Seeing and Unmaking Civilians in Afghanistan:

Visual Technologies and Contested Professional Visions

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In the early hours of September 4th, 2009, a NATO airstrike targeted people who had gathered around two stolen trucks carrying fuel for NATO troops that had gotten stuck on a sand bank near Kunduz. According to different reports, the attack, which was ordered by German troops and executed by U.S. F-15E fighter pilots, killed between 50 and 179 people, among them between zero and 113 civilians (Bundestag 2011; Amnesty International 2009). This article analyzes the "scopic regimes" (Gregory 2011, 190) and contestations over professional vision (Goodwin 1994; Vertesi 2014) in the context of this airstrike, querying how different modes of professional vision could lead to starkly different accounts of the events and counts of civilian casualties.

How do NATO officers see civilians? Which knowledges, perspectives, and collaborative practices of professional vision do they employ? Which hierarchies of knowledges, technologies, and points of view are affirmed in the process? What accounts for the stark disparities between the reports, and how are differences in professional vision discussed and resolved? I focus on the divergences between the different counts and accounts

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in order to shed light on the instability of the category of civilians as well as the contingent and contested nature of professional vision. As Sally Engle Merry and Susan Bibler Coutin argue, regimes of measurement and quantification obscure the ambiguities of the categories that are being employed. The instability of categories and their "local translation[s]" (Merry & Bibler Coutin 2014, 3) becomes visible by reading reports not only against the grain, but also against each other. Such a reading demonstrates that visual technologies are not neutral tools for making civilians visible. Instead, civilians are produced through what I will call specific *socio-cultural prisms of visibility* in which technologies play an important enabling and legitimating role.

The distinction between civilians and combatants, well established in international law, is not easily made in counter-insurgency warfare in Afghanistan: German officers reported being unable to reliably distinguish civilians from combatants among the people they met on the street (Münch 2009, Bundestag 2011). In response to these visual crises, German as well as US NATO officers have chosen new vantage points for visualizing and analyzing the life under their jurisdiction. The prisms of the "camera-bombers" (Butler 2010) afford decision makers the view from above; a view that abstracts and allows for a "narrowing of vision" that "brings into very sharp focus certain limited aspects of an otherwise more complex and unwieldy reality" (Scott 1991, 191). From the vantage point of the plane, civilians are identified not by their lack of "distinctive sign visible at a distance," as the Geneva Conventions would suggest, but by their spatial locations, proximities, and patterns of movement. The analysis of these video feeds relies on "professional vision" (Goodwin 1994) that, in turn, is based on assumptions, ways of seeing, and experiences that circulate among the military professionals. Seeing is collaborative work that depends on the use of a shared vocabulary for describing and interpreting images. In Afghanistan, NATO officers rarely use the "civilian/combatant" binary. Instead they operate with a narrower understanding of

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civilians as "uninvolved persons" and a wider understanding of non-civilians as persons who are "militants," "Taliban," or "insurgents"––whether or not the person is a member of a group with which NATO is at war. The shifts in technologies of vision and in the vantage point do not by themselves lead to ways of seeing civilians that result in low counts of civilian casualties. Rather, these forms of vision, exercised by officers as part of an epistemic and professional community, are underwritten by colonial and racial histories of the civilian status that surface in the verbal communication that accompanies the acts of sight and violence. The civilian is not "found" in the image but produced by "siting prisms" (Feldman 2005, 208), collaborative interpretations of visual data and the "aerial viewpoint" (Adey et al. 2011, 176) that enables surveillance as well as violence from above, fused together as *surviolence*.

This article proceeds with an account of the Kunduz airstrike, followed by a consideration of how civilians have been defined, imagined, and seen in practice. The second half of the article analyzes the modes of coding and seeing civilians that were at work in the Kunduz airstrike and its aftermath.

1. Kunduz, September 2009

On September 3, 2009 in the afternoon, Taliban fighters ambushed and abducted two drivers of trucks loaded with fuel for NATO coalition forces in the vicinity of Kunduz. The abductors directed the drivers to drive the trucks through a sandbank across the Kunduz River, where the trucks got stuck at around 6:15 pm (Bundestag 2011: 44). The Taliban went to surrounding villages to ask for––or demand––help to pull the trucks out with tractors. When these efforts did not yield any results, they asked villagers to come with containers and get fuel in an attempt to reduce the weight of the trucks and make them maneuverable again. According to most accounts, the villagers were told that they could keep the fuel (Bundestag 2011; Amnesty International 2009a, 2009c).

At about 8pm, the NATO's Provincial Reconstruction Team (PRT) in Kunduz, staffed with German forces, found out about the abduction. Resonating with the German political elite's insistence on not joining a war in Afghanistan, the PRT Kunduz which had started with a focus on development aid rather than combat. Yet in the months leading up to the September 2009 air strike, the PRT Kunduz had increasingly come under attack by Taliban forces (Feldenkirchen, Gebauer and Koelbl 2009). In a polarized political environment, local politicians had pressured the German troops to act more decisively, that is, violently, against the Taliban and their supporters (Ruttig 2010, 7). In June 2009, two German soldiers based in Kunduz were killed in a suicide attack (Feldenkirchen, Gebauer and Koelbl 2009). As German forces in Kunduz increasingly felt threatened and unable to trust the local population (Münch 2009), their stance became more aggressive and the willingness to employ violence increased. During the same summer, ISAF commander General Stanley McChrystal issued a widely discussed tactical directive directing officers to limit the use of air strikes and prioritize the protection of the civilian population in order to gain and maintain their support (ISAF 2009a). The US-led ISAF command was concerned about civilian casualties as a liability in counterinsurgency warfare while the German PRT command had resolved to defend its troops more resolutely than in the past. These two different logics collided during the night of the bombing as well in the aftermath. They structured the use of vision, the choice of vantage points, and the levels of trust in the visual capacities and judgments of other actors.

When PRT commander Colonel Georg Klein received the information about the abduction, he was concerned about the missing fuel trucks rather than the fate of the drivers (who were Afghan civilians). In consultation with other officers, he mobilized two sources of information gathering: an Afghan informant and a B-1 bomber (Bundestag 2011, 48-49). The communication with the local informant was complicated by the fact that the translator did not have a security clearance and was therefore not allowed to enter the command station.

