

“CONDITIONS ON THE GROUND” IN AFGHANISTAN DEMONSTRATE WHY IMMUNITY WILL NEVER BE GRANTED TO US TROOPS

Despite the happy talk in Washington during Friday’s joint press appearance by Afghan President Hamid Karzai and US President Barack Obama, Karzai’s public statement today upon his return to Afghanistan illustrates that it is quite unlikely that we will ever see an agreement granting US troops full criminal immunity beyond the end of 2014. Highly disparate stories from Afghan civilians, the Afghan press and the US military surrounding the deaths of a number of Afghan civilians on Sunday serve to illustrate why no immunity agreement will ever be granted and that a full US withdrawal, just as seen in Iraq, will follow the failure to grant immunity.

In the Washington press conference on Friday, Karzai said that he would push for an immunity agreement:

Mr. Karzai also said he would push to grant legal immunity to American troops left behind in Afghanistan – a guarantee that the United States failed to obtain from Iraq, leading Mr. Obama to withdraw all but a vestigial force from that country at the end of 2011.

But now that he is back in Afghanistan, we see how Karzai plans to make his “push”:

“The issue of immunity is under discussion (and) it is going to take

eight to nine months before we reach agreement,” Karzai told a news conference in the capital, Kabul, after returning from meetings with U.S. President Barack Obama in Washington.

The Afghan government rejected an initial U.S. proposal regarding the question of immunity and a second round of negotiations will take place this year in Kabul, he said.

Those negotiations could involve Afghanistan’s Loya Jirga, a “grand assembly” of political and community leaders convened for issues of national importance, he added.

It seems virtually impossible that a Loya Jirga would vote to confer immunity, and so it appears that by including the Loya Jirga in the decision process, Karzai will be able to claim that he “pushed” for immunity but was unable to get the vote for it.

Meanwhile, a joint US-Afghan military operation on Sunday provides a perfect example of both why the US insists on immunity and why Afghans are virtually certain never to grant it.

The New York Times gives us some of the basics of what happened:

An explosion in a mountain village in eastern Afghanistan on Sunday killed at least seven civilians after a joint American-Afghan military raid killed four Taliban fighters there, Afghan officials said. But villagers said 16 civilians had been killed.

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In Sunday’s raid, which occurred before dawn, a team of American and Afghan Special Operations forces detained a Taliban leader and then came under fire from Taliban gunmen who were hiding in a

mosque. At least some of the Taliban were wearing suicide vests, which exploded during the fight, destroying the mosque, Afghan officials said.

"It was a joint ground operation in Hasan Khel village of Saidabad that killed four armed Taliban inside the mosque," Major Zaffari said. "Some civilians were trying to collect the bodies or to get their weapons and other ammunition when suddenly a huge explosion took place and resulted in civilian casualties, but we don't know the exact numbers."

Afghan civilians claim that a US airstrike was involved. In fact, Khaama Press includes that claim in the headline of its story "NATO airstrike kill Afghan civilians in Wardak province" (it appears that subject-verb agreement was lost in translation):

According to local authorities in central Maidan Wardak province of Afghanistan several were killed or injured following a NATO airstrike in Syedabad district early Sunday morning.

Local residents and eye witnesses in the area are saying at least 12 to 15 people including Afghan civilians have been killed following the airstrike.

They said the airstrike started around 5 am local time and continued for several hours.

The US military insists that no airstrike took place. From the ISAF website:

Afghan and ISAF forces conducted an operation in Sayed Abad district, Wardak province early today. During the operation, an Afghan and coalition security force killed four armed insurgents after the insurgents

attacked. One Afghan soldier died in the operation. After the engagement, the security force discovered a cache of weapons and explosives and destroyed it on site before withdrawing from the area.

"There was no airstrike during the operation, as some media outlets are reporting," said Colonel Thomas Collins, an ISAF spokesperson. "The operation was initiated to disrupt insurgent activities in the area, but again, ISAF did not drop any munitions from aircraft. These reports are simply not true."

"ISAF is aware of reports that Afghan civilians were killed and injured after the operation. We take all allegations of civilian casualties seriously and in coordination with Afghan officials will determine the facts of what happened," Collins said.

The Times article has more from ISAF spokesman Lt. Col. Hagen Messer:

"If there were civilians killed," he said, "it was after the operation."

Clearly, the statements from ISAF and the Afghan civilians have fundamentally conflicting versions of what transpired on Sunday. Given the history of US lies on operations and the Taliban's propensity to claim credit for any events that hamper coalition troop efforts, getting at what really transpired seems impossible without a lot of independent investigation. However, it is this known history of lying about criminal acts for both sides that demonstrates why the US insists on criminal immunity for its troops and why Afghan civilians, through their tribal leaders, will never grant it.

Note that another bit of information to come

from Friday's joint press appearance is that the timetable for handing over full security responsibility to the Afghans has now been moved up to spring of this year from summer. Perhaps that is a tacit admission that the immunity agreement is unlikely to happen and that the final troop withdrawal might as well be at the end of this year (when the negotiations are scheduled to fail) instead of next.