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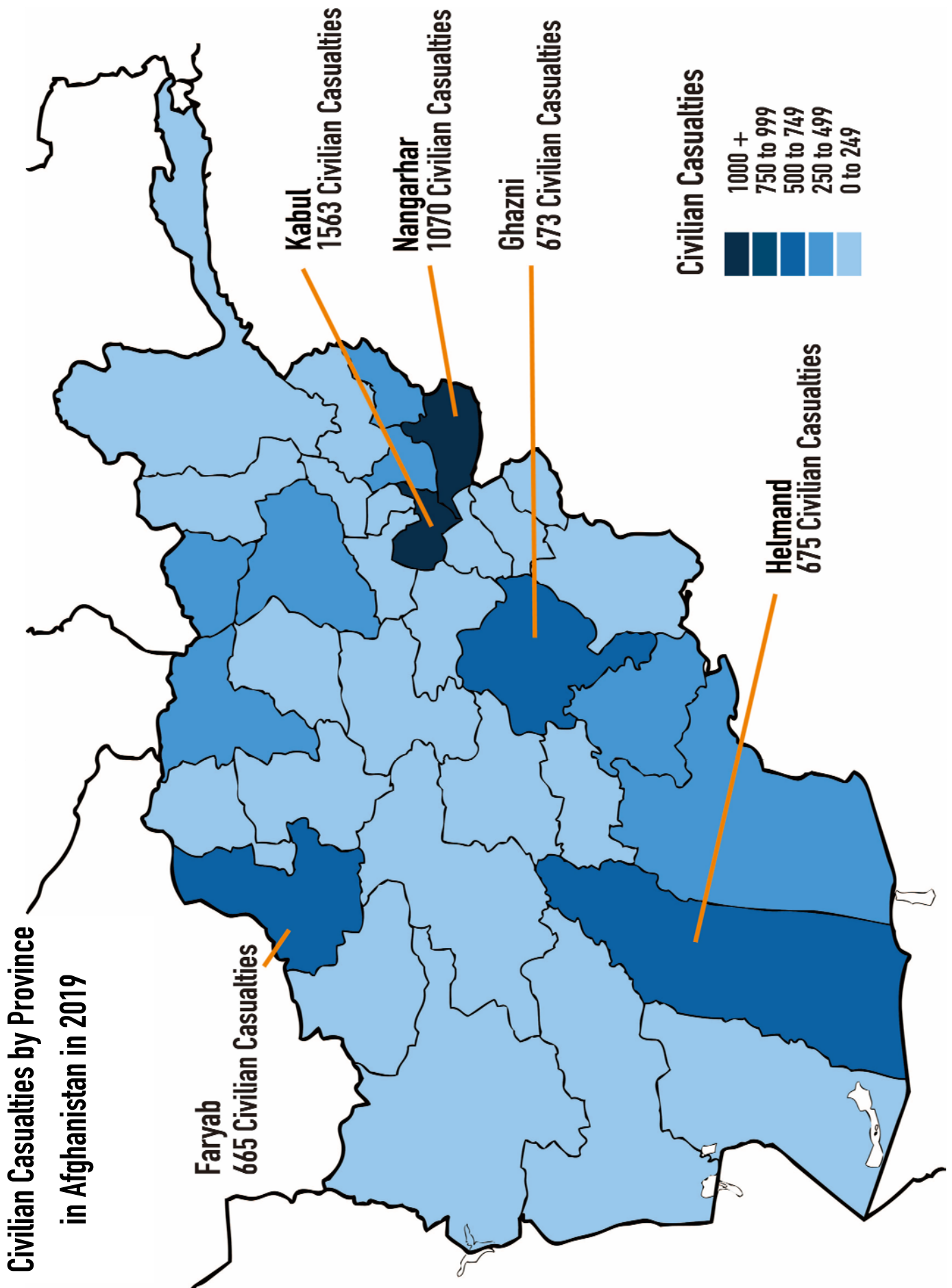
UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

AFGHANISTAN

PROTECTION OF CIVILIANS IN ARMED CONFLICT
2019



FEBRUARY 2020
KABUL, AFGHANISTAN



This report and all Afghanistan Protection of Civilians in Armed Conflict Reports referenced herein are available on the UNAMA website at: <http://unama.unmissions.org/protection-of-civilians-reports>

In the blast from a Taliban attack on a Ministry of Defence compound in downtown Kabul on 1 July 2019, one boy and six civilian men were killed and 144 civilians were injured. The blast had a severe impact on surrounding houses, businesses and schools. Six schools in the area were affected, with classrooms damaged and education materials destroyed.

Photo: Haroon Sabawoon / AMA



“This report documents the plight of civilians in the Afghan conflict during the past year, and makes recommendations to all parties concerned for reducing civilian casualties. With more than 100,000 civilians killed and injured since the United Nations began systematic documentation of civilian casualties in 2009, the time is long overdue to put an end to the human misery and the tragedy. The best way to halt the killings and maiming of civilians is to stop the fighting. With civilian casualties continuing at record high levels, there is more need now than ever before to use all our efforts to bring about peace. I urge all parties to the conflict to seize every opportunity to do so.”

Tadamichi Yamamoto,

UN Special Representative of the Secretary-General for
Afghanistan, Kabul
February 2020



“People in Afghanistan continue to experience some of the most extreme forms of violence against innocent civilians. The third quarter of 2019 saw record high numbers of civilian casualties due to the armed conflict. Countless individuals, families and communities suffer physical, mental, social and economic harm due to the violence. I am appalled at the disproportionate suffering of women and children. Only with a meaningful end to the cycle of violence and conflict, can there be real hope for forgiveness, acknowledgement, justice, prosperity and a chance of peace for all who live in Afghanistan.”

Michelle Bachelet,

United Nations High Commissioner for Human Rights
Geneva
February 2020

MANDATE

The 2019 Annual Report on the Protection of Civilians in Armed Conflict in Afghanistan was prepared by the Human Rights Service of the United Nations Assistance Mission in Afghanistan (UNAMA) and covers the period from 1 January to 31 December 2019.

The UNAMA Human Rights Service prepared this report pursuant to the UNAMA mandate under United Nations Security Council Resolution 2489 (2019) “to monitor the situation of civilians, to coordinate efforts to ensure their protection, [...] to promote accountability, [...] and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights.”

Security Council Resolution 2489 (2019) recognizes the importance of ongoing monitoring and reporting to the Security Council on the situation of civilians in the armed conflict, particularly on civilian casualties.

UNAMA undertakes a range of activities aimed at minimizing the impact of the armed conflict on civilians including: independent and impartial monitoring of incidents involving loss of life or injury to civilians; advocacy to strengthen protection of civilians affected by the armed conflict; and initiatives to promote compliance among all parties to the conflict with international humanitarian law and international human rights law and the Constitution and laws of Afghanistan, including in particular respect for rights to life and physical integrity.

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METHODOLOGY

Since 2009, UNAMA has been systematically documenting civilian casualties attributed to parties to the conflict in Afghanistan using a consistent methodology, which has allowed for year-on-year trend analysis and reporting. Since 2012, the annual reports have been published jointly with the Office of the United Nations High Commissioner for Human Rights (OHCHR). UNAMA protection of civilians work is grounded in principles of international human rights law and international humanitarian law, and its methodology is based on best practices and the advice and guidance of OHCHR.

Existence of civilian casualties does not mean a violation has been committed, although high numbers of casualties may be indicative of violations or reflect patterns of harm.

Verification and the standard of proof

For the purposes of its reports on the protection of civilians, UNAMA only includes verified civilian casualties.¹ Civilian casualties are recorded as 'verified' where, based on the totality of the information reviewed by UNAMA, it has determined that there is 'clear and convincing' evidence that civilians have been killed or injured. In order to meet this standard, UNAMA requires at least three different and independent types of sources, i.e. victim, witness, medical practitioner, local authorities, confirmation by a party to the conflict, community leader or other sources. Wherever possible, infor-

mation is obtained from the primary accounts of victims and/or witnesses of the incident and through on-site fact-finding. These forms of fact-finding are not always possible, primarily due to security-related constraints affecting access. In such instances, UNAMA relies on a range of techniques to gain information through reliable networks using as wide a range of sources and information as possible, all of which are evaluated for credibility and reliability. These techniques include examination of digital evidence gathered at the scene of incidents such as still and video images as well as audio recordings; visits to hospitals and medical facilities; reports of the United Nations Department of Safety and Security and other United Nations entities; accounts by secondary sources; information gathered by non-governmental organizations and other third parties; and the parties to the conflict themselves. UNAMA proactively consults sources of different genders, as well as those belonging to minority racial, religious and ethnic groups, and marginalized sectors of society, to ensure a variety of opinions and reduce risk of any particular bias. Where UNAMA is not satisfied with the quantity or quality of information concerning civilian casualties, it will not consider it as verified. Unverified incidents are not included in this report.

Engagement with parties to the conflict

UNAMA shares information about verified incidents with parties to the conflict to ensure accuracy in its reporting and to help them better understand



Members of the UNAMA Human Rights team on a fact-finding mission with the Afghanistan Independent Human Rights Commission in Bakwa district, Farah province, interviewing community members about civilian casualties resulting from a series of US military airstrikes on alleged drug-processing facilities in June 2019. Photo: UNAMA

the impact of their operations on the civilian population so that they may address the harm they cause and implement measures to better protect civilians. If any party has information to help establish the facts around incidents involving civilian casualties that they were involved in, they are encouraged to share it. UNAMA assesses all information available to it for reliability and credibility in its verification of civilian casualties.

Protection of sources

When documenting incidents of civilian casualties, UNAMA takes care to protect vulnerable sources from any possible repercussions of providing information, including by meeting in safe locations, conducting interviews with women in accordance with prevailing social

norms, and adjusting or halting fact-finding where it may endanger sources.

Attribution of responsibility

As multiple parties are engaged in the conflict, UNAMA makes every effort to identify as precisely as possible the party responsible for a particular civilian casualty. However, this may not always be possible due to challenges associated with the operating environment. For instance, primary sources may not be able to clearly identify responsible parties or distinguish between diverse military actors and armed group members in each case, and there may not always be a claim of responsibility. UNAMA attributes responsibility for each civilian casualty to either Pro-Government Forces or Anti-

UNAMA applies a definition of civilian that reflects international humanitarian law. The parties to the conflict differ from UNAMA in their legal analysis as to the definition of civilian.

Government Elements, jointly to both groups, or as “perpetrator-undetermined”. In cases of ground engagements between Pro-Government Forces and Anti-Government Elements in which a civilian casualty cannot be attributed to one party, UNAMA jointly attributes responsibility to both groups and records them as “Pro-Government Forces and Anti-Government Elements.” Where deaths are caused by explosive remnants of war that cannot be conclusively attributed to a party or parties or may be left behind from previous conflicts, cases are categorised as “perpetrator-undetermined”.