Officers periodically went to see the translator who kept phone contact with the source (Bundestag 2011, 51). At about midnight, the plane's pilot located the abducted trucks on the sandbank (Bundestag 2011, 49). The informant soon arrived at or near the scene. His descriptions were vivid enough to suggest close proximity, but there was no evidence that he could personally see the trucks or the people surrounding them (Bundestag 2011, 51). In Colonel Klein's view, the informant's verbal reports and the officers' interpretation of the video feeds from the B-1 plane pointed to similar conclusions. Several officers agreed that the plane's footage suggested that around 70 persons were present in the vicinity of the trucks (Bundestag 2011, 53). When the B-1 plane had to return to the base to refuel, Klein lost visual access to the site. The only option for accessing the view from above would be to ask for "aerial support" that is possible in cases of "imminent threat" when there is a "troops in contact" situation. Klein made that call, thereby transforming a murky and visually inaccessible situation into a stated emergency that would require the presence of both enemy combatants and "friendly forces" under threat. The fiction of an "imminent threat" with "troops in contact" also affored Klein the power to authorize an airstrike that would normally––in the absence of a time-sensitive situation––have to be approved by superiors (Brenner 2009). The emergency became the enabling fiction that allowed Klein access to "eyeballs in the sky" (Wood 2010: 32) and gave him heightened decision making authority.

At 1:08am, two F-15E pilots reported to Klein. With the aid of the infrared night vision technology (F-15E.Info 2012), they located the site and saw 50-70 people in the vicinity of the trucks. The planes and the PRT command center were linked via the ROVER (Remotely Operated Video Enhanced Receiver) device that allows ground troops to have real time access to the video feed from an aerial vehicle (see Grant 2013). Although the pilots and the PRT officers saw the same set of moving images, they had different interpretations of these images that were rooted in their organizational contexts: the pilots had internalized the new tactical

directive and changed rules of engagement (ROE) under which "responsibility falls on fighter pilots and other aircrew members to work with ground forces to find, if possible, a solution other than releasing ordnance on a target" (Wood 2010, 310). The German officers in Kunduz, in turn, received this tactical directive at a time when they felt increasingly besieged and determined to fight back. Their visual understanding of the site was structured by their imagination of the local population as hostile and of the trucks as potential bombs that could be used to attack the PRT.

The transcript of the conversation (2009b) reveals that the German Joint Terminal Attack Controller (JTAC) told the pilots that the persons on the ground are insurgents. The pilots never fully adopted this vocabulary and repeatedly asked about the fate of the drivers. They also questioned the appropriateness of the "troops in contact" scenario and the assertion of an "imminent threat" (Bundestag 2011, 62, 65; ISAF 2009b). At 1:49am on September 4, 2009, one hour after telling each other "dude, we can't bomb that" (ISAF 2009b, 4), the pilots dropped two 500-pound bombs on the people in the vicinity of the trucks. The portion of the video feed from one plane that includes the strikes has been leaked (ISAF 2009c). It shows the landscape and the people in grainy black and white. The crosshairs in the middle of the frame remind us that we are seeing the scene not just from a perspective of surveillance, but also from the point of view of the weapon and of the killers. The bombs are released. Their impact is exacerbated by the explosion of the remaining fuel in the trucks mixed with oxygen from the air inside the truck. In a "reversal of gesture and intention," (Butler 1993: 206), the PRT officers who feared that the Taliban could turn the trucks "into massive and deadly bombs" (Wood 2010: 32) had preempted this scenario by doing so themselves.

[insert images 1, 2, 3, 4 about here]

After conferring with the pilots, the PRT Kunduz filed a report indicating 56 casualties, all Taliban. The number was based on a calculation: If 70 persons had been present and bombs typically kill 80% of those in the vicinity, the strike would have left 56 people dead (Bundestag 2011, 68). The PRT reluctantly revised these numbers on the basis of subsequent hospital visits and missions to nearby villages (Brenner 2009; Bundestag 2011, 72).

On the next day, ISAF Commander General Stanley McChrystal visited the sandbank and the Kunduz hospital as part of an ISAF investigation. According to a *Washington Post* journalist who was embedded with the ISAF forces, this investigation concluded that about 125 people were killed in the air strike, at least two dozen of whom were insurgents (Chandrasekaran 2009). The article juxtaposes the explanations of the German officers with statements from ten year old Mohammed Shafiullah, who had come to the river on a donkey to find out what was happening: "We heard there was a tanker and everyone was going to collect free fuel." While the PRT Kunduz still maintained that only insurgents had been targeted, General McChrystal told the reporter that "it was clear there were some civilians harmed at that site." He used the investigation as an opportunity to show "whether we are willing to be transparent and whether we are willing to show that we are going to protect the Afghan people" (Chandrasekaran 2009). Yet on the same day that McChrystal demonstratively vowed to ascertain the status of those who were harmed in the strike, the German Minister of Defense assured the media that "only Taliban" had been killed (Bundestag 2011, 1). While Colonel Klein and his German superiors insisted on the insurgent status of the victims before and without any further investigation, General McChrystal used this event as a test for his new strategy in which "gaining and maintaining" the support of the population is "the overriding operational imperative" (ISAF 2009a). Portions of the July 2009 directive had been made public "in order to ensure a broader awareness of the intent and scope of General McChrystal's guidance to ISAF and USFOR-A forces" (ISAF 2009a, 1). The public portion of the

document emphasizes: "We must avoid the trap of winning tactical victories––but suffering strategic defeats––by causing civilian casualties or excessive damage and thus alienating the people" (2009a, 1). The publicly expressed concern about civilian deaths is part of the overall strategy of prioritizing "popular support" in Afghanistan. Counting and investigating civilian deaths in the aftermath of an air strike becomes part of a broader matrix of counterinsurgency warfare.

The ISAF investigations were only the beginning of a chain of investigations into the airstrikes by different actors. In the weeks after the attack, at least seven different investigations were conducted: by the NATO forces, by the Afghan Government, by the UN Mission in Afghanistan, by the Red Cross/Crescent, by the Afghan Independent Human Rights Commission, by Dr. Habibe Erfan in her position as a member of the regional government, and by Amnesty International. These investigations used different methodologies and yielded strikingly disparate numbers of casualties. The German parliamentary committee report is the most recent and voluminous of these reports. It was published in October 2011. It is 550 pages long, contains a number of separate votes, and is based on dozens of interviews with witnesses and careful scrutiny of earlier reports. The committee was instated because of widespread public perception that German military officers and their political superiors had been covering up evidence of civilian casualties in the Kunduz incident. Several high military officials had resigned, admitting responsibility for disseminating wrong and misleading information (Bundestag 2011, 2).

