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## War Related Death and Injury in Pakistan, 2004-2011<sup>1</sup>

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Pakistan is at war. Or perhaps it would be more accurate to say that there are several interrelated armed conflicts underway in Pakistan. By this report's conservative estimate about 35,600 Pakistanis have been killed from 2004-2010 and more than 40,000 have been injured during that period by the various parties to the conflict. Given the pace of the fighting in 2011, several thousand more have likely already been killed and wounded this year. Specifically, from January to through August 2011 about 400 have been killed in drone strikes, and another 500 killed in 2011 by militant suicide attacks. Since 2004, perhaps as many or more civilians may have died due to armed conflict in Pakistan as have died in Afghanistan. Most of the fighting is concentrated in the Northwest, but the bloodshed not infrequently affects civilians throughout the rest of the country.

Pakistani civilians appear to see the blame for this killing and maiming as being shared by all those who are fighting in Pakistan: "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."<sup>2</sup>

While the U.S. is fighting militants in the northwest region of Pakistan associated with the Taliban and al Qaeda, Pakistani Security Forces are fighting militants associated with several armed groups, including an insurgency in Balochistan, and militant forces also kill civilians. Civilians are casualties at the hands of all parties. The killing of five unarmed people in Bolochistan in May 2011, including three women by the U.S. trained Frontier Corps and the June 2011 killing of an unarmed teen in Karachi by security forces focused attention on the deaths caused by the Pakistani military, paramilitary and police.<sup>3</sup> Because the U.S. is funding, equipping and training Pakistani military forces, the U.S. is involved in these armed conflicts as well.

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<sup>1</sup> I thank Catherine Lutz, Norah Niland, John Sloboda and Mike Spagat for comments on earlier drafts. I am responsible for any mistakes. I thank Zeeshan Usmani for access to the Pakistan Body Count data.

<sup>2</sup> Irshad in an interview with CIVIC in December 2009, quoted in Christopher Rogers, *Civilians in Armed Conflict: Civilian Harm and Conflict in Northwest Pakistan*, Campaign for Innocent Victims in Conflict, (CIVIC) 2010, p. 40.

<sup>3</sup> Reuters, "Pakistan Orders Inquiry into Killing of Five Chechens," *Dawn*, 19 May 2011, <http://www.dawn.com/2011/05/19/pakistan-orders-inquiry-into-killing-of-five-chechens.html>; Salman Masood, "Pakistan Orders an Inquiry After Troops Kill A Teenager," *The New York Times*, 9 June 2011, <http://www.nytimes.com/2011/06/10/world/asia/10pakistan.html>.

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It is difficult to know exactly how many have died in Pakistan due to armed conflict since 2004. As Civic, the Campaign for Innocent Victims in Conflict, notes in a recent study of Northwest Pakistan, "There is no governmental or military mechanism that systematically and publically investigates or collects data on civilian casualties. Without such documentation, no one — most particularly the warring parties themselves — knows the true toll of the conflict on civilians." It is thus also very difficult to estimate the scale of indirect death. As Civic also notes, the, "deaths, injuries and property losses are greatly compounded by widespread poverty and displacement."<sup>4</sup>

While the U.S. drone strikes are widely discussed in the Western media, drone strikes are not the only, or even greatest source of war related civilian death, injury and displacement in Pakistan. The Taliban, al Qaeda, and members of other militant organizations have killed thousands of civilians in Pakistan using suicide attacks, assassination, and ambushes. The Pakistani Security Forces have also killed civilians with mortars, direct fire, and with bombs as they target militants and fight and to support a precarious government.

The armed conflicts in Pakistan escalated in recent years for two basic reasons. First, the U.S. war in Afghanistan pushed some Afghanistan Taliban and al Qaeda into Pakistan after 2001. Taliban and al Qaeda have then used Pakistan as a base to plan and conduct insurgency in Afghanistan. Second, NATO ISAF has used Pakistan as a route to bring weapons and equipment into Afghanistan. The supply lines traverse the country and insurgents have attacked the convoys. One attack on an ISAF convoy occurred just six miles from Islamabad, Pakistan's capital, in June 2010; some 20 trucks carrying supplies to Afghanistan were burned in the attack.<sup>5</sup>

But the underlying problem is ongoing struggles for power and autonomy within Pakistan and trouble with its neighbor India. The state has for years seen the solution to its legitimation and political problems as the use of military force. For example, in Pakistan's Swat Valley, a major Pakistani government offensive began in April 2009; this, and continued operations against the Taliban and other forces, has displaced many civilians from their homes. Flooding in 2010 further devastated the region. The fact of the flooding complicates the assignment of the causes of death if some number of those who died in the floods were refugees fleeing war. The war has also arguably delayed or prevented some aid to civilians in the flood-affected regions. Because Pakistan has devoted so much of its resources to fighting wars, the country has limited resources to devote to aid and development, further contributing to the toll of what has become a complex humanitarian emergency. The increased intensity of Pakistan's internal war with

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<sup>4</sup> Christopher Rogers, *Civilians in Armed Conflict: Civilian Harm and Conflict in Northwest Pakistan*, Campaign for Innocent Victims in Conflict, (CIVIC) 2010 p. 2.

<sup>5</sup> BBC, "Gunmen Kill seven in Attack On NATO Convoy in Pakistan," BBC, 9 June 2010, <http://www.bbc.co.uk/news/10196364>.

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militants, and the burden of its long-term border conflict with India, is reflected in Pakistan's large and growing military budget.<sup>6</sup>

U.S. military assistance has also grown in recent years as a function of the sense that Pakistan is central to the war in Afghanistan and the larger "war on terror." The U.S. contributions to war related spending in Pakistan are both covertly and overtly funded. The direct and overt security aid and reimbursement to Pakistan since the September 11 attacks have totaled more than \$14 billion. This includes about \$8.8 billion to Pakistan in Coalition Support Funds (CSF) to reimburse Pakistan for its support of U.S. operations there; \$1.9 billion for the Pakistan Counterinsurgency Fund/Counterinsurgency Capability Fund, and another \$2.1 billion in Foreign Military Financing. Figure 1 illustrates the growth of both Pakistan's military budget and the overt U.S. security related funding for Pakistan. Pakistan also receives military equipment from the U.S. For instance, since 2001 Pakistan has been granted more than 2,000 TOW missiles, 121 TOW missile launchers and 12 (of 20 promised) Cobra attack helicopters; 550 armored personnel carriers and 14 F-16 A/B attack helicopters. Pakistan's purchases from the U.S. include: 115 M-109 Howitzers; 18 new F-16C/D combat aircraft and 1,450 2,000 lb bombs to equip F-16 aircraft. Pakistan has also received other helicopters and surveillance aircraft as well.<sup>7</sup>

There are important U.S. expenditures related to Pakistan not included below. Specifically, there are no figures available for the U.S. Central Intelligence Agency covert operations in Pakistan, which include the drone strikes. Also not included below is the additional \$6.54 billion spent in Fiscal Years 2002-2010 to support Pakistan economically, including about \$800 million for refugee and disaster assistance.<sup>8</sup>

**Figure 1. Pakistan's Military Spending and U.S. Security Assistance to Pakistan, FY2000-2010<sup>9</sup>**

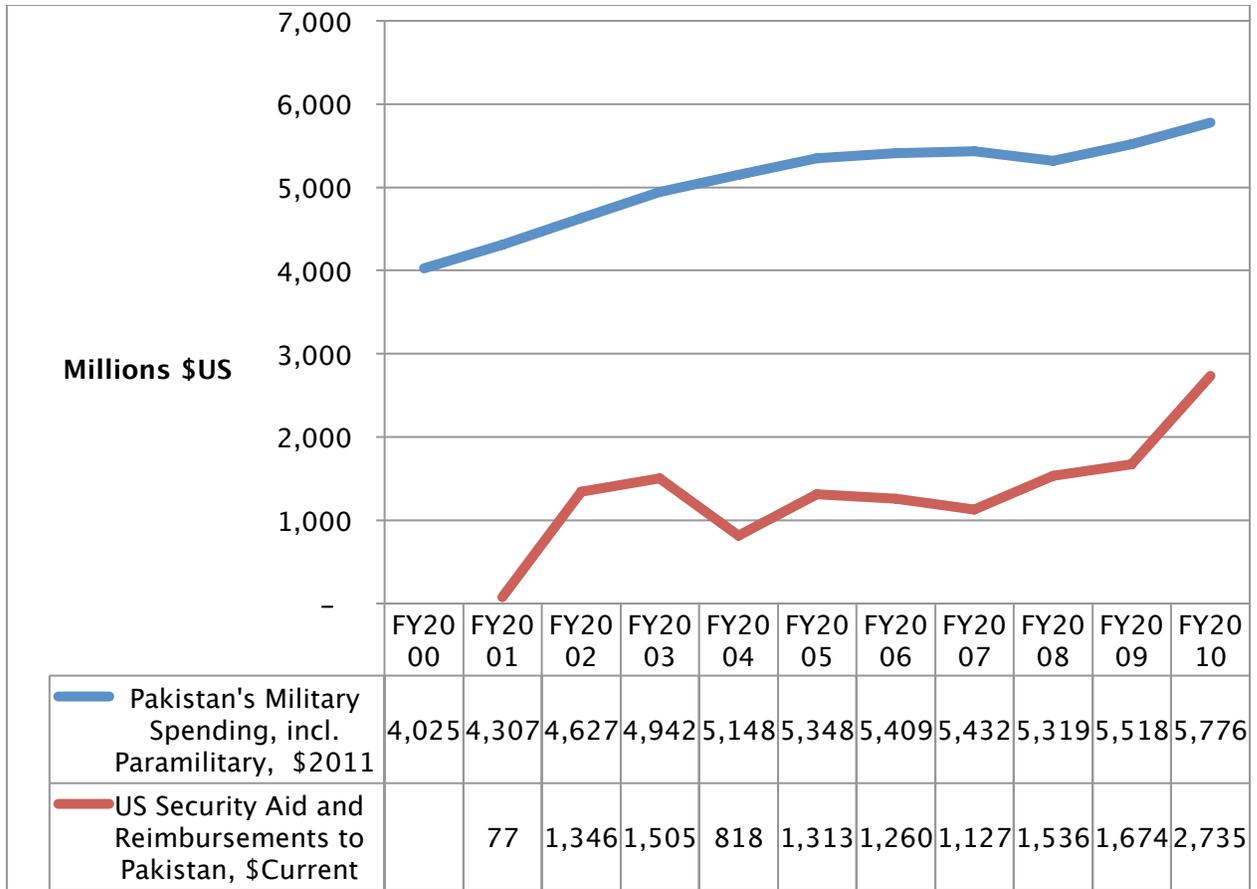
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<sup>6</sup> Syed Fazl-e-Haider, "Security Dominates Pakistan's Budget," 9 June 2010, *Asia Times*, [http://www.atimes.com/atimes/South\\_Asia/LF09Df01.html](http://www.atimes.com/atimes/South_Asia/LF09Df01.html).

<sup>7</sup> Susan B. Epstein and K. Alan Kronstadt, "Pakistan: U.S. Foreign Assistance," 7 June 2011, pp. 12-14.

<sup>8</sup> K. Alan Kronstadt, "Pakistan-U.S. Relations: A Summary," Congressional Research Service, 16 May 2011.

<sup>9</sup> Sources: SIPRI and CRS. (See Appendix A). Pakistan's Defense spending is in 2011 Constant \$US; Aid and Reimbursement Figures are as given by the CRS (in current dollars). All figures are Rounded to the nearest millions of dollars. It is important to note that Figure 1 should be taken as illustrative of the trends and orders of magnitude of spending. The sources are not exactly comparable. Specifically SIPRI calculated from current Pakistani Rupees and converted to \$2009 constant which I converted to \$2011 constant; CRS reports are made in current dollars. If CRS current dollars were converted to constant \$2011, the figures for U.S. spending would, of course, appear greater.