Determination of the civilian status of victims

In some incidents, the civilian status of the reported victims cannot be conclusively established or is disputed. UNAMA defines civilians as persons who are not members of the armed forces or of an organized armed group. It does not document casualties where the civilian directly participated in hostilities at the time of death or injury, nor does it document the death or injury of individuals pro-

tected from attack who are not civilians under international humanitarian law, such as persons hors de combat or the medical and religious personnel of the armed forces.² UNAMA does not presume fighting-age males are either civilians or fighters. Rather, such claims are assessed and documented based upon the facts available in relation to each casualty. Where insufficient information is available, such casualties will not be included in the statistical reporting.

UNAMA does not claim that the statistics presented in this report are complete and acknowledges possible under-reporting of civilian casualties given limitations inherent in the operating environment.

Differences in civilian casualty figures with parties to the conflict

UNAMA notes that its civilian casualty figures may differ from those compiled by the parties to the conflict. UNAMA has found that the parties to the conflict consistently report fewer civilian casualties resulting from their operations as compared to findings by UNAMA. The parties to the conflict differ from UNAMA in their information-gathering methodologies and, crucially, in their legal analysis as to the definition of civilian.

UNAMA applies a definition of civilian that reflects international humanitarian law. Civilians are defined as persons who are not members of the armed forces of the parties to the conflict. In the context of non-international armed conflicts, this includes members of State armed forces as well as members of organized armed groups of non-State parties to the conflict.³ ‘Members of organized

armed groups' refers exclusively to the members of the armed or military wing of non-state parties, whereas individuals performing other types of activities and providing other forms of support for the non-State parties would not be considered members of organized armed groups.⁴ Based on the interpretative guidance of the International Committee of the Red Cross on the notion of direct participation in hostilities under international humanitarian law, which has been followed by a number of United Nations human rights mechanisms and monitoring missions, "the decisive criterion for individual membership in an organized armed group is whether a person assumes a continuous function for the group involving his or her direct participation in hostilities".⁵ Individuals who are supporting an armed opposition group – politically, financially or otherwise - but who do not have a continuous combat function in the organized armed group, are therefore not considered to be members of the armed group within the meaning of international humanitarian law. As civilians they are protected from attack, unless and for such time as they directly participate in the hostilities.⁶

UNAMA has found that the parties to the conflict apply a narrower definition of "civilian", both in policy and in practice, than what is reflected in international humanitarian law, which results in a wider segment of the population being subject to targeting. UNAMA has consistently raised concern about the definition of civilian applied by the Taliban⁷ and is increasingly addressing similar concerns in its engagement with Pro-Government Forces.⁸ These differences in definitions from the standards of international humanitarian law negatively affect the overall protective environment for civilians, and also contribute to lower civilian casualty figures re-

ported by the parties to the conflict than documented by UNAMA.

Cooperation with the Afghanistan Independent Human Rights Commission

UNAMA coordinates and cooperates with the Afghanistan Independent Human Rights Commission (AIHRC), particularly with its Special Investigations Team, in conducting fact-finding on incidents and in analysing overall trends and patterns. Joint missions between UNAMA and AIHRC are conducted from time-to-time, particularly on high-profile incidents. In 2019, UNAMA and AIHRC conducted a joint mission to a Taliban-controlled area to conduct fact-finding on civilian casualties resulting from airstrikes by international military forces.⁹

EXECUTIVE SUMMARY

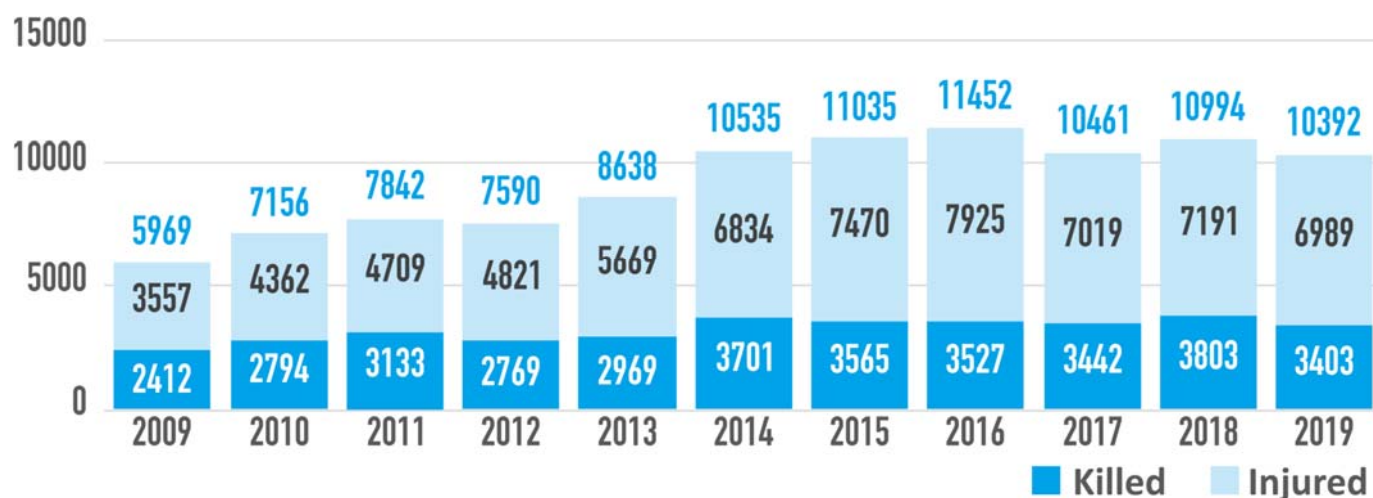
The armed conflict in Afghanistan continued to take a heavy toll on the civilian population in 2019 with UNAMA recording over 10,000 civilian casualties for the sixth year in a row. Since UNAMA began systematic documentation in 2009, it has documented more than 100,000 civilian casualties, with more than 35,000 killed and 65,000 injured. The impact of the conflict, however, goes well beyond the numbers, taking into account the extensive and durable harm caused to the physical, mental, social and economic well-being of individuals, families and communities.

UNAMA documented 10,392 civilian casualties (3,403 killed and 6,989 injured) as a result of the armed conflict, representing a five per cent decrease

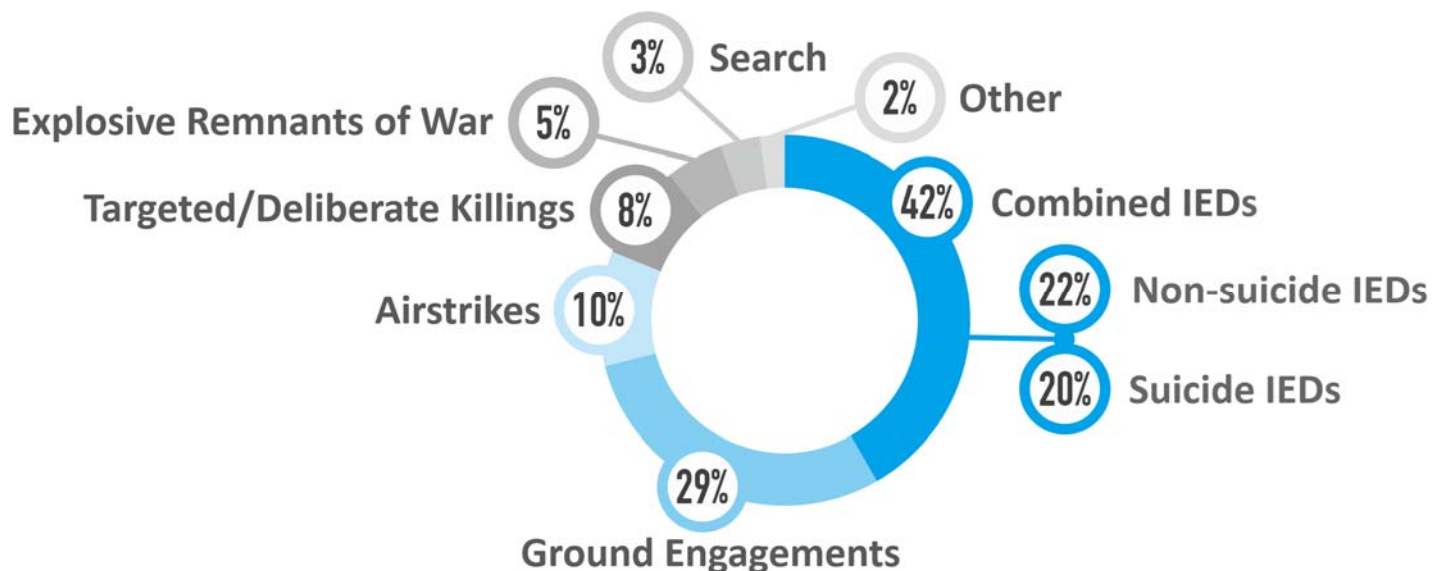
as compared to 2018 and the lowest overall level of civilian casualties since 2013.¹⁰ This reduction was driven by decrease in civilian casualties caused by the Islamic State of Iraq and the Levant – Khorasan Province (ISIL-KP). Civilian casualties caused by the other parties increased, particularly by the Taliban and by the international military forces.

There were significant fluctuations in violence throughout the year, coinciding with gains and setbacks made during negotiations between the Taliban and the United States of America in Doha. The first half of the year was characterized by an intense campaign of airstrikes by international military forces and search operations by Afghan forces, particularly by the National Directorate of Security Special Forces. These operations contributed to a

Total Civilian Casualties 2009–2019



Civilians Casualties by Incident Types in 2019



higher number of civilian deaths attributed to Pro-Government Forces¹¹ than Anti-Government Elements¹² at the midyear point, a trend that UNAMA had not documented before 2019.¹³ This was followed by a particularly violent third quarter, which showed the highest number of civilian casualties of any quarter since UNAMA began systematic documentation in 2009.¹⁴ This was mainly due to a spike in civilian casualties from suicide and non-suicide IED attacks by Anti-Government Elements, primarily the Taliban, as well as election-related violence. Despite low levels of civilian casualties in the fourth quarter as compared to the same time period in 2018¹⁵, the year ended with record high levels of civilian casualties from airstrikes and search operations in a single year and the highest number of civilian casualties from non-suicide improvised explosive devices (IEDs) since 2015.

Anti-Government Elements continued to cause the majority (62 per cent) of civilian casualties in 2019. Their use of IEDs in both suicide and non-suicide attacks continued at extreme levels in 2019; combined, they remained the leading cause of civilian casualties, accounting for 42 per cent of the overall total. UNAMA documented 4,336 civilian casualties (885 killed and 3,451 injured) resulting from suicide and non-suicide IED attacks combined, representing a six per cent decrease from 2018. However, civilian casualties attributed specifically to the Taliban from combined IED tactics reached the highest levels UNAMA had ever recorded in a single year.