Table 1: Investigations into the deaths caused by the air strike

Author	Date Published	Casualties (overall)	Civilian casualties	Taliban/ combatant casualties
PRT Kunduz	Sept 4, 2009	56	0	56
Informant	Sept 4, 2009	70-90	0	79-90
ISAF	Sept 6, 2009	125		At least 24
Afghan Government	Sept 10, 2009	99	30	69

UN Mission	Sept 10, 2009	109	74	35
Red Cross/Crescent	confidential	confidential	confidential	confidential
Afghan Independent Human Rights Commission		102		
Dr. Habibe Erfan (Kunduz Regional Government)	Nov 2009	179	113 (25-26 children)	
Amnesty International	Oct 30, 2009	142	83	
German Parliamentary Committee	Oct 2011	50	few	many

The stark disagreements about the numbers and status of the persons who were killed in the attack are troubling on several levels. The numbers of casualties matter not only to the communities of the victims, but also to those who have authorized the war on the side of NATO. Yet a focus on the precise numbers of casualties can also obscure the broader legal and ethical questions: the presence of a war crime is not determined by a minimum number of civilian casualties, and to argue that "too many" civilians have been killed might tacitly allow that there is a number of casualties that is unobjectionable (Zehfuss 2011, 558). In addition, the brute fact that there is considerable disagreement about the numbers of casualties, especially their status as civilian or non-civilian, might suggest that the line between civilians and combatants is not as clear as supporters of new technologies that allegedly reduce "collateral damage" and civilian casualties would like to suggest (Grant 2013, 41). Rather, the persistent efforts to count (and minimize) civilian casualties performatively suggest that the category of civilian is unproblematic, stable, and unambiguous. Yet a closer look at the practices of counting civilian casualties reveals that the category of civilian is a product of sighting technologies that depend on culturally specific vocabularies, assumptions, and practices.

Seeing is Talking is Seeing

In investigating the disparities in the casualty counts, I rely on the science and technology studies literature that treats seeing as a mediated, professional, and collaborative activity (Goodwin 1994; Vertesi 2014; Feldman 2005). Sight is enabled and produced by technologies such as the night vision cameras and the ROVER networked device that allow the pilots and the ground troops to see the scene in synchrony. While the technologies enable and shapes the image production and therefore the actions that are possible or precluded on the basis of the images, this case study draws attention to the collaborative and contested interpretation of images and visual data. As Goodwin (1994), Vertesi (2014), and Amoore (2009) have shown, vision in science, technology, and policing is trained, shaped by professional norms about focusing attention, reading visual data, and using the lenses and filters that yield professionally appropriate results. Above all, vision is collective, collaborative, and discursive. Ethnographies of professional vision emphasize the crucial role of talking, pointing to specific details or patterns, and discussing images in the process of interpretation: faced with new images, professionals use words and gestures to guide each other in developing a shared professional vision. While these discursive and embodied dissemination strategies of "proper" vision might result in a genuine consensus on how to look and what to see, quite often professionals disagree about what is to be seen and what could be seen. These disagreements can be smoothed over if some participants stay silent or emphasize the similarities between what they and others are seeing, or they can come to the fore when competing interpretations are made public. In hierarchical organizations such as the military or the police, the spaces for contesting a dominant way of looking and seeing will be smaller than in scientific communities where researchers establish their originality precisely by seeing things differently than their peers (see, for example, Vertesi 2014).

Vision is expressed in words; what remains unspeakable will not be fully visible. For example, Judith Butler demonstrates that the vastly divergent interpretations of the video

footage of Rodney King's beating show "a racially saturated field of visibility" (1993, 205) in which King is construed as the agent of violence even as he is being beaten. Similarly, Goodwin (1994) establishes that the police officers' defense in this case rested on describing their own violent acts as reactive to King's allegedly aggressive or disobedient behavior. Interpretations of visual sequences, of cause and effect, anticipation and retaliation, are saturated with assumptions about race, agency, intention, and violence: "Attributing violence to the object of violence is part of the very mechanism that recapitulates violence, and that makes the jury's 'seeing' into a complicity with that police violence" (Butler 1993, 209).

In the case of the Kunduz airstrike, the evidence of what was seen comes to us in the form of reports, testimony, and a transcript of the communication between the F-15 pilots and the JTAC officers. While a short portion of the video feed is available on YouTube (ISAF 2009c), the bulk of the evidence is in (transcribed) verbal form ISAF 2009b, Brenner 2009). As a result, this airstrike allows us to focus on the role of language and communication in interpreting technologically mediated images. The pilots and the officers on the ground grappled with the appropriateness of categories and the implications of using them. The "epistemic commitments" of these actors, expressed in words, doubts, and silences, shaped their ways of seeing (Vertesi 2014, 17).

Interpretations of visual images are based on concepts that are defined, contested, and shared in professional communities. Concepts get operationalized, act as labels for categories into which incidents and deaths are sorted, and become parts of a chain of counting and quantification. These "knowledge systems" make "particular versions of social reality visible" and subject to (ac)counting (Merry and Coutin 2014, 3). The proliferation of reports that count, dispute, or confirm civilian casualties suggest that "civilian" is a stable category, that "civilian casualties" can be counted without significant ambiguities, and that "civilians" can therefore be distinguished from non-civilians. Yet histories of the concept of the civilian

suggest a more complicated relationship between politics, law, visual technologies, and civilian status.

2. Civilized Distinctions

The international law of armed conflict is structured around the distinction between civilians and combatants. Combatants may target combatants, but not civilians. Civilians are expected not to take part in the hostilities. Civilian deaths may, however, occur as "collateral damage" of attacks on combatants and military objects (Owens 2003). The norms about the permissible scope of "collateral" or "accidental" harm to civilians are contested (Zehfuss 2011). However, international lawyers insist on the fundamental distinction between combatants and non-combatants. At the same time, studies of armed conflict suggest not only that the classification of persons as combatants or civilians is often debatable and contested (Berman 2004, Kinsella 2011), but also that combatants frequently do not know how to ascertain who is a civilian (Münch 2009).