The U.S. has essentially tripled overt aid and reimbursement to Pakistan for military purposes. The overt aid and reimbursement is supplemented by covert aid, and also by gifts of excess U.S. military equipment which have included missiles, armored personnel carriers, and attack helicopters.<sup>10</sup>

**U.S. "Drone" Strikes and Special Forces Operations**

The "covert" drone strike program is perhaps the most visible part of a much deeper program of U.S. engagement and military activity in Pakistan. Both the Bush and Obama administrations have focused on Pakistan since 2001. U.S. military and political leaders currently see Pakistan as an important military ally for two interrelated reasons as noted above. First, Pakistan has become crucial in the US Afghan war because many Taliban and Al Qaeda fled to Pakistan in 2001. Outgoing Secretary of Defense Robert Gates told U.S. troops in Afghanistan on 6 June 2011.

<sup>10</sup> Epstein and Kronstadt, "Pakistan: U.S. Foreign Assistance" p. 12 and 13 and Richard F. Grimmett, "U.S. Arms Sales to Pakistan," Congressional Research Service, 24 August 2004, CRS Report RS22757 p. 2.

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Well, the relationship with Pakistan is a complicated one. I mean, the fact is, we need each other. . . . But there's no question that the sanctuaries in Pakistan are a big problem for us, for you. And we just -- it's one of these relationships you just have to keep working at. It's kind of like a troubled marriage; you just kind of keep working at it.<sup>11</sup>

These organizations began running training camps and organizing raids into Afghanistan from Pakistan while their leaders, including Bin Laden, sheltered in Pakistan. The territorial border between Afghanistan and Pakistan does not mark a cultural divide for the Pashtun people who live in northwest Pakistan and southern Afghanistan. This porous border has never been a hard barrier. Second, much (about 70-80 percent at its peak) of the fuel and military equipment and other supplies the U.S. uses to wage war in Afghanistan are transported through Pakistan from the port in Karachi, and insurgents are increasingly attacking fuel tankers and other supplies as they move across the border. Both elements of U.S. concern have led to civilian deaths.

The U.S. was somewhat engaged in Pakistan at a political and military level before September 2001 (including during the Soviet occupation of Afghanistan in the 1980s), but the U.S. increased both its military cooperation with and military strikes into Pakistan after launching its war in Afghanistan. The US has repeatedly urged the Pakistani government to increase its military activity against the Taliban and at the same time, under the Bush and Obama administrations, the US military increased its own special operations raids into Pakistan and its Predator and Reaper "drone" (unmanned aerial vehicle) aircraft attacks.

The U.S. is thus involved in causing harm that sometimes leads to civilian death in Pakistan in three main ways: drone strikes, military operations at the border, and in special operations forces attacks inside Pakistan. Further, U.S. support for Pakistan's fight against militants includes the training and equipment of Pakistani military forces. In addition, although its operations are secret, it appears that the U.S. Central Intelligence Agency is involved in occasional targeted killing in Pakistan, which may also result in civilian casualties.<sup>12</sup>

The most well known element of the U.S. war in Pakistan until the killing of Osama bin Laden had been remotely piloted "drone" attacks by the U.S. on Al Qaeda, the Haqqani network, and the Taliban in northwest Pakistan.<sup>13</sup> The U.S. began the campaign of drone strikes in 2004 to kill Al Qaeda and Taliban forces based in Northern Pakistan. U.S. Special Forces and other government agencies (the CIA) have also engaged in operations in Pakistan for several years. Osama bin Laden was attacked in 2011 with

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<sup>11</sup> Defense Secretary Robert Gates, "Remarks by Secretary Gates During Troop Visit with Task Force Ramrod, 2-2 Infantry, Anbar Province, Afghanistan," 06 Jun 2011, <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4836>.

<sup>12</sup> For example, although the circumstances are still unclear, Raymond Davis, a CIA employee, killed two Pakistanis in early 2010. U.S. embassy personnel driving a car to remove Davis from the scene inadvertently killed a Pakistani civilian. CBS/AP, "Pakistan Judge Orders Arrest of U.S. Car's Driver," *CBS News*, 18 February 2011, <http://www.cbsnews.com/stories/2011/02/18/501364/main20033286.shtml>.

<sup>13</sup> The "drones" are "remotely piloted vehicles" (RPVs) which were originally used for surveillance and which have been armed.

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Special Forces, which have been operating in Pakistan for several years, in an apparent concern, at least in part, to avoid civilian casualties that might result from drone use.<sup>14</sup>

The United States uses two kinds of drones in Pakistan, the remotely piloted Predator and Reaper drones, which require a 2,000 foot length for takeoff and landing, and thus can be launched from small airfields to perform surveillance or airstrikes. The drone cameras may transmit live video feeds to US intelligence headquarters in the region and to the United States where the drone strikes program is run by the CIA. Predator drones, originally meant simply for surveillance, have been modified to carry lightweight laser guided Hellfire missiles. The newer Reaper drone can operate from much higher altitude and may be armed with an internal payload of up to 800 pounds and an external payload of 3,000 pounds. The Reaper can thus be armed with as many as four Hellfire missiles and two 500 pound laser guided bombs. The drones can loiter over an area for more than forty hours before they must be refueled. The drone strike program, begun under the Bush administration operates under the United States Central Intelligence Agency and the US military's Joint Special Operations Command (JSOC).<sup>15</sup>

The first U.S. drone attack in Pakistan's Waziristan region, against a member of the Taliban Nek Muhammad, occurred on 18 June 2004.<sup>16</sup> Pakistani officials took credit for the killing, denying U.S. involvement, although witnesses reported that they heard a drone flying overhead moments before the attack. The *New York Times* described the event this way. "Residents said Mr. Muhammad was sitting in a courtyard with four other men eating dinner at 10 p.m. on Thursday when the missile struck. They said it hit the middle of where Mr. Muhammad and the men were sitting, leaving a crater 6 feet by 6 feet. All five men were killed."<sup>17</sup> From this first strike there are different accounts of who was killed. *The New York Times* says simply that Mohammad, a "27-year-old former Taliban fighter," was sitting with "four other men"; Pakistan Body Count tallies 1 militant and 4 civilians killed. The report in *Dawn*, a Pakistan newspaper describes those killed as Mohammad, and "four other militants" in the title and says "four other tribal militants" were killed. "Also killed were two sons of Nek's two mujahideen friends and his hosts,

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<sup>14</sup> Gregory McNeal argues that, in part, "the Obama administration was worried about collateral damage," when it chose to use special forces to attack the compound where Bin Laden was suspected to be located. Gregory S. McNeal, "The bin Laden Aftermath: Why Obama Chose SEALs, Not Drones," *Foreign Policy.com*, [http://afpak.foreignpolicy.com/posts/2011/05/05/the\\_bin\\_laden\\_aftermath\\_why\\_obama\\_chose\\_seals\\_not\\_drones](http://afpak.foreignpolicy.com/posts/2011/05/05/the_bin_laden_aftermath_why_obama_chose_seals_not_drones).

<sup>15</sup> Drones cost about 30 times less than a fighter aircraft and do not put U.S. pilots at physical risk. Their pilots are located at Nellis Air Base in Nevada.

<sup>16</sup> The first use of U.S. drones to kill people in Al Qaeda and the Taliban occurred in Afghanistan occurred in October 2001, when the U.S. struck against Mohammed Atef. The U.S. also used a drone missile strike to kill a member of Al Qaeda in November 2002 in Yemen. The strike also killed 5 other men.

<sup>17</sup> David Rohde and Mohammed Khan, "Ex-Fighter For Taliban Dies in Strike in Pakistan," *The New York Times*, 19 June 2004.

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Fakhar Zaman and Azmat Khan."<sup>18</sup> The New America Foundation counts 4 militants and one militant leader killed.<sup>19</sup>

The drone attacks are unpopular in Pakistan because they are associated with civilian casualties and violations of Pakistan's borders.<sup>20</sup> Although the attempted targeting may be precise, there is a concern that too many civilians are killed for each high level militant that might be killed. As Daniel Byman of the Brookings Institution argued in 2009, "Sourcing on civilian deaths is weak and the numbers are often exaggerated, but . . . for every militant killed, 10 or so civilians also died."<sup>21</sup> Until recently Pakistani officials have denied that they gave permission for the drone strikes. However, a Pakistani Major General, Ghayur Mehmood, told reporters recently, "Most of the targets are hardcore militants. The number of innocent people being killed is relatively low."<sup>22</sup>

Officials in the Bush and Obama administrations have asserted that the strikes are both effective and legal under international law because they target combatants and take care to avoid harming civilians. The United States government releases little information about its drone strike program in Pakistan, and unlike in Afghanistan or Iraq, the U.S. does not offer compensation to survivors in the case of civilian deaths or injury. An anonymous U.S. government official told *The New York Times* in 2009 that, "We Believe the number of civilian Casualties is just over 20, and those were people who were either at the side of major terrorists or were at facilities used by terrorists."<sup>23</sup> In 2010 State Department Legal Advisor Harold Koh argued, "*it is the considered view of this Administration—and it has certainly been my experience during my time as Legal Adviser—that U.S. targeting practices, including lethal operations conducted with the use of unmanned aerial vehicles, comply with all applicable law, including the laws of war.*" Koh continued:

In particular, this Administration has carefully reviewed the rules governing targeting operations to ensure that these operations are conducted consistently with law of war principles, including:

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<sup>18</sup> Ismail Khan and Dilawar Khan Wazir, "Night Raid Kills Nek, For Other Militants.; Wana Operation," *Dawn*, 19 June 2004, <http://archives.dawn.com/2004/06/19/top1.htm>.

<sup>19</sup> New American Foundation, "2004-2007: The Year of the Drone," <http://counterterrorism.newamerica.net/drones/2007>; Scott Shane, "C.I.A. to Expand Use of Drones in Pakistan," *The New York Times*, 3 December 2009, <http://www.nytimes.com/2009/12/04/world/asia/04drones.html>.

<sup>20</sup> The Pakistani Parliament resolved on 14 May 2011 that "Such drone attacks must be stopped forthwith, failing which the government will be constrained to consider taking necessary steps including withdrawal of (the) transit facility allowed to Nato." AFP, "No Repeat of Bin Laden Raid: Parliament," *Dawn* <http://www.dawn.com/2011/05/14/no-repeat-of-bin-laden-raid-parliament.html>. On 21 May 2011, thousands of Pakistani civilians protested the strikes in Karachi, Pakistan.

<sup>21</sup> Daniel L. Byman, "Do Targeted Killings Work?" Brookings, 14 July 2009, [http://www.brookings.edu/opinions/2009/0714\\_targeted\\_killings\\_byman.aspx](http://www.brookings.edu/opinions/2009/0714_targeted_killings_byman.aspx).

<sup>22</sup> CNN Wire Staff, "Pakistan Acknowledges U.S. Drone Strikes Targeting Militants," 10 March 2011 *CNN World*, [http://articles.cnn.com/2011-03-10/world/pakistan.drone.attacks\\_1\\_drone-strikes-militants-on-pakistan-soil-north-waziristan?\\_s=PM:WORLD](http://articles.cnn.com/2011-03-10/world/pakistan.drone.attacks_1_drone-strikes-militants-on-pakistan-soil-north-waziristan?_s=PM:WORLD).

<sup>23</sup> Shane, "C.I.A. to Expand Use of Drones in Pakistan".

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- First, the principle of *distinction*, which requires that attacks be limited to military objectives and that civilians or civilian objects shall not be the object of the attack; and
- Second, the principle of *proportionality*, which prohibits attacks that may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, that would be excessive in relation to the concrete and direct military advantage anticipated.