Suicide IED attacks, including complex attacks, by Anti-Government Elements in 2019 caused 2,078 civilian casualties (378 killed and 1,700 injured), representing a 26 percent decrease as compared to 2018. However, the decrease was mainly due to a

Suicide attacks, including complex attacks by the Taliban increased substantially in 2019.

substantial drop in these attacks by ISIL-KP.¹⁶ Suicide attacks, including complex attacks by the Taliban, on the other hand, increased substantially in 2019, as did their attacks using large vehicle-borne IEDs (“truck bombs”).¹⁷

UNAMA documented an upsurge in civilian casualties from non-suicide IED attacks in 2019 from both the Taliban and ISIL-KP. Attacks from these devices resulted in 2,258 civilian casualties (507 killed and 1,751 injured), representing a 24 per cent increase as compared to 2018. The Taliban still caused more than three times as many civilian casualties from non-suicide IEDs as ISIL-KP. Of grave concern, the Taliban continued to use pressure-plate IEDs that functioned as anti-personnel mines. UNAMA documented incidents in which these devices emplaced by the Taliban detonated from the mere weight of a child. UNAMA reiterates its call on the Taliban to completely ban its use of pressure-plate IEDs, which are victim-operated and inherently indiscriminate, and to uphold its previous commitments not to use anti-personnel mines in its operations.

Ground engagements, mainly between Pro-Government Forces and Anti-Government Elements, remained the second leading cause of civilian casualties in 2019. UNAMA documented the lowest number of civilian casualties from ground

engagements since 2013. From 1 January to 31 December 2019, ground engagements in Afghanistan caused 3,057 civilian casualties (763 killed and 2,294 injured), representing a 10 per cent decrease in comparison to 2018 and the third year of sustained overall reductions. The overall decrease of civilian casualties from ground engagement was mainly caused by a 37 per cent drop in civilian casualties by direct fire, and partly offset by an increase of seven per cent of civilian casualties from indirect fire. In contrast with previous years when Anti-Government Elements caused more civilian casualties from ground engagements, in 2019, Pro-Government Forces caused slightly more civilian casualties using this tactic, mainly due to a relative increase in civilian casualties from indirect fire by Afghan national security forces. Civilian casualties from ground engagements by Anti-Government Elements decreased 11 per cent as compared to a 25 per cent overall increase by Pro-Government Forces.

Of particular concern, Anti-Government Elements continued to deliberately target civilians using a variety of tactics including suicide and non-suicide IEDs.¹⁸ UNAMA documented a 31 per cent decrease in 2019 as compared to 2018, which was mainly due to a sizeable drop in civilian casualties from suicide attacks, including complex attacks, perpetrated by ISIL-KP against civilians. Civilian casualties from deliberate attacks against civilians that were attributed to the Taliban only decreased by six per cent whereas those attributed to ISIL-KP decreased by 48 per cent. However, despite the overall decrease, UNAMA is particularly concerned with the spike in civilian casualties of deliberate attacks targeting judges and prosecutors, healthcare workers, and aid workers as well as the continued

attacks by ISIL-KP against the Shi'a Muslim population, most of whom also belong to the Hazara ethnic group. This includes the deadliest incident of the year, on 17 August - a sectarian suicide attack in Kabul by ISIL-KP on a wedding, mainly attended by Shi'a Muslims, in which 91 civilians were killed and 143 others sustained injuries, including women and children. UNAMA is also outraged by the Taliban's attacks on human rights defenders and aid workers, who are working for the development and protection of human rights, such as on 8 May, against the non-governmental organisation (NGO) Counterpart International, in Kabul, which also impacted Care International, and the abduction and killing, in September, of Abdul Samad Amiri, a human rights defender from the Afghanistan Independent Human Rights Commission in Ghor province.

Following a disturbing pattern of attacks against civilians and civilian objects during the parliamentary elections in 2018, UNAMA documented attacks against voters, campaign workers, candidates and others involved in the electoral process leading up to and during the presidential election in 2019, mainly perpetrated by the Taliban. Their widespread use of indirect fire in populated areas on polling day caused significant levels of harm, striking civilians – including children – in their homes, while IEDs placed at or near polling centres exposed voters to extreme risk. UNAMA reiterates that attacks deliberately targeting civilians and civilian objects are serious violations of international humanitarian law that may amount to war crimes.

UNAMA documented nine incidents of Anti-Government Elements resorting to cruel, inhuman or degrading punishment under the guise of enforcing decisions of their parallel justice structures, in-

cluding executions. UNAMA stresses that such punishments amount to human rights violations and abuses, and severe punishments such as executions constitute serious violations of international humanitarian law that may amount to war crimes.

In 2019, UNAMA documented 1,045 civilian casualties (700 killed and 345 injured) a slight overall increase in civilian casualties from airstrikes by Pro-Government Forces, the fifth year in a row of sustained increases, leading to record high civilian casualty levels.¹⁹ Airstrikes provoked 10 per cent of all civilian casualties in 2019, the majority (72 per cent) of which were caused by international military forces. Although the Afghan Air Force gained the capacity to conduct strikes at night from December 2018 onwards, which carried the potential of increasing civilian casualties attributed to them, UNAMA documented a decrease in such casualties attributed to them.²⁰

UNAMA is particularly concerned about targeting policies used by USFOR-A to deliberately target individuals who were neither directly participating in hostilities nor performing a continuous combat function within an armed group, such as individuals who may be financially contributing to the Taliban or ISIL-KP.²¹ UNAMA reiterates that individuals who are supporting an armed opposition group –

UNAMA documented the fifth year in a row of sustained increases in civilian casualties from airstrikes, leading to record high civilian casualty levels.

politically, financially or otherwise - but who do not have a continuous combat function in the organized armed group, are not considered to be members of the armed group under international humanitarian law.²² As civilians, they are protected from attack, unless and for such time as they directly participate in hostilities.²³ Should these individuals engage in criminal activity, the appropriate response is law enforcement, not military action.

UNAMA continued to document high levels of civilian harm from the use of force during search operations (“night raids”) by NDS Special Forces and the Khost Protection Force, as well as a Paktika-based pro-Government armed group called “Shaheen Forces”, to which UNAMA attributed civilian casualties for the first time in 2019. UNAMA documented several incidents of intentional killing of civilians, some of which amount to summary executions, in the context of these search operations.

Women and children continued to suffer disproportionately from the armed conflict. UNAMA documented 1,202 women casualties (345 killed and 857 injured), an increase of four per cent compared to 2018. An increase in women casualties from the combined use of suicide and non-suicide IED attacks more than offset decreases from aerial attacks and ground engagements. UNAMA documented 3,149 child casualties (874 killed and 2,275 injured), a three per cent increase from 2018. Women casualties comprised 12 per cent of overall civilian casualties while children comprised 30 per cent.

Children continue to be recruited and used by the Taliban, Afghan national security forces, and pro-Government armed groups. While progress has been made by the Afghan national security forces

on preventing formal recruitment of children through the work of the Child Protection Units in Afghan National Police recruitment centres, use of children, particularly by Afghan Local Police at check posts, remains a problem, as does the use of boys for sexual purposes.²⁴ The majority of recruitment and use cases verified by UNAMA, however, were attributed to the Taliban. UNAMA notes that the Taliban’s Commission for the Prevention of Civilian Casualties and Complaints took some positive steps forward in 2019 in terms of investigating allegations of recruitment of children by Taliban commanders, and encourages further efforts be made on prevention.

Despite the criminalization of *bacha bazi*²⁵ (a form of sexual abuse and exploitation of boys) in the revised Penal Code, UNAMA continues to receive reports of such crimes perpetrated mainly by the Afghan national security forces. UNAMA is aware of only one case of *bacha bazi* that has been successfully prosecuted under the relevant provisions of the revised Penal Code since it came into effect in February 2018.²⁶ A culture of silence, shame, and victim-blaming pose significant challenges to accountability efforts.

The ability of all people in Afghanistan, particularly children, to enjoy their human rights to education and the highest attainable standard of physical and mental health was compromised by the conflict due to attacks on schools, hospitals, teachers and healthcare workers, as well as acts of threats and intimidation. In 2019, attacks against schools and hospitals also occurred in the context of the presidential elections when they were used as polling centers. UNAMA is concerned about the high number of disproportionate and indiscriminate attacks perpe-

trated by the Taliban throughout the year that caused damage to schools and hospitals, and harmed the students and patients inside. UNAMA is also concerned about the impact on the provision of healthcare and on healthcare workers from Pro-Government Forces' search operations within these facilities.²⁷

Attribution of Civilian Casualties

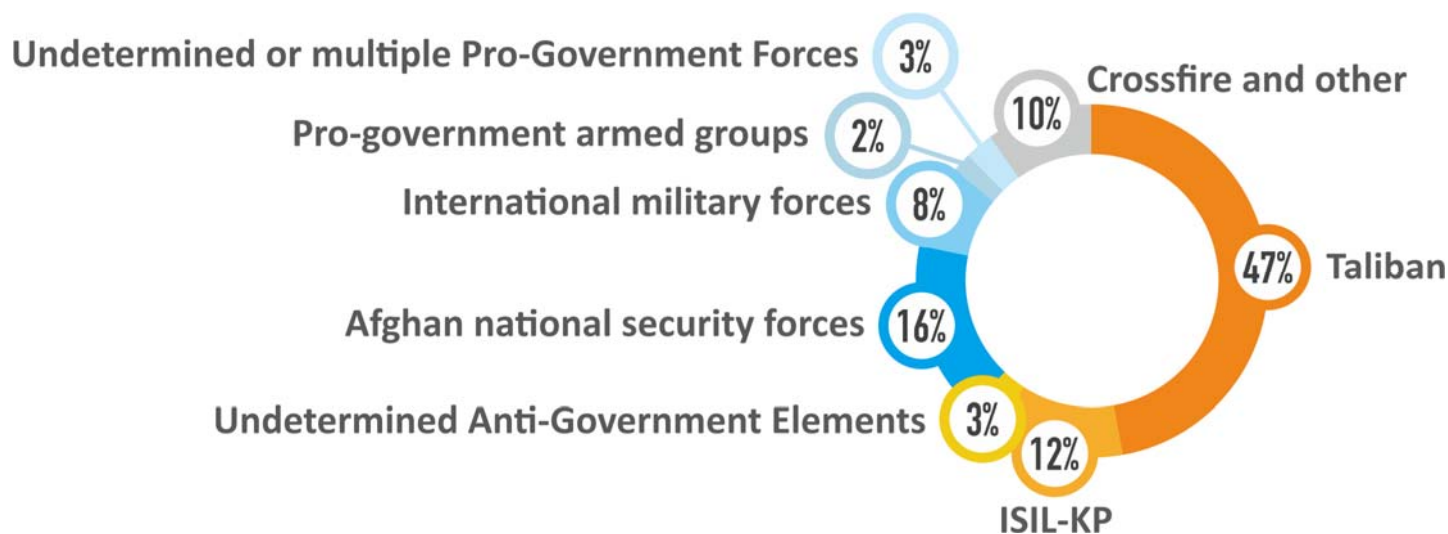
UNAMA attributed the majority of civilian casualties – 62 per cent – to Anti-Government Elements, with 47 per cent attributed to the Taliban, 12 per cent to ISIL-KP, and three per cent to undetermined and other Anti-Government Elements.