The distinction between civilians and combatants is a largely visual exercise. The third Geneva Convention requires that in case of doubt, armed forces have to fulfill the conditions of "being commanded by a person responsible for his subordinates," "of having a fixed distinctive sign recognizable at a distance," "of carrying arms openly," and "of conducting their operations in accordance with the laws and customs of war" (Third Geneva Convention 1949, Art. 4 para.2). Two of these four criteria pertain to the expected behavior: militaries are expected to be hierarchically organized and to observe the laws of war. The other two criteria are visual and enable participants and observers to distinguish combatants from civilians: "Having a fixed distinctive sign recognizable at a distance" and "carrying arms openly." Civilians are defined by their lack, by their opposites: they are not combatants (Garbett 2012). They do not carry arms, or they do not carry them openly. They do not have a distinctive sign

recognizable at a distance, at any distance. This framework was developed with a specific spatio-temporal imaginary of war in mind: wars between Western nation states, not wars of colonial conquest or anti-colonial insurgency.

The genealogy of the term "civilian" suggests that non-Europeans were not among its intended beneficiaries: "Civilian," as a term in relationship to war, first appeared in the English language in the 18th century and "referred to European servants employed by the East India Company" (Gregory 2006, 633). While the term was used to refer to European non-combatant populations during World War I (Alexander 2007), non-European populations under European rule were called "natives," not "civilians" (Wilke 2015). Colonial wars were often characterized as police actions, mutinies or "small wars" because the colonized peoples were not recognized as a state and thus lacked the right to go to war. In this logic, where there are no legitimate combatants, there are no legitimate civilians.

What, then, should civilians look like? The formal legal frameworks stress visual cues for identifying combatants, such as carrying weapons openly (at least during an attack), wearing uniforms, and being distinguishable from the non-combatant population. Yet the history of the use of the specific term civilian suggests two other markers: civilians have been gendered as feminine, passive, and helpless (Carpenter 2006). In addition, civilians have been raced as white (Kinsella 2011). This does not mean, however, that white women have always been the prototypical civilians: historically, the white "civilians" outside of Europe were men who worked as colonial administrators and in other non-military positions. Looking at these intersectional matrices of gender, race, dress, and location, we begin to understand that "seeing civilians" is not a simple or "transparent" process (Goodwin 1994, 606). Rather, it is a highly context specific process that requires the mobilization of concepts, coding schemes, epistemic presumptions, narratives of danger and security, and technologies that help to

suppress "cognitive and perceptual uncertainties" in the categorization of people into a binary civilian/combatant scheme (Goodwin 1994, 626).

3. Afghanistan: Invisible Enemies, Invisible Civilians

When German officers who participated in the Kunduz airstrike were later asked how they distinguished between civilians and combatants, their responses were evasive (Bundestag 2011, 55). Colonel Klein suggested: "You cannot tell civilians from Taliban. According to our experience, these people [Taliban] wear civilian clothing. They don't wear uniforms, they are not recognizable as combatants in a narrower sense, they carry weapons or they don't carry weapons" (Bundestag 2011, 55). While these statements are influenced by the social context and the officers' desire to minimize their responsibility for civilian deaths, a study on the perceptions of security and insecurity by German soldiers stationed in Afghanistan that was published before the September 2009 airstrike uncovers important everyday practices and understandings shared by officers of different ranks. The German troops' theoretical training modules largely "presume that the enemy is clearly recognizable" (Münch 2009, 22). Yet as the security situation in Kunduz became more volatile, soldiers who spent time outside the camp and interact with the local population had become increasingly convinced that "there is no clearly identifiable enemy" because loyalties and local alliances shifted frequently (Münch 2009, 48). The percentage of soldiers who expressed generalized mistrust in the local population and fear of attacks had increased significantly in the months prior to the September 2009 air strike (Münch 2009, 48-50). In the attacks against German soldiers that had become more frequent since 2007, the author of the attack, be it a sniper or the persons who built and deposited an improvised explosive device (IED) would be invisible to the surviving soldiers. The fear of amorphous and visually indistinct enemies and dangers was not necessarily reported to the superiors in the military chain of command. Rather, those

who wrote reports hewed to the official terminology and theory of "irregular forces" and liberally ascribe attacks to enemies such as "irregular forces" or "Islamic networks" or "insurgents" or "Taliban" that were plausible according to the official knowledges that had circulated (Münch 2009, 48, 60, 65).

4. Shifting Binaries

For German officers who were part of the NATO contingent, then, the vocabulary and implicit ways of seeing that the Geneva Conventions suggest for distinguishing combatants and civilians was not workable. They resorted to a conceptual shift in the categories and a perspectival shift from the ground to the air in order to acquire the sufficiently focused vision that would allow them to make the conflict legible and to distinguish civilians from others.

In the context of the war on terror and particularly of drone warfare, policy makers and military leaders in the US and the NATO countries more broadly have shifted their vocabulary away from the categories supplied by the Geneva Conventions (Wilke 2007). Instead of "civilians" and "combatants," we hear about "unlawful combatants," "illegal enemy aliens," "insurgents," "irregular forces," "militants" or "warlords." This shift in categories enables the modification and withdrawal of legal protections that are attached to the standard categories of the laws of war: for example, "unlawful enemy combatants" who are not US citizens were detained in Guantánamo Bay in contravention of international legal standards for the treatment of prisoners of war.

The persistent references to persons in Afghanistan as well as in Pakistan's Federally Administered Tribal Areas (FATA) as "militants" and "insurgents" significantly narrows the category of the civilian and broadens the category of non-civilians. Not all "militants" would be combatants and thereby legitimate targets of violence under international law (Living Under Drones 2012, 29). Yet in press releases and the news coverage that relies on them, the

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use of the term "militant" "often implies to the reader that the killing of that person was lawful" (Living Under Drones 2012, 30). This linguistic shift thus broadens the circle of persons whose deaths can seem legal, permissible, or even required. "Militants" are not to be grieved (Butler 2010); their inherent hostility and dangerousness justifies their death. In addition, this new civilian/"militant" binary allows for new ways of coding and categorizing people as well as behaviors. In FATA drone strikes, the US has consistently counted "all adult males killed by strikes as 'militants,' absent exonerating evidence" (Living Under Drones 2012, x, 30). The civilian/non-civilian binary is shifted and reconfigured so that gender becomes a proxy for reading civilian status.