In U.S. operations against al-Qaeda and its associated forces-- including lethal operations conducted with the use of unmanned aerial vehicles-- great care is taken to adhere to these principles in both planning and execution, to ensure that only legitimate objectives are targeted and that collateral damage is kept to a minimum.<sup>24</sup>

Conversely, some international lawyers, including the UN Special Rapporteur on extrajudicial killings Philip Alston, question this interpretation on the grounds that the strikes amount to extra-judicial executions and that they are potentially indiscriminate, that is, inadvertently putting many civilians at risk.<sup>25</sup> Kenneth Anderson argues, "To put the matter simply, the international law community does not accept targeted killings even against al Qaeda, even in a struggle directly devolving from September 11, even when that struggle is backed by U.N. Security Council resolutions authorizing force, even in the presence of a near-declaration of war by Congress in the form of the AUMF, and even given the widespread agreement that the U.S. was both within its inherent rights and authorized to undertake military action against the perpetrators of the attacks."<sup>26</sup>

International lawyer Mary Ellen O'Connell has argued that the strikes are illegal: "The U.S. use of combat drones in Afghanistan between 2004 and 2009 appears to fall far short of meeting the international law rules governing resort to armed force and the conduct of armed force. . . . The U.S. has not, however, restricted its attacks to situations of armed conflict. . . ." Further, O'Connell argues, "There is no Security Council authorization for drone attacks nor does the U.S. have a basis in the law of self-defense for attacking inside Pakistan. . . . Even if the U.S. had a right to resort to combat drones in Pakistan, their use to date has conflicted with the principles governing the conduct of armed conflict. Drones kill many unintended victims for each intended one, raising questions of proportionality. Counter-terrorism experts

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<sup>24</sup> Harold Hongju Koh, "The Obama Administration and International Law," Annual Meeting of the American Society of International Law, 25 March 2010. <http://www.state.gov/s/l/releases/remarks/139119.htm>.

<sup>25</sup> See United Nations General Assembly, "Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston: Addendum, Study on Target Killings," UN A/HRC/14/2/Add6.28 May 2010, pp. 24-25. Also see Susan Breau, Marie Aronson, and Rachel Joyce, "Drone Attacks, International Law, and the Recording of Civilian Casualties of Armed Conflict," Recording Casualties in Armed Conflict Programme, Oxford Research Group, unpublished Discussion Paper, June 2011.

<sup>26</sup> Kenneth Anderson, "Targeted Killing in U.S. Counterterrorism Strategy and Law," A Working Paper of the Series on Counterterrorism and American Statutory Law, A joint project of the Brookings Institution, The Georgetown University Law Center and the Hoover Institution, May 2009, p. 16.

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doubt the efficacy of military force to end terrorist group, raising doubts about the necessity of drone strikes. Nor has the U.S. apparently taken the necessary precautions to protect civilian lives."<sup>27</sup>

In addition, some have questioned whether those killed are actually the leaders of al Qaeda and the Taliban, or rather "foot soldiers" and civilians who happen to be near the strike. It is not possible here to evaluate whether the drone strikes kill *enough* high level militants to justify the risk to civilians, or even if so, whether those killings are legal. The focus here is the number of civilian casualties caused by drone attacks.

Most drone strikes (about 95%) are in the areas of North and South Waziristan, which are part of the Federally Administered Tribal Areas (FATA). The FATA operate under different laws (known as Frontier Crimes Regulation) than the rest of Pakistan. Those laws allow residents fewer civil rights protections than elsewhere in Pakistan. Access to FATA by outsiders is controlled and few reporters have had access to the areas in northwest Pakistan where the attacks have occurred. There is also a very small NGO presence in the areas where most strikes occur, making it difficult for NGOs to consistently assess the impact of the drone strikes and the fighting.<sup>28</sup> As a result, there is little or no opportunity for independent organizations or journalists to confirm police and other reports. In the absence of U.S. government information and a dearth of news media, several non-governmental organizations have attempted to report information about the drone strikes. These organizations (The Long War Journal; The New America Foundation; Pakistan Body Count; and South Asia Terrorism Portal) regularly report on the number and location of the strikes and give accounts of how many and who were killed. The level of transparency and comprehensiveness of these sources varies, but most of them rely on news accounts supplemented by official statements.<sup>29</sup>

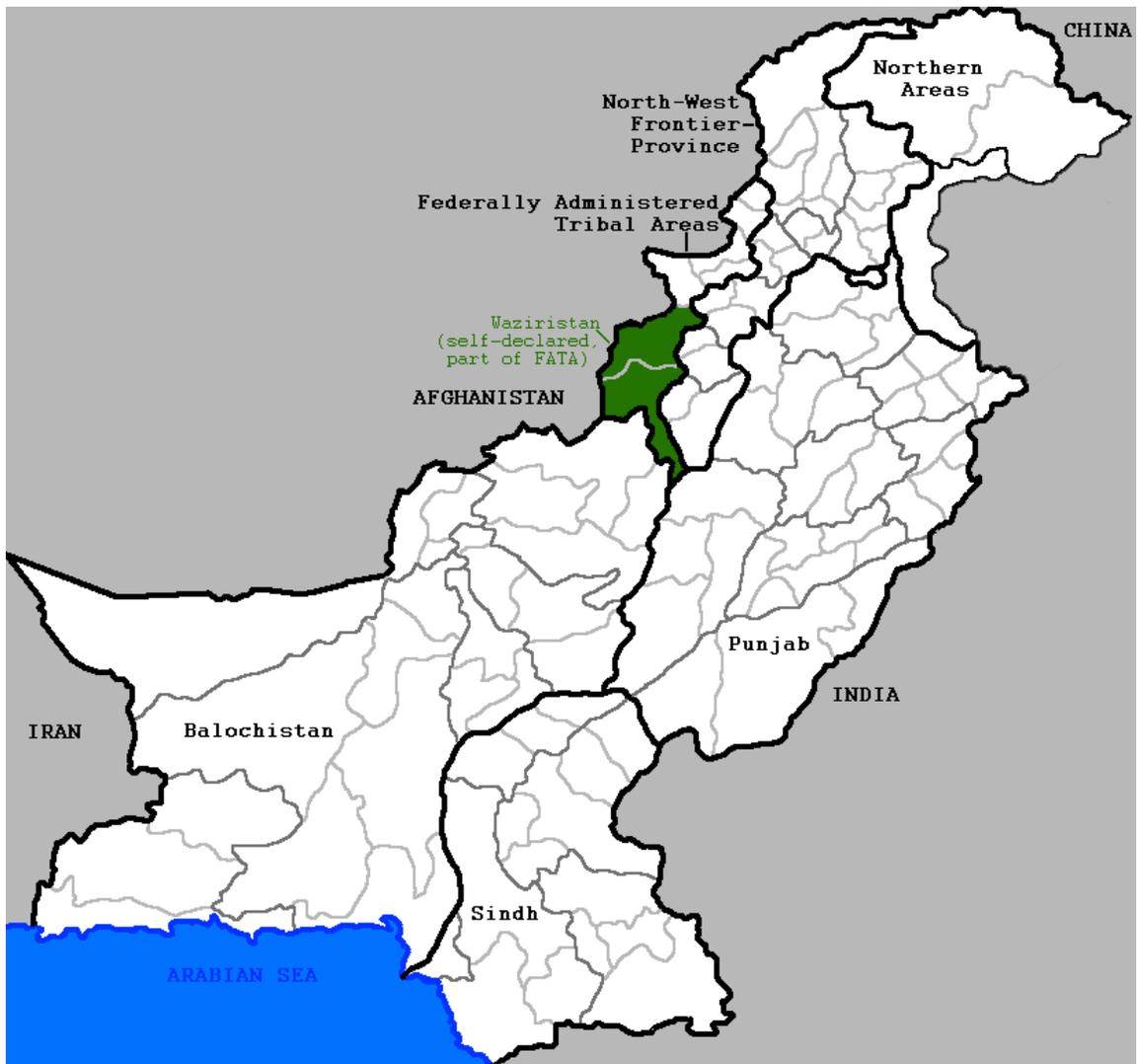
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<sup>27</sup> Mary Ellen O'Connell, "Unlawful Killing With Combat Drones: A Case Study of Pakistan, 2004-2009," *University of Notre Dame Law School*, Legal Studies Research Paper, no. 09-43, July 2010 pp. 25-26.

<sup>28</sup> New America Foundation maps the strikes that it reports. See <http://maps.google.com/maps/ms?ie=UTF8&hl=en&msa=0&msid=111611283754323549630.00047e8cdfc55d220dee7&ll=33.100745,70.444336&spn=4.41699,7.03125&t=p&z=7&source=embed>.

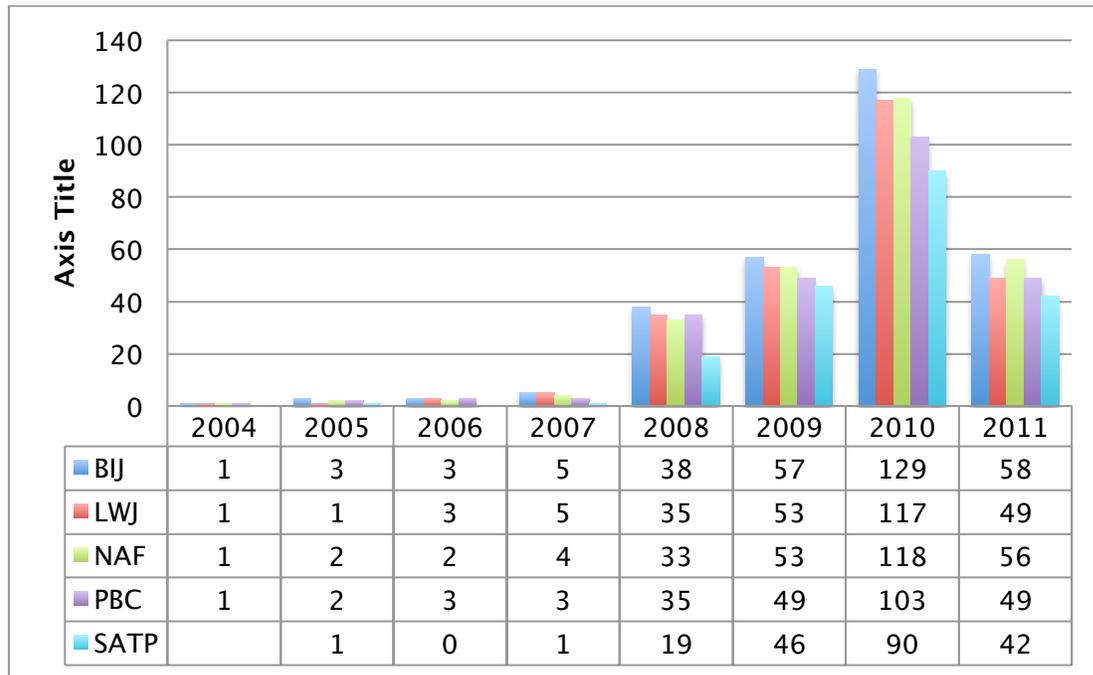
<sup>29</sup> For a thorough discussion of the qualities of data gathering on drone strikes for 2010, see Jacob Beswick, "The Drone Wars and Pakistan's Conflict Casualties, 2010," Oxford Research Group, Working Paper, May 2011. <http://www.everycasualty.org/news/2011/05/working-paper-drone-wars-and-pakistan%E2%80%99s-conflict-casualties-2010-2nd-version>.

Figure 2. Pakistan, Highlighting Location of Most U.S. Drone Strikes



There is relatively close agreement among most observers about the number of drone strikes made by the United States since 2004. While there are some minor differences in numbers, all sources agree that the number U.S. drone strikes in Pakistan have increased dramatically since 2007, more than doubling from 2009 to 2010.

**Figure 3. Estimated Number of Drone Strikes in Pakistan 2004- 1 September 2011<sup>30</sup>**



BIJ: Bureau of Investigative Journalism; LWJ: Long War Journal; NAF: New America Foundation; PBC: Pakistan Body Count; SATP: South Asia Terrorism Portal.

Table 1 shows the counts of the total number of drone strikes for the period 2004- early June 2011 recorded by several sources. The South Asia Terrorism Portal (SATP) records far fewer drone strikes than the other sources. Pakistan Body Count (PBC) and SATP update their internet based reports less frequently than LWJ and NAF.

