality and combatant/non-combatant distinction in targeting in all drone strikes;
- Make public the official definition of civilian, combatant, and non-combatant applied in the drone program, the legal justification for drone strikes, and measures taken to ensure strikes conform to applicable international law;
- Investigate and publicly acknowledge incidents of civilian casualties caused by drone strikes;
- Work in partnership with the Pakistani government to provide compensation and other assistance to all civilians harmed by drone strikes;
- Support existing Pakistani compensation mechanisms including the provision of financial and technical support;
- Identify additional programs and initiatives to fund that specifically help conflict victims recover, as the US Congress has done in Iraq and Afghanistan;
- Ensure funds appropriated by Congress under the Pakistan Civilian Assistance Program are used for programs directly aiding victims of the conflict;
- Ensure that the US response to the flood crisis does not displace needed attention on the losses suffered by civilian victims of the conflict.

To the UN and other Members of the International Community

- Establish a UN mechanism to monitor, document, and investigate incidents of civilian casualties;
- Whenever possible, coordinate the provision of assistance with all other actors and link victims with existing government and non-governmental assistance;
- Encourage all warring parties to provide amends to meaningfully recognize and assist civilian victims of the conflict;
- Press the Pakistani government for increased access for humanitarian and development organizations to conflict-affected areas;
- Ensure that in channeling resources to the flood crisis, the losses of civilian conflict victims are not ignored.



**UNDERDEVELOPMENT
AND POVERTY GREATLY
MAGNIFY AND COMPLI-
CATE THE CHALLENGES
WAR VICTIMS FACE.**

Introduction

This report documents civilian losses as a result of armed conflict in northwest Pakistan and analyzes the humanitarian, security, and strategic consequences. The warring parties operating in Pakistan seldom acknowledge the civilian harm they cause, and few war victims receive the help they deserve, and often desperately need, from those responsible. This report demands more attention be paid to the conflict costs borne by Pakistani civilians.

Over the past year, Center for Civilians in Conflict conducted interviews with policymakers, NGO officials, and over 160 Pakistani civilians suffering direct losses from the conflict.

Civilians in Pakistan live in a dangerous and deadly environment. Since 2001, the conflict in the northwest between the government, the US, and militant groups has killed and injured thousands of civilians, destroyed countless homes and livelihoods, and displaced millions in one of the poorest countries in the world. Underdevelopment and poverty greatly magnify and complicate the challenges war victims face. The report's findings show that traditional coping mechanisms are stretched to the brink as whole communities are displaced and dispossessed. Civilians in these situations are trying to pick up the pieces of their lives while enduring emotional and psychological grief.

The report also analyzes the strategic costs of such civilian losses for Pakistan, the US and donor-nation governments. Civilians interviewed expressed anger and outrage at the loss of innocent life, particularly when they believed warring parties failed to take adequate precautions. They also expected, and often demanded, assistance from those responsible (e.g. the Pakistani government) to help them recover from their losses. Anger at authorities' failure to live up not only to their expectations but also to those authorities' own promises undermined the perceived legitimacy of and support for the Pakistani government. As more time passes, Pakistani civilians are losing hope that their losses will be addressed.

Of the warring parties involved in the conflict, the Pakistani government is the only one with efforts to directly help civilian war victims. All compensation and assistance mechanisms should be applauded, but significant gaps remain that allow most civilians suffering losses to go without any help. This report identifies these gaps and proposes specific reforms to improve the efficacy and efficiency of efforts to help war victims.

Chapter 1 gives an overview of the current armed conflict in Pakistan. Chapter II documents the ways in which civilians are harmed and the impact of losses on their lives. Chapter III discusses perceptions and expectations of civilian war victims, both of the conflict generally and of the warring parties that caused them harm. Chapters IV outlines various amends mechanisms and describes significant gaps in the help available to war victims. Chapter V discusses the views and expectations of victims of drone strikes.

The report does not cover all civilians affected by conflict in Pakistan. It focuses on conflict in the northwest (KPK and FATA) and specifically on deaths, injuries, and property loss as a direct result of the conflict. Likewise, the report analyzes only amends efforts by warring parties specifically designed for civilians suffering such direct harm. More generalized humanitarian, reconstruction, and development aid for conflict-affected persons is not covered here, though such aid is invaluable to war victims and constitutes an important foundation for the assistance analyzed in this report.

The historic floods that swept the country in August 2010 compound civilian losses. Helping civilians recover from their combat losses in this environment is not an easy task. But as this report demonstrates, Pakistani civilians affected by the conflict need, expect, and demand assistance from warring parties, regardless of concurrent natural disasters.

The aim of this report is not to advocate for a single, specific approach to address civilian harm. Instead, credible qualitative evidence has been gathered to analyze the complex causes and consequences of civilian harm and their need for recognition and redress. The goal is to give civilians a voice while recommending the next steps to help warring parties and other stakeholders meet survivors' needs and expectations.

Methodology

Center for Civilians in Conflict conducted interviews from October 2009-August 2010 with policymakers, non-governmental and international organizations, and over 160 Pakistani civilians with direct losses from the conflict, including the death of a family member, injury or damaged or destroyed homes or essential property. Interviewees generally suffered these losses between 2007 and the present.

The Center sought a diverse sample of interviewees in terms of geographic location, displacement situation, gender, family situation, and harm suffered. Interviews were conducted with civilians from Khyber Pakhtunkhwa (KPK, formerly Northwest Frontier Province) as well as various tribal agencies in Federally Administered Tribal Areas (FATA). Victims suffered losses from terrorist attacks, aerial bombardment, artillery strikes, drone strikes, extrajudicial killings, unexploded ordnance, and small arms fire.

Many interviewees, particularly those from FATA, were displaced and often living in camps, informal settlements, or with host communities. In KPK, interviewees were living in their home areas and had either never left or had recently returned home following the cessation of major military operations.

Access to conflict-affected areas remains severely constrained. The Pakistani government prohibits travel to areas of ongoing military operations, such as South Waziristan. The government also bars access for foreigners to areas outside of conflict zones where many civilians have been displaced, such as Dera Ismail Khan and Tank. Areas such as North Waziristan, in which militants retain substantial control, are extremely difficult to access for Pakistanis and foreigners alike because of the threat of kidnapping or killing by militants. In order to ensure views of civilians from different areas of the conflict were incorporated into the report, the Center cooperated with Pakistani authorities and NGOs to gain access to conflict-affected areas and hired local interviewers to conduct interviews where this was not possible.

All of the Center's interviews were conducted independently and without the involvement of warring parties or governments. At no time did the Center or its interviewers rely on government, military or militant escorts, embeds, or other forms of official security protection or accompaniment.

This report is not a survey intended to provide statistically significant results or conclusions, nor is the goal to account for or tally all civilian casualties in Pakistan. Rather, existing data on civilian casualties is combined with the qualitative evidence compiled by the Center to draw conclusions regarding patterns and consequences of civilian harm. Likewise, interviewees' responses regarding views and expectations should not be interpreted as statistically significant, but instead as snapshots of civilian views.

For the security and privacy of civilian interviewees, all names have been altered unless otherwise indicated. Given the sensitivity of civilian casualties and compensation issues, many officials wished not to be identified. Where possible, the position or affiliation of such individuals is provided.

| Location | Interviews |
|------------------|------------|
| Mohmand | 19 |
| Khyber | 9 |
| Orakzai | 13 |
| Kurram | 19 |
| South Waziristan | 29 |
| North Waziristan | 7 |
| Bajaur | 40 |
| Swat | 22 |
| Peshawar | 4 |

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**THE FIGHTING LED TO THE
DISPLACEMENT OF OVER
3 MILLION CIVILIANS—
THE LARGEST DISPLACE-
MENT IN THE COUNTRY
SINCE PARTITION IN 1947.**

Chapter 1

Background on Armed Conflict in Northwest Pakistan

Since 2001, conflict in northwest Pakistan has escalated dramatically, causing significant harm to civilians. The warring parties include militant groups, Pakistani government forces and US military and intelligence agencies. Most of the fighting has occurred in two regions—the Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa Province (KPK, previously Northwest Frontier Province or NWFP). Militant and terrorist attacks have also occurred with increasing frequency throughout the country, including in the major cities of Islamabad, Karachi, Rawalpindi, and Lahore.¹

¹ This report covers conflict-related violence in FATA and KPK. It does not cover Balochistan, Kashmir or other areas of the country. Violence and attacks in cities such as Lahore and Karachi are considered in so far as such violence is connected to the rise of militant groups in the northwest, who have increasingly cooperated with militant organizations, particularly in Punjab.

Actors

The dynamics of the conflict in northwest Pakistan are complex, with multiple actors engaging each other on multiple fronts.

A number of inter-connected militant groups operate in the region, including al-Qaeda, the Quetta Shura, the Haqqani Network, the Tehrik-i-Taliban Pakistan (TTP), and Tehrik-i-Nifaz-i-Shariat-i-Muhammadi (TNSM), amongst many others.² Though linked by ideology and other values—such as opposition to international forces in Afghanistan—there are important differences in their membership, agendas, and operations. In varying combinations of alliances,

militant groups have asserted territorial control over FATA and areas of KPK.³

Drone strikes have increased dramatically in the past two years, with over seventy reported so far this year.

The Pakistani government's response is also complex—at various times seeking to contain, co-opt, or eliminate these militant groups. Following the U.S.-led invasion of Afghanistan in 2001, the Pakistani military targeted and, continues to target, militants through a series of major military operations, interspersed with failed ceasefires and peace agreements. A number of security entities are also involved in the conflict with militants, including the federal paramilitary force Frontier Corps (FC), intelligence agencies such as the Inter-Service Intelligence Agency (ISI), and tribal *lashkars* (militias).

The US also conducts operations inside Pakistan. Since 2004, the Central Intelligence Agency (CIA) has targeted militants in northwest Pakistan through air strikes conducted by unmanned aerial vehicles (UAVs), or drones. Drone strikes have increased dramatically in the past two years, with over seventy reported so far this year.⁴ US Special Forces conduct an unknown number of cross-border operations between Pakistan and Afghanistan.

Political Geography

Northwest Pakistan consists of two distinct political entities—FATA and KPK. Both are majority ethnic Pashtu and constitute part of the Pashtun “tribal belt” that straddles the Afghanistan-Pakistan border. While KPK is formally incorporated into the Pakistani state as one of four provinces, with its own provincial assembly and administration, FATA is a separate political entity ruled under colonial-era legal and administrative structures.

FATA is a collection of seven semi-autonomous ‘agencies,’ and six ‘frontier regions.’ The central Pakistani government exercises little direct control over FATA, relying instead on appointed government officials and a draconian, colonial-era legal code called the Frontier Crimes Regulation (FCR). Each of the seven tribal agencies is headed by centrally appointed Political Agents (PAs), who exercise significant executive, judicial, and revenue powers and rule through tribal leaders called *maliks*.

Governed under the FCR, citizens of FATA do not enjoy the same rights as other Pakistani citizens. Lack of basic services, access to justice, political marginalization, and government

2 Brian Fishman, *The Battle for Pakistan: Militancy and Conflict Across the FATA and NWFP*, New America Foundation, April 2010.

3 Ibid.

4 New America Foundation, “The Year of the Drone: An Analysis of US Drone Strikes in Pakistan, 2004-2010,” September 2010, <http://counterterrorism.newamerica.net/drones>.

mismanagement have kept FATA among the most underdeveloped places in the world. Political rights are severely restricted and the administration of justice is left primarily to *maliks*, who dole out collective punishments of arrest, detention, and destruction of property. The governance structure of FATA is perceived by many as a factor in the rise and success of militancy in the region.⁵ The Center's research demonstrates that it is also a significant obstacle to assessing the impact of the conflict on civilians and providing assistance to those harmed.

KPK is one of the four official provinces of Pakistan and thus maintains a markedly different political and developmental structure than FATA. An elected provincial government and an extensive civil bureaucracy exercise control through a hierarchy of administrative entities (division, district, *tehsil*, and union council). Individuals in KPK formally enjoy full constitutional rights, protections of the law, and access to courts. Though development indicators in KPK are also low, the province is more developed than neighboring FATA and more integrated into the Pakistani economy and society.

Recent Conflict

From 2001 onward, militant groups have become increasingly organized and expanded both their influence and territorial control in the region.⁶ Militants engage in intimidation and targeted assassinations of government officials and tribal leaders, targeting of civilians and civilian property, and open warfare with government forces. By 2007, almost all of FATA and some areas of KPK (then NWFP) including Swat were firmly under the control of Taliban-aligned militants. They imposed a harsh version of Islamic law through their own system of tribunals.

The Pakistani military eventually launched major counter-offensives to regain control, focusing first on Bajaur Agency and Swat.⁷ In 2008 and 2009, militants fought back with increased acts of terrorism across Pakistan.⁸ Militants from FATA and KPK also forged ties with extremist groups elsewhere in the country, particularly in Punjab. While fighting continued to displace tens of thousands in the region, a critical peace agreement was signed between the Pakistani government and the militant group Tehrik-i-Nifaz-i-Shariat-i-Muhammadi (TNSM) and its allies, effectively ceding control over large swaths of territory outside the tribal areas to militants.

The breakdown of this peace deal in March 2009 marked an important turning point in the conflict. When TNSM and other militant groups broke the truce, and eventually advanced to within 100 kilometers of Islamabad, the Pakistani military initiated a large-scale offensive to remove the militant groups from Swat and surrounding districts. The fighting led to the displacement of over 3 million civilians—the largest displacement in the country since partition in 1947.⁹

Under pressure from the US, the Pakistani government soon followed up the Swat offensive with a major military operation aimed at retaking South Waziristan. The operation began in October 2009 and displaced over 300,000 people.¹⁰ There are no accurate records of resulting civilian casualties.

5 See: International Crisis Group, "Pakistan: Countering Militancy in FATA," October 21, 2009; Brian Fishman, *The Battle for Pakistan: Militancy and Conflict Across the FATA and NWFP*, New America Foundation, April 2010; Ahmed Rashid, "How to Succeed and Fail in FATA," *Daily Times*, May 2, 2008, Online edition, http://www.dailytimes.com.pk/default.asp?page=2008/05/02/story_2-5-2008_pg3_5.

6 Seth G. Jones and C. Christine Fair, *Counterinsurgency in Pakistan*, (Santa Monica: RAND Corporation, 2010).

7 Ibid.

8 Ibid.

9 United Nations International Children's Emergency Fund, "Ongoing Conflict Triggers Massive Displacement of Families in North-West Pakistan," May 22, 2009, http://www.unicef.org/infobycountry/pakistan_49782.html.

Forced from bases in South Waziristan, militants fled to other areas of FATA, such as North Waziristan, Orakzai, and Kurram. Pakistani forces have thus far refrained from launching operations in North Waziristan, but have extended their offensives into Orakzai and Kurram, displacing an additional 250,000 people.¹¹ Meanwhile, operations continued through 2009 against militant networks in Mohmand, Khyber, and Bajaur agencies.

The Pakistani government declared South Waziristan and Bajaur clear of militants as of September 2009 and safe for civilian return. Major military operations ended in Swat and other areas of KPK by July 2009, with most internally displaced persons (IDPs) returning by the start of 2010. However, instability and low-level violence persist and a major military presence remains in the area.

Current Situation and Outlook

Pakistani military operations continue against militants in Orakzai, Kurram, Mohmand, and Khyber. North Waziristan remains a militant base outside the control of Pakistani forces. The Pakistani military insists it will launch an offensive in North Waziristan but that it is limited by means and capacity to carry it out. The diversion of resources to cope with the 2010 monsoon floods will further strain the military's capacity to fight militants.

Militants continue to attack government and military targets as well as civilians. US drone operations continue in North and South Waziristan against al-Qaeda, TTP, and other militant groups. US military personnel, including Special Forces and intelligence personnel also operate in Pakistan. Many work as advisors to Pakistani military, intelligence, and security forces, occasionally accompanying Pakistani forces on missions; others collect intelligence and manage operations targeting militants.¹²

At the time of publication, an estimated 2 million people remain displaced within Pakistan due to the conflict.¹³ Untold civilian infrastructure and property—including houses, schools, businesses, and roads—have been damaged or destroyed. Many civilians are scared to return to conflict-affected areas and worry about where they will live and how to provide for their families amidst the destruction.

Humanitarian aid, development, and reconstruction assistance provided by the Pakistani government, NGOs, and donor governments are vital to assisting conflict-affected persons to recover. However, ongoing conflict means that in many areas, particularly in FATA, assistance and reconstruction is not yet possible.

In August of 2010, record floods inundated much of KPK as well as areas of Punjab, Sindh, and Balochistan, damaging or destroying over 1.9 million of homes, leaving 10 million people without shelter, and affecting nearly 20 million.¹⁴ The floods have only compounded the suffering of many war victims.

10 Integrated Regional Information Networks, "Pakistan: Timeline on Human Displacement Since September 2009," July 29, 2010, <http://www.alertnet.org/thenews/newsdesk/IRIN/d0320f502f9a2a54551aa5f1fd14d57.htm>; United Nations Office for the Coordination of Humanitarian Affairs, "Pakistan: South Waziristan Displacement, Situation Report # 4," November 19, 2009, [http://www.reliefweb.int/rw/RWFiles2009.nsf/Files2009.nsf/FilesByRWDUnidFilename/SKEA-7XYEKL-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/Files2009.nsf/FilesByRWDUnidFilename/SKEA-7XYEKL-full_report.pdf/$File/full_report.pdf).


11 United Nations Office for the Coordination of Humanitarian Affairs, *Pakistan Humanitarian Update No. 18*, 9 July 2010; International Crisis Group, *Pakistan's IDP Crisis: Challenges and Opportunities*, <http://www.crisis-group.org/en/regions/asia/south-asia/pakistan/B093-pakistans-idp-crisis-challenges-and-opportunities.aspx>.

12 Jeremy Scahill, "The Secret US War in Pakistan," *The Nation*, December 7, 2009, <http://www.thenation.com/article/secret-us-war-pakistan>.

13 Internal Displacement Monitoring Centre, "Pakistan: Flooding Worsens Situation for People Displaced by Conflict in North-West," September 6, 2010, [http://www.internal-displacement.org/8025708F004BE3B1\(httpInfoFile.s\)/4FA1F522E7DAED3BC1257796003124EB/\\$file/Pakistan_Overview_Sept2010.pdf](http://www.internal-displacement.org/8025708F004BE3B1(httpInfoFile.s)/4FA1F522E7DAED3BC1257796003124EB/$file/Pakistan_Overview_Sept2010.pdf).

14 United Nations Office for the Coordination of Humanitarian Affairs, "Pakistan Floods," September 17, 2010, <http://ochaonline.un.org/OCHAHome/WhereWeWork/Pakistan/tabid/6844/language/en-US/Default.aspx>.

In such a complex situation—with each region experiencing different stages of conflict among different actors—properly addressing the losses of war victims requires an acute understanding of the diverse challenges and circumstances war victims face, and concentrated attention on their unique needs and wishes.



**ONE DRONE STRIKE
ALONE IN JUNE 2009
KILLED 45-60 PEOPLE,
INCLUDING UP TO 18
CIVILIANS.**

Chapter 2

Scope and Causes of Civilian Harm in Pakistan

There are no official figures or accurate record of civilian casualties in Pakistan. Insecurity and ongoing fighting prevents independent observers from comprehensively assessing civilian losses in combat areas. Militant groups target foreigners as well as Pakistani journalists and NGO workers, which means there is very little independent, credible information emerging from areas under their control. The Pakistani government also tightly restricts access to most conflict-affected areas. Travel to FATA is generally prohibited for foreigners and permission from the government is required to visit Swat and other areas in Malakand. Below are varying estimates of civilian casualties. Most organizations have relied on media reports and reports from their own field monitors.

Civilian Casualty Estimates

Amnesty International

1,363 civilians killed in fighting in FATA and KPK in 2009

Pakistan Institute of Peace Studies

2,123 civilians killed and 5,551 injured in terrorist attacks in Pakistan in 2009

1,403 civilians killed and 3,351 injured in terrorist attacks in NWFP/KPK and FATA in 2009

3,021 total persons killed in terrorist attacks in Pakistan in 2009

South Asia Terrorism Portal

2,307 civilians killed in terrorist attacks in Pakistan in 2009

US National Counterterrorism Center

2,670 civilians killed in terrorist attacks in Pakistan in 2009

Pakistan Government

Approximately 10,000 civilians killed or injured in militant and terrorist attacks in 2009

Approximately 1,200 civilians killed in Swat, Buner, and Lower Dir April 2009-presentⁱ

Approximately 1,360 civilians killed in FATA since 2008ⁱⁱ

Sources:

- i Based on interviews and information provided by District Coordination Officers and other local officials in Swat (Interview with Atif Rahman, April 27, 2010, Interview No. 166), Buner (Interview with Syed Mujeeb Ur Rahman and Pervez Khan Yousafzai, Interview No. 165, June 24, 2010) and Lower Dir (Interview with Ghulam Muhammed, Interview No. 168).
- ii Interview with Habibullah Khan, ACS FATA, Interview No. 169, July 8, 2010.

Though the Pakistani government anonymously offered to the Center estimates of civilians killed or injured in militant or terrorist attacks, it does not publicly release figures on total civilian casualties, nor is there any indication that the government or military engages in comprehensive or systematic accounting of all civilian casualties. However, district coordination officers (DCOs) in KPK do oversee the collection of civilian casualty information within their districts for compensation purposes. Interviews with DCOs in KPK and other local officials confirmed this to be common practice and numerous offices agreed to share approximate figures (shown above for Swat, Buner, and Lower Dir). Without such administrative entities in FATA, it is unclear how well civilian casualty information is collected there, though the FATA Secretariat shared information on compensation for civilian deaths (1,360 killed in FATA since 2008).