Pro-Government Forces caused 28 per cent of civilian casualties in 2019 – 16 per cent by Afghan national security forces, almost eight per cent by international military forces, almost two per cent by pro-Government armed groups and just under three per cent by undetermined or multiple Pro-Government Forces.²⁸

UNAMA attributed the majority of civilian casualties – 62 per cent – to Anti-Government Elements, with 47 per cent attributed to the Taliban, 12 per cent to ISIL-KP, and three per cent to undetermined and other Anti-Government Elements.

Crossfire during ground engagements between Anti-Government Elements and Pro-Government Forces that could not be attributed to a specific party caused seven per cent of civilian casualties. Cross-border incidents attributed to Pakistani Military Forces caused less than one per cent of civilian casualties.²⁹ The remaining two per cent of civilian casualties, mainly caused by explosive remnants of war, could not be attributed to any party.

Civilian Casualties by Parties to the Conflict in 2019



Anti-Government Elements

In 2019, UNAMA attributed 6,447 civilian casualties (1,668 killed and 4,779 injured) to Anti-Government Elements, an eight per cent decrease compared with 2018.³⁰ After reduced Taliban and ISIL-KP activity during the first six months of the year, civilian casualties attributed to Anti-Government Elements peaked in the third quarter, mainly due to Taliban attacks.

UNAMA attributed 4,904 civilian casualties (1,301 killed and 3,603 injured) to the Taliban, a 21 per cent increase compared with 2018, comprising 47 per cent of all civilian casualties.³¹ UNAMA attributed 1,223 civilian casualties (309 killed and 914 injured) to ISIL-KP, a decrease of 44 per cent compared to 2018, comprising 12 per cent of all civilian casualties.³² UNAMA attributed 320 civilian casualties (58 killed and 262 injured) to undetermined Anti-Government Elements.

In contrast to 2018, civilian casualties from non-suicide IEDs surpassed civilian casualties from suicide attacks in 2019, and was the leading cause of civilian casualties by Anti-Government Elements for the year. Non-suicide IEDs caused 2,258 civilian casualties (507 killed and 1,751 injured), a 24 per cent increase from 2018. Suicide attacks were the second leading cause of civilian casualties attributed to Anti-Government Elements, resulting in 2,078 civilian casualties (378 killed and 1,700 injured). This represented a 26 per cent decrease from 2018, mainly driven by a 76 per cent decline of civilian casualties attributed to ISIL-KP suicide attacks, while civilian casualties from Taliban suicide attacks increased by 133 per cent. UNAMA documented a 11 per cent decrease in civilian casualties from ground engagement attributed to Anti-Government

Elements, causing 1,229 civilian casualties (261 killed and 968 injured).

Pro-Government Forces

UNAMA documented 2,933 civilian casualties (1,473 killed and 1,460 injured) attributed to Pro-Government Forces. This represents a 13 per cent increase in civilian casualties as compared to 2018 and highest number of civilian casualties attributed to Pro-Government Forces since UNAMA began systematic documentation in 2009. The rise was mainly driven by an increase in civilian casualties in the context of ground engagements, as well as a slight overall increase in civilian casualties from airstrikes, which remained at record-high levels. Civilian casualties attributed to Pro-Government Forces showed a 33 per cent increase for the first three quarters of the year, followed by a 39 per cent decrease during the fourth quarter as compared to the same time periods in 2018. The majority of civilian casualties attributed to Pro-Government Forces occurred in the context of ground engagements (43 per cent), followed by airstrikes (36 per cent) and search operations (12 per cent). Airstrikes were the leading cause of civilian deaths attributed to Pro-Government Forces, accounting for almost half of all civilian deaths attributed to them.

UNAMA attributed 1,682 civilian casualties (680 killed and 1,002 injured) to Afghan national security forces in 2019, a slight increase as compared to 2018.³³ UNAMA attributed to international military forces 786 civilian casualties (559 killed and 227 injured), an 18 per cent increase as compared to 2018. UNAMA documented 184 civilian casualties (102 killed and 82 injured) by pro-Government armed groups, a two per cent in-

In 2019, civilian casualties attributed to Pro-Government Forces increased by 13 per cent as compared to 2018, mainly due to ground engagements.

crease from 2018, and notably still double the number of civilian casualties as in 2017.

Pro-Government Forces caused 1,260 civilian casualties (363 killed and 897 injured) during ground engagements, representing a 25 per cent rise from 2018, reversing two years of consistent reductions. UNAMA documented 1,045 civilian casualties (700 killed and 345 injured) from airstrikes.³⁴ Of these, it attributed 755 civilian casualties (546 killed and 209 injured) to international military forces, 231 civilian casualties (113 killed and 118 injured) to the Afghan Air Force, and the remaining 59 civilian casualties (41 killed and 18 injured) to undetermined pro-Government forces. Search operations caused 360 civilian casualties (278 killed and 82 injured) with approximately three-quarters of the cases caused by NDS Special Forces, Shaheen Forces and the Khost Protection Force, all of whom are supported by international actors.³⁵

RECOMMENDATIONS

UNAMA offers the following recommendations to the parties to the conflict to support their efforts to protect civilians, prevent civilian casualties, and uphold their obligations under international humanitarian law and international human rights law:

All Anti-Government Elements:

- Cease the indiscriminate and disproportionate use of all IEDs particularly in populated areas.
- Cease the use of indirect fire (mortars, rockets and grenades) in populated areas.
- Immediately cease the deliberate targeting of civilians, including members of the civilian government administration, human rights defenders, judges, journalists, prosecutors, schoolteachers, first responders and aid workers.
- Cease all attacks and threats against healthcare facilities and healthcare workers, including polio vaccinators and campaigners; cease all attacks and threats against schools and education personnel, and ensure that children's access to education is not impeded by military operations.
- Immediately cease imposing cruel, inhuman or degrading treatment or punishment on individuals.
- Indiscriminate attacks or attacks deliberately targeting civilians and civilian objects. Apply a definition of 'civilian' that is consistent with international humanitarian law; enforce statements by Taliban leadership that prohibit attacks against civilians and in civilian-populated areas; implement directives ordering Taliban members to prevent and avoid civilian casualties; and publicize Taliban civilian protection policies.
- Immediately stop using victim-operated IEDs such as pressure-plate IEDs, which function as improvised anti-personnel mines, and uphold previous commitments made concerning the banning of anti-personnel mines.
- Strengthen measures to implement directives prohibiting the recruitment and use of children and ensure accountability for those commanders who recruit and use children.
- Provide immediate and clear instructions to commanders concerning the protected status of the Afghanistan Independent Human Rights Commission and other human rights defenders as civilians working for the rights of all individuals in Afghanistan so that they may be able to continue to carry out their work unimpeded and unharmed.
- Cease all threats and attacks against media, and any other acts impacting freedom of the press and freedom of expression.
- Strengthen the work of the Commission for the Prevention of Civilian Casualties and Complaints, including its relationship with the Mili-

Taliban

- Ensure that all directives and orders comply with international humanitarian law, particularly the principles of precaution, distinction and proportionality and hold accountable those conducting

tary Commission, and increase its focus towards preventing civilian casualties, in addition to investigating incidents, including through training for fighters on international humanitarian law.

All Pro-Government Forces:

- Conduct a timely and comprehensive review of target verification procedures and precautionary measures, including pattern of life assessments, particularly in the context of airstrike operations, with a view to evaluating their effectiveness and producing recommendations for improvement.
 - Strengthen post-operation reviews and investigations following allegations of civilian casualties with a view to identifying broader patterns of harm, improving operational practice, and ensuring accountability.
 - Increase transparency of investigations into civilian casualty incidents and communicate results to civilian victims and their relatives; ensure adequate, effective, and prompt reparations be provided for harm suffered; and consider additional non-monetary forms of redress, such as apologies, to restore trust amongst affected communities.
- Government of Afghanistan***
- Immediately disband and disarm all pro-Government armed groups, including the Khost Protection Force and Shaheen Forces, or formally incorporate members into the Afghan national security forces following a robust vetting procedure; increase transparency and accountability concerning operations of National Directorate of Security Special Forces, which appear to fall outside of the official Governmental chain of command and to be coordinated with international actors; and investigate all allegations of violations of international human rights law and international humanitarian law with a view to ensuring accountability for violations and abuses they commit, including summary executions.
 - Cease the use of indirect fire (mortars, rockets and grenades) and other explosives with wide area effects in populated areas; continue to develop and improve tactical directives, rules of engagement and other procedures in relation to the use of armed aircraft.
 - Increase efforts to protect religious leaders, as well as the Shi'a Muslim religious minority population from sectarian-motivated attacks, including enhancement of existing protection and security measures, strengthening preventative mechanisms, and ensuring better coordination and communication with affected communities.
 - Continue to strengthen the capacity of the Afghan national security forces to effectively conduct counter-IED operations, including IED exploitation, and ensure that the Government dedicates all necessary resources to ensure the full implementation of the national counter-IED strategy.
 - Strengthen age assessment and vetting procedures, and expand the functions of the Child Protection Units in the Afghan National Police to incorporate pro-active monitoring at check posts to prevent and stop incidents of use of children in combat and non-combat roles by members of the Afghan national security forces; enforce the provisions in the revised Penal Code concerning *bacha bazi* and ensure accountability for crimes of sexual violence against children.

International Military Forces

i. US Forces - Afghanistan

- Devote increased resources to the Civilian Casualty Mitigation Team to enable it to conduct more in-depth and timely assessments of civilian casualty incidents, and to expand the functions of the team to allow for engagement in lessons learned exercises.
- Thoroughly review and strengthen current tactical protocols to prevent civilian casualties, particularly in the context of airstrikes carried out in support of Afghan and/or international military forces on the ground who come under attack, and strikes carried out on structures in any context.
- Continue to conduct post-operation reviews and investigations, and ensure transparency, following allegations of civilian casualties from airstrikes and search operations, with a view to identifying broader patterns of harm, improving operational practice and promoting accountability, and ensuring adequate, effective and prompt reparations are provided for harm suffered.
- Strengthen efforts to review incidents of civilian casualties with Afghan counterparts where they result from partnered operations; provide further training and assistance to Afghan national security forces in conducting effective battle damage assessments; and increase engagements with affected communities, including through Afghan partners, on incidents in which civilian casualties have occurred.
- Review and revise targeting policies towards individuals who are neither directly participating in hostilities nor performing a continuous

combat function for an armed group to bring them in line with international humanitarian law.

ii. Resolute Support

- Continue to support the Government of Afghanistan in implementing the National Policy on Civilian Casualty Prevention through the continued provision of training, resources and related support to the Afghan national security forces at the policy, operational and tactical levels, in particular to put in place mitigation measures to prevent harm to civilians from indirect fire, explosive weapons with wide area effects and armed aircraft.