**Table 1. Estimates of the Total Number of Drone Strikes in Pakistan, 2004 – 1 September 2011**

Source	Number Drone Strikes
BIJ	294
LWJ	264
NAF	269
PBC	245
SATP	199

<sup>30</sup> Sources: LWJ: Long War Journal, NAF: New America Foundation, PBC: Pakistan Body Count, SATP: South Asia Terrorism Portal. See Appendix A.

The key question — from the perspective of understanding the contribution of U.S. drone strikes to the human toll of war in Pakistan — is estimating the death toll of the drone strikes. U.S. officials aim to kill militant leaders, but there is a range of estimates about the numbers killed and there are disputes about the identity of those killed. Figure 4 illustrates the sources' estimates for the total number killed, militants and civilians.<sup>31</sup>

**Figure 4. Estimates of Persons (Combatants and Non-Combatants) Killed by US Drone Strikes, 2004-1 September 2011<sup>32</sup>**

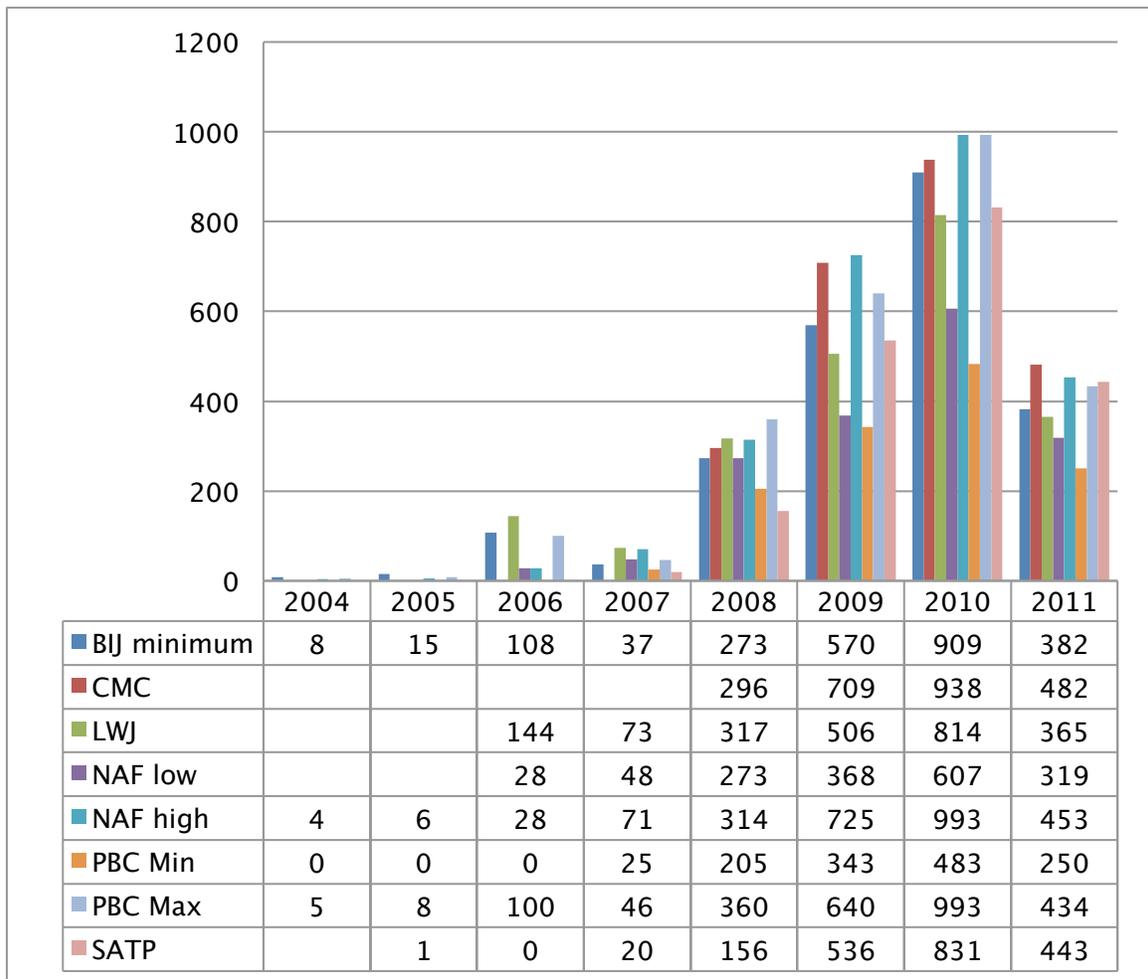


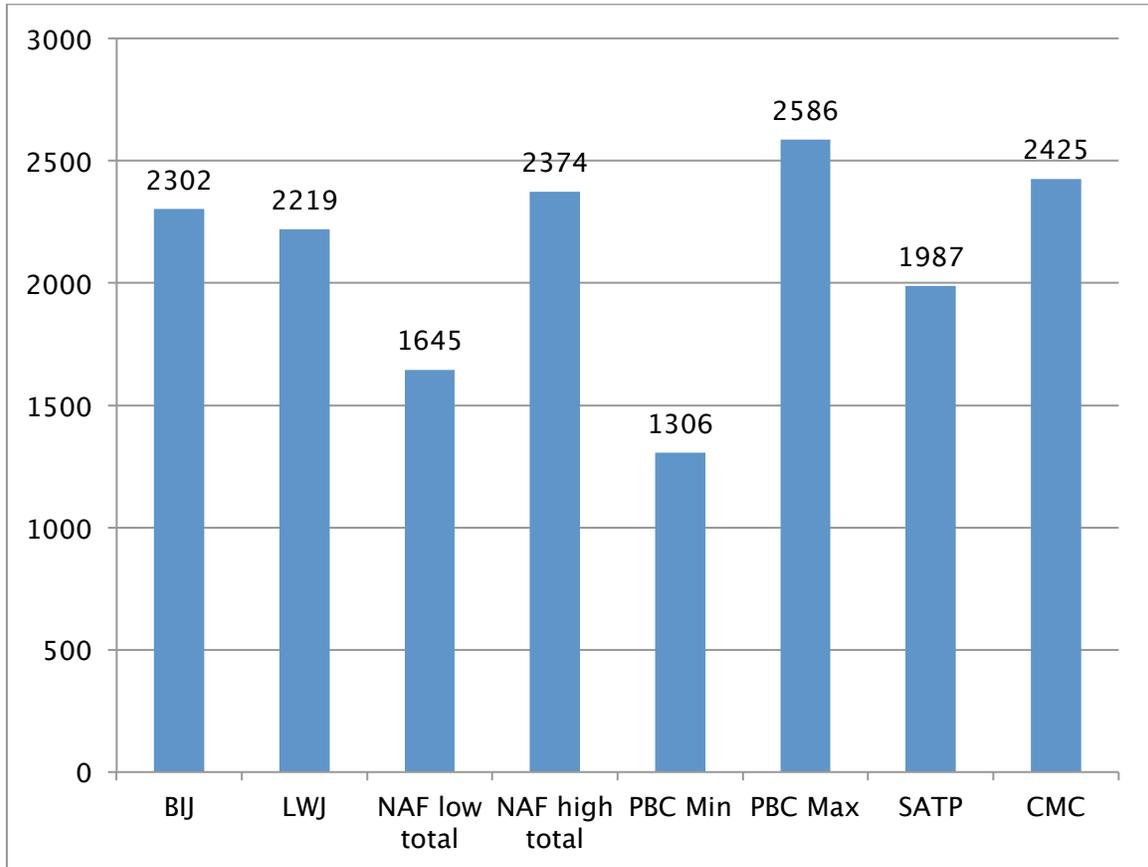
Figure 5 shows the total number of people reported killed from 2004- early June 2011 by each source. Note that for at least the total killed, the Long War Journal, New America Foundation, Body Count

<sup>31</sup> Pakistan Body Count has another category, "foreigners" killed. PBC also notes that when news sources are imprecise, it translates the word "many", to 8 casualties, and "several" to 4 casualties. <http://www.pakistanbodycount.org/dattacks.php>.

<sup>32</sup> Sources: BIJ: Bureau of Investigative Journalism; LWJ: Long War Journal; NAF: New America Foundation; PBC: Pakistan Body Count; SATP: South Asia Terrorism Portal; CMC: Conflict Monitoring Center; PIPS: Pak Institute for Peace Studies. Updated 4 September 2011. See Appendix A.

and Conflict Monitoring Center estimate, at the high end, that more than 2,000 people have been killed in this period.

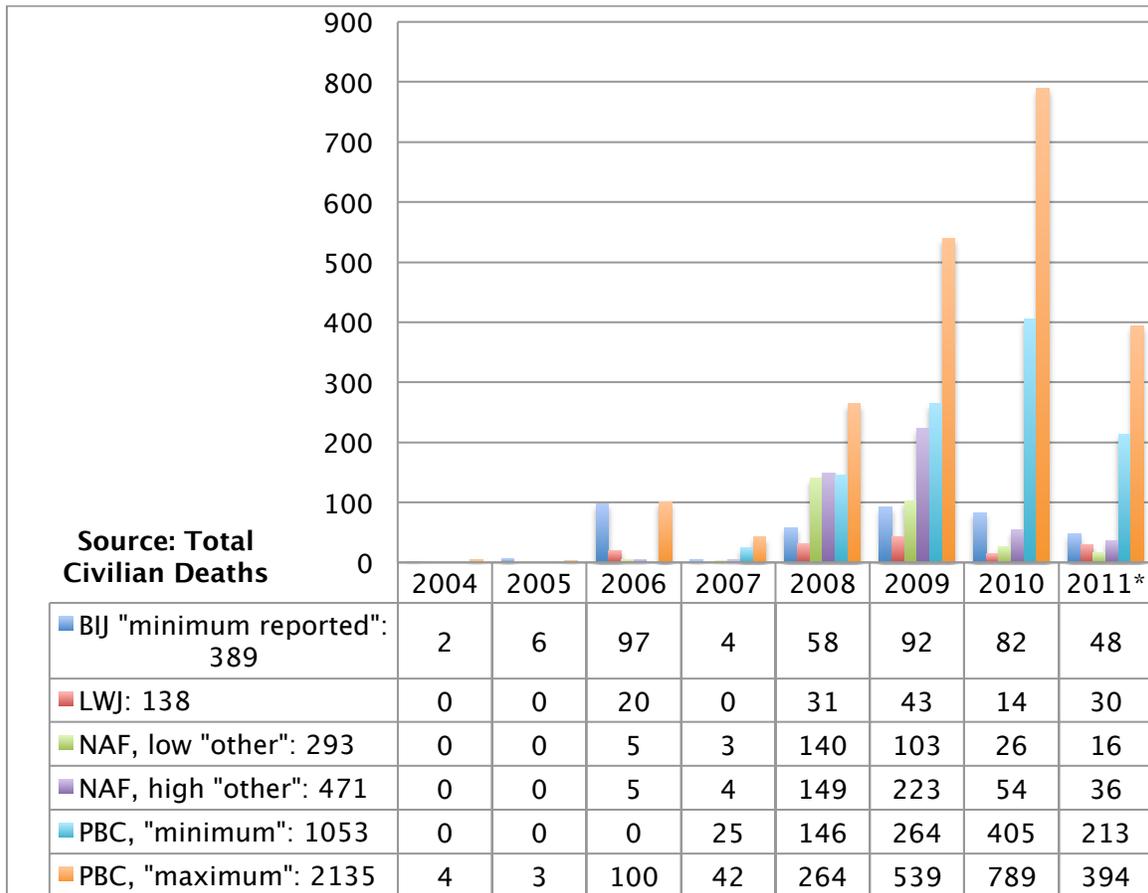
**Figure 5. Estimate of Total Killed by U.S. Drone Strikes, 2004 - 1 September 2011<sup>33</sup>**



Some sources, namely the Bureau of Investigative Journalism, the Long War Journal, the New America Foundation, and Pakistan Body Count, attempt to distinguish between combatant and non-combatant death due to drone strikes. Figure 6 gives those sources' estimates for the number of civilians (also described as "other" or "non-militant" by some sources) killed by the drone attacks in Pakistan. Both the New America Foundation (NAF) and Pakistan Body Count (PBC) also suggest low and high totals for non-combatant (civilian) deaths due to drone strikes. Although the counts vary widely from each other, Figure 6 suggests an overall trend of increased numbers of civilians killed by drone attacks from 2004 to the present as the number of strikes has increased. But Figure 6 also shows that observers do not agree about the total number of civilians killed by U.S. drone strikes.