Taken together, this data indicates that the scale of civilian casualties in Pakistan is significant. By comparison, civilian casualties from all forms of conflict-related violence in Afghanistan in 2009 were just over 2,400. It is thus likely that civilian casualties in Pakistan in 2009 were even greater than in Afghanistan.

Civilian casualties caused by US drone strikes are particularly difficult to verify. The majority of such strikes occur in North and South Waziristan, areas inaccessible to foreigners as well as most Pakistanis. Most estimates are based on media reports, which in turn rely on a range of sources from government and army officials to militant commanders and local stringers. With no significant on-the-ground presence, the US relies on electronic and aerial surveillance, informants, and Pakistani intelligence agencies for information on civilian casualties resulting from its drone operations.

Civilian Casualties in US Drone Attacks

Pakistani Media

In 2009, over 700 civilian deaths, approximately 90% of overall deathsⁱ

From 2006-April 2009, 687 civilians killed, approximately 90% of overall deathsⁱⁱ

Methodology: Government records of number of persons killed minus number of al-Qaeda/Taliban high-value targets killed

New America Foundationⁱⁱⁱ

In 2009, approximately 120 civilian deaths, 24% of overall deaths

From February 2004 to 2010, 322 civilian deaths, approximately 32% of overall deaths

Methodology: Data from reliable media reports of civilian casualties

Long War Journal

In 2009, 43 civilian deaths, approximately 9% of overall deaths

Since 2006, 104 civilian deaths, approximately 7% of overall deaths

Methodology: Data from reliable media reports of civilian casualties

Sources:

- i Dawn, "Over 700 Killed in 44 Drone Strikes in 2009," January 2, 2010, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/18-over-700-killed-in-44-drone-strikes-in-2009-am-01>.
- ii David Kilcullen and Andrew McDonald Exum, "Death from Above, Outrage Down Below," *New York Times*, May 16, 2009, Opinion section, Online edition, http://www.nytimes.com/2009/05/17/opinion/17exum.html?_r=4; Amir Mir, "60 drone hits kill 14 al-Qaeda men, 687 civilians," *The News*, April 10, 2009, http://www.thenews.com.pk/top_story_detail.asp?id=21440.
- iii Peter Bergen and Katherine Tiedemann, "Revenge of the Drones: An Analysis of Drone Strikes in Pakistan," *New America Foundation*, October 19, 2009, http://counterterrorism.newamerica.net/publications/policy/revenge_of_the_drones.
- iv Bill Roggio and Alexander Mayer, "Analysis: US Air Campaign in Pakistan Heats Up," *Long War Journal*, January 5, 2010, http://www.longwarjournal.org/archives/2010/01/analysis_us_air_camp.php.

Since 2009, over 120 strikes have killed between an estimated 804-1367 people.¹⁵ The US government claims a civilian death toll of around 20 total, much lower than most other independent estimates. One strike alone in June 2009 killed 45-60 people, including up to 18 civilians.¹⁶ The Center conducted interviews with drone victims and others from affected areas and confirms that drones have struck civilians with no connection to militancy.¹⁷ Indeed, the Center uncovered more than 30 alleged civilian deaths in only nine cases investigated, all of which took place since January 2009.

One possible reason for the diversity of casualty estimates caused by drones may be the US definition of a "civilian" which has not been made clear. For example, are family members that provide support to militants acceptable targets? What about a tribal elder that provides political support? As so few high-value targets are killed relative to the number of strikes, it is undoubtedly the case that the majority of combatants killed are deemed low-level militants. Compounding this problem are Pakistani government officials' views of "guilt by association:" when asked about civilian casualties in drone strikes one high level Pakistani official replied, "Don't give shelter or protection to state's enemies...if they have an agent of al-Qaeda or whomever in their house, then that is the cost that they pay."¹⁸

15 New America Foundations, Year of the Drone, <http://counterterrorism.newamerica.net/drones#2010chart>

16 Jeremy Page and Zahid Hussain, "US Drones Kill Scores of People in Pakistan Tribal Region," *The Times*, June 25, 2009, Online edition, <http://www.timesonline.co.uk/tol/news/world/asia/article6567112.ece>.

17 Center for Civilians in Conflict investigated 9 different cases of drone strikes that killed or injured civilians, most of which took place in 2009-2010.

18 Interview with anonymous government official.

A lack of transparency and accounting regarding the drone program, even within the US intelligence establishment itself, means there may be little incentive or capacity for the US to accurately assess civilian losses.

Causes of Civilian Harm

All three warring parties—the US, Pakistan, and militants—contribute to civilian loss. Militants have shown little regard for civilian life, deliberately attacking them, using terrorism tactics in populated areas, engaging Pakistani forces from civilian property, preventing civilians from leaving conflict areas, and using them as human shields.¹⁹ Inadequately trained Pakistani forces deploy heavy weaponry against militants—without regard for discrimination or proportionality—leading to significant civilian losses.²⁰ All warring parties have engaged in extrajudicial killings in FATA, often resulting in civilian casualties.

Militant Attacks and Terrorism

Civilians are harmed as a side-effect of militant engagement with government forces, but are also directly targeted by militants in terrorist attacks concentrated in KPK, FATA, and major cities such as Peshawar, Lahore, Islamabad, and Karachi. Militants use a variety of weapons and tactics, including IEDs, car bombs, suicide bombings, and coordinated ambushes with small arms.

As the conflict intensified in recent years, so too have terrorist attacks carried out by militants. Over 1,300 civilians have been killed so far in terrorist attacks in 2010.²¹

Major Militant Attacks: Late 2009-2010

| | |
|------------------|--|
| 3 September 2010 | 65 killed in suicide blast in Quetta targeting Shiite procession |
| 2 September 2010 | Over 30 killed in triple suicide bomb attack on Shiites in Lahore |
| 4 August 2010 | Suicide attack kills Chief of Frontier Constabulary in Peshawar |
| 9 July 2010 | 106 killed in suicide attacks in Mohmand Agency |
| 1 July 2010 | 42 killed in suicide attacks on Data Darbar, Sufi shrine in Lahore |
| 28 May 2010 | 93 killed in attacks on two minority sect Ahmadi mosques in Lahore |
| 19 April 2010 | At least 23 killed in suicide bombing at market in Peshawar |
| 17 April 2010 | At least 40 killed in bombing at IDP camp in Kohat |
| 5 April 2010 | At least 40 killed in bombing of political rally in Lower Dir |
| 12 March 2010 | At least 45 killed in suicide attacks on military convoys in Lahore |
| 1 January 2010 | Over 100 killed in suicide bombing of volleyball match in Lakki Marwat |
| 8 December 2009 | At least 45 killed in bombings of market in Lahore |
| 28 October 2009 | At least 120 killed in car bomb attack on market in Peshawar |
| 9 October 2009 | At least 50 killed in suicide blast in Peshawar |

19 Amnesty International, "As if Hell Fell on Me: The Human Rights Crisis in Northwest Pakistan." London: Amnesty International Publications, 2010, <http://www.amnesty.org/en/news-and-updates/report/millions-suffer-human-rights-free-zone-northwest-pakistan-2010-06-10>.

20 Dawn, "Kyber Air Strikes," April 13, 2010, Editorial Section, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/editorial/khyber-air-strikes-340>: Amnesty International, "As if Hell Fell on Me."

21 Figures as of August 29, 2010 in South Asia Terrorism Portal, "Fatalities in Terrorist Violence in Pakistan: 2003-2010" <http://www.satp.org/satporgtp/countries/pakistan/database/casualties.htm>.

Most of these attacks directly targeted civilians, shattering lives and spreading fear. Peshawar has been particularly hard hit by terrorist attacks, which have become a regular occurrence since 2008 and completely altered residents' way of life. The deadliest attack occurred on 28 October 2009, when militants used a massive car bomb to strike the city's famous Meena Bazaar. More than 120 civilians were killed, scores more injured, and shops and homes leveled.

Aamir and Khalid, two brothers from Peshawar, lost their father, elder brother, and two cousins in the blast. Their family owned a number of cotton shops close to the blast site. "Five of our shops were destroyed... We have not recovered from this loss and there has not been enough help. The government has paid us a minor amount that is not sufficient compensation for what we have lost. There are 45 people in the family and the head has been killed in the bomb blast—my father. We sold our land in the village to buy these shops from the government, now we are all completely dependent on them...and now we only have this one rented shop we are currently sitting in to support 11 families."

Aamir arrived at the bazaar shortly before the blast and described the aftermath.

"I teach English and after school I was coming to the shop to work. Suddenly the blast happened and I was torn from the soles of my shoes from the force of it... Many people were shopping in this bazaar at the time. Many marriage parties come to shop in this place. Casualties were very, very high. Mostly women and children. They found body parts everywhere and many are still missing. We spent a long time searching for dead bodies... Our cousin was among the missing and we never found his body. There are no words to describe what has happened."²²

There are also many small to medium-scale attacks on a near daily basis that kill and injure civilians throughout the country. Parveen, a 22-year-old mother of two, lost her husband, Anwar, in a militant bomb blast targeting an army checkpoint in Swat. "He was going to the market to do some shopping when the bomb exploded nearby, targeting army troops." With her husband gone, Parveen struggles to survive washing toilets and dishes of neighbors, and relying on the charity of others. "My brothers are too young and father is too old to support us. We are now alone and have no means of income and have to rely on others for food and money..."²³

Pakistani Military Artillery and Mortar Fire

Among those interviewed by the Center, artillery shelling and mortar fire were the most common causes of harm suffered by civilians during military operations. Though Pakistani military officials insist all appropriate precautions are taken to avoid civilian casualties, inter-



Aamir and Khalid, two brothers from Peshawar, lost their father, elder brother, and two cousins in a terrorist attack.

²² Interview with Aamir, Interview No. 73, April 15, 2010.

²³ Interview with Parveen, Interview No. 150, April 26, 2010.

viewees, media, and other NGO reports suggest that Pakistani military shelling has targeted militants located in residential areas still populated by civilians, often hitting civilian homes.

Lukhman, a 40-year-old father from Mohmand Agency, described how he was severely injured by an artillery barrage that destroyed his house. “The military started shelling and targeting militant hide-outs in our area. But during the attack, the shells missed their targets and bombed civilian populated areas. It was 1:30 in the morning when the shell struck our house. The shell exploded and I was hit in the head and in my legs, paralyzing me. Now I must use a wheelchair... I am a living corpse and cannot earn a single penny for my family.”²⁴

A second bomb hit crowds of neighbors as they tried to help those injured in the first strike.

Residents were sometimes given little or no notice to leave their homes before attacks began. A boy from Orakzai recounted how the Pakistani military gave their village ten minutes to evacuate their houses. “Our house was up in the hills and my mother was coming down the hill track when the military started shelling. She was hit by one of the shells and died on the spot. The hit was so severe that all of her body organs were scattered here and there... If my mother was killed by the Taliban, one can expect it from them because they are crooks. But one can’t expect it from a trained army...they are to protect us not to kill us like rats.”²⁵

Another man, Jan Muhammad, told the Center: “At night we were all sleeping, the entire family, when the shelling started. We got out of the house but my daughter and 2-year-old grand-daughter were still inside when the shells hit and their bodies were blown to pieces.”²⁶

Jan Muhammad criticized the army for shelling residential areas.

As many residents of FATA and KPK live in joint family homes, a shell or mortar round hitting a home can kill and injure multiple family members at once. Mushtaq lost his wife and three other members of his family when an artillery shell struck his house in Bajaur. “The shell hit our house 20 November 2009. My wife, my uncle, grandmother, and sister were all killed. Four others were injured including my sister, brother, and a cousin. My uncle had four children that are all now orphans.” He says other family members now must provide for his uncle’s children; meeting all their expenses has become a heavy burden. “This incident in particular and this whole operation has just shattered the family.”

Airpower

Numerous interviewees described Pakistani military jets and helicopters bombing or opening fire in civilian areas and not properly distinguishing between civilians and combatants. Ghulam Noor was walking to his village bazaar in Bajaur Agency when a helicopter gunship opened fire. “They were shelling just in the bazaar...it was indiscriminate fire, not discriminating between people and militants...the shrapnel struck me in the leg and the head.” Ghulam Noor, recently married with a four-month old son, is now paralyzed from the chest down. He still has shrapnel lodged in his head, which doctors say cannot be removed.²⁷

24 Interview with Kukhman, Interview No. 51, March 17, 2010.

25 Interview with Amjad Ali, Interview No. 84, April 22, 2010.

26 Interview with Jan Muhammad, Interview No. 55, April 7, 2010.

27 Interview with Ghulam Noor, Interview No. 23, December 14, 2009.

Civilians have also been targeted in airstrikes based on faulty intelligence. On April 10, 2010, Pakistani jet fighters bombed targets in Sra Vela, a village in Khyber Agency, believing they were hitting a meeting attended by a high-level militant commander.²⁸ Instead, they hit the home of a pro-government family with three brothers serving with government forces. A second bomb hit crowds of neighbors as they tried to help those injured in the first strike. At least 60 civilians were killed and 30 injured.²⁹

Mohammed Ayub lost nine members of his family—four uncles, two nephews and three cousins—in those attacks, all of whom had rushed to the house hit by the first airstrike. “It was 10:30 am in the morning when jetfighters bombed a house in our village. After hearing the sound of explosion, *mulvis* [prayer leaders] in the nearby villages announced through loud speakers what had happened and asked the tribes people to rush to the spot to rescue the injured and recover the bodies from the rubble. The majority of people rushed to the spot where the incident had happened. Hundreds of people were present at the spot when the jetfighters appeared in the sky again at 11:00 am and bombed the already hit house again killing all those around. The airstrike caused chaos and people started running everywhere.”³⁰

Crossfire between Pakistani Forces and Militants

Given the populated areas in which much of the fighting between militants and the Pakistani military takes place, civilians are often quite literally “caught in the crossfire”. Many of those interviewed by the Center for Civilians in Conflict were taking shelter in their homes or seeking cover when they were injured or saw family members killed. A reflection of the confusion on the battlefield, victims often do not know which party was responsible for what harm.

In December 2008, Fareed, a truck driver from Mohmand, was shopping in his village bazaar when a firefight broke out between militants and the Pakistani military. “Suddenly I heard firing. I don’t know who it was but I was hit in both legs.” His brother was able to get him to Peshawar for medical treatment but Fareed had to sell his truck to afford it. “I stayed in the hospital for six months but now both my legs are disabled and I cannot walk...and my family has now lost someone to take care of our children.”³¹ What he needs most now, he says, is a wheelchair.

Rahman, from Bajaur, was working in his fields when he was hit by a rocket. “This happened in November 2008 in [my village]. I’m not sure who fired the rocket as there was a lot of fighting ongoing between the militants and the army. I was driving my tractor in the field when the rocket hit me...there was lots of crossfire at that time between the government and the militants. My back was broken as a result...my family brought me to Hayatabad Medical Center where I stayed for two months. [But as a result of the injury] now I cannot move either of my legs. I am forever disabled and cannot work.”³²

Strict curfews imposed by Pakistani forces during major military operations often prevent civilians from fleeing hostilities, leaving them trapped without adequate access to food, water,

28 *Dawn*, “Kyber Air Strikes”; Haq Nawaz Khan and Karin Brulliard, “Ire Grows Over Deadly Pakistan Airstrike,” *Washington Post*, April 13, 2010, World section, Online edition, <http://washingtonpost.com/wp-dyn/content/article/2010/04/13/AR2010041302871.html>; as well as interviews with victims. Additionally, in a rare move, the Pakistani military eventually apologized for the bombing in Sra Vela and acknowledged the loss of civilian lives. See: *BBC News*, “Pakistan Army Admits Civilian Deaths,” April 17, 2010, <http://news.bbc.co.uk/2/hi/8627160.stm>.

29 *Ibid*

30 Interview with Mohammed Ayub, Interview No. 76, April 15, 2010.

31 Interview with Fareed, Interview No. 64, April 14, 2010.

32 Interview with Rehan Khan, Interview No. 47, March 17, 2010.

and other essential goods.³³ Even when curfews were briefly lifted, many sick, injured, and elderly were unable to leave, forcing other family members to remain behind to protect and care for them.

Interviewees frequently reported that civilians were killed in the midst of assessing damage to their homes or taking care of livestock. Others spoke of civilians harmed while breaking



Hanif

curfews to seek food and water or escape the fighting. Wahid, a 14-year-old boy from Bajaur, recounted: “A curfew was imposed by the military but my father left our house to look for a path or a way for our family to leave and escape the fighting. Jets fighters came and fired at him and hit him. Father was injured and eventually lost his leg. He came back to our home and stayed there for treatment and after several days we were able to come to Jalozai [refugee camp]. But after his leg became infected and was amputated; then he died.”³⁴

30-year-old Hanif was shot while out past curfew near his home in Swat. “It was in the evening and I was walking in the hills out after curfew going to my shop. A sniper shot at me and hit me in the left leg. I tried to make it to the shop, which was five minutes away, but my leg was fractured and I was bleeding and the military kept shooting at me...My leg bone recovered but the bullet is still inside my leg and is very painful whenever I move.”³⁵

Extrajudicial Killings

Evidence from human rights organizations and the Center’s interviews with Pakistani civilians indicates that both Pakistani forces as well as militants have engaged in extrajudicial killings.

In August 2009, the Human Rights Commission of Pakistan (HRCP) discovered mass graves in Malakand and documented numerous credible reports of extrajudicial killings of suspected militants as well as their relatives and suspected supporters.³⁶ Human Rights Watch (HRW) uncovered evidence that the Pakistani military has engaged in extrajudicial killings in Swat as recently as March 2010.³⁷ HRW reported it had credible reports of up to 300 extrajudicial killings involving Pakistani security forces in and around Mingora, the capital of Swat, between February and March 2010. The Center received first-hand reports from residents of Swat that extrajudicial killings are ongoing and perpetrated by Pakistani security forces.

33 Amnesty International, “As if Hell Fell on Me”; Dawn, “Clashes, Curfews and Displacement Across Malakand,” May 8, 2009, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/provinces/09-clashes-curfews-and-displacement-across-malakand-region-szh--07>; Dawn, “Curfew Imposed in Bajaur After Clashes,” November 24, 2009, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/04-bajaur-curfew-qs-07>; Human Rights Watch, “Pakistan: Lift Swat Curfew for Trapped Civilians,” May 26, 2009, <http://www.hrw.org/en/news/2009/05/25/pakistan-lift-swat-curfew-trapped-civilians>.

34 Interview with Wahid, Interview No. 34, March 17, 2010.

35 Interview with Hanif, Interview No 35, March 17, 2010.

36 Government and military officials denied involvement, claiming the graves were a result of revenge killings perpetrated by civilians. However, the systematic nature of these particular disappearances and killings, signs of torture on bodies, and numerous instances in which individuals were found dead after having been detained by military or security personnel indicated involvement by Pakistani forces. Media reports indicated that at least 251 bodies had been found dumped in areas around Swat by mid-August 2009.

37 Human Rights Watch, “Pakistan: Extrajudicial Executions by Army in Swat,” July 16, 2010, <http://www.hrw.org/en/news/2010/07/16/pakistan-extrajudicial-executions-army-swat>.

While those targeted are reportedly suspected militants, noncombatant civilians are often caught in the middle.³⁸ HRW also reports that family members of suspected militants have been detained, abducted, and killed, as have civilians that have offered support to militants, such as food and shelter.³⁹

Militants also engage in extrajudicial killings, often as part of a broader campaign of terror and intimidation. From 2008-2009, Amnesty International documented 256 civilian deaths from targeted attacks by militants against government officials, current and former members of the Pakistani security forces (and their relatives), tribal leaders, aid workers, and human rights activists. At least 74 other civilians were killed by militants in 2008 and 2009 on the accusation of “spying” and cooperating with the government.⁴⁰

A 27-year-old man from Swat spoke to the Center about the assassination of his uncle, a well-known member of a local pro-government peace committee. “He was sitting outside a shop around 7:30pm when [he] was shot dead...It is a big loss for our family and for all of Swat. He returned here to act as a bridge between the people and the security forces...everyone, even the security forces are still coming to mourn him.”⁴¹

Another man from Swat, detained and tortured by militants, claimed they “picked up anyone speaking or rising up against them. My friends were executed for supporting the lashkars and security forces...I think they suspected me of spying for the government.” The man showed the Center video recordings of his public floggings as well as photographs of his injuries. “One stroke is very painful, and they gave me over 30. Then they brought my daughter in while I was being detained. She didn’t want to leave me, but they forced her and pulled her away. I will never forget that.”⁴²

US Drone Strikes

The number of civilians killed or injured by US drone strikes is fiercely disputed and impossible to independently verify, though evidence suggests that casualties are significant. (For a full discussion of civilian casualty estimates, see page 14 of this report). Drone strikes have increased dramatically in the past 18 months: from 2004-2007 there were 9 drone strikes, while in 2009 there were 53, and as of publication there were already over 70 in 2010. Nearly all have been in South or North Waziristan.⁴³

Several key characteristics of the US drone program increase the risk of harm to civilians. First, other than small and secretive Special Forces units, there are no US troops on the ground to assess civilian casualties and property damage, nor is there any indication that the US obtains such post-strike information from intelligence assets or Pakistani officials. Without such critical information feeding back into US targeting practices and generating lessons learned, properly ensuring collateral damage is minimized is improbable.

Second, the US has not clarified who is a legal target, meaning where its lawyers, intelligence officials or commanders, and drone operators draw the line between combatant and noncombatant. This has real consequences for civilians on the ground. For example, residents of areas in which drones operate do not know what kind of conduct or relation-

38 Ibid; Karen DeYoung, “Pakistan Army Accused of Extrajudicial Killings, Human Rights Abuses,” *Washington Post*, April 5, 2010, World section, Online edition, <http://www.washingtonpost.com/wp-dyn/content/article/2010/04/05/AR2010040500195.html?sid=ST2010040501618>.