The reports and transcripts about the Kunduz airstrike use a vocabulary that similarly shifts the civilian/combatant binary to include more people as supposedly legitimate targets. While the civilian status is gendered in these documents, in the Kunduz case there is no evidence of a blanket condemnation of Afghan men as "militants." Still, the linguistic shifts had profound effects on the ways of seeing and counting that were feasible: In NATO communication pertaining to this air strike, the operative acronyms (in English and German) are "CIV" for "civilians" and "INS" for "insurgents," displacing the international legal terms "civilian" and "combatant" (ISAF 2009d).

Colonel Klein's testimony to the parliamentary committee shows more specific linguistic shifts that enable him to categorize persons more quickly. In response to the parliamentarians' questions, Klein repeatedly confirmed that he assumed at the time of the strike that all persons in the vicinity of the truck were insurgents, and only those who were further away were "uninvolved"––persons "whom others would call civilians" (Bundestag 2011, 55). Even with hindsight, he insisted on not considering the people in the vicinity of the truck passive or uninvolved. Their involvement was read through spatial proximity: everyone in the vicinity of the truck was "involved" in something, be it observing the unusual nighttime

activities or the taking of fuel. The translator M.M., who had been asked by Colonel Klein about "uninvolved" persons, reported: "I was told [by the informant] that they are all Taliban, all guilty people, all armed" (Bundestag 2011, 56). Colonel Klein's verbal associations and qualifications circulated through the PRT's communications that night, turning combatants into insurgents and guilty people; requiring possible civilians to be uninvolved, not linked to the insurgency, and not "guilty." The handlers of the informant never discussed the visual criteria for distinguishing between civilians and combatants or between insurgents and "uninvolved persons" (Bundestag 2011, 56). Other officers insisted that the informant had used the term "civilians" (Bundestag 2011, 56). However, the words of the informant were only accessible through translation with its distinct problems of hierarchies, trust, and translatability (Rafael 2012). The term "civilian," we learn through the direct and indirect testimony at the committee, was closely associated with passivity, innocence, and distance from sites of violence.

In addition, Colonel Klein drew on his understanding of "normal" local mobility patterns: "since in this region, at night there are normally only insurgents and their supporters outdoors, because of the time of day, and because we were in the middle of Ramadan, a time when people are not known to leave their houses at night" (Bundestag 2011, 63), he concluded that those persons on the sandbank were "insurgents and their direct supporters, not uninvolved civilians" (Bundestag 2011, 58). He was especially certain that the Pashtun cultural norms would preclude the presence of women at the scene (Bundestag 2011, 63). Invoking allegedly rigid cultural and religious norms, Klein's assessments "impose moralized and disciplining valences on bodies, spaces, and place" (Feldman 2005, 207).

Local Afghan politicians also invoked moralizing vocabularies to talk about the airstrike and the populations they tried to govern. On the day after the attack, members of the Provincial Council asserted that there had been 73 casualties, all of them insurgents since no

civilians would be at the site of the explosion "at this time of the day" (Brenner 2009; Bundestag 2011, 85). Even children and youth among the injured and dead were "not 'uninvolved'" (Brenner 2009; Bundestag 2011, 85). The category of civilian as a person who shall not be targeted in war emerges here not on the basis of international law but from political and moral assessments: civilians are those who have not gone astray, their political allegiances and moral standing are in line with the expectations of local authorities. On the basis of these assessments, the statements by the anonymous Afghan informant that there were no civilians on the sandbank appear less as a case of a literal mistranslation than an instance of the use of a concept that is open to a variety of definitions and operationalizations.

While the term "civilian" is consistently used in documents relating to the Kunduz airstrike, it is juxtaposed with a bewildering range of terms for non-civilians who are considered legitimate targets: Taliban, insurgents, guilty people, involved people, and militants. All of these terms suggest a narrow availability of the civilian status––the claim to not be a legitimate target, to enjoy physical security in the midst of conflict––to Afghans. These understandings emanate from a history in which the civilian status and the relative security it promises––or at least outrage if this expectation is violated––was rarely available to non-Europeans. The refusal of irregular armed forces to wear distinct uniforms becomes a basis for regarding wide sectors of the local male population as non-civilian and imminently threatening, rendering them vulnerable to a violent death that is not considered a wrong.

5. Gendered, Raced, Absent Bodies

After the Kunduz airstrike, the PRT Kunduz did not conduct an on-site "battle damage assessment" that would have allowed for a more reliable count of the numbers of casualties as well as aid for injured people (Bundestag 2011, 71). Instead, the PRT officers relied on the estimates of the F-15 pilots, who found their view of the site obstructed by the fire caused by

the explosion (ISAF 2009b, 2009c). When ISAF troops arrived at the scene in the afternoon, the remains of the dead had been removed. Thus, the standard forensic assessments were impossible. How are the absent bodies counted and categorized? Colonel Klein construed the absence of bodies at the site as evidence of the alleged combatant status of the victims: "The sandbank looked like swept clean; the insurgents had removed all traces of the operation" (Bundestag 2009, 71).

Does the absence of the bodies render the dead insurgents? An Al Jazeera newscast from September 4, 2009 includes footage of burials of some of the dead in a nearby village. In the video, villagers express their frustration and anger at the violence from the Taliban and NATO forces (Al Jazeera English 2009). Ghaith Abdul-Ahad reported that the heat from the blast was so intense that the bodies had been burnt beyond recognition (2009). Saleh Muhamad told of his struggle to find the bodies of his brother and his nephew: "I found one body and took it home and we buried it. It was a full body, with arms and legs. We buried it well." Jan Mohammad recalled, "I couldn't find my son, so I took a piece of flesh with me home and I called it my son" (Abdul-Ahad 2009). Instead of being able to identify the remains, the elders had to rely on villagers' accounts of who was missing and distributed bodies and body parts to those who were missing family members. The bombs had not just killed many people; they also violently obliterated the possibility of identifying the human remains as traces of specific identifiable persons, deprived the families of the possibility of grieving over and burying the corpse of the family member who had been killed, and rendered some methods of counting victims and counting civilians unworkable.