<sup>33</sup> Sources: BIJ: Bureau of Investigative Journalism; LWJ: Long War Journal; NAF: New America Foundation; PBC: Pakistan Body Count; SATP: South Asia Terrorism Portal; CMC: Conflict Monitoring Center. See Appendix A.

**Figure 6. Civilians Killed by Drone Strikes, 2004 – 1 September 2011<sup>34</sup>**

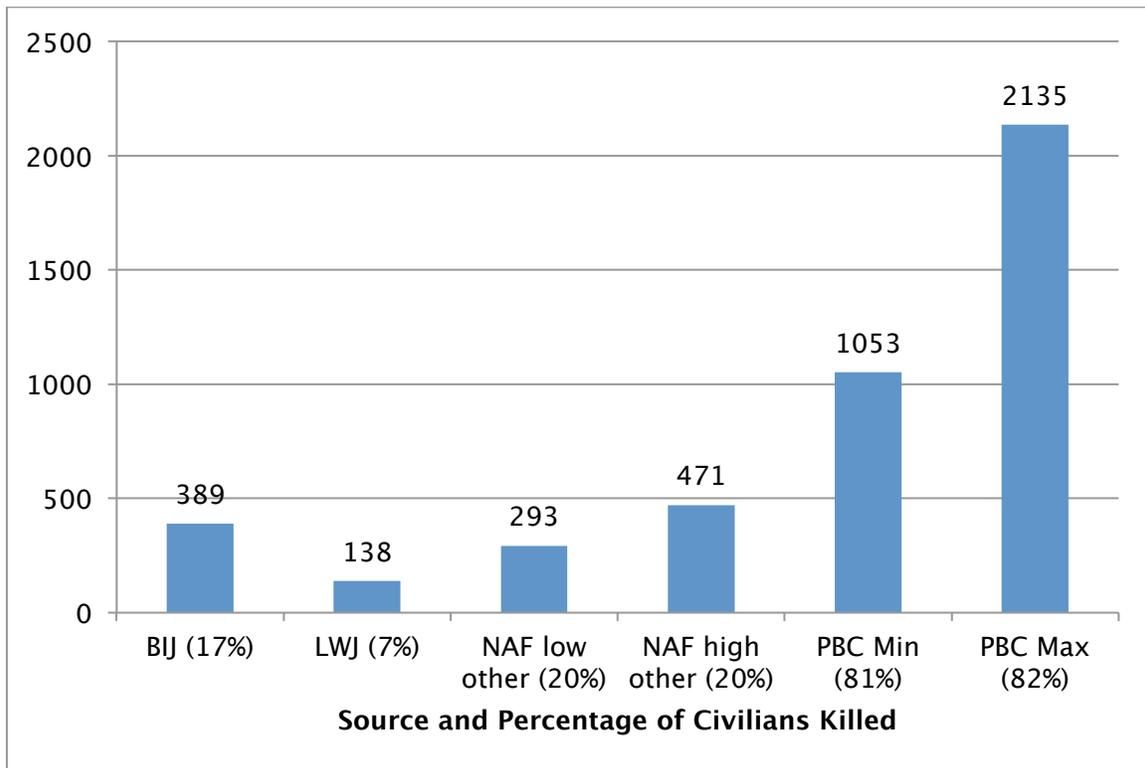


\* Through 1 September 2011

There is a significant divergence among the counts of the total number of civilians killed in the drone strikes, as opposed to militants killed. Figure 7, which illustrates the total number of civilians/others killed due to drone attacks from 2004 to May 2011, shows that the Long War Journal counts civilians as about 7 percent of the total victims of drone attacks, while Pakistan Body Count finds that more than 80 percent of the victims are civilians. The difficulty in determining the identity of those killed is illustrated by the fact that the Pak Institute for Peace Studies has stopped making public estimates of the number of civilians killed by U.S. drone strike.<sup>35</sup>

<sup>34</sup> See sources for Figure 5.

<sup>35</sup> The Pak Institute for Peace Studies did estimate that 84 civilians were killed in 2008 by U.S. drone strikes. PIPS, *Pakistan Security Report, 2008*, p. 9.

**Figure 7. Counts and Percentage of Civilians/Killed in Strikes from 2004- 1 September 2011<sup>36</sup>**

The proportion of civilians killed, of course, has implications for Pakistan's domestic politics as well as for the image of the U.S. in the region. Under international law, combatants must take care to distinguish between combatants and non-combatants and attempt to minimize civilian death; these are the principles of distinction and non-combatant immunity. The question then becomes defining a civilian versus a combatant. Under the relevant international law, a civilian is defined as any person who is not a combatant; in case of doubt, a person shall be regarded as a civilian.<sup>37</sup> If the drone strikes kill relatively few civilians in comparison to the number of combatants, then the U.S. can argue that its drone strike program is legal, at least under the principle of distinction.<sup>38</sup> In other words, these organizations are in general agreement about the number of drone strikes, and about the total numbers of people killed by drone strikes, but dramatically disagree about the number and proportion of those killed who are civilians. The question is which figures are more credible.

<sup>36</sup> Sources: BIJ: Bureau of Investigative Journalism; LWJ, Long War Journal; NAF, New America Foundation, PBC, Pakistan Body Count. Last accessed 4 September 2011. See Appendix A.

<sup>37</sup> Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War (1949) and Additional Protocols I and II to the Geneva Convention (1977) .

<sup>38</sup> The idea that these strikes target the leadership of militant organizations is still, however, subject to the criticism that they violate the law against assassination.

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The Long War Journal, New America Foundation, and Pakistan Body Count appear to use different counting rules based on their understanding of the relevant international law on combatant versus non-combatant status. The coordinators of the Long War Journal (LWJ) said in 2009 that, "it is possible to get a rough estimate of civilian casualties by adding up the number of civilians reported killed from the media accounts of each attack. While our number is undoubtedly a low estimate, this extremely small percentage suggests that the accuracy and precision of these strikes have improved along with the increased pace of these strikes over the past few years."<sup>39</sup> The coordinators of the New America Foundation (NAF) dataset on drones, which uses several media sources for its reports of each drone strike incident, give a range of militants killed. The rest are simply "others." The authors of the New America Foundation count said in late 2010: "U.S. officials continue to claim (anonymously, of course) that only 1 or 2 percent of those killed by the strikes are civilians, and other estimates of civilian deaths range from a high of 98 percent down to 10 percent of the total fatalities." They continue,

According to our estimates, the nonmilitant fatality rate since 2004 is approximately 25 percent, and in 2010, the figure has been more like 6 percent -- an improvement that is likely the result of increased numbers of U.S. spies in Pakistan's tribal areas, better targeting, more intelligence cooperation with the Pakistani military, and smaller missiles.

Under the Obama administration, approximately 80 percent of those reported killed by drone strikes have been militants; under the Bush administration, it was closer to 55 percent. The majority of those killed appear to be lower or midlevel militants; of the some 1,260 militants reported killed in the strikes since 2004, only 36, or around 2 percent, have been leaders of al Qaeda, the Taliban, or other militant groups.<sup>40</sup>

The coordinator of PBC, Dr. Zeeshan Usmani said, "We classify all killed and injured as civilians, until it is clearly mentioned that they belonged to Taliban . . . , Al-Qaeda, or any other terrorist group." The category "'Suspected Fighters' is too vague a term to classify in any category." Usmani argues that, "while, the west like to call everyone "Terrorist", we take the opposite approach to classify everyone as "Civilians" until proven otherwise." Usmani also said that when Pakistan Body Count receives more information "we change our counts accordingly."<sup>41</sup> The Pakistan Body Count rules more closely reflect the categories of civilian and combatant operative in international law.

The lack of U.S and Pakistani transparency about drone strikes makes it difficult to determine who has been killed. The criteria for targeting has been loosened by the Obama administration at the same time that they have increased the number of drone strikes according to media report.<sup>42</sup> David Cloud, of the *Los Angeles Times*, found in his interviews of current and former counterterrorism officials that the late in the

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<sup>39</sup> Bill Roggio and Alexander Mayer, "Analysis: U.S. Air Campaign in Pakistan Heats Up," [http://www.longwarjournal.org/archives/2010/01/analysis\\_us\\_air\\_camp.php#ixzz1NvwWSOFH](http://www.longwarjournal.org/archives/2010/01/analysis_us_air_camp.php#ixzz1NvwWSOFH).

<sup>40</sup> Peter Bergen and Katherine Tiedman, "The Hidden War," *Foreign Policy*, 21 December 2010, [http://www.foreignpolicy.com/articles/2010/12/21/the\\_hidden\\_war?page=0,5](http://www.foreignpolicy.com/articles/2010/12/21/the_hidden_war?page=0,5).

<sup>41</sup> Email communication, 31 May 2011.

<sup>42</sup> David S. Cloud, "CIA Drones have Broader List of Targets," *The Los Angeles Times*, 5 May 2010. <http://www.latimes.com/news/nationworld/world/la-fg-drone-targets-20100506,0,57614.story>.

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Bush administration it was decided that the CIA was no longer restricted to targeting individuals whose names are on an approved list. The Obama administration has apparently continued this policy. This means that more people may be killed but it is uncertain that they are militant leaders or even militants.

Reports about specific incidents illustrate the difficulties in coming to an assessment of the cost in civilian lives. A strike on 3 September 2008 by US forces against Al Qaeda in Pakistan produced a dispute about the number and identities of civilian casualties. While the Pakistani military said that about twenty people were killed, including seven villagers, the US said one child and several women were killed.<sup>43</sup> On 23 June 2009 a CIA drone attack targeting militants during a funeral outside the village of Makeen, reportedly killed between 2 and six militants and dozens, "possibly as many as eighty six," civilians.<sup>44</sup> ABC News reported 80 deaths in that strike.<sup>45</sup> A witness described one attack in January 2010 on the village of Sanzalai as a first and then second strike that killed and wounded more villagers: "Just when people gather at the scene to retrieve the bodies and pull out the wounded, another missile struck an hour later."<sup>46</sup>

Indeed, despite the Predator's high tech, electro-optical and infrared real time video, and the ability to hover over a potential target for many hours, the technology is limited by intelligence and human error. It took perhaps sixteen attempts from June 2008 to August 2009 with Hellfire missile strikes over to kill one high level militant in Pakistan, Baitullah Mehsood and several of his aides. In October 2009, Jane Mayer noted that the collateral damage was substantial yet the numbers are uncertain — "between two hundred and seven and three hundred twenty-one additional people were killed, depending on which news accounts you rely upon."<sup>47</sup> Research by CIVIC questioned the U.S. government claims that few civilians were harmed. "CIVIC's research and that of other independent nongovernment organizations indicates that the number of civilians killed and injured by drones is higher than the US admits."<sup>48</sup> In their investigation CIVIC reported in 2010 that "Since 2009, over 120 strikes have killed between an estimated 804-1367 people. 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. CIVIC conducted interviews with drone victims and others from affected areas and confirms that drones have struck civilians with no connection to militancy. Indeed, CIVIC uncovered more than 30 alleged

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<sup>43</sup> Pir Zubair Shah, Eric Schmitt and Jane Perlez, "NATO Accused of Civilian Deaths inside Pakistan," *The New York Times*, 4 September 2008.