39 Ibid.

40 Amnesty International, “As if Hell Fell on Me.”

41 Interview with Latif Rehman, Interview No. 154, April 26, 2010.

42 Interview with Amjad Ali, Interview No. 151, April 26, 2010.

43 New America Foundation, “The Year of the Drone” An Analysis of US Drone Strikes in Pakistan, 2004-2010,” September 2010, <http://counterterrorism.newamerica.net/drones>.

ships could put them at risk. Offering indirect support to militants such as food or quarter or political or ideological support would not formally qualify under international norms as “direct participation in hostilities.” However, it is entirely possible that the US considers many people to be combatants, owing to their relationships to known militants, when they are legally civilians.⁴⁴ The US definitions of combatant and civilian could thus heavily skew the presumed number of civilian casualties caused by drones and who is eligible to receive help, should an assistance program be created.

Whatever formal definition being applied by the US, distinguishing between combatants and noncombatants in practice in Pakistan is particularly difficult. For instance, many fighters live with their families—often 30 or 40 people in joint-family homes—and strong traditions of hospitality, tribal and familial allegiances mean food, water, and protection are given to guests. Some residents of North Waziristan told Center for Civilians in Conflict they feel forced to provide food and shelter to militants.

In the tribal areas, guns are omnipresent and have a distinct cultural importance. For military and intelligence personnel accustomed to identifying a threat by the weapon a person carries, it can be onerous to distinguish fighter from farmer. This is particularly true given that drone operators work thousands of miles from Pakistan, rely on a limited, “soda straw” view of the battlefield, and have little or no exposure to the areas or persons that they are observing and analyzing.

Civilian Victims of Drone Strikes

The Obama Administration carried out its first drone strike in Pakistan on January 23, 2009, three days after the President’s inauguration. However, instead of striking a Taliban hideout, the missiles struck the house of Malik Gulistan Khan, a tribal elder and member of a local pro-government peach committee. Five members of his family were killed. “I lost my father, three brothers, and my cousin in this attack,” said Adnan, his 18-year-old son. Adnan’s uncle claimed, “We did nothing, have no connection to militants at all. Our family supported the government and in fact ... was a member of a local peace committee.”

The family provided Civilians in Conflict with detailed documentation of the deaths of the five family members, including a report from the Assistant Political Agent of South Waziristan and a local *jirga* requesting the government to pay compensation. The documentation confirms the family was innocent.

Ironically, the well-known accuracy of drones can mean a war victim’s community assumes they were connected with the militancy. A family may then have the additional burden of proving its innocence. “All we want to do is clear our names and to convince people we were harmed unjustly.”ⁱ

Source:

i Interview with Adnan and Habib Khan, interview No. 26, January 29, 2010

See document on next page.

44 Cyril Almeida, “Civilian Deaths in Drone Attacks: Debate Heats Up,” *Dawn*, May 9, 2010, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/front-page/19-civilian-deaths-in-drone-attacks-debate-heats-up-950-hh-11>; See also: Scott Horton, “The Trouble with Drones,” *Harper’s Magazine*, May 3, 2010, Online edition, <http://harpers.org/archive/2010/05/hbc-90006980>;


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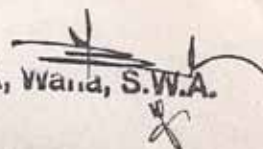
To:- The Political Agent,
South Waziristan Agency, Wana.

Subject:- SPECIAL REPORT DATED 24-01-2009- REGARDING
DRONE STRIKE ON THE HOUSE OF [REDACTED]

It is reported by the Political Naib Tehsildar, Wana that on the night of 23-01-2009 at about 2035 hours, Spy Plan fired one Missile on the house of [REDACTED]. As a result [REDACTED] his two children, one cousin has been died and his nephew was injured, names of whom could not be ascertained at the moment. However enquiry is in hand and detail report will follow.

ATTESTED


ASSISTANT POLITICAL AGENT WANA
SOUTH WAZIRISTAN AGENCY


A.P.A, Wana, S.W.A.

In addition, targeting intelligence provided by informants has proven faulty in the past, and reliability of intelligence may be undermined by cash payments offered by the CIA and other US operatives.⁴⁵ Collateral damage incidents in Afghanistan prove the potential for civilians to be killed in erroneous drone strikes (23 Afghan civilians were killed in a mistaken strike in February 2009) as well as the potential for drone malfunctions.⁴⁶

Finally, the secrecy surrounding the drone program prevents the accountability and transparency mechanisms needed to ensure civilians are being afforded adequate protection. The use of the CIA to conduct these attacks—a civilian intelligence organization whose personnel are not traditionally trained in the laws of war and not subject to military command, military law, or codes of conduct—may increase the risk that civilians are improperly targeted or disproportionately harmed.⁴⁷

Considering the estimated number of strikes conducted over the past two years (124) and the estimated number of persons killed (788-1,344), it is certain that the number of civilians killed in drone strikes exceeds the low figure put forward by US officials. Given that one strike alone in June 2009 killed 45-60 people, including up to 18 civilians, it is unlikely that civilian casualties could be under 20 in total.⁴⁸

Center for Civilians in Conflict has also conducted interviews with drone victims and others from affected areas, which confirm not only the incidence of civilian casualties, but also that drones have struck civilians with no connection to militancy.⁴⁹ Indeed, The Center uncovered more than 30 civilian deaths in only 9 cases we investigated, all of which took place since January 2009.

Landmines and Explosive Remnants of War (ERW)

There is no comprehensive, systematic mechanism for collecting information on mine and explosive remnants of war (ERW) victims, though years of conflict in the region means many civilians continue to uncover unexploded ordnance.

Landmine & ERW Victims

| | |
|------------------|---|
| PIPOS | 381 victims in 2009, 299 victims January-May 2010 |
| Landmine Monitor | 421 civilian deaths in 2009, 341 in 2008 |
| ICRC | At least 166 in 2009 |

- 45 Gareth Porter, "CIA Secrecy on Drone Attacks Data Hides Abuses," *Inter-Press Service*, June 12, 2009, <http://www.ipsnews.net/news.asp?idnews=47196>; Rajiv Chandrasekaran, "Sole Informant Guided Decision on Afghan Strike," *Washington Post*, September 6, 2009, Online edition, <http://www.washingtonpost.com/wp-dyn/content/article/2009/09/05/AR2009090502832.html>.
- 46 CNN, "Drone Crew Criticized in Afghan Strike," May 29, 2010, <http://www.cnn.com/2010/WORLD/asiapcf/05/29/us.afghan.civilian.deaths/index.html>; Matthias Gebauer et al., "Afghanistan War Logs Reveal Shortcomings of US Drones," *Der Spiegel*, July 27, 2010, World Section, Online edition, <http://www.spiegel.de/international/world/0,1518,708729,00.html>.
- 47 USAID, through Chemonics International, initiated a program to provide matching grants to small and medium businesses that suffered damage from the conflict. USAID, "USAID Programs in Malakand," June 2010, http://docs.google.com/viewer?a=v&q-cache:tKytxd1gJfWJ:pdf.usaid.gov/pdf_docs/PDACP969.pdf+usaid+business+swat+pakistan+reconstruction&hl=en&pid=bl&srcid=ADGEESgAqk_GEpM_vBIB-eSCTMvDMsPZusBy-u9c39K52e9nLjYKOPK2x81RjMUM44u6RR4tuQ8qoRg_RTVeLeLy6WP9fg7Mt_j2zILFF8-H8kKc2f2jXgCDk7TRATZr3SniAdilqV&sig=AHIEtbQojc-KJdfJigkaL8wMHJ4fPNnqQ.
- 48 Hearing of the US House Subcommittee on National Security and Foreign Affairs, *Rise of Drones II: Examining the Legality of Unmanned Targeting*, April 28, 2010 (Testimony of Mary Ellen O'Connell, "Lawful Use of Combat Drones").
- 49 Jeremy Page and Zahid Hussain, "US Drones Kill Scores."

These figures indicate that the problem of mines/ERW is more significant than published records suggest. The recent monsoon flooding has also dislodged mines and ERWs, carrying them to areas previously deemed safe for civilians.⁵⁰

In Pakistan, there is no central mechanism or organization responsible for collecting ERW data, as exists in many other countries.⁵¹ However, even the lowest estimates show a serious ERW problem on par with some of the most heavily contaminated countries in the world, like Angola and Cambodia.⁵² Almost all deaths and injuries occur in FATA, making the per capita incident rate among the highest in the world. An estimated 2,300 landmine victims come from Kurram Agency, where stockpiles of Soviet-era mines still exist.⁵³

Naseer, from Kurram Agency, was on his way home with five cousins when their pick-up truck struck a landmine. Naseer was killed and his five cousins seriously injured. His cousin now takes care of Naseer's family, including his wife and three daughters. He says without any government aid, he is overburdened. "I work as a daily wager and it's very difficult to feed my own family and that of the slain Naseer... sometimes I think to start begging to meet the daily expenses."⁵⁴

Sectarian Violence

Recent sectarian violence in northwest Pakistan is closely linked to the rise of the Pakistani Taliban (TTP) and other Sunni militant groups.

Kurram Agency in FATA has a long history of sectarian tensions. Since 2007, thousands of civilians have been targeted and harmed in the crossfire as the area effectively split in two—a Shia dominated north and a Sunni dominated south. As a result of tribal lashkar and militant blockades, Shia must travel through Afghanistan to exit Kurram or risk traveling with Pakistani military convoys along a southern route frequently targeted by Taliban militants. Disruptions in trade have led to inflation, supply shortages, and limited access to medical facilities in nearby Peshawar. Taliban militants prevent aid from reaching Shia areas and attack convoys, often burning or looting goods and beheading Shia travelers.⁵⁵ Both Sunni and Shia militants forcibly displace civilians and burn and raze houses. Civilians are also caught between the automatic weapons, mortars, and rockets these groups use against one another.

Sectarian violence has displaced over 120,000 people in Kurram Agency alone.⁵⁶ The New America Foundation estimates that over 1,500 people have been killed in sectarian violence there since 2007 and many more injured.⁵⁷ Pakistani forces have been unable to ensure security, accused by both sides of not doing enough to protect civilians.

An estimated 2,300 landmine victims come from Kurram Agency, where stockpiles of Soviet-era mines still exist.

50 *Daily Times*, "Floods Increasing Landmine Risk in Pakistan: ICRC," September 1, 2010, http://www.dailytimes.com.pk/default.asp?page=2010/09/01/story_1-9-2010_pg1_2.

51 SPADO is the International Campaign to Ban Landmines representative in Pakistan, but most countries have a larger NGO, or the UN responsible.

52 Presentation by a representative from Mine Action Group, July 14, 2010.

53 The Community Development and Management Organization (CMDO), Zulfiger Ali, "Lending a Helping Hand," *Dawn*, June 18, 2010, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/local/peshawar/lending-a-helping-hand-860>.

54 Interview with Naseer's cousin, Interview No. 82, April 21, 2010.

55 Mansur Khan Mahsud, "The Battle for Pakistan."

56 United Nations Office for the Coordination of Humanitarian Affairs, "Pakistan Humanitarian Update No. 18," 9 July 2010.

57 Mansur Khan Mahsud, "The Battle for Pakistan: Militancy and Conflict in Kurram," New America Foundation, April 2010, <http://counterterrorism.newamerica.net/sites/newamerica.net/files/policydocs/kurram.pdf>.

Numerous interviewees from Parachinar, the main town in Kurram, described episodes of fierce fighting between Sunni and Shia militias as well as government army and paramilitary forces that left hundreds dead and paralyzed the city.

Jali Shah, from Satta in Kurram Agency, was injured and lost his sister-in-law. “We were taking cover from the fighting—they were shooting back and forth at each other all day and night and nowhere was safe.” When a mortar struck their home, his sister-in-law was killed and shrapnel tore into his spine. “I am now paralyzed from below my waist... I have five daughters and one son who is only five and I am the only breadwinner of the family.”⁵⁸

Conclusion

Ordinary Pakistanis live in a dangerous and deadly environment. Militant attacks, especially those that directly target civilians in market places, *jirgas*, and places of worship, have caused thousands of deaths and injuries. Fighting between Pakistani military and militants cause significant numbers of crossfire civilian casualties, and both parties have violated the principles of proportionality and discrimination. Civilians also suffer losses from US drone attacks, extrajudicial killings by Pakistani military and militants, ERWs, and sectarian violence.

Though security constraints and government-imposed limits on access prevent exact figures, estimates indicate that civilian casualties are likely higher than in neighboring Afghanistan. Despite these high numbers and significant consequences, civilian casualties continue to receive too little attention from warring parties, the media, policymakers, and international organizations.

58 Interview with Jali Shah, Interview No. 129, July 9, 2010.



**MANY CHILDREN FORGO
EDUCATION TO PROVIDE
FOR THE FAMILY OR TO
SAVE MONEY.**

Chapter 3

Civilian Suffering Caused by the Conflict

Pakistani civilians are affected by deaths, injuries, property loss, and displacement. Living in a country with abject poverty and underdevelopment, Pakistani civilians suffering such losses have a hard road to recovery.

Socio-Economic Conditions

The vast majority of Pakistanis struggle daily with poverty, high unemployment, lack of education, and inadequate healthcare.⁵⁹ Without savings, insurance, or social safety nets, the shock of a death, injury or destroyed home can dramatically alter families' lives. In FATA, underdevelopment and poverty are particularly stark.

59 Pro-Pakistan, "Economic Survey of Pakistan: 2008-2009," June 11, 2009, <http://www.pro-pakistan.com/2009/06/11/download-economic-survey-of-pakistan-2008-09/>; United Nations Development Programme, "Human Development Report 2009-HDI Rankings," 2009, <http://hdr.undp.org/en/statistics/>.

Over 1.4 million Pakistanis are currently displaced as a result of conflict, further complicating combat losses like deaths and injuries. Many of the Center's interviewees had both a combat loss in their family and had been displaced from their home; they now live with host families, in rented accommodation, or in refugee camps. Forced to find jobs and housing in a market saturated with other displaced persons severely strains families' finances and coping mechanisms. Relatives they would typically rely on are struggling themselves to make ends meet and are often also displaced.

Pakistan Development Indicators

| | |
|-------------------------------------|-----------|
| Per Capita Income | 1,046 USD |
| Overall Literacy Rate: | 45.8% |
| Under 5 Mortality (per 1000 births) | 101 |
| HDI ranking (out of 177) | 141 |

Source: United Nations Development Programme, "The Human Development Index-Going Beyond Income: Pakistan," 2009, http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs_PAK.html.

Children's education is interrupted or ceased entirely, and families are split as husbands and sons are forced to look for work elsewhere in the country or abroad. This instability provides a fertile ground for militants who take advantage of job loss, dislocation, social and economic vulnerabilities, and perceptions of injustice to draw recruits.⁶⁰

Death of a Family Member

The death of a family member is emotionally and psychologically devastating. The joint-family support system typical in Pakistan also means the loss of a family member can create long-lasting instability. Most survivors lack substantial savings, state support, or other forms of insurance. Strictly defined gender roles leave widows and their children marginalized and vulnerable.

Loss of a Breadwinner or Caretaker

In Pakistan, men are generally the principal income earners while women manage the household and care for children. When a father or older son is killed, the family is deprived of a key, and perhaps its only, source of income.

In such situations, sons may have to begin supporting the family at an early age. Fourteen year-old Wahid told Center for Civilians in Conflict about his life following his father's death in an airstrike. "I have four brothers and one sister. But my elder brother is in a wheelchair and paralyzed and we have many, many problems and need food and shelter. Now the only person who can support the family is me...but I am afraid because I am too young."⁶¹

60 Maha Hosain Aziz, "Pakistan, Terrorists, and Economic Stress," *Bloomberg Businessweek*, June 8, 2010, Online edition, http://www.businessweek.com/globalbiz/content/jun2010/gb2010068_515072.htm; Owen Bennet-Jones, "Pakistan Inequality Fuelling Taliban Support," *Newsnight, BBC News*, May 13, 2010, <http://news.bbc.co.uk/2/hi/programmes/newsnight/8681024.stm>; Sharmeen Obaid-Chinoy, "Children Taught to be Suicide Bombers," *CNN*, June 15, 2010, Opinion section, http://articles.cnn.com/2010-06-15/opinion/obaid-suicide.children_1-suicide-bombers-pakistan-northwest-frontier-province?_s=PM:OPINION.

61 Interview with Wahid, Interview No. 34, March 17, 2010.

Many children forgo education to provide for the family or to save money. Twenty-three year-old Jamshed told the Center that he cares for his 11 brothers and sisters since his father, Zaeef Khan, was killed by crossfire in Kurram Agency in 2007.⁶² Initially, he was able to take his father's job as town clerk, but as the fighting intensified his family was forced to flee. Displaced to the city of Kohat, the family runs a shop and has had to pull children out of school. "For our family, the biggest problem is to meet the day-to-day expenses of food, studies, and the rent of our house...of my seven sisters, four had to quit their studies as did some of my brothers...we're angry, but we feel helpless." The family complains that they have received little help from the government—one ration in three years.

When a caretaker—usually a mother or daughter—is killed, the burden on the family is similarly great. Pakistani families tend to be large, often with four or more children. Without a caretaker, the heavy burdens of household and child-rearing duties are placed on other relatives, including elderly grandparents or younger siblings who might otherwise be in school.

Baghiza told the Center about the loss of her sister, Dilfaroza, who died in childbirth during a firefight.⁶³ "When she started labor and contractions the shelling had just begun and the road was not clear. She had to stay at home in our village and could not leave and began bleeding and eventually both she and her child died." Dilfaroza left behind nine children. They all now live with Baghiza and her husband in Jalozaï refugee camp. "It is very difficult on the children as they no longer have their mother to care for them."

Said Omar, whose wife and 18-year-old daughter were killed by an artillery shell that struck their home.⁶⁴ He has six surviving children, all under 11 years old. Omar's brother, Shamim, was able to take only one of the children into the Jalozaï refugee camp where he is struggling to care for his own family. The others went to live with their 70 year-old grandfather in Punjab, who had to return to work to support them. Their aunt told the Center, "They've been living in Punjab with our father for the last months, but he is very old now and must work as a laborer in Punjab in order to support these orphans. These children are all so young that they don't understand what kind of loss they have suffered. And they are unaware of the pain our father is going through to support them."

The family complains that the children have received no assistance.



In November 2007, Hasan Khan was killed by a rocket during armed sectarian clashes in Kurram Agency. He is survived by a widow and two children, pictured here. His brother, Abid now takes care of his family as well as his own, all of whom are displaced and now living in Kohat.

62 Interview with Jamshed, Interview No. 77, April 22, 2010.

63 Interview with Baghiza, Interview No. 37, March 17, 2010

64 Interview with Shaila, Interview No. 40, March 17, 2010.

Widows and Children

In the male-dominated society of Pakistan, women have little control over resources and only limited access to justice and government services.⁶⁵ This lack of power and status are magnified for widows, who have little to no access to employment and are among the most vulnerable in Pakistani society. Strong social norms dictate that widows live with a male family-member, usually her father or her husband's brother. This may also leave them at-risk for abuse.⁶⁶

A counselor working with women affected by the conflict in Swat told Center for Civilians in Conflict that widows suffer from depression, panic attacks, heart pains, and suicide ideation, particularly when worried about caring for children and financial pressures. One man described the anguish of his sister-in-law, who lost her husband and two sons in a US drone strike: "After their death she is mentally upset...she is always screaming and shouting at night and demanding me to take her to their graves."⁶⁷

Financial Challenges of Widows

Saira's husband, and her husband's brother and father, were beheaded by the Taliban in Swat for allegedly providing food and milk to Pakistani soldiers. Saira is in her twenties with three children under nine years old. "We have no income and rely on others. At lunch or dinner some neighbors will bring us some food."

Saira received compensation from the Pakistani government, 100,000 Rs (approx 1,200 USD) following her husband's death. As a woman, however, she could not use or invest the money herself. Her uncle gave the money to a local businessman to start a small shop that would generate an income for her.

But the shop was soon destroyed by army shelling, leaving Saira and her family with nothing. "When I got the compensation I was very happy because I could provide my children with food. Food is the most important thing now. The compensation wasn't sufficient to take care of our health and medicine. But now we have lost even that help after the business was destroyed, and I am again so worried for my family. I don't know how we will survive."

Saira (see box "Financial Challenges of Widows" above) described the psychological impact on herself and her children: "In the depth of my heart I have a great fear—I always think that when I leave the children in school something will happen to them. I keep waking up at night from nightmares about what has happened." Saira says her son still recognizes the place where his father was beheaded and asks her about it every time they pass by. "Yes-

65 Amnesty International, "Media Briefing: Violence Against Women in Pakistan," April 17, 2002, <http://asiapacific.amnesty.org/library/Index/ENGASA330102002?open&of=ENG-PAK>.

66 Samya Burney, "Crime or Custom? Violence Against Women in Pakistan," eds. Regan E. Ralph and Cynthia Brown, Human Rights Watch, August 1999, <http://www.hrw.org/legacy/reports/1999/pakistan/>; Amnesty International, "Why are We Still Waiting? The Struggle for Women's Human Rights," March 1, 1998, <http://www.amnesty.org/en/library/asset/ACT30/004/1998/en/dbcf0173-e82a-11dd-9deb-2b812946e43c/act300041998en.html>; Amnesty International, "Pakistan: Insufficient Protection of Women," April 16, 2002, <http://www.amnesty.org/en/library/asset/ASA33/006/2002/en/c2781142-d873-11dd-9df8-936c90684588/asa330062002en.html>.