I. POLITICAL AND SECURITY DYNAMICS AFFECTING CIVILIAN PROTECTION

The armed conflict in Afghanistan continued to take a heavy toll on the civilian population in 2019, particularly on women and children. Years of ongoing conflict have caused extensive internal displacement, life-altering traumatic injuries, economic instability for widow-headed households, increased mental health needs for those who have suffered repeated loss, and lack of access to essential services.

While efforts to reach an agreement between the United States of America and the Taliban intensified in Doha, Qatar during the first eight months of the year,³⁶ so did violence on the battlefield. As part of its strategy to target Taliban leaders and “set the conditions for a political settlement”³⁷, the United States of America undertook a heavy airstrike campaign, causing civilian casualties attributed to Pro-Government Forces to spike during the first and second quarter of the year. Conversely, there was an apparent reduction in attacks initiated by Anti-Government Elements in the first half of the year, with a particularly marked decrease in the number of civilian casualties caused by suicide attacks attributed to the Taliban and to ISIL-KP. These factors led to a higher number of civilian deaths attributed to Pro-Government Forces than Anti-Government Elements at the midyear point, a trend that had not been documented by UNAMA before.

On 12 April, the Taliban announced the start of its annual spring offensive, Operation Al-Fath, with the stated focus of ending foreign occupation and “establishing an Islamic system.” While reported security incidents countrywide increased in the days after the announcement, overall, the number of attacks and resulting civilian casualties from Taliban operations in the second quarter remained below civilian casualty levels documented in the same time period in 2018.³⁸

The security situation during the third quarter of the year was extremely volatile while talks progressed in Doha and campaigning for the presidential elections began. On 7-8 July, an intra-Afghan peace conference was convened in Doha, Qatar, bringing together members of the Government of Afghanistan, opposition politicians, civil society, and the Taliban, participating in their personal capacities. Women participated in the conference, but notably not from the Taliban. The talks produced a two-page joint resolution calling on all parties to reduce violence, not to attack public institutions, to bring civilian casualties “to zero”, and to respect schools and other educational institutions, together with residential areas.³⁹

In stark contrast to the statements made in Doha, the Taliban ramped up operations in July, carrying out a number of high-profile suicide attacks, includ-

ing complex attacks and a resumption of large vehicle-borne IED (“truck bomb”) attacks as seen in 2018. This was the main driver of unprecedented levels of civilian casualties that month. The US and Afghan forces continued their high tempo of airstrikes and search operations against both the Taliban and ISIL-KP at the same time. On 2 September, the United States Special Representative for Afghanistan Reconciliation, Zalmay Khalilzad, announced that the Taliban and the United States negotiating team had reached an agreement in principle, subject to final approval by the United States Government.. However, on 7 September, President Trump called off further talks with the Taliban, citing a 5 September Taliban attack in Kabul that had resulted in the death of a US soldier.⁴⁰

On 28 September, after multiple delays, the presidential election was held - the fourth since 2004. The Taliban had indicated their intention to disrupt the elections in the weeks and days leading up to polling day, warning civilians not to participate or risk being harmed by their attacks. While no mass-casualty incidents were recorded on polling day, election-related violence caused hundreds of civilian casualties, more than half of which were caused by widespread use of indirect fire such as rockets, mortars and grenades.⁴¹

The third quarter of 2019 ended up registering the highest number of civilian casualties of any quarter since UNAMA began systematic documentation in 2009, primarily due to a significant increase in civilian casualties from suicide and non-suicide attacks by the Taliban. Violence reduced in the fourth quarter, including due to ISIL-KP fighters notably surrendering and being displaced by the hundreds throughout November, beginning in Achin district

of Nangarhar province.⁴² Negotiations between the Taliban and the United States resumed in December, which coincided with a reduction in violence from both sides, leaving Afghans hoping for a possible agreement on a reduction in violence that could lead to the start of intra-Afghan talks and a ceasefire.

II. IMPACT OF THE ARMED CONFLICT ON CIVILIANS

a. Women and Armed conflict

“My cousin abducted and sold me to the Taliban commander, regardless of the fact that I was a married woman and four months pregnant with my first husband. The day I delivered my first child, the Taliban commander ordered for my child to be killed since he wasn’t the father - it was considered unacceptable under Sharia law. The child was tortured in front of me. I was helpless and immobile after the delivery and I couldn’t save her. I could only hear my child crying in pain when they broke her arms and twisted her neck. They thought she had died and left her body in front of me. My little girl survived the ordeal, but succumbed to death the next day. I remained under the control of the Taliban commander and was tortured by his entire family. I was used like a slave and had to do all the house chores. My health deteriorated and when I was bedridden, I was sent to live with my parents, where I slowly recovered. When I learnt that my parents were preparing to send me back to the Taliban commander, I attempted suicide. Fortunately, I was saved on time and transferred to the hospital then to a women’s shelter. I know my parents will send me back to the Taliban commander, if I go back.”

--Thirty-one-year-old female victim
of a Taliban abduction in Badghis province

Women continued to suffer heavily from the armed conflict. From 1 January to 31 December, UNAMA documented 1,202 women casualties (345 killed and 857 injured), a four per cent increase over 2018. Anti-Government Elements caused 658 women casualties (148 killed and 510 injured), constituting 55 per cent of total number of women casualties; Pro-Government Forces caused 433 women casualties (172 killed and 261 injured),

representing 36 per cent of casualties among women. Crossfire from ground engagements that could not be attributed to a specific party to the conflict caused 100 women casualties (19 killed and 81 injured).⁴³

A 24 per cent increase in women casualties from suicide attacks, including complex attacks as well as a 48 per cent increase from non-suicide IED attacks, more than offset decreases in women casual-

ties from aerial attacks (14 per cent) and ground engagements (9 per cent).

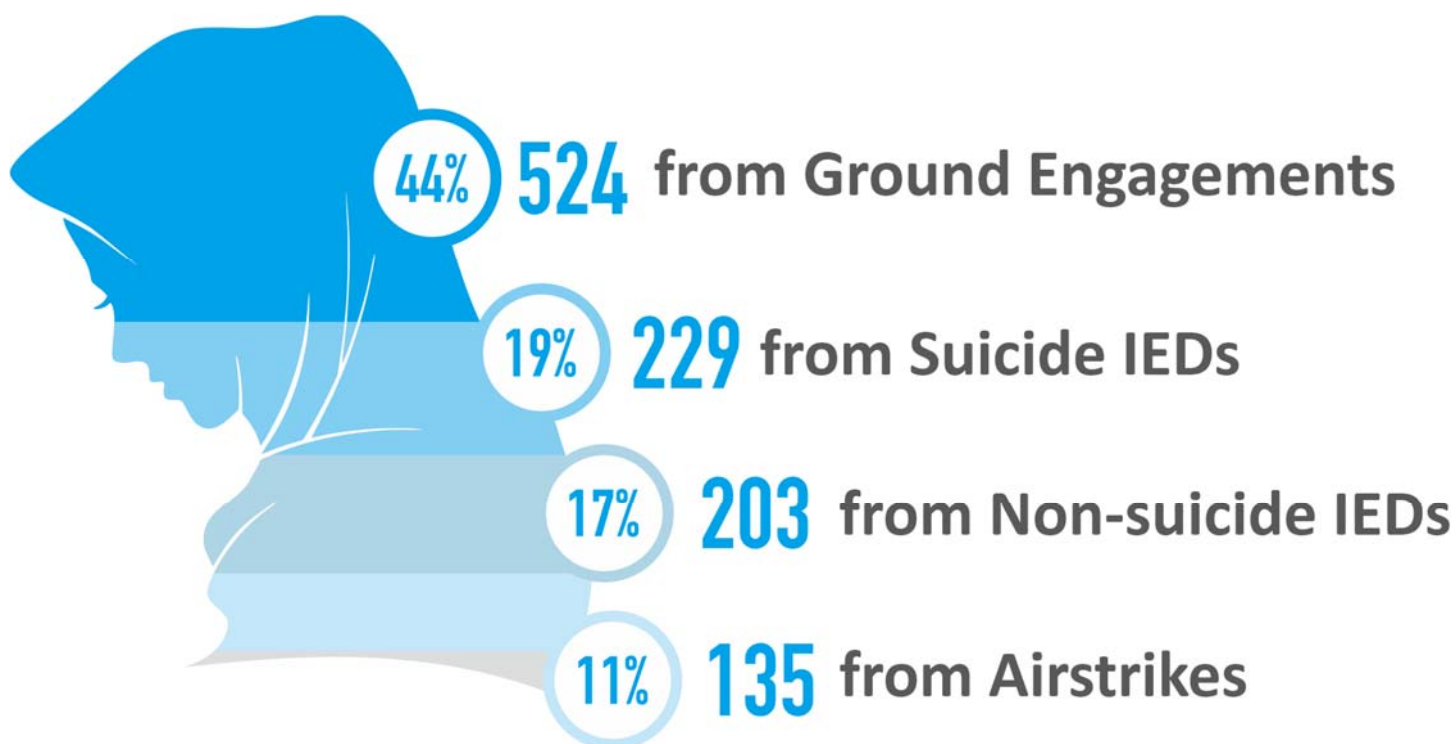
UNAMA documented four cases of human rights violations in which the Taliban exacted punishments against women according to their own justice system for committing adultery or having an 'immoral relationship'. In three of these cases the women were lashed and, in one case, the woman was executed, accused of eloping.

The case in which a woman was executed by the Taliban occurred on 22 November 2019 in Kohistan district, Faryab province. The night before, a man had accompanied her to meet with Government officials in Kohistan district administrative centre, where she was aiming to seek justice for get-

ting kicked out of her home by her husband, who had taken a second wife. Taliban members captured both the man and the woman while they were on their way and returned them to the area they had come from, keeping them overnight in the house of the Taliban shadow district governor. By the order of the latter, and with the acquiescence of the woman's father, who was also a Taliban member, Taliban members executed the woman and gave 40 lashes to the man on "charges" of elopement.

Women are also disproportionately affected by the broader effects of conflict, which negatively impacts their enjoyment of a range of fundamental rights, including freedom of movement and access to education, healthcare, and justice. The loss of male family members also exposes women to discrimination,

Leading Causes of Women Casualties





Before sunrise, on the outskirts of Kabul, relatives mourn victims buried in a cemetery the day after the 17 August 2019 ISIL-KP suicide attack during a wedding ceremony. In total, 91 civilians were killed in the attack, making it the deadliest civilian casualty incident of the year. Photo: Andrew Quilty

poverty, and violence, as men are critical to the socio-economic survival and security of the family unit in Afghanistan. Women victims in particular have acute protection and assistance needs arising from the conflict, forced displacement, loss of livelihoods and limited access to basic services.⁴⁴

UNAMA continues to document cases of conflict-related sexual violence against women. The impact on survivors can be devastating, particularly as a result of conservative social norms. Apart from physical and psychological consequences, survivors often face stigma and rejection from family and community members. Due to these factors, cases of sexual violence against women are likely to be seri-

ously underreported and impunity remains the norm for perpetrators.