<sup>44</sup> Jane Mayer, "The Predator War," *The New Yorker*, 26 October 2009, p. 45. [http://www.newyorker.com/reporting/2009/10/26/091026fa\\_fact\\_mayer](http://www.newyorker.com/reporting/2009/10/26/091026fa_fact_mayer).

<sup>45</sup> Rohan Sullivan, "Drone Attack Claims 80 Lives," ABC News International, 24 June 2009 <http://abcnews.go.com/International/wireStory?id=7914046>.

<sup>46</sup> Ismail Khan and Salman Masood, "U.S. Drone Strikes Reported in Pakistan's Tribal Region," *The New York Times*, 7 January 2010, p. A18.

<sup>47</sup> Mayer, "The Predator War," *The New Yorker*, 26 October 2009, p. 45.

<sup>48</sup> Rogers, "Civilian Harm and Conflict in Northwest Pakistan," p. 2.

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civilian deaths in only nine cases investigated, all of which took place since January 2009."<sup>49</sup> CIVIC also noted that the U.S. criteria for distinguishing between civilians and combatants was not available to the public, making it difficult to evaluate their claims.

But again, the U.S. says little about its drone strikes, and the Pakistani government usually comments even less. Thus, reliance on unofficial counts has filled the vacuum. However, two of the most widely cited U.S. sources of data on drone strikes, LWJ and NAF, have been criticized as biased, either by their connection to a pro-war agenda or because of their reliance on limited media reporting in Pakistan. Specifically, a recent opinion piece in *Al Jazeera* by Mohammed Idrees Ahmad, for example, stated that, "Like the LWJ, the NAF also relies on media reports and errs conspicuously on the side of official claims. For example, its data shows that, of the 287 Pakistanis killed so far this year, 251 were militants. This of course cannot be true, since a single incident - the March 17 killing of 38 pro-government tribal elders at a gathering in Datta Khel, North Waziristan - undermines these calculations." Ahmad concludes that, "These civilian deaths were only acknowledged because the victims were known notables with favourable relations with the Pakistani government."<sup>50</sup>

In sum, while we cannot say with confidence that we know the number of civilians killed in the drone strikes, we can say that the intensity of the drone strikes has grown in recent years and that the official, if limited, comments by U.S. officials on both the number of militants killed and the number of civilians killed is questionable. The differences among the other sources about the proportion of civilians killed are probably due to political perspective, differences in interpretation of the relevant international law, and differences in emphasizing both the local media and the official sources of information. Indeed, while many Pakistani's remained unaware of the drone strike program, a survey conducted by the Pew Research Center in May 2011 found that among those who knew about the strikes almost 90 percent of believed that the drone attacks "kill too many innocent people."<sup>51</sup>

The focus on drone strikes and the disagreements about how many and who has been killed has perhaps distracted from the other side of U.S. military action in Pakistan. Civilians are also increasingly at risk from U.S. and ISAF ground force operations in Pakistan. U.S. Special Forces have operated in Northwestern Pakistan since 2008 operating either alongside the Pakistani military or by themselves.<sup>52</sup> The U.S. had deployed about 150 Special Operations Forces as trainers in Pakistan by early 2011, but about 25

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<sup>49</sup> Rogers, "Civilian Harm and Conflict in Northwest Pakistan," p. 15.

<sup>50</sup> Muhammad Idrees Amhad, "The Magical Realism of Body Counts," *Al Jazeera*, 13 June 2011, <http://english.aljazeera.net/indepth/opinion/2011/06/2011613931606455.html>.

<sup>51</sup> Pew Research Center, Pew Global Attitudes Project, "U.S. Image in Pakistan Falls No Further Following bin Laden Killing," 21 June 2011, p. 20.

<sup>52</sup> Declan Walsh, "WikiLeaks Cables: U.S. Special Forces Working Inside Pakistan," *The Guardian*, 30 November 2011, <http://www.guardian.co.uk/world/2010/nov/30/wikileaks-cables-us-forces-embedded-pakistan>.

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to 30 trainers were "told to leave" according to a U.S. military official, in late spring 2011, before the raid that killed Osama bin Laden.<sup>53</sup> In late 2008 U.S. Special Operations forces attacked three houses in South Waziristan, killing 15 people. U.S. officials said the targets were members of al Qaeda, but acknowledged that several civilians were killed, including women and at least one child.<sup>54</sup> Some of the U.S. Special Operations soldiers have died in Pakistan: in early 2010, three U.S. soldiers were killed in a roadside bombing.

Civilians also die when the United States and other International Security Assistance Forces (ISAF) operating in southern Afghanistan pursue militants across the border into Pakistan. U.S. Special Forces raids into Pakistan likely began in 2003. There were 10 clashes at the border between Pakistani security forces and NATO ISAF in 2008 and 15 clashes in 2009. The Pak Institute for Peace Studies counts of these incidents along the Afghanistan-Pakistan border found that between 2007 and 2010, nearly 500 have been killed and 353 have been injured in these raids, many of whom are civilians.<sup>55</sup>

Pakistani military forces have been killed in these cross border strikes as well. For instance, in September 2010 when NATO helicopters crossed the border from Afghanistan into northwest Pakistan in pursuit of insurgents, NATO forces killed three Pakistani soldiers. The incident caused Pakistan to close the border for more than a week, leading immediately to the backup of fuel tankers and trucks attempting to move supplies and fuel into Afghanistan. More than 150 trucks were then destroyed when they were forced to sit on the roads or in parking lots.<sup>56</sup> In May 2011, two Pakistani soldiers were injured in a firefight with ISAF forces that had crossed the border.<sup>57</sup>

Finally, the Central Intelligence Agency controls important U.S. operations in Pakistan besides operating the drone surveillance and drone strikes. The Navy Seals who attacked the Bin Laden compound were under CIA command. Further, the U.S. Central Intelligence Agency has, according to a November 2009 report in the *Los Angeles Times*, "funneled hundreds of millions of dollars" since the September 11,

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<sup>53</sup> Karen DeYoung and Karin Brulliard, "Pakistan ordered about a Fifth of U.S. Special Forces Trainers to Leave the Country as Relations Deteriorated," *The Washington Post*, 20 May 2011, [http://www.washingtonpost.com/world/bomb-targeted-at-us-vehicles-injures-13-in-pakistan-city/2011/05/20/AFryUb7G\\_story.html](http://www.washingtonpost.com/world/bomb-targeted-at-us-vehicles-injures-13-in-pakistan-city/2011/05/20/AFryUb7G_story.html). Also see Rob Crilly and Toby Harnden, "US to Reduce Special Forces Presence in Pakistan," *The Telegraph*, 26 May 2011, <http://www.telegraph.co.uk/news/worldnews/asia/pakistan/8538976/US-to-reduce-Special-Forces-presence-in-Pakistan.html>.

<sup>54</sup> Farhan Bokhari, Sami Ysafzai, and Tucker Reals, "U.S. Special Forces Strike in Pakistan," *CBS News*, 3 September 2008, <http://www.cbsnews.com/stories/2008/09/03/terror/main4409288.shtml>.

<sup>55</sup> Pak Institute for Peace Studies reports, 2008, 2009, 2010.

<sup>56</sup> Chris Brummit and Deb Riechman, "Pakistan Cuts NATO Supply Line After Border Firing," *The Washington Post*, 30 September 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/09/30/AR2010093000491.html>. Associated Press, "Pakistan Reopens Key Afghan Border Crossing to NATO Convoys," *Guardian*, 10 October 2010, <http://www.guardian.co.uk/world/2010/oct/10/pakistan-reopens-key-border-crossing-to-nato>.

<sup>57</sup> Haris Anwar and James Rupert, "NATO Helicopters Cross Into Pakistan, Spark Firefight with Border Guards," *Bloomberg*, 17 May 2011, <http://www.bloomberg.com/news/2011-05-17/pakistan-troops-clash-with-nato-helicopters-in-afghanistan-border-region.html>.

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2001 attacks to Pakistan's Inter-Services Intelligence (ISI) agency for help in tracking, capturing or killing militants in Pakistan, accounting for as much as a third of ISI's annual budget."<sup>58</sup>

### **Pakistani Action against Militants Harms Civilians**

The U.S. has encouraged and supported the Pakistani military to attack militants. The Pakistani military and intelligence services are waging war against several insurgent organizations in the northwestern region of Pakistan, the Afghan Taliban, al Qaeda, Haqqani, the Pakistani Taliban, and local sectarian militias. In addition, an insurgency in Balochistan, in the southwest of the country, has become increasingly deadly to Pakistani civilians, as the Pakistani security forces have attempted to crush the insurgents. The security forces have launched several major offensives in recent years. These operations are displacing hundreds of thousands and killing thousands of Pakistani civilians.

The Pakistani security forces' operations have included significant military force using F-16 strikes, mortar attacks, and raids on militant camps. Further, a new 400 person paramilitary commando unit, part of the Frontier Corps, was trained by U.S. Special Forces to operate in the tribal areas.<sup>59</sup> It was the Frontier Corp in May 2011 that killed 5 unarmed people in Quetta, Balochistan. The Pakistani Army has also enlisted or coerced, depending perhaps on perspective, some local tribesmen in Khyber to fight the Taliban; they were told to fight or leave the area in April 2011. Some chose to stay and fight, but thousands left the region, becoming internally displaced.

Most civilians killed and injured by Pakistani military forces are harmed by artillery and mortar fire. Others are killed when fixed wing aircraft and helicopters use bombs or open fire with heavy guns. The Pak Institute for Peace Studies notes that in 2008 and 2009 more people were killed and injured by Pakistani security forces than by what they categorize as terrorist attacks by insurgents.

**Table 2. Civilians Killed and Injured by Pakistani Security Force Operational Attacks, 2008-2010<sup>60</sup>**

	<b>Killed</b>	<b>Injured</b>
<b>2008</b>	3,182	2,267
<b>2009</b>	6,329	3,181

<sup>58</sup> Greg Miller, "CIA pays for Support in Pakistan: It has Spent Millions Funding the ISI Spy Agency Despite Fears of Corruption. But Some Say it is Worth It," *Los Angeles Times*, 15 November 2009, <http://articles.latimes.com/2009/nov/15/world/fg-cia-pakistan15>.

<sup>59</sup> See Eric Schmitt and Jane Perlez, "U.S. Secretly in Pakistan Lends Ally Support," *The New York Times*, 22 February 2009, <http://www.nytimes.com/2009/02/23/world/asia/23terror.html>.

<sup>60</sup> Pak Institute for Peace Studies, 2008, 2009, 2010.

2010	2,631	1,495
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Further, the government of Pakistan which, as mentioned above, governs the northwest region of Pakistan under British colonial era law, has been accused of collective punishment and extrajudicial killings of suspected militants, their relatives, and potential supporters of militants. Human Right Watch reported that, "Since September 2009, when the Pakistani military re-established control over the [Swat] valley, Human Rights Watch has received numerous credible reports of collective punishment, including arbitrary detention, forced evictions, and house demolitions by the military and police. Human Rights Watch has investigated these allegations on the ground in Swat since February 2010, and documented scores of abuses."<sup>61</sup> Further, Human Rights Watch investigated reports of extrajudicial killing in the Swat Valley in February 2010. They researched "alleged human rights violations in Swat based on an initial list of 238 suspicious killings provided by local sources and the independent Human Rights Commission of Pakistan. Human Rights Watch has corroborated about 50 of these cases."<sup>62</sup>

#### **Militant Attacks that Harm Civilians**

As noted above, there are several armed conflicts underway in Pakistan some of which preceded the U.S. war in Afghanistan. Those should be called insurgencies. In addition, the Pakistani Taliban, Haqqani network, and other militant organizations sometimes target civilians, and civilians are caught in the crossfire of the war between insurgents and Pakistani security forces.