6. High-Altitude Vision

The shifts in terminology and the resulting ways of "coding" the people on the ground as civilian or non-civilian (Goodwin 1994, 606) acquire additional significance in conjunction

with the shift of the vantage point from the ground to the sky. The "aerial viewpoint" (Adey et al. 2011) determines what can be seen and how the visual field can be searched for cues of civilian or non-civilian presences. Yet for all its associations with objectivity, measurement, and targeting (Scott 1991; Adey at al. 2011), the aerial viewpoint and the military visual technology do not determine how humans interpret the visual data.

What did the view from the planes add to the understanding of the situation? Throughout the night of Sept 4, 2009, Colonel Klein's only visual access to the site was through the lenses of the cameras of the planes via the live video feed. He was so dependent on and invested in this form of seeing that when the B1 bomber had to return to the base to refuel, he made a "troops in contact" call although there were no troops on site, let alone "in contact" with enemy forces. Two F-15E fighter jets, equipped with infrared imaging (night vision) cameras, a ROVER connection, and GBU-38 bombs, soon reported to him. The ensuing discussion is recorded, transcribed, and available online (redacted for reasons of security, and, in a striking number of cases, the use of expletives) (ISAF 2009b).

The pilots controlled the cameras, but the ROVER technology distributed access to the visual images more widely. As a consequence, the images captured by the "eyeballs in the sky" (Wood 2010: 32) were subject to readings by differently situated officers. The pilots become the conduits of the visual data rather than the sole interpreters. Even before they had reached the site, they were told by the JTAC (Joint Terminal Attack Controller) in Kunduz what to see and what to look for: "2 gas trucks were stolen, and also in the target area we saw 2 pick-up trucks and a lot of movement of several individuals so we suspect those insurgents … on a teardrop-shape sandbank directly in the middle of a river and we got also a lot of cars on the left and right hand side of the river" (ISAF 2009b, 4). The pilots confirmed their presence above the site by reiterating the description they were given: "I see a lot of individuals looks like their [sic] on top of the trucks and all around." Yet their reading of the images was

different from the JTAC's interpretation. They soon established in inter-cockpit communication that "there's no like imminent threat or any of that [expletive]" (ISAF 2009b, 5). A few minutes later, one of the pilots started to copy the language of "hostiles" that the JTAC was using throughout the conversation: "also hostile forces across the river" (ISAF 2009b: 6). He immediately retracted this choice of words, but only in an inter-cockpit exchange: "err, I shouldn't have called those hostile" (ISAF 2009b: 6). The pilots expressed their unease with the situation amongst themselves: "I don't know how we'd be able to drop anything on that as far as current ROE [rules of engagement] and stuff like that" (ISAF 2009b: 4). Yet in communications with the JTAC, they were much more guarded about their concerns.

Instructed by ISAF commander Stanley McChrystal to gauge and minimize the likelihood of civilian casualties, the pilots tried to direct their gaze and attention of the ground personnel in specific directions: they repeatedly asked about the fate of the (undisputedly civilian) drivers of the trucks; they never received a satisfactory response. The pilots also persistently offered a "show of force," a low-altitude flight above the area in order to warn and scatter the people, to be followed by dropping bombs on the trucks (ISAF 2009b, 4, 5, 6). This offer was rejected whenever it was made.

The pilots doubted the "imminent threat" and questioned the legality of an air strike, but they allowed their reading of the scene to be trumped by that of the ground control officers with whom they shared the images. The JTAC officer assured them "that's affirmative we've got the intel information that everybody down there is hostile" (ISAF 2009b, 6) and confirmed that the people around the trucks, not the trucks themselves, were to be the target of the attack (ISAF 2009b, 7). In response to the pilots' repeated request to confirm that there was an imminent threat––which the pilots did not "see" and which would have been the basis for Colonel Klein's authority to order the strike without further consultation––the JTAC elaborated: "yeah those pax are an imminent threat, so those insurgents are trying to get all

the gasoline off the tanks and after that they will regroup and we've got intel information about current ops so probably attacking camp Konduz"[1] (ISAF 2009b, 10). The JTAC's reasoning is informed by the specific experiences and imaginaries of the German troops stationed at PRT Kunduz. The PRT's "creeping belligerency" (Spiegel 2009) and fear of the local population structured their "field of visibility" (Butler 1993, 205) that night. In a striking parallel to the cultural script of police violence against Black civilians in the US in which the Black body becomes "the imminent threat" (Butler 1993: 208) to the normatively white police without and prior to any specific action, the PRT officers construed a scene in which the immobilized vehicles would be turned into "massive and deadly bombs" (Wood 2010, 32) in order to justify turning the trucks into massive and deadly bombs. The people on the ground, referred to as "hostiles" throughout the communication with the pilots, were imagined as the authors and agents of future violence that was so certain that the threat was called "immediate." To paraphrase Butler, the Afghan men and boys were bombed in exchange for violence they never inflicted, but which they were by virtue of their identities and demographics, "always about to" commit (1993, 208).

Throughout the communication animated by the ROVER feed, the ground control officers insisted on their specific focus, interpretive frame, and reading of the scene as a site of an "imminent threat" to themselves. While this reading of the situation speaks to the German officers' frustration with the local Afghan population and the rise of the Taliban in the district, it was also strategic. The "imminent threat" and the "troops in contact" scenario were enabling fictions that afforded the PRT commander a level of authority he would not otherwise have had. The pilots, in contrast, could not discern troops in contact or any sense of urgency, but their professional vision, shaped by the imperative to exercise caution in aerial attacks, was overruled.

The refashioned binaries of "civilians" and "militants" that have replaced the categories of the Geneva Conventions categories of "civilian" and "combatant" helped diminish the "cognitive and perceptual uncertainties" inherent in interpreting grainy aerial surveillance footage (see Goodwin 1994, 609). The images were read in an uneven and unequal collaboration between the JTAC officers and the pilots on the basis of their pre-existing understandings of Afghan politics, cultures, and mobilities. Their sight was not individual but collective and institutional; it was contested, "socially situated" and "lodged ... within a community of competent practitioners" (Goodwin 1994, 606, 626) or rather, different communities of practitioners that prioritized different logics: the protection of civilians versus the protection of PRT troops. The aerial view did not provide an impartial "view from nowhere," but a vantage point for conflicting and contested ways of seeing. The persons on the ground had been established to be "insurgents" long before the pilots of the F-15 jets appeared over the sandbank. The footage they produced legitimated the ensuing violence, but it did not change the classification of persons that the PRT officers had already agreed on.