UNAMA reiterates that it is imperative for the Government of Afghanistan to fully fund and implement the National Action Plan on United Nations Security Council Resolution 1325 on Women, Peace and Security, to protect women and girls from violence in law, policy and practice.

b. Children and Armed conflict

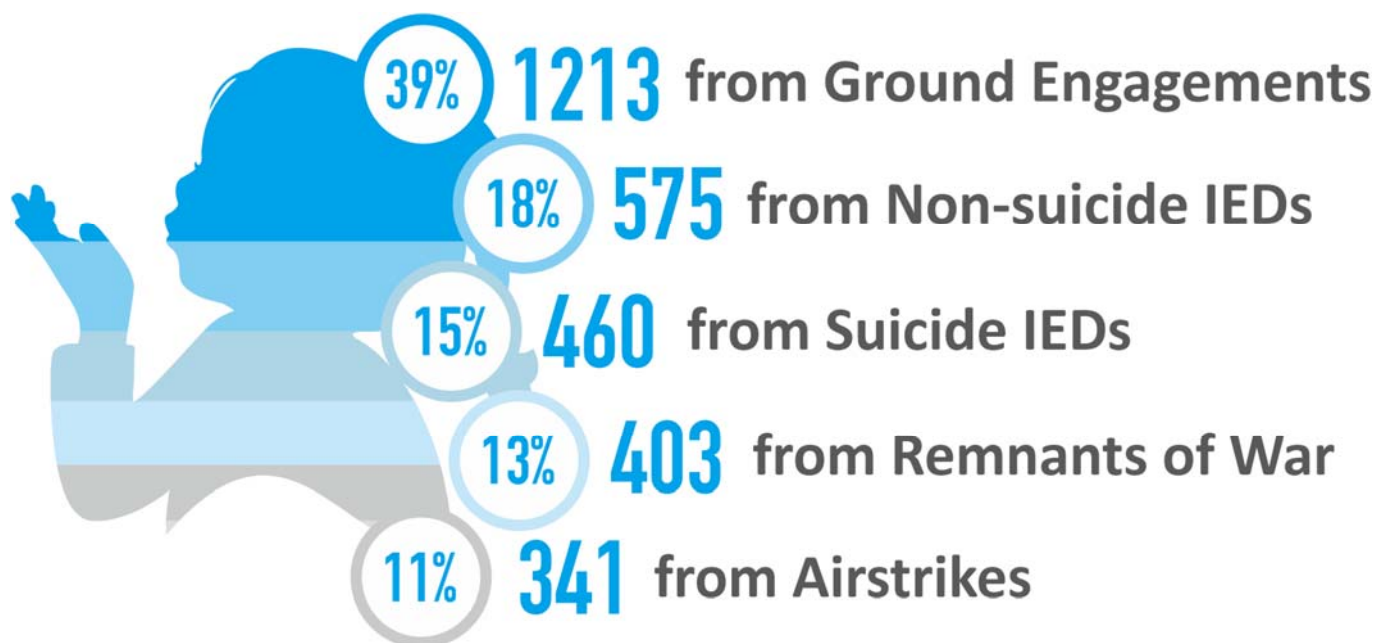
Children in Afghanistan are exposed to extreme harm as a result of the ongoing conflict, including killing and maiming from explosive remnants of war, IEDs and airstrikes; recruitment and use by parties to the conflict into fighting and support roles; and sexual exploitation and violence, including *bacha bazi*. Both Pro-Government Forces and Anti-Government Elements have been listed in the annex to the Secretary-General's Annual Report on Children and Armed Conflict for grave violations against children.⁴⁵

Children comprised 30 per cent of all civilian casualties in 2019, up two percentage points from 2018. Between 1 January and 31 December 2019, UNAMA documented 3,149 child casualties (874 killed

and 2,275 injured), a three per cent increase from 2018. Girls comprised 29 per cent of all child casualties whereas boys comprised 71 per cent.⁴⁶

The increase in child casualties is due to the increased use of suicide and non-suicide IEDs by Anti-Government Elements, which outweighed the decrease in child casualties from airstrikes. Anti-Government Elements caused 1,535 child casualties (321 killed and 1,214 injured) representing a 14 per cent increase whereas Pro-Government Forces caused 1,032 child casualties (408 killed and 624 injured) representing a two per cent decrease. UNAMA also notes with concern 39 child casualties (eight killed and 31 injured) from cross-border incidents in Kunar, Zabul and Khost provinces at-

Leading Causes of Child Casualties





A mother sits beside her three-year-old son, who was injured in a Taliban rocket-propelled grenade attack on their home on 10 May 2019 in Dara-i-Sufi Payin district, Samangan province. In total, two children and three women were killed and seven children, two women and one man were wounded in the attack. Photo: Mohammad Atif Aryan

tributed to Pakistani Military Forces, representing over twice the number as in 2018.⁴⁷ Children continued to comprise the majority of casualties (78 per cent) from explosive remnants of war and landmines, amounting to 403 child casualties (113 killed and 290 injured). This represents a five per cent decrease from 2018 .

The leading cause of child casualties remained ground engagements between Anti-Government Elements and Pro-Government Forces, which caused 39 per cent of child casualties. Ground engagements caused 1,213 child casualties (270 killed and 943 injured), which represents approximately

the same number as 2018. The vast majority of these casualties were due to indirect fire. Non-suicide IED attacks by Anti-Government Elements were the second main cause of casualties among children, with 575 child casualties (147 killed and 428 injured) – an increase of 11 per cent compared to 2018.

UNAMA documented 460 child casualties (61 killed and 399 injured) from suicide attacks, including complex attacks in 2019, a 67 per cent increase compared to 2018. UNAMA attributed 352 such child casualties (20 killed and 332 injured) to the Taliban, an increase of 324 per cent compared to

2018. UNAMA attributed 92 such casualties (40 killed and 52 injured) to ISIL-KP, a decrease of 39 per cent compared to 2018.

UNAMA is concerned with the continuing high levels of child casualties from airstrikes. While child casualties from this tactic decreased in 2019 from record high levels documented in 2018, UNAMA notes that 2019 registered the second highest number of child casualties from airstrikes over the last decade.⁴⁸ Airstrikes by Pro-Government Forces caused 341 child casualties (211 killed and 130 injured), a 31 per cent decrease compared to 2018. More than two-thirds (69 per cent) of child casualties from airstrikes in 2019 were attributed to international military forces, 27 per cent to the Afghan Air Force and the remainder to undetermined pro-Government forces.

UNAMA also verified nine incidents of abduction of children involving 14 boys, seven of which were attributed to the Taliban, one to Afghan National Police and one to a pro-Government armed group. For instance, on 28 March in Marawara district, Kunar province, Taliban members abducted two boys (ages 16 and 17), along with an 18-year-old, over a land dispute with the victims' family. The boys were held for over two weeks and were released on 12 April after mediation by local elders. On 23 October in Watapur district, Kunar province, a group of Taliban members detained 10 civilians including four children aged eight to 14 years old when they were traveling home by car. They were accused of supporting ISIL-KP in the area. The children were released the same day, while the adults continued to be held as of the time of writing.

Developments in the National Legal Framework Concerning Child Protection

On 5 March, President Ghani adopted the provisions of the Child Rights Protection Law (Child Act) through Legislative Decree (No. 362).⁴⁹ It defines a child as a person who has not "completed" the age of 18. The law constituted one of the priorities of the 2014 'Road Map to Compliance', which details measures to fully implement the 2011 Action Plan to end recruitment and use of children in Afghan national security forces. The Act also includes provisions prohibiting *bacha bazi* and the recruitment and use of children, in line with the 2018 revised Penal Code. UNAMA had actively engaged with the Government to ensure the incorporation of such provisions.

The Child Act also established a National Commission on the Protection of Child Rights, chaired by the Second Vice President, mandated to observe and protect child rights, oversee and evaluate the implementation of the provisions of the Act, and ensure coordination among ministries and relevant governmental and NGOs. On 22 October, a National Technical Committee established under the Commission, met for the first time to develop a national action plan for implementation of the Child Act and establish a monitoring mechanism to ensure proper implementation of the law.

Yet, attempts to pass the Child Act through Parliament, within 30 days of the Presidential Decree – as required under Afghan Law⁵⁰ – have not been successful. On 9 December, the Wolesi Jirga (lower house) debated the Legislative Decree, focusing on the legal definition of a child. While proponents of the adoption of the decree argued that a child

should be defined in accordance with the United Nations Convention on the Rights of the Child – below the age of 18 - opponents of the law maintained that this definition contradicted Islamic jurisprudence, which defines a child as someone not showing signs of puberty. Opponents walked out of the session and while the remaining members of parliament approved the adoption of the decree, it was later decided that there was no quorum and the vote was therefore declared invalid.

i. Recruitment and use of children by parties to the armed conflict

Children continue to be recruited by the Taliban, Afghan national security forces, and pro-Government armed groups. Throughout 2019, Anti-Government Elements continued to recruit and use children for combat and support roles. While the Afghan national security forces have made progress in preventing child recruitment, the use of children by the Afghan Local Police and, to a lesser extent, the Afghan National Police remains a concern, including in combat and support roles at checkpoints.

In 2019, UNAMA verified the recruitment and use of 64 boys, the majority in the northern region. It attributed the recruitment and use of 58 boys to the Taliban, three to Afghan National Police, one to Afghan Local Police, one to pro-Government armed groups, and one jointly attributed to Afghan Local Police and pro-Government armed groups. However, these incidents are believed to be widely underreported given the sensitivities involved and concerns about the safety of the children.

UNAMA has documented cases of recruitment and use of children by the Taliban for planting IEDs, transporting explosives, assisting in intelligence gathering, carrying out suicide attacks and participating in hostilities. For example, on 22 August 2019, in Jalalabad city, Nangarhar province, Afghan National Police arrested a 13-year old boy for his alleged involvement in the killing of six members of the Afghan national security forces. According to sources, the boy had received special training from the Taliban to kill Afghan national security forces, targeting the National Directorate of Security in particular, and had been active for the previous seven months in the city. The Provincial Governor and Chief of Police claimed in a press conference after his arrest that he had admitted to the killings and transferred the boy to the Afghan National Police Counter-Terrorism Unit in Kabul for investigation and to a juvenile facility that month.

UNAMA notes some positive steps taken by the Taliban's Commission for the Prevention of Civilian Casualties and Complaints to investigate and take corrective action on cases of child recruitment and use. For example, in August 2019, 14 boys who had been recruited and used by the Taliban in Shirin Tagap district of Faryab province were released by a high-level delegation of this Commission following complaints by community members. The Taliban delegation disarmed the boys and handed them back to their families, giving instructions to the commanders not to continue this practice. However, as soon as the delegation left the area, it was reported to UNAMA that 12 of these boys returned to the Taliban while two others migrated to Iran with the support of their families. UNAMA passed this information to the Taliban's Commission for further follow-up.

UNAMA commends the progress made by the Government of Afghanistan to prevent the recruitment of children, including through the work of the Child Protection Units in the Afghan National Police recruitment centres, which were established in all 34 provinces in 2018. According to UNICEF, these units have prevented 439 underage applicants from joining the Afghan National Police in 2019.