The war in Afghanistan has increased insurgent or militant activity in Pakistan. For example, NATO convoys cross the border into Afghanistan from Waziristan and Balochistan Pakistan, making them targets for insurgents both near the border and as the convoys travel through the rest of the country. In these incidents, it was not uncommon for a number of civilians to be attacked or injured. In a recent case, South Asia Terrorism Portal reports that on 20 May 2011, "16 persons, including 8 members of a family, were killed when NATO oil tankers were set ablaze in two separate incidents" in the FATA area of

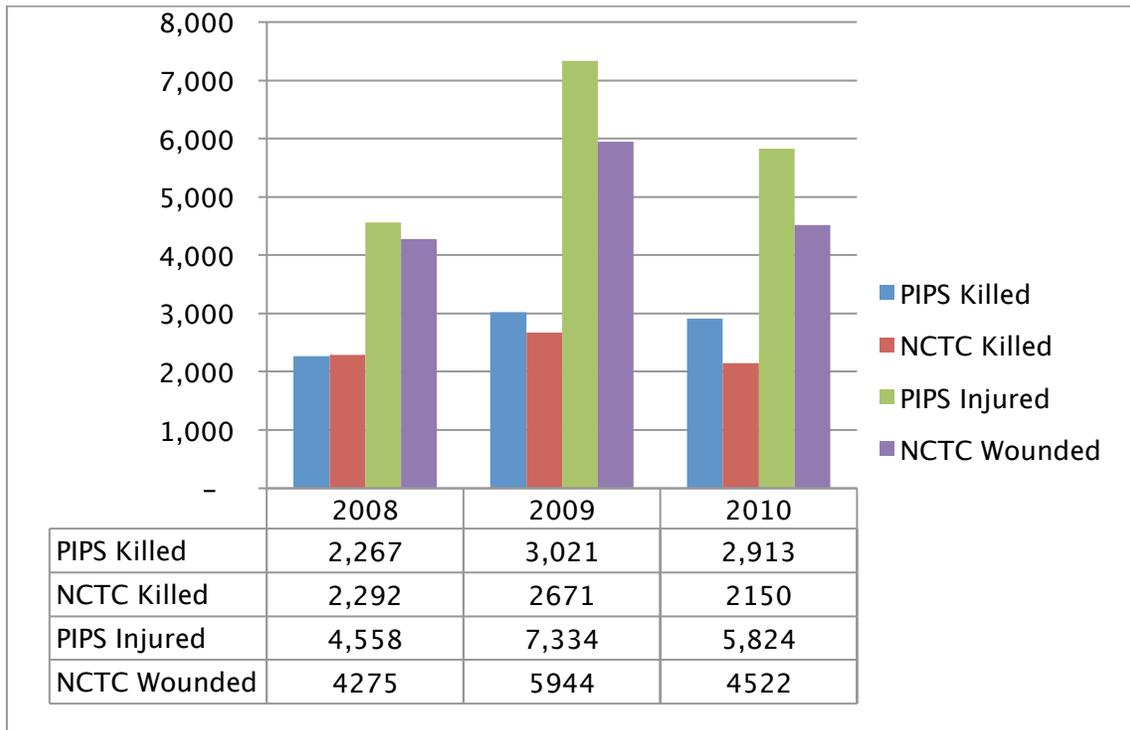
<sup>61</sup> Human Rights Watch, "Pakistan: End Collective Punishment in Swat," 22 July 2010, <http://www.hrw.org/en/news/2010/07/21/pakistan-end-collective-punishment-swat>.

<sup>62</sup> "In no case examined by Human Rights Watch was a killing falsely reported, suggesting that the total number of killings is as high as or greater than those reported. The information for each case includes names or numbers of victims, place names, and dates. To date, the Pakistani military has not held any of the perpetrators accountable for these killings." Human Rights Watch, "Pakistan: Extrajudicial Executions by Army in Swat," 16 July 2010, <http://www.hrw.org/en/news/2010/07/16/pakistan-extrajudicial-executions-army-swat>.

northwestern Pakistan. More than 250 tankers carrying fuel intended for use by NATO ISAF forces were attacked in Pakistan *en route* to Afghanistan in 2010.<sup>63</sup>

Not surprisingly, there are different counts of the number of those killed by "terrorists" or insurgents in Pakistan. The U.S. National Counterterrorism Center and the Pak Institute for Peace Studies counts of individuals harmed by the various insurgent groups differ, but not in a dramatic way.

**Figure 8. PIPS and NCTC Counts of Pakistanis Killed and Injured by "terrorist attacks" from 2008-2010<sup>64</sup>**



Insurgents have directly targeted Pakistani civilians. Militant organizations have increasingly used suicide bombing as a tactic throughout Pakistan with increasing lethality from 2000 when there was

<sup>63</sup> South Asia Terrorism Portal (SATP), "NATO Related Attacks in Pakistan,"

<http://www.satp.org/satporgtp/countries/pakistan/database/natoattack.htm>. Accessed 6 June 2011.

<sup>64</sup> Sources: PIPS: Pak Institute for Peace Studies, 2008, 2009, 2010; NCTC: United States, National Counterterrorism Center (NCTC), "Worldwide Incidents Tracking System," <https://wits.nctc.gov/FederalDiscoverWITS/index.do?N=0> accessed 9 May 2011.

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one suicide blast that killed 3 people and injured three others.. Pakistan Body Count has recorded more than 300 suicide bombing attacks by various militant groups in Pakistan since 2001.<sup>65</sup>

**Table 3. Suicide Bomb Attack Blasts, 2002- 1 September 2011<sup>66</sup>**

Year	Number
2002	2
2003	2
2004	7
2005	4
2006	6
2007	55
2008	61
2009	83
2010	50
2011	32

Figure 9 below shows the numbers of Pakistani civilians injured and killed by suicide bombings from 2002-2010. In 2011, the suicide attacks continued and by early September 2011 Pakistan Body Count counted more than 500 killed in 2011, with the total number of injuries, more than twice that number. All told, Pakistan Body Count estimates that 12,775 people have been injured and 4,838 have been killed by suicide attacks from 2002 through August 2011.

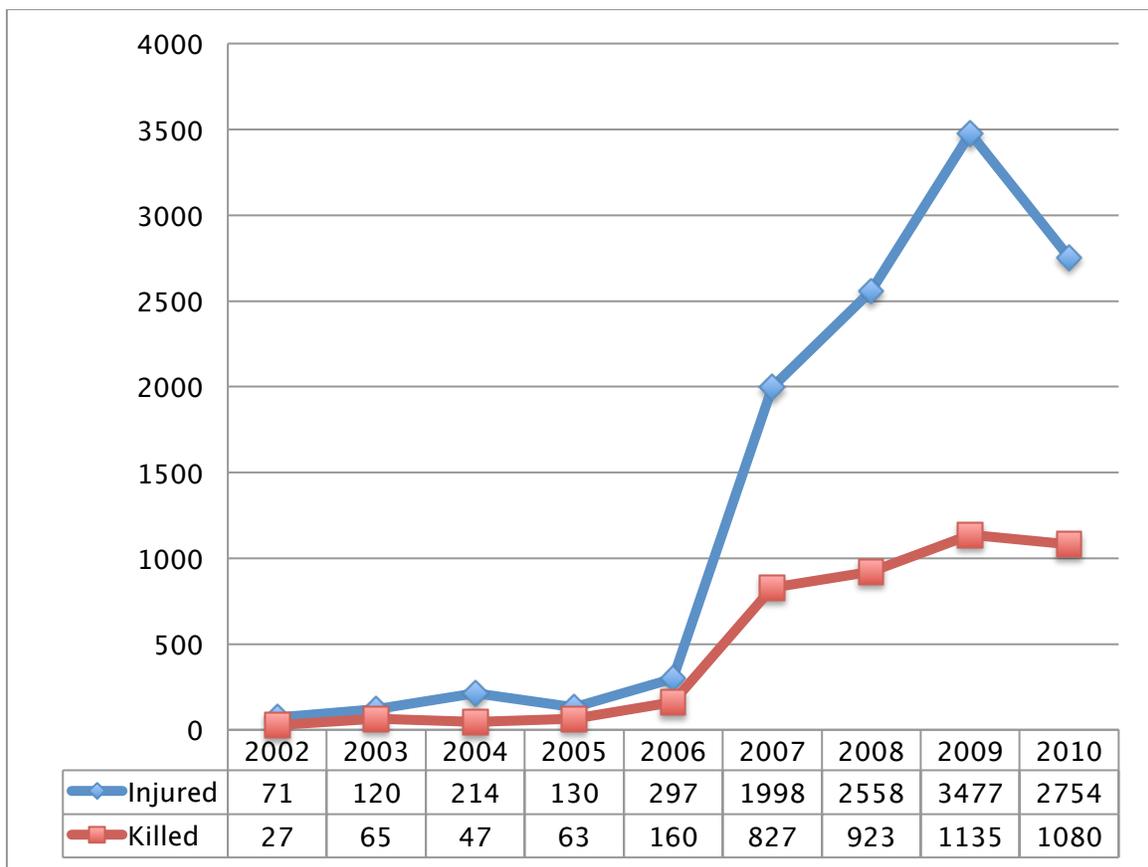
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<sup>65</sup> Note that the PBC numbers killed and wounded include six instances where "News sources didn't provide an exact count. Word "**Many**" is translated to 8 and "**Several**" has been translated to 4." Pakistan Body Count, "Suicide Bombing," <http://www.pakistanbodycount.org/sbombing.php>

<sup>66</sup> Pakistan Body Count, "Suicide Bombing," <http://www.pakistanbodycount.org/sbombing.php>.

**Figure 9.**

**Suicide Bombing by Militant Groups in Pakistan: Maximum Estimated Killed and Injured<sup>67</sup>**



**The Death Toll of Pakistan's Armed Conflicts**

In sum, the Pakistani people have suffered greatly at the hands of various parties. Many sources do not disaggregate the identities of victims, whether civilian, police or insurgent. Given the difficulty in disaggregating victims this paper presents estimates for the total number of people killed.

<sup>67</sup> Pakistan Body Count, "Suicide Bombing," <http://www.pakistanbodycount.org/sbombing.php>.

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My estimate uses the Pak Institute for Peace Studies count for the total number of people killed by Pakistani Security Forces and various militant groups for years the 2005 to 2010.

**Table 3. People Killed in Armed Conflicts in Pakistan, 2005-2010, not including those Killed by U.S. Drone Strike**<sup>68</sup>

	Killed
2005	216
2006	907
2007	3,448
2008	7,997
2009	12,632
2010	9,042
Total	34,242

To this I add the New American Foundation low total for the number of people killed by drone strikes (see figure 5), which is close to the Pakistan Body Count minimum. The Brooking Institution also relies on the NAF figures in its "Pakistan Index."<sup>69</sup> Adding the NAF low figure to the PIPS figures, I conclude that about 35,600 people have been killed in Pakistan from 2005 to 2010 in armed conflict. Using either the NAF high estimate or the Pakistan Body Count maximum figure for civilians killed by drones (they are roughly the same) would have resulted in a figure of about 850 more deaths. Most of the individuals killed in Pakistan are probably ordinary civilians.

These figures do not include counts of insurgents and Pakistani security forces who have been killed in the conflict. The South Asia Terrorism Portal records about 20,893 deaths of people it labels as "Terrorists/Insurgents" from 2003 to 29 May 2011. SATP also records the deaths of 3,520 Pakistani Security Force Personnel from 2003-29 May 2011.<sup>70</sup> Adding the deaths of likely civilians (35,600) to the figure for combatants (20,893 +3,520) is not a straightforward exercise since there will be some overlap in the categories of civilian and terrorist insurgents. Thus, the total number killed is uncertain, but around 60,000 (plus or minus due to likely overlap/double counting).