7. Ground-level politics

While the view from the sky was open to multiple interpretations, the view from the ground was equally contested. Minutes of the ISAF investigators' meeting with local authorities show that the district managers of Chahar Darreh and Aliabad thanked the NATO forces for the airstrike. Omar Khel, district manager of Chahar Darreh, welcomed any support against the insurgents, including relatives that had "strayed from the right path" by becoming insurgents (ISAF 2009d, 28). He surmised that "no uninvolved Afghan" would have been present at the time and place of the explosion. About 80% of the members of a neighboring tribal group were allegedly insurgents: "there are Taleban all over the place, but many are from the Omar Khel tribe" (ISAF 2009d, 35). The district managers boasted local knowledge,

but in the end the best evidence of the victims' insurgent status they could offer was that "we know everyone in our district" (ISAF 2009d, 35) and "the population would not be there at this time" (ISAF 2009d, 30). These post-strike assessments are consistent with the earlier pleas to the PRT to be more aggressive in the fight against the Taliban (Feldenkirchen, Gebauer and Koelbl 2009).

Other residents of the locality begged to differ with the judgment that good civilians don't congregate near fuel trucks at night. They asked Dr. Habibe Erfan to investigate. With some help, she carried out a thorough investigation of the numbers of deaths and the identities of the victims. Erfan provided detailed information on individuals in order to establish them as the kind of people who clearly would not be combatants, and she also challenged the "patterns of life" approach of the NATO officers. Colonel Klein in particular had claimed that especially during Ramadan, civilians would not leave their houses at night. In contrast, Erfan suggested: "You know, we had Ramadan, the month of fasting. The month is sacred. But you have to wake up at a certain time because you need to eat before dawn. Because of the poverty, when people heard this [about the trucks], they went there and showed up at the scene. ... They went there for the fuel. The people are very poor, and this was a good opportunity to get some fuel" (Bundestag 2011, 85). In this narrative, the "pattern of life" approach is contextualized: any regular "patterns of life" had been strained and upended by conflict and poverty. The trucks on the sandbank along with the offer of free fuel (and a spectacle) disrupted daily Ramadan routines. Going to the trucks was a reasonable response to an unusual event, not a sign of being a non-civilian.

Furthermore, Erfan presented a different argument about the relationship between Taliban and the local population: Whereas the local leaders had warned of the menace of the insurgents from the midst of the district, she insisted that the Taliban had come from the outside and did not have local roots: "The Taliban did not communicate with us, so that we

don't have casualty numbers from the Taliban," she insists (Bundestag 2011, 86). She could only establish casualties among the local population, which she took to be non-Taliban. She consulted school records to establish that 25 or 26 of the dead were school children. She also emphasized that 60 to 70 victims had voter ID cards for the 2009 election (Bundestag 2011, 86). Since the Taliban boycotted the elections and had threatened to "cut off all fingers stained with the indelible ink used to prevent multiple voting" (Feldenkirchen, Gebauer, and Koelbl 2009), their supporters would not be expected to register to vote.

In response to the statistical, moralizing, or simply guessed numbers of civilian casualties, Erfan pieced together a report that is rich in local knowledges and treated specific markers––voter IDs, age, school records––as indications of civilian status. Her approach and the resulting report indicated substantial disagreement among members of local political elites about how to define and identify civilians and insurgents. Thus, there were different local knowledges that ISAF investigators and the German parliamentary committee could draw on. They opted for the "violent epistemologies" (Adey et al. 2011: 177) of the JTAC officers and the local political elites that read group membership of those who were killed off from their location at the time of their violent deaths. Consistent with the "racist" (and colonial) "episteme" (Butler 1993: 206) according to which Afghans were potential threats to ISAF troops and the focus of "new surveillance" on patterns of movement rather than the tracking of individual persons (Marx 2002; Haggerty & Ericson 2000), this approach established the boys and men around the trucks as legitimate targets without knowing who they are–– or were––individually.

7. Knowing Violence

How are these different ways of seeing and counting civilians evaluated, reconciled, and taken up in the reports and consequent actions of those who exercise political and legal

authority? The report affords the aerial viewpoint, the perspective of control, tracking, and targeting at a distance (see Adey at al. 2011: 176), a privileged position in the "hierarchy of the credibilities" (Stoler 2009). It does not problematize the disagreements between the pilots and the officers on the ground. The view from above becomes objective and authoritative (Scott 1991); the labor that goes into coding, highlighting and reading the footage (Vertesi 2014; Goodwin 1994) remains unnoticed. The parliamentary committee's report states that the video footages shows about 50 persons "clearly" and that the various lists of victims contain about 50 names that are on all lists. As a result, "one can assume that there were about 50 victims (dead or injured)" (Bundestag 2011, 207). This count of overall casualties is much lower than that of any other inquiry after the night of the bombing. It is also remarkable, since Amnesty International, the UN Mission, the Afghan Independent Human Rights Commission, and Habibe Erfan had each published lists with confirmed victims that contained, respectively, 83, 74, 102, and 113 names. Thus, the majority of the German parliamentary committee was not only unwilling to see dead civilians; it was also very skeptical about any claims of violent death. The dissenting minority report did not settle on any specific number but pointed out that it is beyond doubt that civilians, including at least 25 children under 15 years of age, had been killed (Bundestag 2011, 223). In the absence of women among the dead, childhood becomes the only credible proxy and marker of likely civilian status.

The committee's majority was very critical of reports based on evidence from the surrounding villages: "all these reports are based on interviews with nearby villagers. There are no objective criteria" for assessing the victims' civilian or combatant status (Bundestag 2011, 206). Erfan's detailed investigations, for example, were not "scientific" enough: "those were not investigations in the true sense of the word, instead she uncritically adopted the claims of the interviewees" (Bundestag 2011, 206). The Parliamentary committee's majority

distrusted the reports that are based on interviews and local knowledges because relatives of those who were killed will not admit that their family members were in fact Taliban (Bundestag 2011, 206). Human sources of information were deemed suspicious because of their proximity and relationship to the victims or to opposing parties to the conflict. The "everyday experience" (Feldman 2005, 206) of the local population gets vacated and displaced with a combination of reliance on surveillance technology and stereotypical moralizing assessments about religious duties and people out of place. The technologically mediated images were presented as if they could speak for themselves and did not need interpretation––eliding the debate about who and what was visible to the officers in the night of the bombing.