67 Anonymous interview with drone victim, January 28, 2010.

terday he climbed the mountain up to the army outpost and asked them for their guns and uniform so that he can take revenge for his father. When the soldiers said they had done it already, he told them ‘No, I will do it myself.’”⁶⁸

Some widows have no one willing to support them. Parveen, 22, lost her husband in a suicide attack at an army checkpoint. She told the Center that she feeds for herself and her two young children. “I have no way of supporting us. I try working in different houses now, washing toilets and dishes and families will give us some money or food. I want money also to put my children in school but we don’t have enough...I fear for my children’s future.”⁶⁹

Many widows feel they deserve compensation for their losses, but access to such help—if even available—is severely limited in a society in which men traditionally apply for and receive assistance. Indeed, much government support is conditioned on having a national identification card (NIC), almost always held by the male head of the family. Widows often must rely on other male relatives to do everything that is required to access assistance and entitlements, such as open bank accounts, cash checks, register with authorities, and physically go to aid distribution points. As one widow interviewed by the Center put it, “I am a woman. How can I get assistance or follow my case with the authorities? I am alone.”⁷⁰

Loss of Children

Many interviewees spoke to Center for Civilians in Conflict about the emotional and psychological impact of children’s deaths.

Mohammed Ayub and his family were fleeing fighting in South Waziristan, making their way by foot through the mountains, when his whole family watched his daughter die in an artillery barrage. “In the evening, artillery started raining shells on the mountains... one of the shells landed near us which killed my daughter, Dost Bibi. When it hit it just blew her up into pieces. My other daughter, Shabana, started crying in a hysterical way after seeing her sister killed... since then she has developed psychological disorder as she is unable to forget what happened.”⁷¹

For many, the death of a child sparks anger and a great sense of injustice. Khalid Mir was strongly critical of the Pakistani army after his son was killed when a jet fighter bombed their house. On that particular day, his son was sick and stayed home from school. “How come my children and I are targeted as terrorists when I don’t even know how to load a pistol? I work from dawn to dusk to feed my family and to meet household expenses. I know our only mistake is that we are common people and those who have guns have the license to kill people like us.”⁷²

Habib Gul lost multiple members of his family, including his 2-year-old daughter when the Pakistani Air Force mistakenly bombed his house in Khyber. “In the future, government should take care and not attack civilians. It should conduct its attacks with much more care... How can they target us? I am part of the Pakistani armed forces... if I am a terrorist then every Pakistani is a terrorist.”⁷³

68 Interview with Saira, Interview No. 149, April 26, 2010.

69 Interview with Parveen, Interview No. 150, April 26, 2010.

70 Interview with Zahooria Bibi, Interview No. 143, July 15-16, 2010.

71 Interview with Mohammed Ayub, Interview No.76, April 15, 2010.

72 Interview with Khalid Mir, Interview No. 106, June 2-3, 2010.

73 Interview with Habib Gul, Interview No. 75, April 15, 2010.



Injury

For each civilian killed as a result of armed conflict, one or more are seriously injured.⁷⁴ Poverty and limited access to health facilities mean many do not receive adequate medical treatment. The disabled are unable to work and often require care from their families.

Medical Treatment: Lack of Quality Care and Access

Pakistan's per capita spending on healthcare is among the lowest in the world, comparable to that spent in Burma and Afghanistan.⁷⁵ Center for Civilians in Conflict interviews with medical professionals and NGOs providing health services indicate that lack of access and lack of quality medical care are particularly problematic in conflict-affected areas like FATA, where much of the population is rural, doctors and health facilities are few, and poor infrastructure inhibits travel. In FATA, there are only 13 doctors per 100,000 people—a ratio among the lowest in the world.⁷⁶

Many facilities, particularly those outside Peshawar, have nowhere near the resources and expertise required to treat victims' injuries. Loss of limbs, spinal cord damage, head trauma, gunshot wounds, and other common war-related injuries often require multiple, complicated surgeries and longer term care. 70-75% of those admitted to facilities in Peshawar sustained injuries from bomb blasts, mortars, and artillery. 25-30% are injured by gunshots, mines, or other explosive remnants of war (ERW). Officials also report treating victims of drone strikes.⁷⁷ In Mohmand Agency, most health facilities do not even have electricity or water and are missing essential medical equipment and medications.⁷⁸ As one NGO worker put

74 PIPS estimates that in 2009 there were 2,100 civilian deaths from terrorism and militant attacks, but over 5,500 civilian injuries.

75 United Nations Development Programme, "Human Development Report 2009: Health and Education," 2009, <http://hdrstats.undp.org/en/indicators/162.html>.

76 "Indicator Tables," in *Human Development Report 2007/2008*, (New York: United Nations Development Programme, 2007), <http://hdr.undp.org/en/reports/global/hdr2007-2008/>.

77 Various anonymous interviews with officials from international NGOs providing health services, as well as local and international medical professionals.

78 World Health Organization, "Assessment Report of Public Health Facilities in Mohmand Agency FATA," April 2010, <http://www.whopak.org/idps/documents/assessments/Mohmand%20Agency%20HF%20Assessment.pdf>.

In July 2009, Tila Mohammed from Mohmand Agency was taking cover in his house as militants and the army exchanged fire. A Pakistani Army tank misfired, lobbing an unexploded shell near his house. Fearing for his house and family, Tila Mohammed rushed to pick up and remove the shell. He told the Center, “If it exploded it would have damaged all the houses in the area and could have killed or hurt many people.”

The shell blew off both of Tila Mohammed’s arms. “After the blast I was knocked unconscious and some of my relatives brought me to the hospital, LRH (Lady Reading Hospital) in Peshawar. I woke up to see my arms were gone...I was there for almost two months and had to borrow money from relatives to pay for the medical care.”

Tila Mohammed earned a living as a farmer to provide for this wife and three young children. Now he can no longer work. “My biggest concern is that now I cannot work to support my family—and I am the only one who can support us. It is very difficult now. My small children and my wife have to help me even for my daily life and because of this they have had to stop their education. I do not know how we will manage.”

Tila Mohammed now lives with family in a tent in Jaolzai refugee camp. He has received shelter and food from the UN, as well as a 25,000 Rs government cash card (approximately 300 USD). But he has received no assistance to help him cope with his disability. He wants the government to provide him with compensation or an opportunity to work. Though he realizes militants were firing his village, he is angry with the army:

“I hold the army responsible for what has happened. It is not totally the army who is to be blame, but they saw some militants, fired, and some of the shells missed their targets. But the army must apologize that they have targeted the innocent people...all are not aligned with the militants. The army must help those civilians and not target the innocent. If there are two or three militants they crush the whole village, and so we are against the army. At first we supported the army but after these activities and actions we have become opposed to them.”



Source: Interview with Tila Mohammed, Interview No. 57, April 14, 2010.

it, “The emergency rooms [in Dera Ismail Khan] have nothing. Maybe some paracetamol, but that’s it. There’s even less than what should be in a basic, primary care health facility.”⁷⁹

As a result of the poor facilities and resources near their homes, many Center interviewees traveled to Peshawar to get treatment at hospitals or the ICRC Weapon Wounded Hospital. Numerous NGOs also manage mobile clinics, distribute first-aid kits, or work through government hospitals and healthcare providers to increase technical capacity and improve facilities. The Pakistan Institute of Prosthetics and Orthotic Sciences (PIPOS), located in Peshawar,

⁷⁹ Interview with a NGO worker, November 30, 2009.

war, provides prosthetic limbs and rehabilitation services to the disabled from all over FATA and KPK. It has already served hundreds of victims of the conflict, with over 160 ERW victims fitted with prostheses in the first five months of 2010 and hundreds still on the waitlist.⁸⁰

Access is a major issue, for victims as well as providers of health services. Many victims arrive at health facilities in Peshawar weeks or even months after injury because of the diffi-

Perveen was walking her cattle home in Bajaur Agency when artillery shells began falling all around her. Shrapnel tore through her hand, face, and mouth.

In addition to broken teeth and permanent scarring, Perveen lost most use of her right hand. “I cannot put weight on my hand or even hold things...It’s difficult for me to eat and to do my work and household chores—to cook and to clean, do basic things and to take care of my children.”

Perveen is a widow, living in a refugee camp with three young daughters. With no husband or male relative living with her, she’s been unable to register and get assistance, like the government cash cards distributed to IDP’s. “I am a widow and I don’t have an NIC [National Identity Card] and so I am unregistered right now. ICRC provides us with some food and other assistance but that is it. It is too difficult here. We are a very poor family and there is no one to support us.”



Source: Interview with Perveen, Interview No. 24, December 14, 2009.

culty in traveling from and through conflict areas. One woman told the Center that her family carried her injured body through the mountains until they found a truck to hire to get her to Peshawar:

“The military operation started without any warning or information. We had planned on leaving our home soon when the shelling suddenly began. We tried taking cover in a ditch but a shell hit and I was hit in the left leg by the shrapnel and couldn’t walk anymore. We had to walk into the mountains and my husband and Ameerjan [husband’s second wife] took me on their backs until we reached Nawa Gai and could hire a truck to reach Peshawar.”⁸¹

Curfews and road closures in conflict areas often lead to worsening of injuries and death. Government restrictions to affected areas undermine the availability of needed medical treatment for victims. International organizations are still largely prohibited from working in all agencies of FATA and access to areas where IDPs reside, such as Dera Ismail Khan, Tank, Hangu, and Kohat, is extremely limited.

⁸⁰ Interview with PIPOS Official, June 23, 2010.

⁸¹ Interview with Bashiza, Interview No. 67, April 14, 2010

Living with Serious Injury or Disability

Many of those injured must cope with permanent disability and other lasting consequences. Social exclusion and discrimination compound these challenges, preventing many disabled from equal access to education, employment, and healthcare.

Nearly every disabled person we interviewed cited the inability to work as their top concern. Disabled men who support their families through physical labor—as metal or wood workers, farmers and drivers—are unable to work or face employers unwilling to hire them. Disabled women have great difficulty meeting the physical demands of the home, like raising children, fetching water, cooking, and cleaning.

Many interviewees, particularly amputees or those who are paralyzed, spoke of their emotional and psychological pain. They described themselves as depressed and desperate for meaningful employment or assistance such as prosthetics and wheelchairs that may ease the challenges of their daily lives and help them feel more accepted in their communities.

Last November, 7-year-old Laiba was driving with her uncle in Peshawar when soldiers in a truck from the Pakistani paramilitary group Frontier Corps (FC) ordered her uncle to pull the car over. Not understanding that Laiba's uncle was told to pull to the side of the road, another group of FC soldiers traveling immediately behind their car opened fire, spraying the car with bullets.

Laiba was conscious the entire time and remembers being taken to the hospital. The gun fire tore her foot from her leg, which relatives brought to the hospital wrapped in plastic sheeting. The Frontier Corps soldiers did not stop.



As a result of her injuries, Laiba has undergone two amputations on her left leg and when she was interviewed by the Center five months after the incident, she was back in the hospital being treated for a serious infection. She will require a prosthesis for the rest of her life, but her family cannot afford the \$2,000/year it would cost to provide Laiba with new prosthetics as she grows.

Her father has taken leave from his job as a field supervisor with a Pakistani phone company to take care of her and demanded that the FC provide the assistance they need for Laiba's prosthetics. "We've spent 275,000 Rs on treatment already. The army of FC never apologized for what happened. That's why there's so much hatred, the army looks down on civilians. 200,000 Rs for compensation is nothing...treatment will cost 200,000 Rs/year for 25 years." Meanwhile, Laiba carries around magazine pictures she's cut out of young girls with prosthetics, one of them rollerblading, beaming at the possibilities proper medical treatment and prosthetics might offer.

Source: Interview with Laiba, Interview No. 54, March 18, 2010.

Displacement compounds these challenges.⁸² Center for Civilians in Conflict interviewed 13 families—all of whom had at least one family member disabled by conflict—living in a separate block of Jalozai refugee camp. Most criticized the lack of medical facilities and facilities for the disabled: all roads and pathways of the camp were unpaved, made mostly of rough rock and dirt and not easily passable by wheel chair. They had trouble using toilet and bathing facilities, relying on their children or other family members to carry and assist them. None of the families interviewed had received any compensation from the government and had minimal assistance in helping them cope with their disability. When a family member is injured, parents, brothers, sisters must dedicate time and resources to caring for them—sometimes for the rest of their lives.

Nasima brought the Center to see her daughter Bibi Ranga, lying motionless in a tent in Jaolzai refugee camp. Bibi Ranga suffered severe head injuries when a shell exploded while she walking outside her house. She is paralyzed from her injury and can no longer walk or talk. “Her head is swollen like a pumpkin,” her mother says, as she gestures to the huge swelling that engulfs the left side of Bibi Ranga’s head.

Bibi Ranga and her three year-old daughter are now completely dependent on her mother Nasima, herself a widow. In addition to helping Bibi Ranga eat, drink, and bathe, Nasima must bring Bibi Ranga to the bathroom: “We face many problems here in the camp. We do not have any latrine in our home and because Bibi Ranga cannot walk, we have to drag her like a cart to the latrine down the way. We want these facilities provided at our home. We don’t have a wheelchair for her either. This is what we need most right now, a wheelchair.”⁸³ Nasima says that as a widow she was unable to receive the government cash card for IDPs and that she has received no assistance from the government to help care for Bibi Ranga or her granddaughter.

Medical Expenses

Injured civilians told Center for Civilians in Conflict that medical expenses were one of their biggest concerns. Families often have little savings and must rely on loans from neighbors, relatives, and local lenders. Traditional coping mechanisms—such as lending between families—is undermined by displacement and destruction of assets like homes, shops, crops, and livestock. Without regular sources of income, the injured (or injured and displaced) are often mired in debt. Interviewees complained that government-issued cash cards were insufficient to cover their medical expenses.

Bakhatwar Jan has been pushed to the financial brink. He is paralyzed from the waist down due to mortar fire during sectarian clashes in Kurram. “I spent 800,000-1,000,000 Rs (appx 10,000 USD) on treatment and had to rely on other people to loan me money. I have five daughters and one son, who is five. I am the only breadwinner. We really need assistance with our living expenses. I keep having to get loans over and over but we are just falling further into debt.”⁸⁴

Civilian Property

Civilian homes, businesses, shops, crops, livestock, and other property essential to Pakistani livelihoods have been extensively damaged or destroyed in the conflict. In a society in which so many live in poverty, families have few assets and coping mechanisms are weak. Even the loss of a few cattle can be devastating.

82 Handicap International, “Participatory Rapid Need Assessment Report: Pakistan,” 2009, Islamabad, <http://on-response.info/Countries/Pakistan/Emergency%20Shelter/publicdocuments/HI%20Pakistan%20-%20IDP%20Vulnerable%20and%20Disabled%20need%20assessment%20report%20-%20May%202009.pdf>.

83 Interview with Nasima, Interview No. 41, March 17, 2010.

84 Interview with Bakhatwar Jan, Interview No. 122, May 18, 2010.

Militants' use of civilian homes as bases of attack or shelter, use of heavy weaponry such as aerial bombardment and artillery barrages by Pakistani forces, US drone strikes, and housing demolition by both Pakistani forces and militants have all contributed to extensive civilian property destruction. The Pakistani military has also deliberately demolished the homes of families of suspected militants as a form of collective punishment.⁸⁵

The village of Sulatnwas in Buner was largely destroyed in the wake of a major military offensive. Houses, mosques, and shops were reduced to rubble, leaving many homeless and sparking intense anger amongst residents.⁸⁶ One resident of Bajaur said, "The army remained in the house for three months and when they left they bulldozed the home. We had no link with Taliban or other militants but our house was demolished anyway."

The disaster management agency for KPK (the Provincial Disaster Management Authority/ Provincial Reconstruction, Rehabilitation, and Settlement Authority or PDMA) estimates that over 19,000 houses were destroyed or damaged in KPK, Bajaur, and Mohmand agencies. It is unknown how many homes have been destroyed from conflict in South Waziristan, Kurram, Orakzai, and Khyber Agencies, but reports of major military operations, including the use of artillery, helicopter gunships, and aerial bombardment, suggest the damage is extensive.

The loss of a home is particularly devastating. Not only does it leave families homeless, a house constitutes a massive financial investment, representing years of saving and building, and is often a family's greatest financial asset. Pakistani families often share homes, so the destruction of a single house can affect a large number of people. Rebuilding is financially onerous and, in many cases, simply impossible.

Sabir, also from Bajaur, says he lost everything when the army destroyed his house while his family was away. "We lost our jewelry, shop, valuables, everything. I asked why they had destroyed the house and they said they suspected militants were inside. I've built my house with my own labor. It took me 17 years of working to build my house and now it is destroyed."⁸⁷

For those who fled their homes because of fighting, homelessness or displacement is often prolonged because they have no home to return to. When the Pakistani army mistakenly demolished his house thinking it was that of a militant, Mohammed al-Gul's family had nowhere to go. "There were 15 of us living in that house and now we are all living in tents! We are slowly and steadily trying to rebuild the house but don't know when we will be able to complete it."⁸⁸ Mohammed al-Gul says that though the military acknowledged a mistake had been made, his family received no apology or assistance.

Militants specifically target marketplaces in towns and cities throughout Pakistan. Dilaram Khan owned a number of cotton shops completely destroyed by a car bomb in Peshawar. "45 people are in the family and the head of the family, my father, has been killed in the bomb blast. We sold our land in the village to buy these shops from the government, now

85 Interviews with local Pakistani NGO workers; interviews with residents of Swat; Julie McCarthy, "Post-Taliban Reprisals, Expulsions in Pakistan Valley," *All Things Considered, National Public Radio*, (Washington DC, June 28, 2010), [transcript] <http://www.npr.org/templates/story/story.php?storyId=128169424>; *BBC News*, "Swat Diary: Bright Future Ahead," August 30, 2009, http://news.bbc.co.uk/2/hi/south_asia/8229287.stm; Haleem Asad, "Houses of Militants Razed in Lower Dir," *Dawn*, June 6, 2009, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/provinces/19-house-of-militants-razed-in-lower-dir-sf-03>; *Dawn*, "Militants' Houses Razed in Swat," June 19, 2010, <http://dawnnews.tv/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/local/peshawar/militants-houses-razed-in-swat-960>.

86 Associated Press, "A Village Destroyed," 2009, http://hosted.ap.org/specials/interactives/_international/pakistan_village/index.html?SITE=AP; "Displaced Residents Return to Destroyed Sultanwas Village," *Dawn*, May 29, 2009, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/provinces/07-displaced-residents-return-to-destroyed-sultanwas-village-ha-06>.

87 Interview with Sabir, Interview No. 56, April 7, 2010.

88 Interview with Mohammed al-Gul, Interview No. 142, July 15-16, 2010.

we are all completely dependent on them. And now all we have is this one rented shop we are now sitting in.”⁸⁹

Nabi Jan’s family lost five woodworking shops in Swat when a Pakistani military airstrike missed its target. “20 people depend on these shops... We are very angry due to these unintentional and mistaken attacks; if one militant is in the town they damage 5 buildings around to get to the militants.”⁹⁰

Agriculture is central to the economy and livelihoods in KPK and FATA, accounting for 44% of all employment.⁹¹ But many families were unable to harvest or plant crops due to the conflict. Around one-third of livestock has been lost, robbing families of important sources of income and investment.⁹²

Almost 25% of health facilities in surveyed areas of KPK and FATA are damaged or destroyed and 50% of medical drug stocks are depleted, straining a system that already struggles to meet the needs of the population affected by poverty, displacement, and conflict.⁹³

Schools throughout KPK and FATA have been damaged or destroyed. In Swat alone, 401 schools were destroyed or damaged during the conflict.⁹⁴ Girls’ schools, in particular, have been deliberately demolished or attacked by the Taliban.

Government, health, education, agriculture, industry, and private sectors are inter-dependent—a loss in one affects the others and civilians shoulder the cumulative impact. For example, damage to roads impedes access to markets and transport of goods to towns and cities. Destruction of shops and businesses and lost employment hurts producers in the agricultural sector. While healthcare and government services struggle to recover and rebuild, civilians cope with unattended injuries from the conflict; subsequent loss of income and displacement increases health risks. Banks shut down, markets halt, and only goods essential to people’s livelihoods are traded.

Generalized reconstruction efforts are led both by civilian and government authorities with international support. Authorities are working to rebuild schools, healthcare facilities, and infrastructure throughout Malakand Agency. Reconstruction and rehabilitation in much of FATA is impeded by ongoing military operations and insecurity.

Displacement

In 2009, more people were displaced from conflict in Pakistan than in any other country in the world.

The displacement crisis in Pakistan is complex, with numerous areas experiencing significant conflict-related displacement over the past two years. Each displacement event was caused by separate military offensives now in various operational stages.

Removed from their homes, communities, and livelihoods, daily life is a challenge for the displaced. Many IDPs from Bajaur and Mohmand have been displaced for more than a year; those from South Waziristan are quickly approaching that anniversary. The longer civilians

89 Interview with Dilaram Khan, Interview No. 74, April 15, 2010.

90 Interview with Nabi Jan, Interview No. 144, July 15-16, 2010.

91 Asian Development Bank and World Bank, Preliminary Damage and Needs Assessment: Immediate Restoration and Medium Term Reconstruction in Crisis Affected Areas, (Islamabad: World Bank, November 2009).

92 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Pakistan Humanitarian Response Plan 2010, United Nations, New York: 2010.

93 Asian Development Bank and World Bank, Preliminary Damage and Needs Assessment: Immediate Restoration and Medium Term Reconstruction in Crisis Affected Areas, (Islamabad: World Bank, November 2009).

94 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “Initial Humanitarian Assessment Report of Upper Swat,” March 10-12, 2010.