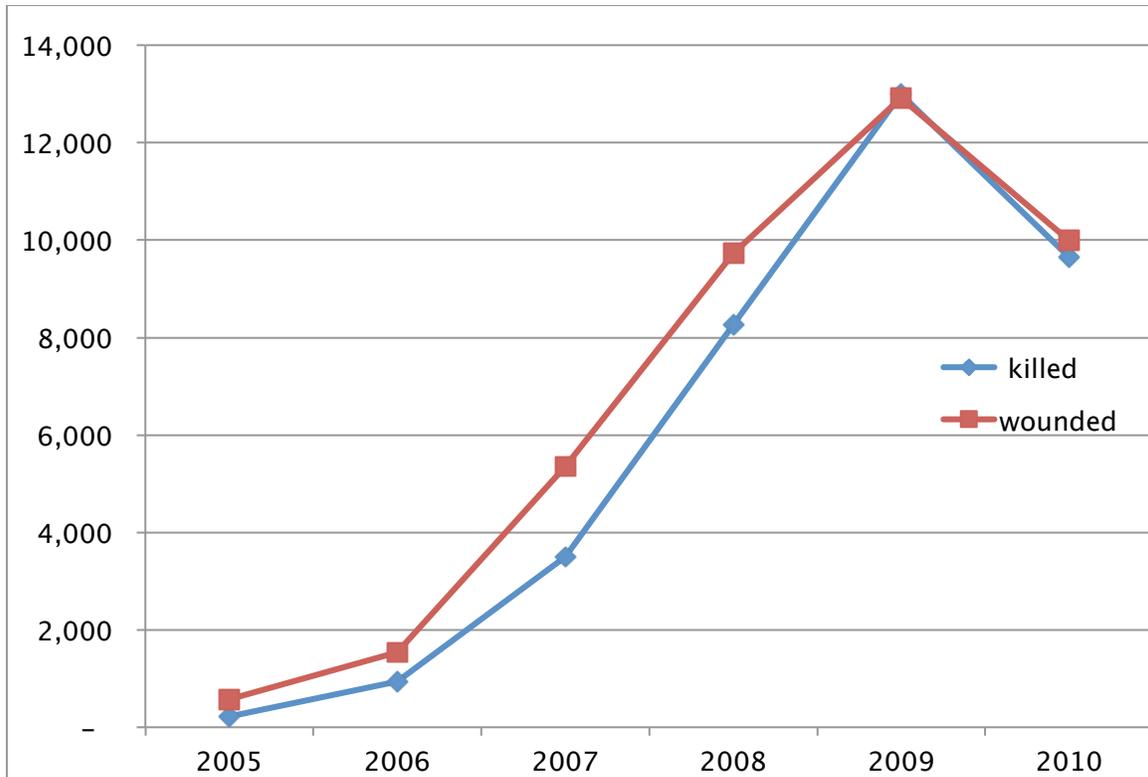
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<sup>68</sup> Pak Institute for Peace Studies, 2008, 2009, 2010. The figures include some number of people killed in border clashes with India (along the Line of Control) and Iran a total of 7 in 2008, and 8 in 2009.

<sup>69</sup> Ian S. Livingston and Michael O'Hanlan, "Pakistan Index: Tracking Variables of Reconstruction & Security," Brooking Institution, 27 May 2011.

<sup>70</sup> South Asia Terrorism Portal, "Fatalities in Terrorist Violence in Pakistan, 2003-2011," <http://www.satp.org/satporgtp/countries/pakistan/database/casualties.htm>, accessed 6 June 2011.

Figure 10. Number Killed and Wounded in Pakistan, 2005-2010<sup>71</sup>



How many people have been injured in the wars. War wounding is a significant problem in Pakistan, as in Afghanistan, leaving many maimed individuals, while increasing the burden of care on their families. Using the Pak Institute for Peace Studies count for all wounds other than drone strikes, and the Pakistan Body Count number for the minimum number wounded by drones, there have been at least about 40,000 wounded from 2005 to 2010. The victims include those injured by landmines, bombings, and fire as their homes or market places are destroyed. Those in the northwest whose injuries require complex

<sup>71</sup> Source for killed: PIPS, 2008, 2009, 2010, not including drone deaths, plus NAF low total for "other" killed. Not including insurgent or Pakistani security forces deaths. Source for wounded: PIPS count for wounded, not including people wounded by drones, plus Pakistan Body Count number for minimum number of civilians wounded by drone.

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surgical care must sometimes travel for days or weeks because curfews, road closures, and combat can inhibit travel. Some of the wounded are treated at the International Committee RC Surgical Hospital for Weapon Wounded in Peshawar, a tent field hospital, which began treating patients in February 2009.<sup>72</sup> The ICRC also supports the Pakistan Institute of Prosthetic and Orthotic Sciences in Peshawar and the Quetta Christian Hospital rehabilitation centre. In addition the ICRC manages the Muzaffarabad rehabilitation centre and a home-care project for people with spinal cord injuries.<sup>73</sup>

### **Displacement, Hardship, and Indirect Death**

The burden of war is also evident in the number of Pakistanis who are both internally displaced and who have sought refuge in other countries. Although the exact numbers are difficult to determine, millions of Pakistanis have been on the move in the last several years. Specifically, in 2009, more than 3 million Pakistanis were internally displaced in the northwest region of Pakistan, many staying in the approximately 30 camps for internally displaced people. Others were staying with relatives, if they could. In May 2010, the number of internally displaced people dropped to 1 million, but flooding in August 2010 and war related displacement has grown again in 2011 according to the Norwegian Refugee Council. About one million were internally displaced in the FATA (where most U.S. drone strikes occur) in 2011.<sup>74</sup> In February, the UN's refugee agency, (UNHCR) announced that it had established two new camps in the tribal areas of the northwest to accommodate people displaced by conflict.<sup>75</sup>

That displacement follows government offensives is foreseeable and foreseen in Pakistan. For example, in May 2011, humanitarian agencies in the northwestern region of Pakistan were told to brace for up to 365,000 more displaced people in the area as Pakistani military officials alerted them of a planned offensive against Taliban and al Qaeda. Aid agencies were similarly alerted about five months in advance of an offensive in 2009.<sup>76</sup> Displaced individuals and families may have to wait years to return. For example, many were displaced in government operations against insurgents in 2008 in the Bajaur and Mohmand areas of northwest Pakistan, near the Afghan border. At its peak capacity in 2009, 147,000

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<sup>72</sup> Rogers, *Civilians in Armed Conflict*, pp. 29-31; ICRC, Pakistan, "ICRC Opens Surgical Hospital for Weapon Wounded in North-West Pakistan," Relief Web, 28 April 2009 <http://reliefweb.int/node/306292>.

<sup>73</sup> International Committee for the Red Cross, *Physical Rehabilitation Programme, Annual Report 2009* (Geneva: ICRC, 2009) pp. 10 and 45, [http://www.icrc.org/eng/assets/files/other/icrc\\_002\\_4031.pdf](http://www.icrc.org/eng/assets/files/other/icrc_002_4031.pdf).

<sup>74</sup> Only about 50 percent of IDPs are officially registered (to be registered requires holding a computerized national identity card — CNIC). Norwegian Refugee Council, Internal Displacement Monitoring Centre, "Pakistan: Returns Continue in some Areas but Comprehensive IDP Policy Needed," 31 May 2011. [www.internal-displacement.org](http://www.internal-displacement.org).

<sup>75</sup> UNHCR, "New Displacement in North-West Pakistan," *UNHCR Briefing Notes*, 4 February 2011, <http://www.unhcr.org/4d4bd2626.html>.

<sup>76</sup> Reuters, "Aid Agencies Put on Alert Ahead of North Waziristan Operation," *International Herald Tribune*, 31 May 2011, <http://tribune.com.pk/story/178984/aid-agencies-put-on-alert-ahead-of-n-waziristan-operation/>.

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people were registered in one camp, although the majority of the displaced people were living outside the camps. In June 2011, about 38,000 people began the final process of returning to their homes in northwestern Pakistan.<sup>77</sup>

It is difficult to assess the health status of those in the most conflict-affected areas. When interviewing Pakistanis affected by the war, CIVIC found that many suffered from depression, anxiety, and anger. Many also suffered the more tangible effects of war: poverty, malnutrition, and increased risk of contracting diseases such as cholera. The World Health Organization notes that war related violence and political turmoil has contributed to the difficulty in vaccinating children for polio in Pakistan, where the incidence of the disease has grown in the last few years.<sup>78</sup>

### **Death of Non-Governmental Organizations and Media Personnel**

News media reporters, translators, and camera operators have also died in these conflicts. News media reporters, translators, and camera operators have also died in these conflicts. Thirty-three additional journalists have been killed in Pakistan since the killing of *Wall Street Journal* reporter Daniel Pearl, who was researching militant activity in Pakistan, in early 2002.<sup>79</sup> Syed Saleem Shahzad, who wrote about security and terrorism issues for *Asia Times*, was killed in May 2011 after reporting on the Pakistan security forces ties to terrorist organizations, including al Qaeda. There was immediate speculation that the reporter, whose body had signs of torture, had been kidnapped and killed by the Inter-Services Intelligence (ISI) agency.<sup>80</sup> Aid workers in Pakistan have also been killed in both targeted and indiscriminate attacks.

### **Conclusions**

The multiple interrelated armed conflicts in Pakistan have caused significant displacement, injury and death. It is difficult to disaggregate between the number of civilians and "militants" killed, in part because almost all males in Pakistan are armed in the northwestern region where the bulk of the fighting has occurred. Further, because Pakistan limits access to the areas where conflict occurs, there is often great

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<sup>77</sup> UNHCR, "Three Years After Fleeing Conflict, Thousands in Pakistan Return Home," *UNHCR*, 7 June 2011, <http://www.unhcr.org/4dee22a56.html>.

<sup>78</sup> Sania Nishtar, "Pakistan, Politics, and Polio," *Bulletin of the World Health Organization*, WHO 8 December 2009, <http://www.who.int/bulletin/volumes/88/2/09-066480/en/>.

<sup>79</sup> Committee to Protect Journalists, <http://cpj.org/killed/>. Accessed 1 June 2011. The total given by CPJ is 33 journalists killed motive confirmed; 9 journalists killed motive unconfirmed, and 2 media workers killed since 2001.

<sup>80</sup> Michael Georgy, "Pakistan Spy Agency Faces More Heat After Reporter's Killing," Reuters, 1 June 2011, <http://www.reuters.com/article/2011/06/01/us-pakistan-journalist-idUSTRE7503DP20110601>.

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uncertainty about what happened in any one instance. In this sense, Pakistan is more opaque than Afghanistan and Iraq.

The estimate of more than 35,000 killed from 2004 to the end of 2010 is certainly conservative. To this we can add more killed in 2011 through 1 September 2011. During the period of January early September 2011 an estimated at least 511 were killed by suicide attacks, another 300-450 killed by the U.S. about 50 drone strikes (with disputes about the number of these who are civilians), and hundreds or likely thousands more killed in sectarian violence, government attacks on insurgents, and insurgent attacks on civilians. South Asia Terrorism Portal also records about deaths among 100 Pakistani security forces and more than 380 deaths insurgents through February 2011. If 2011 is like past years, SATP will likely record thousands of militant and security force deaths.<sup>81</sup>

But to focus on the uncertainties about the exact numbers and identities of victims of war would be to miss the larger implications of this report. Pakistan is at war: it is probable that more people have been directly killed in northwest Pakistan by the conflicts than in Afghanistan, and that the conflict, and the number of conflict deaths are escalating. Further, the displacement of Pakistani civilians due to fighting and flooding means that many millions are homeless and therefore vulnerable to physical and psychological stress. Although the U.S. is not directly responsible for all the death and suffering in Pakistan, it sends billions of dollars annually to the Pakistani security forces, which is responsible for many, in some years, the majority, of the deaths and much of the displacement in Pakistan. The armed conflicts in Pakistan will almost certainly continue during the reduction of U.S. military forces in Afghanistan scheduled to begin this year, and also after the U.S. forces completely withdraw from Afghanistan. Further, landmines and other explosive remnants of war are likely to continue to kill and maim in Pakistan for many more years.

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<sup>81</sup> <http://www.satp.org/satporgrp/countries/pakistan/index.htm> Accessed 5 September 2011.

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