However, UNAMA continues to receive reports of children used in combat roles and support roles, as guards and to serve food or tea at check posts, particularly amongst the Afghan Local Police and the Afghan National Police. In some instances, children are also subjected to sexual violence. For example, in May 2019, in the northeast region, a 13 year-old-boy was arrested by police for carrying a pistol. He was held for one night in detention and interrogated by police. During the interrogation, police discovered the boy had been abducted and held by Afghan Local Police and pro-Government armed group commanders since 2015, and had been sexually abused during that time. The boy was transferred to the Juvenile Rehabilitation Centre and acquitted in June 2019 of all charges and the court ordered for him to be transferred to the Government-run Children's Protection Centre. The Provincial Director of the Department of Labour and Social Affairs opposed the court order, claiming that the child had been involved in criminal activities and would pose a threat to other children at the Centre. As a result, the child was transferred back to the Juvenile Rehabilitation Centre. An arrest warrant was also issued for the Afghan Local Police and pro-Government armed group commanders alleged to be involved in the case, but according to UNAMA information, they have not yet been arrested.

UNAMA calls upon the Government to implement fully its commitments under the 2011 Action Plan to end recruitment and use of children in Afghan national security forces. UNAMA notes that there are insufficient response mechanisms for addressing the needs of children formerly associated with armed forces or groups, those released from detention, and those screened out by the police and armed forces during the recruitment process due to their age. Without adequate follow-up, these children remain vulnerable to further recruitment and use.

While recognizing the challenges in addressing these issues, UNAMA encourages the Government of Afghanistan, with the support of the international community, to explore ways in which to increase children's access to psychosocial support, healthcare, education, vocational training and income generating schemes, and to support their re-integration into families and communities. UNAMA further encourages the Government to expand the functions of the Child Protection Units in the Afghan National Police to incorporate pro-active monitoring at check posts, to enforce the provisions in the revised Penal Code concerning the recruitment and use of children by parties to the conflict and falsification of national ID cards (*tazkera*), and to ensure accountability for such crimes through prompt and effective investigations of all allegations and prosecution suspects.

ii .Conflict-related sexual violence against children

Sexual violence against children during armed conflict is a serious and yet under-reported and under-addressed concern in Afghanistan. Girls and boys

have been victims of sexual violence by parties to the conflict and subjected to harassment, sexual violence and rape.

In 2019, UNAMA verified eight incidents of sexual violence against 13 boys and five girls: five perpetrated by the Taliban, two by the Afghan National Police and one by both the Afghan Local Police and pro-Government armed groups. These figures, however, do not reflect the extent of the problem given the difficulties that victims and witnesses face in reporting as well as the challenges UNAMA encounters in verifying these cases due to the extreme sensitivities involved and concerns for victim and witness protection. There is a “culture of silence” associated with these cases. Victims feel unable to share reports of harm imposed on them due to feelings of shame; many are blamed for being sexually abused or raped, and are often shunned by their communities – or even threatened – if the allegations come to light.

UNAMA continued to receive reports of sexual abuse and exploitation of boys, including the practice of *bacha bazi*⁵¹ perpetrated by the Afghan national security forces. Due to the lack of accountability for such crimes, cultural sensitivities, the need to protect survivors, stigmatization and exclusion from society, sexual violence against boys, including *bacha bazi*, remains an under-reported and under-addressed concern.⁵² UNAMA encourages the Government of Afghanistan to fully implement relevant laws and policies, including articles of the revised Penal Code criminalizing *bacha bazi* and to hold perpetrators to account. There is also an urgent need for increased public awareness and understanding of *bacha bazi* as an abusive and criminal act punishable under the Penal Code through ap-

propriate sensitization campaigns. UNAMA also encourages the Government to address plans for implementation, in particular regarding the protection of victims and witnesses and the adoption of measures to increase social acceptance of victims of sexual violence.

Rape and other forms of sexual violence against children, both boys and girls, are serious violations of international human rights law and may amount to grave breaches of international humanitarian law. Children are entitled to special protections under international law, and the Government of Afghanistan, as the primary duty-bearer for protecting and promoting human rights, must take measures to protect them from all forms of physical or mental violence, including sexual abuse,⁵³ as well as torture and ill-treatment.⁵⁴ The Taliban also have the obligation in areas under its control to take steps to protect victims and hold its commanders accountable for any harm caused.

c. Impact of the armed conflict on education

Children have a right to education, including during times of conflict. This right is however often compromised during armed conflict due to prevailing insecurity and also as a result of direct attacks and threats on schools, teachers and students, as well as the military use of schools. UNAMA remains concerned about the severe impact of the armed conflict on education, particularly for girls, who are more likely to be kept out of school when faced with violence and insecurity. It is important that schools are protected as safe spaces for learning for all children in Afghanistan.

Between 1 January and 31 December 2019, UNAMA verified 70 incidents impacting access to education, including attacks targeting or incidentally damaging schools; the killing, injury and abduction of education personnel; and threats against education facilities and personnel. In total, four education personnel were killed and four were injured, as well as nine students killed and 29 injured during incidents impacting education. Fifty-two education personnel were abducted. The majority of incidents impacting education took place in eastern and central regions (18 incidents each), followed by north-eastern region (12). This is a significant decrease in comparison to 2018 when UNAMA documented 192 incidents affecting education, including 92 incidents from election-related violence against schools used as polling centres.

UNAMA is concerned about the high number of attacks perpetrated by the Taliban throughout the year that gravely impacted children as well as education facilities and personnel. During 2019, UNAMA

documented damage to 24 schools as a result of Taliban operations. For example, on 1 July 2019, the Taliban conducted a complex attack on the logistics and engineering hub of the Ministry of Defense in downtown Kabul. After detonating a vehicle-borne IED near the entrance of the compound, which had a wide impact on surrounding houses, businesses and schools, attackers entered the compound on foot and opened fire. Two attackers wearing civilian clothes and armed with AK-47s set up a firing position on the upper floor of a nearby building – the ground floor was a private school where around 300 students were at their classes. During the operation, one boy and six civilian men were killed and 144 civilians were injured (21 boys, 7 girls, 101 men and 15 women), along with the four attackers. In total, six schools in the area were affected by the initial blast – classrooms were damaged and education materials also destroyed. Had the blast affected the nearby fuel station on the compound, the damage could have been even more extensive. The Taliban claimed responsibility for the attack.⁵⁵

Anti-Government Elements also intentionally and directly targeted education facilities and personnel. UNAMA documented 29 incidents⁵⁶ in which Anti-Government Elements directly targeted schools or education personnel, including burnings of schools, kidnapping of teachers, forced closures of educational facilities, and direct attacks on students and education personnel.⁵⁷ For example, in January 2019, in Parwan province, Taliban members abducted 49 teachers in response to the Government's decision to change the means of pay-

ment of teachers' salaries. Two days later, the teachers were released through mediation of the community elders. This incident followed a trend — which emerged in 2018 — of attacks and threats by Anti-Government Elements against education facilities and personnel in response to certain actions taken by the Government. UNAMA has also documented intentional attacks and threats against girls' schools, particularly in Farah province from January to April of 2019. UNAMA notes that even when attacks on education do not target girls or girls' schools specifically, they are disproportionately impacted by the violence as parents are often less inclined to continue sending their daughters to school as opposed to their sons.

In 2019, UNAMA verified 11 incidents⁵⁸ where Pro-Government Forces including the National Directorate of Security, Afghan National Police, and international military forces caused damage to education facilities. For instance, on 30 July 2019, in Sherzad district, Nangarhar province, NDS-02 Unit sup-

ported by air assets conducted a counterinsurgency night search operation. During the operation, NDS-02 forces searched a high school, blinded the two security guards, took them out of the school and then released them. Pro-Government Forces conducted four strikes on the school, destroying 12 classrooms, offices, the bookstore, the yard, boundary walls, washrooms, the water well, the main gate, and other assets and trees. The school provides education for 1,337 students, including 325 girls.

UNAMA verified 21 incidents of damage to schools from election-related violence on polling day for the presidential elections, mainly from the use of indirect weapons by Anti-Government Elements. The Government cancelled classes for all students in Government-run schools on polling day, which reduced the risk of children being harmed as a result of direct attacks against schools used as polling centres. Yet, school buildings suffered damage as a result of direct and incidental attacks, affecting children's access to education and

In March 2019, schoolchildren study outdoors in Deh Bala district, Nangarhar province, at the location of the former Papen High School, which was reduced to rubble amid heavy fighting between the Afghan national security forces and ISIL-KP. Photo: Noorullah Shirzada



contributing to a climate of insecurity for students.

International humanitarian law protects the right of children to education in situations of armed conflict.⁵⁹ UNAMA urges all parties to the conflict to protect students, teachers and schools as civilians and civilian objects, and to refrain from using educational facilities

for military purposes. UNAMA reminds the Government of Afghanistan of its obligations under international human rights law to ensure children's right to education and encourages Afghan national security forces to adhere to the Safe Schools Declaration.

d. Impact of the armed conflict on healthcare

The conflict continued to deprive individuals of access to essential medical services. From January to November 2019, approximately 24,000 hours of healthcare delivery were lost, and 41,000 consultations missed due to the forced closure and destruction of health facilities from incidents related to the armed conflict.⁶⁰

UNAMA verified 75 incidents impacting healthcare in 2019, including direct attacks or threats of attacks against healthcare facilities and personnel and incidental damage to healthcare facilities. This represents an increase compared to 2018 when UNAMA verified 65 such incidents. In total, 13 health personnel were killed and 34 were injured. Thirty-five health personnel were abducted. UNAMA attributed 57 incidents to Anti-Government Elements, including 53 to the Taliban, two to ISIL-KP, and two to undetermined Anti-Government Elements. UNAMA attributed 17 incidents to Pro-Government Forces⁶¹ and one jointly to Pro-Government Forces and Anti-Government Elements.

UNAMA is concerned with the increase in Taliban attacks and actions targeting health facilities and protected personnel, including kidnapping of vaccinators, confiscation of ambulances, looting and

forced closure of clinics. UNAMA documented 53 such incidents in 2019 as compared to 31 incidents in 2018, of which 19 occurred in the eastern region. For example, on 12 November, in Shirzad district, Nangarhar, the Taliban closed a clinic to residents in the area after the group reportedly suffered a large number of casualties after fighting with Afghan national security forces and ISIL-KP and was in need of medical care. On 28 October, in Aqcha district, Jawzjan province, Taliban fighters attacked and occupied the district hospital and then used it for military purposes until Afghan national security forces regained control. The attack resulted in two civilians killed and two injured by small arms fire. The hospital sustained minor damage.

Healthcare facilities were also affected by election-related violence during the presidential election, although to a much lesser extent than schools. Some polling centers were located in health clinics, exposing them to the risk of attack. UNAMA verified three incidents impacting healthcare facilities during the presidential election.