Displacement



The majority of those displaced in 2009 fled the Pakistani military offensive in Swat and the surrounding districts. By the end of 2009, most had returned. However, ongoing and newly initiated military operations in different areas of FATA have led to additional waves of displacement.ⁱ

Bajaur (over 220,000), Mohmand (over 180,000), South Waziristan (appx 428,000), Khyber (56,000-100,000), Kurram (appx. 128,000), Orazai (appx 200,000)

As of July 2010, an estimated 2 million IDPs remain displaced by the conflict, 1.4 million of whom have been able to register with the government.ⁱⁱ

Sources:

i International Crisis Group, "Pakistan's IDP Crisis: Challenges and Opportunities," <http://www.crisisgroup.org/en/regions/asia/south-asia/pakistan/B093-pakistans-idp-crisis-challenges-and-opportunities.aspx>.

ii Interview with Anonymous IDPs.

remain displaced, the more difficult it is to sustain their families on savings and aid. Families move in with relatives, live in tents or temporary shelters on relatives' land, or—as a last resort—move to refugee camps.

Money was invariably the greatest challenge cited by IDPs interviewed by the Center. "It is too difficult living here," one IDP explained to the Center. "We need money for food, utilities bills, rent, and so many other things. My sons work as daily laborers cutting wood in Peshawar, but we still don't have enough money for our family to survive here."⁹⁵ In their home villages many had stable sources of income as laborers, farmers, or shopkeepers, but as IDPs,

⁹⁵ Interview with Farzana and others, Interview No. 6, Decemeber 7, 2009.

there are few employment opportunities. Day laborers, irregularly working construction or digging trenches, make around \$2-3 per day—an untenable pay for sustaining a family.⁹⁶ According to one study in Kohat, an average IDP household of 13 family members lived on \$2.65 per day.⁹⁷

Displaced for over a year from Mohmand Agency in FATA, Hakeem Khan and his brothers struggle to care for their wounded brother as well as their large family. “We are 5 brothers, most married and working as daily laborers. But together we earn only 1000 Rs (approx \$12.00) per day. But this is not enough for all 36 of us.” Hakeem Khan’s brother was shot by the Taliban after refusing to join their forces. He still has two bullets lodged in his back, near his spine. “He can’t sleep, he can’t work, he can’t walk... he has all the documentation and medical records but we do not have enough money for the surgery... he just lies there in pain. We need the government to provide medical attention for our injured brother.”⁹⁸

Conflict displacement compounds challenges faced by war victims. Access to assistance is hampered by cumbersome registration and lack or loss of identification documents. Children’s education is often halted and they are at higher risk for exploitation, abuse, and neglect, including forced marriage and labor.⁹⁹ Sexual abuse and violence against women increases. Limited access to health services, clean water, and sanitation contribute to disease, malnutrition, and infant mortality.¹⁰⁰

The Pakistani government, military, the UN, foreign governments, and NGOs all provide IDPs with some form of assistance including food, health, sanitation services, shelter, blankets, etc. However, Pakistani government restrictions on access inhibit a lot of well-intentioned aid getting through. Clearance from Pakistani authorities is still required to reach Swat, for example, and other areas where major military operations ceased over a year ago.

Conclusion

Conflict harm weaves an interconnected web of destruction. Injuries, deaths, loss of property, displacement, lost livelihoods, emotional trauma, destruction of infrastructure, and breakdown of communities compound one another to create a devastating and untenable situation for Pakistani civilians. Much of the Pakistan population is mired in grief: widows mourn husbands, parents mourn children, and children mourn their caretakers; the disabled are marginalized; and, families are often pushed into poverty or trapped in debt as they struggle to cope with losses.

Displacement, damage to infrastructure and markets as well as the loss of businesses, livestock, land, and other agricultural goods exacerbate civilian losses and make recovery a substantially more daunting task. The resultant instability provides a fertile ground for militants who take advantage of job loss, dislocation, governmental failures, and perceptions of injustice to draw recruits.¹⁰¹

96 Interview with Anonymous IDPs.

97 Save the Children, “Assessment of IDPs in Kohat,” 2010, <http://onerresponse.info/Countries/Pakistan/public-documents/Save%20the%20Children%20Assessment%20of%20IDPs%20in%20Kohat%20May%202010.pdf>.

98 Interview with Hakeem Khan, Interview No. 15, December 8, 2009.

99 Internal Displacement Monitoring Centre, *Still at Risk: Internally Displaced Children’s Rights in North-West Pakistan*, 2010, [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountrySummaries\)/0B436913153AC6A6C125774300235D54?OpenDocument&count=10000](http://www.internal-displacement.org/8025708F004CE90B/(httpCountrySummaries)/0B436913153AC6A6C125774300235D54?OpenDocument&count=10000).

100 Save the Children, “Assessment of IDPs in Kohat,” 2010, <http://onerresponse.info/Countries/Pakistan/public-documents/Save%20the%20Children%20Assessment%20of%20IDPs%20in%20Kohat%20May%202010.pdf>.

101 Maha Hosain Aziz, “Pakistan, Terrorists, and Economic Stress,” *Bloomberg Businessweek*, June 8, 2010, Online edition, http://www.businessweek.com/globalbiz/content/jun2010/gb2010068_515072.htm; Owen Bennet-Jones, “Pakistan Inequality Fuelling Taliban Support,” *Newsnight, BBC News*, May 13, 2010, <http://news.bbc.co.uk/2/hi/programmes/newsnight/8681024.stm>; Sharmeen Obaid-Chinoy, “Children Taught to be Suicide Bombers,” *CNN*, June 15, 2010, Opinion section, http://articles.cnn.com/2010-06-15/opinion/obaid.suicide.children_1_suicide-bombers-pakistan-northwest-frontier-province?_s=PM:OPINION.

IN MANY INSTANCES, CIVILIANS DID NOT KNOW WHICH WARRING PARTY WAS RESPONSIBLE FOR THE HARM SUFFERED

Chapter 4

Civilian Views of Warring Parties and Expectations of Help

The civilians Center for Civilians in Conflict interviewed wanted warring parties to make amends for harm—meaning acknowledgment of their losses and assistance toward recovery. While civilians’ views on blame and responsibility were not always straightforward, the Center’s interviews indicated that civilians almost uniformly expected warring parties to spare innocent civilian life and the Pakistani government to provide assistance to those harmed.

Understanding and taking into account these views and expectations is necessary to ensure that civilians feel their losses have been recognized and dignified. Doing so is not only proper from a human rights and humanitarian perspective, but can also help mitigate political and security risks caused by civilian losses.

Blame and Responsibility

All warring parties operating in Pakistan share blame among victims. Though, in many instances, civilians did not know which warring party was responsible for the harm suffered. Bullets and bombs fly in all directions and civilians often take cover in houses or ditches.

When the Pakistani military was clearly responsible for losses, many civilians blamed the military outright and accused Pakistani forces of failing to distinguish between civilians and combatants or using heavy-handed tactics. They warned that the military would lose the support of the local people as a result of their actions.

Jan Mohammed lost his daughter and granddaughter when army artillery struck his house. “We want peace, we are not the enemy of the Pakistani army... The Pakistani army fired their artillery into our area. They did not target the Taliban but our own area instead of the Taliban. I don’t even know where they were. They just targeted the whole area, targeted innocent people... I blame the army for what happened.”¹⁰²

Tila Mohammed who lost both his arms to a tank shell, strongly criticized the army. “The army is responsible... if the army would collect data, information, they would see we are not there. For two or three militants they crush the whole village, and so we are against the army. At first we supported the army but after these activities and actions now we have become against them.”¹⁰³

Habib Gul condemned the military for an air strike that destroyed his house and killed over 60 people from his village, including his 2-year-old daughter. “The people of the village are very angry with the government. [The government] conceals the facts from people; they are ashamed of what has happened... they will lose support of the people and the ranks of the militants will increase.”¹⁰⁴



Salma with her children.

Not all victims condemned Pakistani forces. Some, like Wahid, whose father was killed by the army, ultimately blamed the militants. “I blame the Taliban, it’s because of them... if they didn’t come to create these problems and conditions then it wouldn’t have happened.”¹⁰⁵ Similarly, Salma, who was disabled by army shelling, told the Center, “I blame the Taliban for what has happened... if the militants didn’t start this then it wouldn’t have happened. First they started firing from our village and only then did the army start targeting our area.”¹⁰⁶

Many victims also blamed both sides for their suffering. “I blame both the army and the Taliban... they are both responsible. The Taliban committed excesses when they challenged the writ of the government then the government started their operation without differentiating between civilians and militants.”¹⁰⁷

102 Interview with Jan Mohammed, Interview No. 16, December 8, 2009.

103 Interview with Tila Mohammed, Interview No. 57, April 14, 2010.

104 Interview with Habib Gul, Interview No. 75, April 15, 2010.

105 Interview with Wahid, Interview No. 34, March 17, 2010.

106 Interview with Salma, Interview No. 38, March 17, 2010.

107 Interview with Irshad, Interview No. 21, December 14, 2009.

Others declined to assign blame. Rigdi Gul's house was razed by the army, who suspected militants were using it. "Being Muslim, we believe all is from the mighty Allah... He knows and I am not in a position to explain. I don't want to be put in between the military and the Taliban."¹⁰⁸

Fear of Speaking Out

Fear of reprisal is a significant challenge in ascertaining civilian views on the conflict and what victims expect or demand of warring parties.ⁱ Drone victims from FATA, for example, were uniformly fearful of discussing what happened to their families.ⁱⁱ

Some victims were hesitant to speak with the Center for Civilians in Conflict about who was responsible for their losses, how they felt about such losses, and whether they believed the government or other parties should provide assistance or compensation.

In November 2009, a Frontier Corps convoy mistakenly opened fire on a family's car near Peshawar and seven year-old Laiba lost her leg. Asim, Laiba's father, said that initially the Frontier Corps denied involvement.ⁱⁱⁱ After a Colonel visited Laiba in the hospital and broke down in tears, the Frontier Corps agreed to pay for the initial treatment, but not longer-term care. When her father refused the compensation, he was called to the FC headquarters in Peshawar under the pretense of a meeting with high-level officials. The FC locked him up, beat him, and threatened to detain his relatives. He was released two days later after his family pleaded with local authorities.

Undeterred, Asim called into a popular Pakistani talk show to publicize his case. Within hours, two members of the Inter-Service Intelligence (ISI) came to the hospital and warned him not to criticize the military and security forces. Asim remains steadfast; "I am not worried or scared, I will do anything. The army or FC never apologized for what happened. That's why there's so much hatred; the army looks down on civilians."

Militants also create an environment of fear by threatening and intimidating government officials and those they perceive as government sympathizers or supporters. In Swat, for example, most of the police force resigned or fled in the face of militant threats, targeted killings, and beheadings. Once interviewee told the Center that when her husband resigned from the police force, he took out an ad in the local newspaper, which he carried with him everywhere to show as proof of his disassociation from the government. Nevertheless, he was gunned down while riding his motorcycle, leaving behind a 25-year-old widow.

Sources:

- i Pakistani NGO workers often explained that many people are scared of speaking out against the government, military, or Taliban. In Swat, where many people had returned to their homes once fighting ceased, military and intelligence officials reportedly constructed an elaborate network of informants. As one local NGO worker put it, "Anyone here could be a spy, an informer for the intelligence. You, me, anyone. And so no one wants to say anything that could get them in trouble. Speaking out against the military or intelligence is not welcomed here."
- ii Interviews with drone victims; also based on the experience of the Center interviewer in North Waziristan who met many victims, but few willing to conduct a formal interview. Numerous security precautions were necessary: the interviewer had to hide his camera, and could not take notes for fear of being identified as journalist or conducting interviews on drone strikes.
- iii Interview with Asim and Laiba, Interview No. 54, March 18, 2010; Perlez and Schmitt, "Pakistan Army."

108 Interview with Rigdi Gul, Interview No. 19, December 14, 2009.

It should be noted that there are a number of important factors that influence how civilians respond to questions regarding the Pakistani military. First, many in Pakistan are hesitant to publicly criticize the military.¹⁰⁹ It is a respected institution and an important part of Pakistani national identity, venerated as the country's defense against archrival India. The military is also a singularly powerful political and economic institution in Pakistan.¹¹⁰ Its influence is pervasive and outright criticism can be risky. Indeed, lashing out at the army or security services could place victims or their families in even further danger.

Journalists and others in the media report intimidation and threats from militants as well as military and intelligence officials, and efforts to censor or control news coverage.¹¹¹ Though politicians, religious and community leaders, and the media are quick to criticize terrorist attacks for causing civilian harm, the Pakistani military is rarely rebuked. News accounts of civilian casualties often must rely on anonymous sources who fear military retaliation.¹¹²

As a result, though civilians may brave the risks and criticize the military in private, there is a lack of clear, public narrative that explicitly blames the Pakistani military or holds it expressly responsible for causing civilian casualties.



Khan Abbas

Expectations of Recognition and Amends

Not one civilian interviewed had received any apology or other expression of regret from the Pakistani military or government. There is no indication that Pakistani forces regularly investigate potential civilian casualties or publicly acknowledge civilian harm.¹¹³ (A public apology for dozens of civilian casualties caused by an air strike in April 2009 was widely characterized as “rare”).¹¹⁴ Some interviewees said that this lack of recognition added insult to injury.

Khan Abbas, from Swat, was handing out water to passing crowds fleeing the fighting in Swat on foot. After the crowd failed to disperse, Pakistani soldiers fired into the crowd, hitting a number of civilians, including Abbas. “Even when they saw me laying there in the road, bleeding, they didn’t come to help me.” Abbas is still waiting for compensation, but also thinks the army should apologize. “If they apologize and provide compensation, I would feel good; if they do so, then they are our brothers and our defenders, and this would not

109 *The International News*, “The News Reporter Tortured, Humiliated After Abduction,” September 4, 2010, <http://www.thenews.com.pk/Latest-news/764.htm>; Sabrina Tavernise, “Pakistani Journalist Critical of the Military is Threatened,” *New York Times*, November 30, 2009, http://www.nytimes.com/2009/12/01/world/asia/01pstan.html?_r=2; Dawn, “Pakistani Media Protest After Journalist is Attacked,” January 19, 2010, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/03-pakistani-media-protest-after-journalist-attacked-ss-05>; Declan Walsh, “Pakistan Proposes Law to Curb the Media,” *Guardian*, July 1, 2010, <http://www.guardian.co.uk/world/2010/jul/01/pakistan-law-curb-media>.

110 Ayesha Siddiqi, *Military Inc.: Inside Pakistan's Military Economy*, London: Pluto Press, 2007.

111 Ibid.

112 Jane Perlez and Eric Schmitt, “Pakistan Army Finds Taliban Tough to Root Out,” *New York Times*, July 4, 2010, <http://www.nytimes.com/2010/07/05/world/asia/05waziristan.html?pagewanted=all>.

113 Iftikhar A. Khan, “Military Expresses Regrets Over Civilian Casualties,” *Dawn*, May 26, 2009, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/09-military-apologizes-for-civilian-casualties-in-swat-szh-03>; Dawn, “General Kayani Apologises Over Civilian Deaths,” April 17, 2010, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/03-general-kayani-apologises-over-civilian-deaths-ss-03>.

114 Ibid; Perlez and Schmitt, “Pakistan Army.”

be such a big problem.”¹¹⁵ As another man put it, “The army or FC never apologized for what happened. That’s why there’s so much hatred, the army looks down on civilians.”

The Bombing of Sra Vela

The bombing of Sra Vela in Khyber Agency exemplifies the military’s reluctance to acknowledge civilian casualties and apologize for causing harm.

On April 10, 2010, Pakistani jets bombed Habib Gul’s home based on intelligence that a high level militant commander was inside. Instead, the house belonged to a family with no connection to militants. In fact, three of Habib’s brothers were serving with Pakistani forces at the time. Within minutes after the first bomb struck, *mulvis* at the local mosques called on neighbors and villagers to come to the house and help rescue survivors. Shortly thereafter another bomb was dropped. In all, over 60 were killed with many more wounded.

It took a number of days for the mistakes of the Pakistani military to emerge, but even then, they continued to deny that the casualties were civilian. Hospital wards in Peshawar where victims came to be treated were officially sealed off from media. At the same time, the Political Agent (PA) of Khyber was offering compensation money to victims in hospitals and to local elders for distribution.



Distribution of compensation to victims of the bombing in Sra Vela, Tirah Valley, Khyber Agency.

Habib Gul criticized the military for denying the truth of the incident. “The PA apologized, but the military did not and now still thinks otherwise and says that we were terrorists or militants...they are trying to block information because they are ashamed of what happened.”

One week later, Army Chief of Staff General Ashfaq Kayani issued a rare formal apology for the incident and “heartfelt condolences to the bereaved families.” Additional compensation for the victims was also announced.

While such an apology, as well as the compensation provided by the PA and military, should be applauded, the delayed response and circumstances of the initial compensation—specifically the military’s denials while the PA was already paying compensation—raise serious concerns. It suggests that in the absence of intense public scrutiny and pressure, the Pakistani army does not feel the need to formally apologize for civilian casualties or acknowledge the losses civilians suffer as a result of its operations.

115 Interview with Khan Abbas, Interview No. 141, July 16, 2010.

For many victims in desperate situations, expressions of regret without tangible assistance held little appeal. However, when combined with offers of such assistance—especially compensation—apologies and regret were more meaningful to civilian survivors.¹¹⁶

When it comes to amends for losses—such as tangible assistance or compensation—almost all victims insisted that the Pakistani government had a responsibility to apologize for harm and provide assistance. No civilians demanded compensation or assistance from militant groups, and generally assumed them unwilling or unable to provide it. In contrast, the Pakistani government was perceived as capable and, in many cases, willing to make amends. Further, while civilians are unsurprised when militants resort to tactics that endanger civilians, they expected Pakistani forces to adhere to the principle of distinction, sparing civilian life and property.

For many victims in desperate situations, expressions of regret without tangible assistance held little appeal.

Rehan Khan, a resident of Bajaur who was paralyzed in a rocket attack, reflected the sentiments of many: “The government should provide me with compensation... I believe the government is responsible. They control the area and they are responsible for these casualties... they are the main power and the force that can help.”¹¹⁷

Amjad Ali, whose mother was killed by army shelling in Orakzai explained, “If my mother was killed by the Taliban, one can expect it from them because they are criminals. But one can’t expect it from a trained army, the ones who save us from them. The army is here to protect us not to kill us like rats.” But he believes compensation could help mitigate his family’s anger. “I want the government to compensate us for our material and human losses... It would not bring my mother back to me but it would lessen our grievances.”¹¹⁸

Perceptions of legitimacy lie at the heart of these differences in expectations. Though burdened with higher expectations than their adversaries, the Pakistani military and government also enjoy greater legitimacy in

the eyes of many civilians interviewed. Pakistani forces were expected to protect civilians; by contrast, militant tactics often alienated civilians who perceived them to be abusive of power.¹¹⁹ Likewise, when civilians were harmed, they expected the military or the government to offer assistance. That no victims expressed any expectation that militants would provide them assistance or be held responsible for harming them reflected a lack of trust of militant groups and disbelief that such groups could or would address their needs and demands as victims.

Compensation and assistance has a firm foundation in Pakistani society. Police and other government employees are often entitled to compensation for death and injury sustained while on the job. After the massive earthquake in northwest Pakistan in 2005, the government helped rebuild homes and provided homeowners with compensation. Compensation for injury or death also has a foundation in Sharia and the tribal code of Pashtunwali (especially influential among communities in FATA).¹²⁰

116 Interview with Pervez Khan Yousafzai, ACO Buner, Interview No. 165, June 24, 2010.

117 Interview with Rehan Khan, Interview No. 47.

118 Interview with Amjad Ali, Interview No. 84.

119 Interview with Saira, Interview No. 149, April 26, 2010; Interview with Mohammed Hussain, Interview No. 151, April 26, 2010.

120 GlobalSecurity.org, “Pakistan Legal System,” April 24, 2009, <http://www.globalsecurity.org/military/world/pakistan/legal-system.htm>; International Legal Foundation, “The Customary Laws of Afghanistan,” September 2004, http://coopitafghanistan.org/public/document/giu_doc1.doc; Interviews.

Following death, injury, or property damage, compensation helps to address urgent expenses such as food, water, and rent. For widows like Bashiza, whose husband was killed in crossfire, compensation meant the ability to feed her children. She told the Center, “I demand of the government to approve compensation or a monthly stipend for me as I can’t feed my family. I have no source of income now that my husband has been killed.”¹²¹

Other war survivors complain that the humanitarian assistance they received is not sufficient. One man who lost his son from shelling said they received some food and non-food items, “but we need financial assistance, support to rebuild our lives. Our son was a hard worker and left school at 8th grade to support our family. We are in much more need now that he is gone... we need financial support and compensation to reconstruct and return happiness to our lives.”¹²²



Bashiza and her children

Many desire compensation for medical expenses and to cover additional treatment. Rehan Khan (from above, paralyzed by a rocket attack) said, “My biggest problem is medical treatment for my disability and my medical expenses... I was in the hospital for two months and we borrowed a lot of money and now have to pay it back.” But without the use of his legs, Khan cannot work. He says compensation would also help him access health facilities: “there are only basic health facilities here [in Jalozai refugee camp] and we need money to get into town... I would feel good about the government if they gave me such compensation.”¹²³

Injured women frequently demanded that the government help them provide for their children. One mother told the Center, “We have no assistance or compensation but I have to demand from the government to support my children—they need health, medical attention, and education.”¹²⁴ Education was an oft-cited concern as many children were unable to attend school because of their families’ inability to pay fees, the need to put them work, or lack of access to schools.

Pakistanis also expect government assistance or compensation for the loss of property, particularly houses, businesses, and livestock. A UN survey of IDPs in Peshawar found that almost 40% felt they could not return home because of damage to their houses, land and community infrastructure.