While the German parliamentary committee relied on a particular reading of images produced with advanced technology while disavowing the fact of interpretation, the ISAF command acted on its own reports that suggested high numbers of civilian casualties and significant deviations from the rules of engagement. On the day following the air strike, the German JTAC commander Wilhelm was suspended from his duties (Brenner 2009; Frankfurter Rundschau 2009). A few days after the strike, the two US pilots who had released the bombs despite their qualms about the legality and appropriateness of this course of action were demoted (Kornelius 2010). Colonel Klein, who is subject to ISAF authority, but also enjoys the protection of the German state, especially the Ministry of Defense, has not faced any professional or legal consequences: the German Ministry of Defense prevented ISAF from demoting or suspending him, the Attorney General refused to proceed with a criminal investigation in this matter, and in October 2016 the Federal High Court rejected an appeal of victims who sued the German state for damages (Spiegel 2016).

8. Conclusion: Counting, Seeing, and the Production of Certainty

After numerous investigations, the September 2009 Kunduz air strike remains contested: there is disagreement about whether it was legally or ethically defensible, and reports disagree about how many people were killed, and how many of these people were civilians. As Merry and Coutin remind us, understanding conflict requires "attending to the features of the [] knowledge systems" by which truth about conflicts are produced (2014, 2). In probing the interaction between military visual technologies and human agency, this article has shown that the addition of sensory prostheses in the form of "eyeballs in the sky" (Wood 2010: 32) does not have a uniform and predictable set of effects. These technologies help to make sites visible that would otherwise be visually inaccessible. They also enable violence against specific targets that would otherwise not be chosen for lack of accessibility. Yet the interpretations of the visual images and the decisions on targeting are shaped by background assumptions and situated knowledges, including fantasies of race, risk, and violence. The divergences between the pilots' and the PRT officers' ways of seeing highlight that seeing is not simply a biological process, but a social and situated activity. The literature on professional vision highlights that specific ways of seeing are taught and trained. A shared professional vision is not a given, but rather the result of ongoing collaboration, socialization, and the pressure to conform. The conversations leading up to the air strike and the investigations of the casualties show that professional communities do not always share one way of looking at images. The NATO community was internally divided about their understanding of the conflict and political priorities. These divergent background assumptions influenced the interpretation of the technologically mediated images. Interpretations of technologically mediated visual evidence is crucial for confronting state violence committed by military and police officers that will show clear patterns of racial, gender, and class disparity. As a consequence, a better understanding of how professionals of

violence come to see, anticipate, and respond to differently racialized and gendered bodies is imperative. If professional vision is never undisputed, always a work in progress, and socially situated, it can be changed. It is possible to imagine otherwise and to see otherwise. The proliferation of images of military and police violence––whether drone strikes or traffic stops ending with a beating or even death––cannot reduce or address this violence by itself. To the eye that has been trained to see Black or Afghan bodies as sources of danger, the availability of visual images will not make a difference. Yet the public availability of the images can highlight divergences in interpretations and allows for counter-readings, not only of the sequences of violence, but also of "the racist schema that orchestrates and interprets the event, which splits the violent intention off from the body who wields it and attributes it to the body who receives it" (Butler 1993, 210).

In Afghanistan and in situations of armed conflict more generally, the distinction between civilians and non-civilians is a crucial dimension of seeing, intervening in, and responding to violence. The protection of civilians is an almost universally proclaimed goal; it is the centerpiece of the ISAF 2009 Tactical Directive. Yet without a reliable understanding of who counts as a civilian and how they can be recognized, the promise of civilian protection rings hollow. The category of the civilian, derived from specific Eurocentric understandings of armed conflict, had been grafted onto Afghanistan and Afghans who had to negotiate their security amidst conflict. Yet it is not clear what Afghans should do or avoid in order to be recognized as civilians. Those who shared the aerial viewpoint could not agree on the civilian status of the people near the trucks, and neither could those who had extensive personal knowledge of the local social structures. Thus a shift in perspective did not solve the problem that civilians are not clearly recognizable to those who have a mission to spare and protect them. At a deeper level, the lack of consensus about visually identifying civilians indicates a lack of agreement about who counts as a civilian. NATO officers consistently try to stabilize

and shrink the category of civilian by juxtaposing it with a wide category of non-civilians: insurgents, militants, supporters, and Taliban.

The rush to counting civilian casualties and disputing conflicting casualty counts also partakes in the production and stabilization of the category of the civilian as knowable. After all, the practice of counting civilian casualties, whether done by NGOS, NATO, or a national government, suggests that civilians are a distinct category and can be recognized by those properly trained to do so. The debates about the precise numbers of civilian casualties "construct… a façade of certainty over blurred social boundaries" (Merry and Coutin 2014, 2) and produce the category of the civilian as unambiguous and stable. Yet civilians don't simply exist. They are enacted and produced by, among other sites, socially situated interpretation of images produced with the aid of visual technologies. Socio-cultural prisms of visibility not only produce counts of legitimate civilians, but also legitimize the category of civilian as a workable and meaningful foundation of international law. The people who would like to be regarded as civilians bear the burden of distinguishing themselves from putative non-civilians according to criteria that they can never fully grasp because they don't know which background knowledges and epistemes will be mobilized by those in charge of distinguishing civilians from combatants.

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Images

Fig. 1

The people and the trucks on the sandbank, seen through the F-15E infrared camera.
(Screenshot from ISAF 2009c).

Fig. 2 The Explosion. (Screenshot from ISAF 2009c.)

Fig. 3 The Explosion. (Screenshot from ISAF 2009c.)

Fig 4. The impact (Screenshot from ISAF 2009c)

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1 The documents use a variety of spellings of Afghan place names such as Kunduz/Konduz/Kundus. There are also different spellings of "Taliban," notably "Taleban." These spellings are treated as variations in transliterations into different languages that do not share rules about pronouncing vowels (for example English and German) rather than as typographical errors.