Some want compensation to meet urgent daily needs or pay for rented accommodation while others need assistance to rebuild. “We need construction materials, tools, cement, money... I want to solve my problems and we want the government to compensate us, to help us rebuild.”¹²⁵ By helping people rebuild, compensation also helps civilians reclaim the emotional value and psychological connection they have to their homes. One woman told the Center, “I lost everything. If the government can provide me with financial assistance I can rebuild and return to our home, where my husband and I built our lives and have so many wonderful memories.”¹²⁶

121 Interview with Bashiza, Interview No. 92, April 22, 2010.

122 Interview with Ismail, Interview No. 135, July 15, 2010.

123 Interview with Rehan Khan, Interview No. 47, March 17, 2010.

124 Interview with Salma, Interview No. 38, March 17, 2010.

125 Interview with Hakeem Khan, Interview No. 2, December 4, 2009.

126 Interview with Sabira, Interview No. 143, July 16, 2010.

Lessons Learned in Afghanistan

Civilian Casualties are a critical issue in neighboring Afghanistan and have risen dramatically as the conflict there has escalated. In recent years, policymakers, the public, military leaders, and the media have all come to recognize the strategic impact and humanitarian imperative of minimizing civilian casualties in Afghanistan and making amends for civilian harm.

General Stanley McChrystal, then-commander of International Security Assistance (ISAF) issued tactical directives throughout 2009 and 2010 to minimize combat risks to civilians, particularly with regard to air support, night raids, and checkpoints. ISAF's new commander General David Petraeus has continued emphasizing the importance of lessening civilian losses for both humanitarian and strategic reasons.

After years of watching their legitimacy questioned as a result of civilian casualties and rising anger among the population, ISAF nations and the US State Department created policies and systems to make amends for civilians losses. Most ISAF troop-contributing nations now have mechanisms to provide cash compensation to civilian victims and the US Agency for International Development provides long-term livelihood assistance to victims through the Afghanistan Civilian Assistance Program (ACAP). The Afghan government has also created programs to compensate for civilian losses.

The Center for Civilians in Conflict's 2008 and 2009 interviews with civilian victims in Afghanistan found that civilians wanted and expected recognition and tangible assistance to help them recover from their losses, and that the provision of such amends helped decrease hostility toward international forces. In June 2010, NATO announced new guidelines to streamline and coordinate civilian compensation efforts among ISAF nations.

There are, of course, significant differences between the conflicts in Afghanistan and Pakistan. However, international forces' experience in Afghanistan as well as the Center's research demonstrate that when political will, funding, and appropriate attention are applied to the tragedy of civilian casualties, less harm to civilians and proper amends for losses can result.


One man told the Center that after his family lost seven cows from army shelling, he allowed his son to return to their village in Orakzai to save their remaining cattle, which were central to their livelihood. But his son never returned. "I always pray to God just to bring my son back to me safe and sound." He said that he cursed himself for allowing his son to go back to the village. "We need the government to compensate us for our losses, this is how we survive."¹²⁷ Among the displaced, civilians questioned how they could survive back home without compensation and assistance to rebuild.

¹²⁷ Interview with Mohammed Jan, Interview No. 89, April 22, 2010.

Conclusion

Civilian victims interviewed expressed anger toward all warring parties operating in Pakistan for their losses, and despite some people's fear about speaking out, many specifically blamed the Pakistani military for causing harm. Almost all victims insisted that the Pakistani government had a responsibility to make amends—to acknowledge the harm suffered and provide them with assistance or compensation.

Efforts to compensate or assist were viewed by war victims as gestures that not only provided real help to those in need, but also mitigated anger and enhanced the perceived legitimacy of the Pakistani government and military. However, most victims had yet to receive any assistance or compensation. Though some had heard of compensation being paid to victims, most were losing hope that amends would ever be made for the harm they suffered.



**FOR MANY WAR VICTIMS,
EVEN THOSE SUFFERING
INJURIES OR THE DEATH
OF A FAMILY MEMBER,
RECONSTRUCTING THEIR
HOMES IS THEIR FIRST
PRIORITY.**

Chapter 5

Existing Efforts to Make Amends for Civilian Losses

Beyond broader humanitarian assistance (which has scaled up substantially in response to the record floods in August), this chapter focuses on efforts to make amends to victims—meaning, recognition and assistance from the warring parties to those suffering serious injury or who have lost a family member or property as a direct result of the armed conflict. Amends can include apologies and tangible dignifying gestures of assistance such as compensation, livelihood assistance programs, or other specific war victim aid. Amends should originate with the warring party responsible for the civilian harm, though they can be implemented by any number of actors from the military to NGOs, depending on what is most appropriate in the given environment.

At the time of writing, none of the warring parties in Pakistan—the US government, Pakistani government and military forces, and militants—had a standard policy or procedure for investigating allegations of civilian harm, apologizing for mistakes or collateral damage, or providing immediate assistance to families suffering losses. That said, the Pakistani government has created a number of mechanisms to recognize and compensate civilian victims of the conflict for their losses. Though serious implementation problems undermine the effectiveness of these mechanisms, their very existence is an accomplishment and sets an example for other warring parties.

The United States government, too, has recently approved funding for one war victim-related program.

There is no evidence that militant groups have provided compensation or direct assistance to those killed or injured as a result of their combat operations. Interviews with victims of drones also report no knowledge of assistance or compensation offered by militants. In many cases, militants are responsible for terrorist attacks that have directly targeted civilians.

Amends by the Pakistani Government/Military

Compensation in KPK

The provincial government of KPK provides 300,000 Rs (approx 3,500 USD) for each civilian death and 100,000 Rs (approx 1,200 USD) for each serious injury. Though the government emphasizes this assistance is for victims of terrorism, anyone injured or killed in “militancy related incidents” is eligible for this compensation including those killed or injured as a result of mine/UXO/ERW incidents, targeted attacks, and/or Pakistani military operations, such as aerial bombardment or artillery fire.

The provision of compensation is decentralized, managed principally by District Coordination Officers (DCOs).¹²⁸ *Tehsildars* and *Patwaris*—local administrative and revenue officers—collect information on victims from community leaders, elders, police reports, and medical facilities, sometimes reporting to hospitals or incident scenes themselves to collect information.¹²⁹ Lists of victims, injuries/deaths, causes and legal heirs are compiled and sent to sub-district officials as well as military and intelligence officials who verify the information. Military and intelligence officials also cross-check lists against their own information on militants in order to prevent compensation going to combatants.

Only ‘serious’ injuries are eligible for compensation in KPK, though what constitutes a serious injury is not clear and some DCOs lament that this standard is too flexible. Administrators rely on the determination of doctors and other healthcare professionals for compensation eligibility. Broken bones or injuries that lead to incapacitation or disability, for example, are often considered ‘serious’ for purposes of compensation. Once the DCOs compile their compensation lists, they are submitted to the KPK government Finance Department, which authorizes the disbursement of funds. DCOs either disburse funds themselves, hand them over to sub-district administrators to disburse or a formal ceremony is held at which the Chief Minister of KPK hands over funds to victims. DCOs insist that victims receive money in a timely manner, usually within weeks of an incident, though interviewees indicate significant delays in disbursement. There is no formal, designated grievance redressal mechanism if a victim is not on the compensation list.

DCOs told the Center that civilians want compensation and that, as one DCO put it, “al-

¹²⁸ Information on compensation process in KPK is drawn from interviews with DCOs in Peshawar, Swat, Lower Dir and Buner.

¹²⁹ Siraj Khan, DCO Peshawar, Interview No. 165, April 14, 2010.

The Pakistani Compensation Process

Below are some key terms, statistics, and actors in the Pakistani compensation process as well as a brief sketch of the related administrative hierarchy.

Death of family member: 300,000 Rs

Serious Injury: 100,000 Rs

Federal Government—Khyber-Pakhtunkhwa Provincial Government—Home Department—District Coordination Officer (DCO)—District Revenue Officer (DRO)—Sub-District Magistrate (SDM)—Tehsildar—Gardawan—Patwari

Below is a selection of civilian casualty information reported to the Center for Civilians in Conflict by DCOs in KPK:

Swat: 801 deaths pre-April 2009, 700+ April 2009-presentⁱ (approx 750 during Operation Rah-e-Rast April-June 2009), 2000+ injuries; some reports of 1200 casualties post-April 2009 submittedⁱⁱ

Buner: 69 deaths, 100+ injured (military operations), 50+ dead and injured (bomb blast), 4 targeted killingsⁱⁱⁱ

Lower Dir: 123 deaths, 322 injured^{iv}

Peshawar: From DCO—total unknown/won't share, all casualties from terrorist/militant attacks, no military operations; largest compensation provided to victims of bazaar blast approximately 150 killed, 300 injured; 445 killed and 1520 injured in terrorist attacks in 2009^v

Sources:

- i Atif Rahman, DCO Swat, Interview No. 166, April 27, 2010.
- ii ZeeNews.com, "Pakistan pays compensation to hundreds of terror victims," May 15, 2010, <http://www.zeenews.com/news626809.html>.
- iii DCO Buner/ ACO Buner Syed Mujeeb Ur Rahman/ Pervez Khan Yousafzai, Interview No. 165, June 24, 2010.
- iv DCO Lower Dir, Ghulam Muhammed, Interview No. 168, June 18, 2010.
- v Pak Institute for Peace Studies, "Pakistan Security Report," January 2010, <https://docs.google.com/viewer?url=http://san-pips.com/download.php?f%3D29.pdf&embedded=true&chrome=true&pli=1>.

though you can never compensate for the loss of a life, compensation shows that the government is behind them and sympathizes with them."¹³⁰

*Compensation in FATA*¹³¹

Compensation in FATA is ostensibly the same amount as that given in KPK: 300,000 Rs (approx 3,500 USD) for each death and 100,000 Rs (approx 1,200 USD) for each injury. ACS FATA also claimed to compensate 200,000 Rs for permanent disability, though there was no evidence of this in financial records. As in KPK, FATA compensation covers terrorist attacks, but also those harmed by IEDs, landmines and unexploded ordnance, targeted killings by militants, and Pakistani military operations.

¹³⁰ Atif Rahman, DCO Swat, Interview No. 166, April 27, 2010.

¹³¹ Habibullah Khan, ACS FATA, Interview No. 169, July 8, 2010.

Dignifying Civilian Losses

Dignifying the losses of civilians harmed as a result of military operations or in fighting between militants and the military means acknowledging how they were harmed, and explicitly linking compensation to that harm.

Officials in KPK recognized that compensation is a sensitive issue and must be provided in a respectful manner. Such formalities and ceremonies help dignify victims' losses through public displays of recognition and respect.

There are a number of problems with the way compensation is offered that potentially undermine this opportunity. Government announcements and ceremonies providing compensation typically mentions only "victims of terrorism."¹ There is little to no mention of those civilians compensated for losses caused by Pakistani military or security forces. Military officials are reluctant to take responsibility.

In FATA, the use of jirgas and tribal elders to distribute and manage compensation is consistent with the indirect style and structure of government rule there. Yet it also has the potential to deny victims an opportunity to hear apologies and explanations from the government. Handing bags of money over to tribal leaders while the military continues to deny any wrongdoing, as happened recently in Tirah Valley, has little hope of communicating official regret or respect for losses.

Source:

¹ ZeeNews.com, "Pakistan pays compensation to hundreds of terror victims," May 15, 2010, <http://www.zeenews.com/news626809.html>.

Political Agents (PA) oversee compensation in each respective FATA agency and manage a verification process similar to that in KPK. Local law enforcement, health officials, community leaders, and tribal elders consult with officials under the PA to compile lists of casualties. The lists are forwarded to the FATA Secretariat, which then releases funds for distribution.

Prior to 2009, the FATA Secretariat had to send each compensation case or set of cases to the Federal Government for distribution of funds. Delays led to the establishment of a revolving fund, whereby the Federal Government periodically replenishes a designated fund for compensation held by the FATA Secretariat. The ACS FATA claims that within 48 hours of receiving a compensation request, money is sent to the appropriate PA.

In each agency, a committee comprised of the PA, concerned Member of National Assembly, Agency Accounts Officer, military representative, agency surgeon, and two *maliks* from the area are charged with overseeing the compensation process. In contrast to the system in KPK, individuals do not receive compensation directly from the government; compensation is instead paid through tribal jirgas or elders. A select committee of local tribal leaders is typically convened to manage collection of information and disbursement of funds. Compensation is paid in public and presided over by these tribal leaders.

Compensation in Other Areas of Pakistan

Though Center for Civilians in Conflict interviews and research is focused on conflict and

victims in the northwest of Pakistan, the conflict reached other areas of the country. With no major military operations outside FATA and KPK, compensation in other areas is focused primarily on victims of terrorism.

As compensation is within the discretion and purview of the provincial governments, compensation amounts and procedures differ. The Federal Government pledged to equalize compensation across the provinces, but it is unclear whether anything has been done about the discrepancies in practice.¹³² Numerous interviewees noted that in Punjab, civilian victims receive higher amounts of compensation (500,000 Rs per death), a sign of discrimination, according to victims from KPK and FATA.¹³³ Politicians often make announcements soon after major incidents that victims will be compensated, however media reports

FATA Compensation for Civilian Casualties

| | |
|-------------------------------|-------------------------------|
| Compensation for Death | 300,000 Rs (approx 3,500 USD) |
| Compensation for Injury | 100,000 Rs (approx 1,200 USD) |
| Compensation for Minor Injury | 25,000 Rs (approx 300 USD) |

Numbers in table below are from mid 2008 to June 2010ⁱ

Source:

ⁱ The timeline for statistics is unclear, AC's FATA said these numbers covered around last two years.

| Agency/FR | No. Killed | No. Injured | No. Injured (minor) |
|--------------|-------------|-------------|---------------------|
| Kurram | 16 | 47 | 75 |
| Bajaur | 401 | 544 | - |
| Mohmand | 100 | 94 | - |
| Khyber | 241 | 276 | - |
| SWA | 26 | 34 | - |
| NWA | 367 | 677 | - |
| Orakzai | 170 | 213 | - |
| FR Kohat | 28 | 24 | - |
| FR Tank | 0 | 3 | - |
| FR Lakki | 7 | 4 | - |
| FR DI Khan | 1 | 1 | - |
| FR Bannu | 3 | 4 | - |
| TOTAL | 1360 | 1921 | |

¹³² *Geo Television Network*, "Malik assures equal compensation for terrorism victims," April 15, 2010, <http://www.geo.tv/4-15-2010/63051.htm>.

¹³³ Interview with Zakir Ullah Mohammed, Interview No. 49, March 17, 2010.

and interviews with civil society members indicate victims seldom receive what has been promised. These uneven practices point to an uncoordinated and ad hoc system, making compensation vulnerable to politicization and adding insult to injury when victims are denied help promised.¹³⁴

Gaps and Challenges

Ad Hoc Practices, Little Oversight or Accountability

The most significant problem with civilian casualty compensation is the ad hoc nature of efforts and the lack of centralized oversight and accountability mechanisms. There is no federal office or ministry that oversees, tracks, and manages compensation efforts. Devolution to provincial level authorities means practices and policies vary substantially.

Even on the provincial level, there appears to be little oversight and accountability. In KPK, while the Home Department is technically tasked with overseeing compensation, there are no mechanisms for ensuring disbursements reach victims, tracking the amount of money disbursed, the number of victims compensated, or causes of harm. Information remains scattered and decentralized, retained primarily at the district level.

The handling of compensation in the case of the bombing in Tirah Valley (discussed in Chapter IV) illustrates the frequent haphazard nature of compensation. While military officials continued to deny involvement, the PA of Khyber negotiated a settlement with local tribal elders and within days had disbursed 10 million Rs in compensation to elders: 100,000 Rs for each death and 50,000 Rs for each injury. When the military eventually admitted fault, it agreed to pay an additional amount of compensation, totaling 20 million Rs (200,000 Rs for each death and 100,000 Rs for each injury).¹³⁵

In Swat, many Center for Civilians in Conflict interviewees heard that the government promised compensation. Only a handful received it, while others told the Center of vain attempts to obtain their payments. (Those interviewed outside of Swat were displaced and had not received any compensation). One man said, “The government announced 3 lakhs (300,000 Rs) for compensation. I gave our documents to the DCO, but he said I had to go to another office in our tehsil [village] and then just kept going back and forth, back and forth.”¹³⁶ According to another man who lost his son, “One of the local ANP members announced 3 lakhs for our family a year back, but its just a political statement. We visit all the departments but no one has helped us to receive compensation. We visited the DCO even and they said they had our case but didn’t yet have the money from the government to pay us.”¹³⁷

Victims waiting on compensation complained that only those with political and government connections were receiving payments. A young man from Swat whose father was killed told the Center, “Our name is registered but we have still received nothing... We know another person with links, a strong, influential family and they received compensation. Those with strong links with politicians and influential get compensation... it’s an injustice because we are all equal.” Another victim told the Center, “Compensation is provided on a political basis. If you voted for ANP, or are a member of an elder’s family, you’ll receive compensation.”

It is unclear to what extent corruption has delayed compensation, and by DCO Swat’s own admission, there is a significant backlog of cases.¹³⁸ However, the potential for favoritism

134 Abdul Nasir Khan, “Terrorism takes a toll on survivors, too,” December 17, 2009, Centralasiaonline.com, http://centralasiaonline.com/cocoon/caii/xhtml/en_GB/features/caii/features/pakistan/2009/12/17/feature-02.

135 Interview with victims of Tirah Valley bombing,; Habibullah Khan, ACS FATA, Interview No. 169, July 8, 2010; Pak Institute for Peace Studies, “Pakistan Security Report,” January 2010, <https://docs.google.com/viewer?url=http://san-pips.com/download.php?f%3D29.pdf&embedded=true&chrome=true&pli=1>.

136 Interview with Mohammed Iyar Khan, Interview No. 137, July 15-16, 2010.

137 Interview with Ismail, Interview No. 135, July 15-16, 2010.

138 ZeeNews.com, “Pakistan pays compensation to hundreds of terror victims,” May 15, 2010, <http://www.zee news.com/news626809.html>.

and corruption is significant and there is ample precedence in Pakistan of the politicization of government assistance.¹³⁹

Failure to Identify Victims

Identifying victims of bomb blasts is relatively straightforward as many are admitted to local hospitals and can be identified. Identifying civilians killed or injured in military operations is more challenging and hinders effective compensation.

Civilian government officials often have little access to active battlefields. Even if they did, medical and death records may not exist and victims' bodies are quickly buried, leaving little proof of what happened. Though the Pakistani military may have some access to conflict areas, there is no evidence that personnel are collecting information or verifying civilian casualties. In the meantime, months or even years may pass before civilian officials are able to exercise sufficient control in an area to begin compiling and verifying casualty information.

Conflict displacement, particularly in FATA, results in victims disconnected from the administrative structures and officials in their areas of origin. Center for Civilians in Conflict interviews with the displaced residing in DI Khan, Tank, Hangu, Kohat, and Jalozi found that not one civilian victim had received compensation from the government.¹⁴⁰

No Clear Policy for War Victims

No clear and coordinated Pakistani policy on compensation exists, leaving many victims without assistance. On April 18, 2010, two suicide bombers from the group Lashkar-e-Jhanvi struck a food distribution point at an IDP camp in Kohat, killing 46 and injuring 65. Most were killed when the second bomber targeted those rushing to aid the victims of the first bomber.

Zaamin Askar was seriously injured in the blast: "I along with many other people rushed to the spot to help the injured and take them to the hospital. We were busy helping the injured when the second blast occurred. After the blast I was knocked unconscious and when I awoke I found myself lying on a bed in the hospital."ⁱ

Though the victims were promised compensation, none had received any by the time the Center for Civilians in Conflict conducted interviews a week after the attack. Most disappointing, however, was the delay that resulted from a dispute that arose between the provincial and federal government over who was responsible for providing compensation. The federal government said the provincial government was responsible because the blast occurred in a settled area, but the provincial government argued that because the victims were from Orakzai Agency, in FATA, the federal government was responsible.ⁱⁱ

Sources:

- i Interview with Zaamin Askar, Interview No. 80, April 20-22, 2010.
- ii Abdul Sami Paracha, "Kohat blast victims: Jurisdiction row mars payment of compensation," *Dawn*, April 26, 2010, <http://www.dawn.com/wpswcm/connect/dawn-content-library/dawn/the-newspaper/local/peshawar/kohat-blast-victims-jurisdiction-row-mars-payment-of-compensation-640>.

139 International Crisis Group, *Pakistan's IDP Crisis: Challenges and Opportunities*, <http://www.crisisgroup.org/en/regions/asia/south-asia/pakistan/B093-pakistans-idp-crisis-challenges-and-opportunities.aspx>.

140 Many had received assistance in the form of cash cards (25,000 Rs) as registered IDPs. They had not received compensation for the direct losses they suffered as a result of the conflict.

Despite the obvious challenges associated with identifying displaced victims, Pakistani officials have ignored this gap. When asked how the FATA Secretariat addresses this issue, ACS FATA denied compensating displaced civilians was a problem, saying, “they are in contact [with their home areas].” The official insisted everyone had received compensation, “and if anyone says otherwise, you can give them my address.” Despite the ACS FATA’s optimism, the reality is that the displaced who have been injured or lost family members have not received compensation.¹⁴¹ Even if not displaced, FATA is governed by a weak and decentralized system, lacking the political, bureaucratic, and administrative structures that have been instrumental in the identification and compensation of victims in the rest of the country.

Cultural norms inhibit many women from engaging with public officials and pursuing their claims.

Particularly contentious is compensation for family members of militants. Although numerous officials insisted these victims too would receive compensation (so long as they were not themselves involved in militancy), what constitutes involvement is not clear. The Center’s analysis of Pakistani military procedures regarding these family members suggests they may be denied assistance.¹⁴²

Finally, one of the greatest challenges to identifying victims is the lack of humanitarian access to conflict-affected areas. Expatriates and many NGOs are barred not only from areas of ongoing conflict, like South Waziristan, but also many areas in which IDPs now reside. Such restrictions obstruct the collection of information on civilian harm.

Women’s Access to Compensation

Women often lack access to compensation. Cultural norms inhibit many women from engaging with public officials and pursuing their claims. In addition, the documentation required to prove identities and deaths may not be in the possession of women, who often rely on men’s identifying documents and national identification cards. Even in cases where women receive compensation, they may lack a bank account required to cash checks or ways of using or investing the money, further increasing their dependence on male relatives and undermining their control over assets.

Sabira, from Swat, lost her husband in the conflict and is on her own with two young children. “Many have received compensation from the government... but there was no one to follow my case. I am a women and I cannot push the case myself.” As another widowed woman from Swat said, “There is no one to follow my case... I am alone.”¹⁴³

In some cases, widows may be denied compensation for their husband by male relatives. For example, a brother-in-law or father-in-law, often from a different clan, may claim to be legal heir of the husband and receive compensation instead of the wife and children.

141 Many IDPs have received 25,000 Rs in compensation from the federal government in the form of cash cards. But this is generalized cash assistance to help those that have been displaced. The compensation programs discussed here are specifically for those that have suffered direct losses and harm from the conflict.

142 Habibullah Khan, ACS FATA, Interview No. 169, July 8, 2010; Syed Mujeeb Ur Rahman/ Pervez Khan Yousafzai, DCO Buner, Interview No. 165, June 23, 2010. See punitive housing demolition and collective punishment in Chapter VI; expulsion of family members; Iqbal Khattak, “Polarisation not to help Swat peace efforts,” *Daily Times*, May 24, 2010, http://dailytimes.com.pk/default.asp?page=2010/05/24/story_24-5-2010_pg7_23.

143 Interview with Sabira, Interview No. 143, July 15-16, 2010. Habibullah Khan, ACS FATA, Interview No. 169, July 8, 2010.

The ad hoc practice of compensation means women may have to request and submit documentation, ask for favors, and meet with local officials—difficult tasks for women in the cultural context of Pakistan. Without more regularized, comprehensive and active investigation and compensation procedures, the very women who are already struggling to care for children and among the most vulnerable in society may be denied compensation.

Insufficient Financing and Delays

In Swat, district administrators have decided for logistical as well as financial reasons to concentrate efforts on providing compensation for deaths. Some injured civilians have been waiting over a year for compensation and are losing hope that the government will ever fulfill its promise to help them.¹⁴⁴ Anecdotes from KPK of corruption and nepotism in the distribution of compensation raise serious concerns over how equitable and comprehensive the disbursement of compensation has been, adding to victims' anger over long delays in receiving assistance. Other officials in KPK have pointed to backlogs and difficulties in verifying older cases as reasons for delay in payment.¹⁴⁵ Indeed, numerous officials indicated that priority is placed on newer claims. The compounding challenge of the August 2010 floods will likely only delay compensation procedures further.

In FATA, lack of access, limited capacity of government administrators, and significant displacement means that many victims have yet to receive compensation.

Civilian Views on Receiving Compensation

Among those Center for Civilians in Conflict interviewed that had received compensation, some were satisfied. "When I got the compensation I was very happy because I could provide my children with food," said Saira, a young widow who invested the money in a shop.¹⁴⁶ Others, however, lamented that the amount they received was insufficient to cover their losses. Mohammed Hussain's family received 300,000 Rs for the death of his father-in-law, who was shot by the army while violating curfew. "He has two wives and nine children. It is not enough... how can they survive?"¹⁴⁷

Habib Gul lost not only a number of family members, but also his house in an airstrike: "We received 20,000 Rs for medical treatment for my wife. For compensation we received 150,000 Rs for those killed and 60,000 for the injured. But it is not enough... our three-story house was completely damaged and destroyed. I want the government to reconstruct our house."¹⁴⁸

Government officials do recognize that the amounts provided cannot fully compensate for victims' losses, particularly for those killed. President Zardari said in a statement that, "although this was a meager amount that could not compensate for the loss and sufferings yet it demonstrated the will of the government not to abandon its people and to keep fighting the militants till their subjugation... rehabilitation of victims' families was not only the government's moral responsibility to its citizens but also an essential component of the fight against militancy."¹⁴⁹

The vast majority of those interviewed by the Center had received no compensation. Civilians displaced seemed to have no means of accessing compensation mechanisms while others claimed the government was simply failing on its promise to provide such help. One

144 Atif Rahman, DCO Swat, Interview No. 166, April 27, 2010.

145 Habibullah Khan, ACS FATA, Interview No. 169, July 8, 2010; Syed Mujeeb Ur Rahman/ Pervez Khan Yousafzai, DCO Buner, Interview No. 165, June 23, 2010.

146 Interview with Saira, Interview No. 149, April 26, 2010.

147 Interview with Mohammed Hussain, Interview No. 151, April 26, 2010.

148 Interview with Habib Gul, Interview No. 75, April 15, 2010.

149 Syed Irfan Raza, "Rs623m Released for Victims of Militancy," *Dawn*, February 16, 2009, <http://www.dawn.com/2009/text/top10.htm>.

such victim said, “We didn’t receive any compensation from the government. We visited different offices but they did not register our name on the list—but those with connections and links to the departments will get their compensation.”¹⁵⁰ Far from mitigating civilians’ resentment and anger, such experiences increase bitterness.

Finally, some civilians, primarily those targeted by militants, expressed a desire to see those responsible brought to justice. Civilians detained, imprisoned, tortured, or with family members executed by militants, particularly when perpetrated by members of the militancy from their own communities, expressed a desire for revenge or to see perpetrators punished.¹⁵¹ Individuals that felt they were unjustly accused of connections with militants and subsequently targeted by drones or Pakistani airstrikes also expressed a desire for revenge against those who made false accusations.¹⁵² However, weak rule of law and limited capacity of police and security forces means most victims’ demands for justice will remain unsatisfied.

Housing Compensation in KPK and FATA

For many war victims, even those suffering injuries or the death of a family member, reconstructing their homes is their first priority.

The Pakistani government has initiated a large-scale housing compensation program, designed to provide cash compensation to owners of homes destroyed or damaged by the conflict. The program is modeled after housing reconstruction efforts after the devastating 2005 earthquake. Financial issues and logistical challenges have delayed the initiative, but the effort is an important step toward reconstruction and a concrete example of how the government can make amends. (PDMA halted the program following the monsoon floods in August 2010 but stated that it will soon resume compensation for conflict-affected houses. The amounts offered may be reduced and the program combined with compensation for flood damage).

In November 2009, PDMA and the Pakistani Army launched a housing survey to assess all residential property damaged or destroyed as a result of the conflict. Teams in Swat and other districts in Malakand completed the survey; they are ongoing in Mohmand and Bajaur agencies in FATA. Each survey team consists of a patwari (local revenue officer), another local government official (district administration officer, union council, nazim, or other notable), and a representative from the military. Teams are equipped with a digital camera and GPS device to document damage and precise location information. Steering committees on the tehsil and district levels oversee surveys and compilation of data by a district level database cell.

Once a house is surveyed and damage assessed, the owner is provided with a receipt listing the results. This token is redeemable at local banks for compensation, which is then deposited into the owner’s account (if they do not have a bank account, they must open one in order to receive the compensation).

PDMA has also established a grievance redressal mechanism to address problems that arise. After lists of housing beneficiaries are published, owners have 10-15 days to register their grievance, whether because a completely damaged house was listed as partially damaged or a house was excluded from the list or not surveyed at all. Individuals submit applications with DCOs and survey teams are sent to assess the issue. Those who qualify for compensation and anyone else in need of housing are also eligible to receive shelter

¹⁵⁰ Interview with Mohammed Ali, Interview No. 136, July 16, 2010.

¹⁵¹ Interviews with numerous civilian victims in Swat.

¹⁵² Interview with Adnan and Habib Khan, Interview No. 26, January 29, 2010; Interview with Habib Gul, Interview No. 75, April 15, 2010.

assistance through UNHCR and its implementing partners. Assistance consists of tents or other temporary structures, construction, and other housing materials.

Importantly, this housing compensation is not subject to any conditions. In initial negotiations with international donors, PDMA resisted imposing complicated and onerous conditionalities, such as using the money to rebuild homes and adherence to specific building codes. “This is compensation, not reconstruction” insisted one PDMA official, who also noted that

| Compensation Amounts in Pakistan | |
|---|--|
| Totally Destroyed House | 400,000 Rs (approx 4,700 USD) |
| Partially Destroyed House | 160,000 Rs (approx 1,900 USD) |
| Areas assessed | Buner, Upper Dir, Swat Districts in KPK |
| Total Cost of Assessed Areas | 21,358,072 USD |
| Areas with damages estimation | Bajaur, Mohmand Agency in FATA |
| Total Estimated Cost of Areas | 36,646,747 USD |
| Areas not assessed/estimated | Upper Swat, Lower Dir, Shangla, Hangu, Kohat Districts in KPK, South Waziristan, Kurram Agency, Orakzai Agency in FATA |
| <i>Proposed Funding</i> | |
| US Contribution | 65 million USD |
| Pakastani Contribution | 2 billion Rs (approx 23 million USD) |
| TOTAL | 88 million USD |

there is no reason why compensation should bind someone to moving back and rebuilding if they do not wish to. He continued, “They still lost their home and need the compensation money to help rebuild their lives elsewhere.”¹⁵³ Eventually, the US government through USAID stepped in with an offer of 65 million USD to help finance the project. USAID officials believe this amount will be sufficient to cover not only Malakand, but also affected areas in FATA should the program be extended there.

The potential extension of PDMA housing compensation to FATA is somewhat complicated. Technically, agencies in FATA, such as Bajaur and Mohmand, fall outside the scope of this program (given that it originated in KPK). However, the capacity and experience demonstrated by PDMA in implementing housing compensation in KPK seems to have persuaded FATA officials to allow the agency to conduct surveys and distribute compensation in some

¹⁵³ Interview with Adnan Zafar, Director Relief and Operations, PDMA, Interview No. 170, March 6, 2010.

FATA agencies. As significant proportions of the populations in many affected areas of FATA remain displaced, or fighting is ongoing, completion of surveys and disbursement of compensation will likely not take place for some time. Monsoon floods in KPK have also delayed progress on compensation in FATA.

There is no compensation for those who have lost their homes as a result of US drone attacks.

Gaps and Challenges to Housing Compensation

Insufficient Amount of Compensation

Numerous interviewees complained about the amount of compensation provided—an issue acknowledged by government officials. “My house was more than 35 lakhs (3,500,000 Rs or approx 41,000 USD). What can I do with only 5 lakhs (500,000Rs)? We were 15 people living in the house at the time. Now we live in tents,” explained Mohammed al-Gul, from Swat.¹⁵⁴

Housing compensation amounts are roughly determined based on average house sizes (two rooms, a kitchen and a bathroom) and estimated costs of reconstruction.¹⁵⁵ But prices of materials continue to rise. There is also wide variance in house sizes, meaning the amount of compensation for those with larger homes was small relative to their total loss. Numerous government officials acknowledged that the amount of compensation was not enough, though they contended that for many, particularly poorer families, compensation did provide meaningful help.

Insufficient Compensation for Shared, Multi-Family Homes



Mohammed al-Gul holding his housing compensation receipt—still awaiting compensation. His house was demolished by the Pakistani military when they mistook him for a wanted militant with a similar name who lived nearby.

Many households in northwest Pakistan consist of multiple families, sometimes with upwards of 40 individuals sharing a single house. But the housing compensation program counts “roofs” not families. Only a single compensation payment is offered for the loss of a shared house. In such instances, the amount of compensation does not reflect the loss and effectively penalizes those families in shared living situations, many of whom may share housing because of low incomes.

Widows’ Access to Housing Compensation

Many widows may lack effective access to housing compensation. Due to cultural norms, a widow whose house is destroyed will likely have to move in with

male relatives, perhaps far from her destroyed home, and will be dependent on them to engage with survey teams, file grievances, set up bank accounts, and collect compensation. As male relatives have control over the compensation case, appropriation of compensation by male relatives is also a risk.

¹⁵⁴ Interview with Mohammed al-Gul, Interview No. 142, July 15-16, 2010.

¹⁵⁵ Asian Development Bank and World Bank for Government of Pakistan, “Preliminary Damage and Needs Assessment: Pakistan North West Frontier Province and Federally Administered Tribal Areas,” November 30, 2009, <http://www.reliefweb.int/rw/rwb.nsf/db900sid/SNAA-8294FR?OpenDocument>.

Exclusion of Tenants

The housing compensation program only compensates owners of homes—families that rented accommodation are left without assistance. This is a significant gap in the program as many families do not themselves own homes, but instead rent from landlords. The destruction of that house often means the loss of valuables and other belongings and homelessness, just as with a family that loses a home they own. The housing compensation program does nothing to address these renters' needs.

Compensation for Non-Residential Property

The PDMA housing compensation program does not cover non-residential property damaged or destroyed during the conflict. A large number of business, factories, and shops have been destroyed, as well as public property and infrastructure such as schools, roads, bridges, irrigation canals, electricity and communications networks, and health facilities.¹⁵⁶

There does not appear to be any clear, consistent policy either on the national or provincial levels for compensating commercial property owners. Government officials deal with instances on a case-by-case basis, forming committees and negotiating compensation only for large-scale attacks. In such situations, local trade unions and chambers of commerce may be in a position to apply more pressure on political leaders.

The government has, on occasion, provided compensation to business and shop owners whose property was damaged or destroyed in terrorist attacks. For example, in Peshawar, the provincial government provided compensation to 168 property owners affected by the Meena Bazaar blast in October 2009.¹⁵⁷ In Karachi, the federal government provided compensation to traders and other businessmen who lost property in the Ashura procession bomb blast in December 2009.¹⁵⁸ In both instances, committees of business people and government officials were formed to assess damages and distribute compensation. The ability for shop owners and business people outside major centers of commerce or unconnected to influential lobbying groups or unions may be left out of such compensation schemes.

Conclusion

Pakistani government efforts to make amends should be applauded. Recognition of losses and tangible assistance in the form of compensation is welcomed by war victims and sets an important example for other warring parties.

Significant deficiencies and gaps undermine the potential effectiveness and efficiency of these compensation mechanisms. Ad hoc practices, lack of oversight, no clear policy, failure to identify victims, delays in payments, and limited access for women prevent victims from receiving the help they need, deserve, and expect.

Making amends also entails providing war victims with a sense of redress and recognition of the harm caused. All warring parties must take responsibility for the harm their operations cause and explicitly acknowledge the losses civilians suffer as a result their actions.

¹⁵⁶ USAID, through Chemonics International, had initiated a program to provide matching grants to small and medium businesses that suffered damage from the conflict. USAID, "USAID Programs in Malakand," June 2010, http://docs.google.com/viewer?a=v&q=cache:tKytXd1gJFwJ:pdf.usaid.gov/pdf_docs/PDACP969.pdf+usaid+business+swat+pakistan+reconstruction&hl=en&pid=bl&srcid=ADGEESgAqk_GEpM_vBIB-eSCTMvDMsPZusBy-uU9c39k52e9nLjYKOPK2x81Rjm-TUM44u6RR4tuQ8qoRg_RTVeLeLy6WP9fg7Mt_j2zLlF8-H8kKc2f2jXgCDk7TRATZr3SniAdilqV&sig=AHIEtbQojc-KJ7dfJigkaL8wMHJ4fPNnqQ. However, after the monsoon floods, the focus has shifted to assisting flood-affected business recover.

¹⁵⁷ Siraj Khan, DCO Peshawar, Interview No. 165, April 14, 2010.; *Pakistan Observer*, "Hoti gives compensation to affectees of Meena Bazar blast," April 2, 2010, <http://pakobserver.net/201004/02/detailnews.asp?id=23532>.

¹⁵⁸ Razzak Abro, "Rehabilitation of arson affected traders: Federal govt increases grant to Rs 3 billion," *Daily Times*, January 2, 2010, http://www.dailytimes.com.pk/default.asp?page=2010/01/02/story_2-1-2010_pg12_1.

Listing the Dead and Injured

| | | | | |
|-----|--|---------|------|--|
| 125 | Zeenat Shah s/o Iqbal Shah | Injured | Self | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 126 | Ayub Khan s/o Zari Shah, Querson Khel. | Injured | Self | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 127 | Ibrahim s/o Muhammad Gul Querson Khel | Injured | Self | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 128 | Rahim Khan s/o Shah Maria Khel Kuki Khel | Injured | Self | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 129 | Khalid Marjan s/o Ishtiar Jan Katta Khel | Injured | Self | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 130 | Homayon s/o Bahadur Sher, Katta Khel | Injured | Self | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 131 | Farhad Khan s/o Abdul Khilajee, Maria Khel | Injured | Self | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 132 | Aziz Muhammad s/o Ashraf Khan Abdul Khel s/o Ghunid Jamrud | Injured | Self | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 133 | Ajmal Khan s/o Noor Muhammad Jhanda Khel Katta Koshra Jamrud | Injured | Self | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 134 | Abdur Rashid Kuki Khel | Injured | Self | He was injured on 26.10.2008 while he was on his way from home to attend the gumi jirga at Railway station Jamrud |
| 135 | Fazal Aftin grand son of Maly Juma Gul Kuki Khel | Injured | Self | -do- |
| 136 | Aziz-ur-Rehman Sher Khan Khel Kuki Khel | Injured | Self | Injured during firing made by the miscreants on a container loaded with mis. goods meant for NATO forces in the area of Teddy Bazar Jamrud |
| 137 | Gohar s/o Hassan Jan | Injured | Self | Injured during firing made by the armed men of Lashkar-e-Islam on Jamrud Peshawar road on the vehicle of Haji Malik Gul Shah on 11.9.2008 |
| 138 | Said Rehman s/o Gul Rehman (driver of Malik Gul Shah) | Injured | Self | -do- |

| | | | | |
|----|--|------|--------------------------|--|
| 47 | Inshaf s/o Abdul Rehman | Dead | Abdul Rehman (Shenqar) | Due to suicide bomb blast at Bagayat Check Post Maseq on 27.03.2009 |
| 48 | Wife of Gohar | Dead | Rabid Ak (son) | On 17.12.2008, three missile (Russian made) were planted near Takla Beg Bulig Graveyard for destruction of containers/oil tankers meant for NATO Forces of Afghanistan. Out of three, one was fired and fall near the container/oil tankers at Takla Beg. As a result wife of Gohar s/o Maseq succumbed to her injuries. |
| 49 | Zakir Shah s/o Zeenat Shah Tor Khel s/o Ghariza Jamarud | Dead | Zeenat Shah (father) | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 50 | Mewa Gul s/o Shehzad Gul s/o Jalaludin, Jamrud | Dead | Shehzad Gul (father) | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 51 | Ajmal s/o Aurang Zaib Khattak | Dead | Aurangzaib (father) | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 52 | Qurban s/o Keptan Mantal Khel s/o Jalaludin | Dead | Keptan (father) | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 53 | Muhammad Dejar s/o Wasif Ullah s/o Swan presently s/o Haji Shah Zaman Killy Jamrud | Dead | Wasifullah (father) | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 54 | Rahim Khan s/o Naimat Khan Querson Khel | Dead | Naimat Khan (father) | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 55 | Grand mother of Khawadar Muhammad Inshad, Maria Khel Kuki Khel | Dead | Khawadar Muhammad Inshad | Died/Injured during Jamrud operation due to the Helicopter Shelling on the miscreants/criminals at the areas of Jamrud Sub Division. |
| 56 | Arabistan, Shiwari Pito Khel | Dead | Amanullah (father) | On 13.8.2008, some unknown miscreants stoped a loaded container at Kat Koshra Jamrud. Cleaner of the said container Arabistan son of Amanullah Shiwari was shot dead by the miscreants. |
| 57 | Maly Juma Gul Kuki Khel | Dead | Sadiqullah (son) | He was killed on 26.10.2008 while he was on his way from home to attend the gumi jirga at Railway Station, Jamrud |
| 58 | Khoshal Anwar | Dead | Shah Ijaz (son) | He was kidnapped on 4.12.2008 and his dead was found in Chardhara Khowar, Shah Kees Jamrud. |

Lists of civilian casualties from PA Khyber.

WHILE U.S. DRONES HAVE BEEN STRIKING TARGETS IN PAKISTAN SINCE 2004, THE NUMBER HAS INCREASED DRAMATICALLY IN RECENT YEARS.

Chapter 6

Drone Strikes: Victims Views and Making Amends

While US drones have been striking targets in Pakistan since 2004, the number has increased dramatically in recent years. With only 9 strikes from 2004-2007, the frequency of strikes rose sharply in 2008 to 34. As of publication, there were already over 75 strikes conducted in 2010.¹⁵⁹

US drone strikes are a unique form of conflict-related violence in Pakistan. Strikes occur without any warning and are often outside areas of ongoing Pakistani military operations. Many locals refer to the drones as *bangana*—a form of the Pashtun word for “wasp,” in reference to the ubiquitous buzzing sound of the drones. According to residents, drones often hum overhead 24 hours a day.¹⁶⁰ Five to six drones sometimes hover above a single area, often flying close to the ground and putting people in constant fear of being hit.

¹⁵⁹ New America Foundation, “The Year of the Drone,” last updated September 28, 2010.

¹⁶⁰ Jane Perlez and Pir Zubair Shah, “Drones Batter Al Qaeda and Its Allies Within Pakistan,” *New York Times*, April 4, 2010, http://www.nytimes.com/2010/04/05/world/asia/05drones.html?_r=2.



House destroyed by drone strike

Civilians are caught up in drone strikes in a variety of ways. Non-combatants, particularly women and children, may be residing in a house occupied by militants; militant vehicles may be targeted while passing by civilian homes or businesses; and, intelligence dictating targets may be erroneous. The extent of such harm is very difficult to determine and fiercely contested (for civilian casualty estimates from drone strikes, see Chapter II; for further discussion of civilian harm from drones, see Chapter III). The secrecy surrounding the program—on the part of both Pakistan and the US—makes civilian casualty estimates even harder to assess,

as does the lack of a clearly articulated legal standard for distinguishing between civilians and militants. Further, the US practice of using circumstantial evidence, such as pattern of life analysis or tangential interaction with militants, makes it more likely civilians are harmed in strikes.

It is almost certain that civilian casualties are higher than the US currently admits. The Center uncovered more than 30 civilian deaths in only nine cases we investigated, including at least 14 women and children, all of which took place after January 2009.¹⁶¹

Views of Drone Victims

The views of civilian drone victims are the subject of much debate. It should be emphasized that the views described here are based only on the interviews conducted by the Center



Shakeel Khan

and should not be considered a proper survey of all victims. Nevertheless, we believe these testimonials offer valuable insight into the experiences of civilians harmed by US drone strikes.¹⁶²

In June 2010, Shakeel Khan was sitting in his home in North Waziristan with his family when a drone missile struck: “I was resting with my parents in one room when it happened. God saved my parents and I, but my brother, his wife, and children were all killed.” The children were 5 and 3 years old. Khan says, “I must support my aged parents now but I earn a very little amount which can hardly

¹⁶¹ All sons counted as “children” were under the age of ten. A number of factors strengthen the credibility of civilians’ accounts. In one case, the Pakistani government issued documentation to the victim’s family attesting to their civilian status; contemporaneous media reports also stated that those killed in the strikes were civilians. In other cases, those speaking with the Center for Civilians in Conflict were still living in North Waziristan and South Waziristan—areas in which militants exercise significant control. Militants in these areas forbid civilians to speak with journalists or NGOs. Civilians said they took risks in speaking with the Center about their experiences and views. The Center also explicitly communicated to interviewees that it would not offer any compensation or assistance for interviews or for conflict losses.

¹⁶² All attacks documented took place after January 2009. Specific information, such as time, dates and exact location of drone attacks, was collected by the Center but has been withheld due to safety concerns of interviewees.

meet our expenses. We don't have enough to reconstruct our house and fear that the drones will strike us again."¹⁶³

Most victims the Center interviewed opposed US drone strikes and demanded an end to the practice. Most also stated that the drone strikes were generally accurate. At the same time, they strongly criticized drones for killing and injuring innocent civilians and for not being an effective, long-term strategy for combating the militants.

Gul Nawaz, from North Waziristan, was watering his fields when he heard the explosion of drone missiles: "I rushed to my house when I heard the blast. When I arrived I saw my house and my brother's house completely destroyed and all at home were dead." Eleven members of Gul Nawaz's family were killed, including his wife, two sons and two daughters as well as his elder brother, his wife, and his four children.



Gul Nawaz

"Yes, the drone strikes hurt the Taliban. Most of the strikes are effective against the Taliban but sometimes innocent people also become the victim of such attacks. Take my case..." said Gul Nawaz. "I blame the government of Pakistan and the USA... they are responsible for destroying my family. We were living a happy life and I didn't have any links with the Taliban. My family members were innocent... I wonder, why was I victimized?"¹⁶⁴

Some civilians oppose the Taliban yet criticize the drone strikes as simply not effective at ridding the area of militants. Safia lost her 30-year-old husband and 7-year-old son when a militant vehicle was targeted by a drone as it passed by her house. She says, "I hope the Taliban are all killed. But I hope the drone attacks are stopped immediately. They are not effective against the Taliban hideouts. USA and Pakistan should realize the fact that for the last 5-6 years the drone attacks have been taking place but no Taliban has left extremism or terrorism... the drone attacks hurt the Taliban, but are not effective against them and innocent people are also hurt."

Civilians claimed that the strikes only hit militants while they are in towns and readily visible, while most militants remain in the relative safety of their hideouts in the surrounding hills and mountains. Stories also abound of families and rival groups using locator chips to settle personal vendettas.



The home of Gul Nawaz

Some victims felt they were unfairly targeted after being forced to host militants in their homes. Daud Khan, from North Waziristan, was at his home with his 10-year-old son when a drone missile struck. He says, "The day

¹⁶³ Interview with Shakeel Khan, Interview No. 156, August 29, 2010.

¹⁶⁴ Interview with Gul Nawaz, Interview No. 155, August 29, 2010.

before some Taliban had come to the house and asked for lunch. I feared them and was unable to stop them because all the local people must offer them food. They stayed for about one hour and then left. The very next day our house was hit... My only son Khaliq was killed. I saw his body, completely burned.” He said that while the drone strikes were effective against the Taliban, “they wander about the towns and villages and create problems for all the other people... they are violent and cruel actions.” Without the money to rebuild their home, Daud Khan and his family were forced to leave their village in North Waziristan.¹⁶⁵

Other interviewees warned that continued drone attacks would only push more people into the ranks of the Taliban. According to Hakeem Khan, “If the US and Pakistan continue their aggression, their drone attack policy, the tribal people who are not miscreants [terrorists/militants] will become extremists, so it should be stopped.”¹⁶⁶

The relative accuracy of drone strikes reported by numerous interviewees—statements that are even more surprising given that interviewees were victims of drone strikes—is consistent with media reports and anecdotal evidence indicating that recent strikes are more accurate and used more precise munitions. Ironically, this reputed accuracy makes it incredibly difficult for innocent families to clear their names once they had been targeted. “All we want to do is clear our names and to convince people we were harmed unjustly,” one victim told the Center.

Interviewees also spoke of the psychological impact of their losses and continuing fear of the drones. One victim said, “We fear that the drones will strike us again...my aged parents are often in a state of fear. We are depressed, anxious, and constantly remembering our deceased family members...it often compels me to leave this place.”

Expectations of Redress and Recognition

All interviewees believed the Pakistani or US government owed them compensation for harm resulting from drones, yet not one interviewee had received such assistance.

Safia says her living situation is desperate now that her husband is gone and her house destroyed: “Even relatives don’t pay heed to my condition.” She says she was forced to sell their cow for 50,000 Rs (appx 600 USD), which she has lived off of since the incident. Safia explained that “definitely the government or military should provide compensation and it should be provided timely and without any further delay... in the short-term I need my house reconstructed and in the long-term I need compensation for my husband’s and son’s deaths.”¹⁶⁷

Hakeem Khan lost his leg to flying debris after a drone struck his neighbor’s house. “I am living a very painful life... I use a stick to support my body and find it too difficult to move from place to place. I need compensation for the loss of my leg.”¹⁶⁸

Habib Khan is caring for his brother’s family after a drone mistakenly destroyed their home, killing his brother along with three of his sons: “After his death all the responsibility for his family and my own is now on me. I am borrowing money from friends but we are living a miserable life and need the help of the government of Pakistan or the US very soon... no one has accepted responsibility for this incident so far.”¹⁶⁹ Pakistani government authorities confirmed the civilian status of the deceased and a *jirga* officially demanded compensation for the death of five family members.

165 Interview with Daud Khan, Interview No. 162, August 29, 2010.

166 Interview with Hakeem Khan, Interview No. 160, August 29, 2010.

167 Interview with Safia, Interview No. 158, August 29, 2010.

168 Interview with Hakeem Khan, Interview No. 160, August 29, 2010.

169 Interview with Adnan and Habib Khan, Interview No. 26, January 29, 2010.

Usman Wazir was at his job selling fruits when his house was hit by a drone, killing his younger brother, his wife, their 15-year-old son and 13-year-old daughter. He told the Center, “I demand compensation for each member of my family and demand that my house is rebuilt.”¹⁷⁰ Usman Wazir says he now has no home and sleeps at the local mosque or with relatives.

Nadia, 10 years-old, was at school when her house was hit by a drone, killing her father and mother: “My relatives rushed to the spot and tried to recover the dead bodies trapped under the debris but we couldn’t identify them as they were completely burned.” Nadia is an only child and has moved in with her aunt in a nearby town. She says she has “no source of income with my parents gone... my aunt looks after me now and I help her in the house...but I want admission into school. I want an education. Please ask the government to provide me with a monthly stipend so I can get an education.”¹⁷¹



Nadia

The lack of US transparency about the drone program as well as the Pakistani government’s duplicity—public criticism while offering clandestine support—means civilians’ losses are entirely ignored. Civilian victims interviewed by the Center demanded an end to the drone strikes and compensation for their losses.

Making Amends to Victims of Drone Strikes

Without exception, drone strike victims interviewed by Center for Civilians in Conflict were left to pick up the pieces on their own, denied even the recognition and acknowledgment of their loss by the Pakistani and US governments. Neither the US, FATA Secretariat or the Pakistani Federal Government have any standard, public procedures for investigating civilian losses from drone strikes, acknowledging or recognizing losses, or providing help for victims to recover. The Pakistani government recognizes the importance of providing compensation for civilian casualties, including those caused by its own military operations, but has thus far excluded victims of drone strikes from these worthy efforts. The housing compensation program discussed in Chapter IV does not cover victims of drone attacks, most of whom reside in North and South Waziristan.

When asked about civilian casualties from drone strikes, a high-level government official claimed he is not aware of a “single mistake” in which civilians were killed in a drone strike.¹⁷² This is a remarkable and doubtful claim given not only statements by others in the Pakistani government, but also evidence and testimonies collected by the Center, including documentation issued by government officials themselves.

Documents obtained by the Center show Pakistani government verification of civilian casualties from drone attacks, demonstrating that, at least in some areas, the government has more capacity to investigate civilian casualties than is commonly suggested (see page 31 for document issued by APA South Waziristan). In addition, reports that the US relies (at least in

¹⁷⁰ Interview with Usman Wazir, Interview No. 26, January 29, 2010

¹⁷¹ Interview with Nadia, Interview No. 157, August 29, 2010.

¹⁷² Interview with anonymous government official.



Children in North Waziristan with debris from drone missile

part) on intelligence collected by Pakistani agencies and Pakistani intelligence officials' confirmations of drone strike casualties are further evidence that the Pakistani government has the capacity to investigate, verify, and address civilian casualties.¹⁷³

Malik Gulistan Khan, a tribal elder and member of local government peace committee, was killed along with three of his sons by a drone strike in January 2009. The family's house was also destroyed. "During the attack eight bedrooms and one meeting room was destroyed completely. We have received no compensation of any kind from the government, the community, or from the local Taliban so far," said Habib Khan, Malik Gulistan Khan's brother.¹⁷⁴ Habib Khan has taken on the responsibility for taking care of his brother's widow and surviving children: "I feel helpless and alone in the world. In

total, 18 lakhs (approximately 21,000 USD) were spent on the construction of the house... we want the Government of Pakistan to provide us with assistance in cash to reconstruct the house. We would also accept help from the US or UN... but no one has accepted responsibility for this incident so far."

Conclusion

Center for Civilians in Conflict's interviews with drone victims cast serious doubt on US officials' civilian casualty estimates. Taken together with other reports and studies of drone strikes, these interviews strengthen the case that civilian casualties are substantially higher than US officials have suggested.

The Center's research also shows that drone victims' views are more nuanced than depicted by news reports and commentators. Many of those interviewed acknowledged that drones often hit militants, but interviewees insisted that many civilians were also killed and injured in strikes. Most victims the Center interviewed opposed US drone strikes and demanded an end to the practice. Civilian victims also uniformly demanded compensation for their losses, and even those who opposed the Taliban warned that drone strikes drive people into the ranks of extremists.

Drone victims receive no assistance from the Pakistani or US governments, despite the existence of Pakistani compensation efforts for other conflict-victims and US compensation mechanisms currently operating in Iraq and Afghanistan. Victims are left to cope with losses on their own while neither the Pakistani nor the US governments acknowledge responsibility for the strikes or the civilian status of those collaterally harmed.

¹⁷³ CNN. com, "Sources: Suspected drone strikes kill militants in Pakistan," January 6, 2010, <http://www.cnn.com/2010/WORLD/asiapcf/01/06/pakistan.drone.strike/index.html>.

¹⁷⁴ Interview with Adnan and Habib Khan, Interview No. 26, January 29, 2010.

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Conclusion and Recommendations

As this report details, the conflict in Pakistan has exacted an immense toll on civilians, with substantial humanitarian and security consequences. Losses have a long-lasting and devastating impact on civilians' lives, provoke anger, and undermine the legitimacy of the Pakistani government. Center for Civilians in Conflict's research in Pakistan shows that war victims demand and expect warring parties to recognize their losses and make amends to help them recover.

Despite the severity and consequences of these losses, civilian casualties receive too little attention from US, Pakistani, and donor-nation policymakers, as well as military officials. After years of conflict and with billions of military, development, and relief aid now directed towards Pakistan, more can and should be done to specifically address civilian harm.

Encouragingly, the Pakistani government has created a compensation mechanism for deaths, injuries, and property damage and the US Congress last year appropriated 10 million USD for a special fund to aid civilian war victims in Pakistan.¹⁷⁵ The existence of these efforts shows that amends for civilians who suffer losses in conflict are recognized as both possible and necessary.

Despite these burgeoning efforts, the Center's research shows serious deficiencies and gaps in care that leave many victims without recognition or assistance. Many war victims are losing hope that the Pakistani government will make good on its promise to provide compensation. Others must cope with devastating conflict losses while also being displaced, particularly following record floods in August. Meanwhile, victims of drone attacks are completely excluded from Pakistani government compensation mechanisms and their losses are not publicly acknowledged by the US or Pakistani governments.

Findings

Significant civilian casualties are caused by Pakistani military operations, US drone strikes, militant and terror attacks, and other forms of conflict-related violence such as unexploded ordnance and sectarian clashes. It is highly likely that civilian casualties were even higher in 2009 than in neighboring Afghanistan. Interviewees expected better behavior in combat operations from Pakistani and US forces than from militants.

There is no governmental or military mechanism that systematically and publicly investigates or collects data on civilian casualties. Without such documentation, no one—most particularly the warring parties themselves—knows the true toll of this conflict on civilians. The lack of accurate information on civilian casualties, including tracking of incidents, causes, and locations, inhibits the ability of civilian and military authorities to learn lessons and minimize civilian casualties. It also prevents authorities as well as humanitarian and development organizations from identifying and assisting war victims.

Deaths, injuries and property losses are greatly compounded by widespread poverty and displacement. The death of a husband often means the loss of a key breadwinner. The death of a wife often leaves children and their household without the primary caretaker. Medical expenses, cost of travel, loss of property, and higher living expenses place substantial financial burdens on families, trapping them in debt and poverty. Underdevelopment, lack of infrastructure, poverty, and gender inequality as well as weakened coping mechanisms and displacement due to the conflict magnify the shock and impact of war victims' losses. These factors exacerbate the challenges of recovering from harm.

Civilians hold warring parties responsible for their losses and expect amends (compensation, for example) from both the Pakistani and US governments. Virtually all Center for Civilians in Conflict interviewees said they expected and demanded compensation from the Pakistani or US governments for their losses. Many are struggling to meet basic needs and cope with economic and emotional losses from injury, loss of a loved one or property destruction. Those receiving compensation were thankful, but the large majority of interviewees had received no such assistance. The fact that victims did not expect militants to provide assistance or be held responsible for causing harm reflected a lack of trust of militant groups and disbelief that such groups could or would address their needs and demands as victims.

¹⁷⁵ Email with Senate Aide, October 2, 2010.

Civilians interviewed acknowledge the relative accuracy of US drone strikes, but criticize them for causing civilian casualties and question the program's long-term effectiveness against militants. The number of civilians killed and injured in drone strikes is likely higher than US authorities admit. The secrecy of the program creates confusion over who is a civilian and who is a combatant, increasing the risk of civilian harm. Most victims interviewed opposed US drone strikes and demanded an end to the practice. Drone victims expect the US and Pakistan to make amends for the harm suffered and demand compensation for their losses. These victims are excluded from existing Pakistani compensation mechanisms and the US does not compensate civilian war victims in Pakistan. Neither the US nor Pakistan publicly investigate or acknowledge civilian losses as a result of drone strikes.

The Pakistani government is the only warring party attempting to make amends directly to civilian war victims, with a compensation mechanism and a housing program. The Pakistani government provides compensation for some civilian casualties and some residential property loss. Though the US does not provide assistance for those harmed in its own drone strikes, it has provided funding for the Pakistani government's housing compensation program, business and infrastructure reconstruction as well as for prosthetic facilities through the Pakistan Civilian Assistance Program (PCAP). All of these existing efforts should be applauded.

Civilians see Pakistani government efforts to compensate or assist war victims as providing real help to those in need and dignifying losses. These programs can also mitigate anger and enhance the perceived legitimacy of the Pakistani government and military. Compensation and assistance have a firm foundation in Pakistani society. Following death, injury or property damage, compensation helps address urgent expenses such as food, water, medical treatment, rent or rebuilding.

Most victims interviewed were left without amends for their losses due to serious deficiencies in Pakistani compensation mechanisms and no US effort to help those harmed by its combat operations, despite US programs for war victims in Iraq and Afghanistan. There is no central mechanism or institution charged with overseeing, coordinating or standardizing compensation, resulting in an ad hoc system with little accountability, coordination or transparency. Lack of sufficient financing, significant delays in disbursement, and an overemphasis on terror victims have also undermined the success of compensation mechanisms. Victims from FATA, particularly those displaced, are out of reach of amends efforts. US drone strike victims are excluded from compensation mechanisms. While women and other vulnerable groups may face significant challenges in accessing compensation. Restrictions on access to conflict and displacement areas prevent assistance from NGOs and the UN from reaching victims and obstruct independent assessments of civilian harm, which could help government officials identify victims.

Recommendations

To the Government of Pakistan

- Ensure all forces—including military, intelligence, security and lashkars—adhere to the rules of international humanitarian law, including principles of distinction and proportionality, and that all government forces are adequately trained on the same;
- Refrain from using artillery, mortars and airpower in densely populated areas and ensure such weapons are deployed in a manner that appropriately discriminates between civilians and combatants;
- Publicly investigate all incidents of civilian harm and, when appropriate, acknowledge responsibility for causing harm;
- Halt all extrajudicial killings and investigate potential incidents of extrajudicial killings;
- Halt destruction of homes and other civilian property as retribution or collective punishment;
- Remove restrictions preventing UN and non-governmental organizations from accessing conflict-affected areas;
- Halt all intimidation and coercion of journalists, civilian victims or advocates who document or speak out about civilian harm;
- Improve existing compensation mechanisms for civilians suffering losses by:
 - » Proactively investigating all potential incidents of civilian casualties (or allowing independent investigators to do so), identify victims including those in FATA or who are displaced, acknowledge responsibility where appropriate, and ensure harm is fully addressed;
 - » Designating federal and provincial level institutions and administrators to oversee, coordinate and standardize compensation mechanisms;
 - » Developing mechanisms to ensure compensation accountability and transparency with record-keeping, clear and publicized guidelines, and official oversight;
 - » Ensuring compensation amounts are appropriate to the loss (i.e. a multi-family house may require a larger payment) and standardizing amount ranges for compensation;
 - » Standardizing eligibility and procedures for civilians filing claims and for officials that proactively offer compensation across the country;
 - » Ensuring sufficient and timely financing (i.e. an accountable and steady funding stream) for compensation;
 - » Developing mechanisms, preferably in partnership with the US, to make amends to victims of drone attacks;
 - » Ensuring women and other vulnerable groups have equal access to compensation;
 - » Do not ignore or improperly address civilian losses from the conflict in responding to the humanitarian crises caused by the recent floods.

To Militant Groups

- Immediately cease all attacks directly targeting civilians;
- Comply with applicable laws of war, including proportionality and distinction between combatants and non-combatants;
- Publicly investigate all incidents of civilian harm and, when appropriate, acknowledge responsibility for causing civilian harm;
- Provide compensation or assistance to civilians collaterally harmed as a result of legitimate combat actions, acknowledging that such assistance in no way justifies or excuses attacks that target or disproportionately harm civilians;

- Do not inhibit or undermine aid provided to civilian victims, whether provided by the Pakistani government or humanitarian organizations;
- Ensure civilians have freedom of movement and facilitate civilians' departure from conflict areas;
- Ensure the UN, NGOs, other neutral humanitarian organizations and journalists have access to conflict-affected areas, and ensure forces refrain from any intimidation or violence targeting these groups.

To the United States Government

- Ensure proportionality and combatant/non-combatant distinction in targeting in all drone strikes;
- Make public the official definition of civilian, combatant, and non-combatant applied in the drone program, the legal justification for drone strikes, and measures taken to ensure strikes conform to applicable international law;
- Investigate and publicly acknowledge incidents of civilian casualties caused by drone strikes;
- Work in partnership with the Pakistani government to provide compensation and other assistance to all civilians harmed by drone strikes;
- Support existing Pakistani compensation mechanisms including the provision of financial and technical support;
- Identify additional programs and initiatives to fund that specifically help conflict victims recover, as the US Congress has done in Iraq and Afghanistan;
- Ensure funds appropriated by Congress under the Pakistan Civilian Assistance Program are used for programs directly aiding victims of the conflict;
- Ensure that the US response to the flood crisis does not displace needed attention on the losses suffered by civilian victims of the conflict.

To the UN and other Members of the International Community

- Establish a UN mechanism to monitor, document, and investigate incidents of civilian casualties;
- Whenever possible, coordinate the provision of assistance with all other actors and link victims with existing government and non-governmental assistance;
- Encourage all warring parties to provide amends to meaningfully recognize and assist civilian victims of the conflict;
- Press the Pakistani government for increased access for humanitarian and development organizations to conflict-affected areas;
- Ensure that in channeling resources to the flood crisis, the losses of civilian conflict victims are not ignored.