UNAMA documented a number of incidents of Pro-Government Forces – including NDS Special Forces – conducting search operations inside health facilities that interfered with the provision of health

services and resulted in civilian casualties. For example, on the night of 8 to 9 July, in Daimardad district, Wardak province, NDS Special Forces conducted an operation on a health clinic supported by the Swedish Committee for Afghanistan. The forces shot and killed an adult male caregiver outside the main building, entered the facility and conducted a room-by-room search. NDS took two men, a guard and a lab technician outside and warned everyone to stay inside. Ten to 15 minutes later, gunshots were heard, and the bodies of the lab technician and guard were found approximately 200 meters from the clinic, both shot in the head. UNAMA verified the deaths of three civilians in total. On 13 July, reportedly in reaction to this incident, the Taliban closed 42 clinics for almost one week in three different areas under their control in Maidan Wardak province.

Of particular concern, in April 2019, the Taliban issued a statement banning the activities of the World Health Organization, citing “suspicious activities” being carried out by staff during vaccination campaigns.⁶² They lifted the ban on polio activities during the last week of September with conditions. In particular, vaccinations are since only allowed to be carried out from health facilities and the ban on house-to-house vaccination campaigns remains. As of 31 December, Afghanistan reported

a total of 28 cases of polio of which 23 were reported from areas where vaccinators had difficulty accessing the children. Due to the ban, limited polio vaccination activities took place in the second quarter of 2019. Following the lifting of the ban in September, four campaigns have been implemented; however, vaccination could be done only out of health facilities in inaccessible areas. In addition, complementary vaccination activities such as firewalling inaccessible areas with permanent transit teams, strengthening routine immunization, vaccination through mobile health teams, utilizing other opportunities such as measles campaigns for polio vaccination are carried out in inaccessible areas.

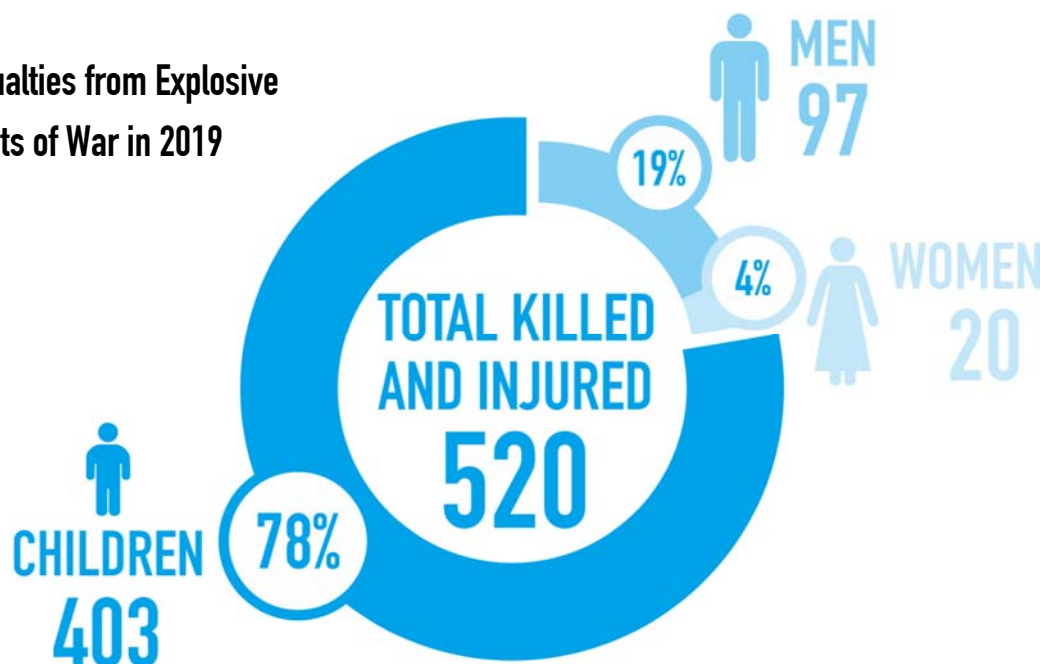
Under international humanitarian law, the sick and wounded must receive the medical care required by their condition and parties to the conflict have the obligation to take all possible measures to protect them against ill-treatment. In addition, medical personnel and facilities (including vehicles, such as ambulances) exclusively engaged in treating the sick and wounded are protected from attacks.⁶³ Pursuant to international human rights law, people in Afghanistan also have the right to the highest attainable standard of physical and mental health, which continues to apply during armed conflict.⁶⁴

e. Explosive Remnants of War

Every year, hundreds of civilians in Afghanistan are harmed by explosive remnants of war leftover from recent and past fighting. A large number of these casualties are entirely preventable through effective mine action.

Between 1 January and 31 December 2019, UNAMA documented 520 civilian casualties (149 killed and 371 injured) due to explosive remnants of war, a six per cent increase compared to 2018, reversing two years of decreases.⁶⁵

Civilian Casualties from Explosive Remnants of War in 2019



Children continued to be disproportionately harmed by explosive remnants of war which represent a significant contributing factor to child disability. In 2019, children accounted for almost 78 per cent of all civilian casualties from explosive remnants of war, with 403 child casualties (113 killed and 290 injured) including 360 boys. Children who survive encounters with explosive remnants of war live with lasting detrimental impact on their quality of life due to loss of limbs or eyesight, other serious injuries, and psychological trauma.

UNAMA documented numerous cases in which children were harmed when they played with explosive remnants of war or tried to collect the pieces as scrap metal. For example, on 17 December, an unexploded rocket propelled grenade detonated in Kunduz City as children were playing with it along the main road. As a result, eight children (one girl and seven boys) were injured. The village where the incident took place is under the control of the Taliban. UNAMA stresses the importance of mine-risk education to children and raising their awareness about the dangers of explosive remnants of war.

Approximately two-thirds of the civilian casualties from explosive remnants of war in 2019 were attributed to parties from recent fighting, with most of the civilian casualties jointly attributed to Pro-Government Forces and Anti-Government Elements. UNAMA reiterates the extreme risk posed

to displaced families returning to areas where heavy fighting took place. Unless concrete actions are taken to assess, mark and clear unexploded ordnance from conflict-affected areas, the killing and maiming of civilians will continue.

The parties to the conflict have the obligation to mark and clear, remove or destroy explosive remnants of war, and to take all feasible precautions to protect civilians from their risks and effects. Ongoing efforts in mine risk awareness remain crucial to protecting the population. UNAMA welcomes the continued steps taken by the Government towards upholding its commitments pursuant to Protocol V of the Convention on Certain Conventional Weapons concerning explosive remnants of war, which came into effect on 9 February 2018. The Directorate of Mine Action Coordination has led efforts within the Government to draft the “Mechanism for the Implementation of Protocol V”. At the time of writing the report, it had been approved by the Afghan national security forces and was being reviewed by the Office of the National Security Council. UNAMA recalls that the international military has a responsibility to help ensure that the Government meets Protocol V obligations and encourages the international community to continue to provide support however possible. UNAMA also urges the Taliban to abide by the spirit of the Convention and ensure access to deminers in territory under their control.

III. ANTI-GOVERNMENT ELEMENTS

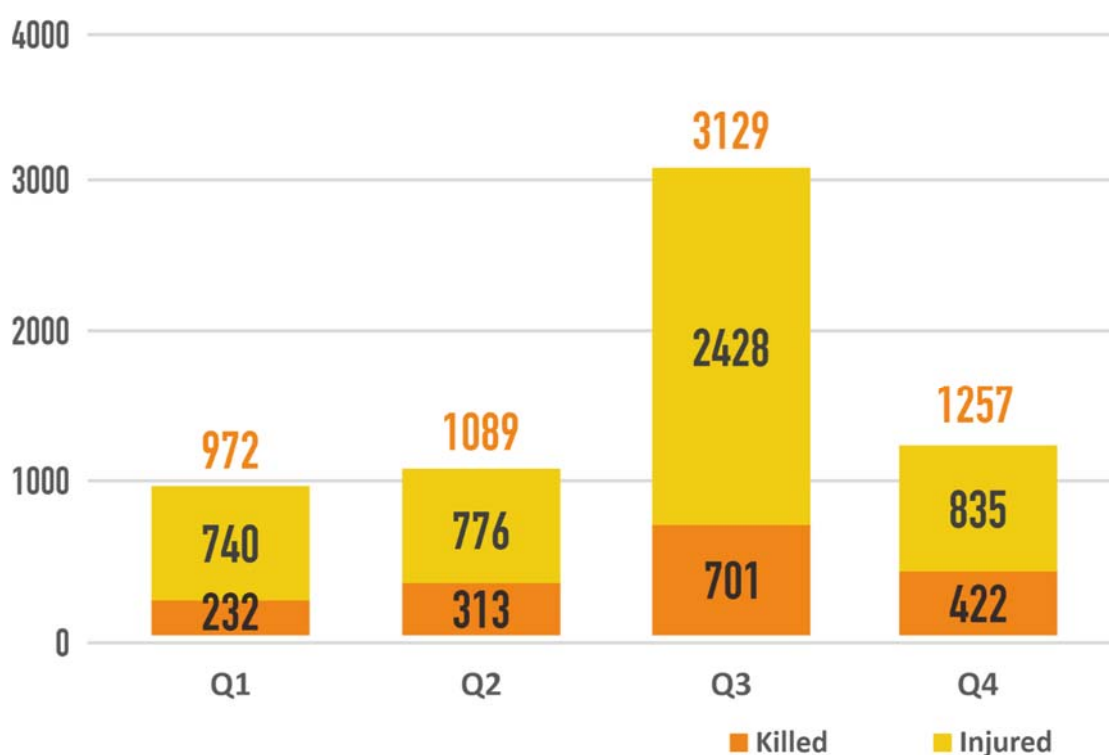
a. Overview

Anti-Government Elements continued to cause the majority of civilian casualties in Afghanistan in 2019 – almost two-thirds – with continuing harm caused to the population from the indiscriminate use of IEDs, often in densely populated urban centres, and the continued deliberate targeting of civilians in violation of international humanitarian law. Anti-Government Elements' violence contributed to a heightened sense of insecurity and unpredictability, particularly during the third quarter of the year when violence, particularly by Taliban, reached its peak. Between 1 January and 31 December 2019, UNAMA documented 6,447 civilian casualties (1,668 killed and 4,779 injured) caused by Anti-Government Elements, representing an eight per cent decrease in civilian casualties as compared to

2018.⁶⁶ Decreases in civilian casualties from suicide attacks, including complex attacks as well as ground engagements were partially offset by an increase in civilian casualties from non-suicide IEDs.

The overall annual downward trend in civilian casualties masks the fluctuations in the conflict throughout the year. During the first half of 2019, civilian casualties by Anti-Government Elements were significantly lower than in 2018. However, as talks between the Taliban and the United States progressed during the third quarter, violence on the battlefield increased.⁶⁷ Almost half of civilian casualties caused by Anti-Government Element occurred during the third quarter of the year. This contrasts starkly with the first, second and fourth quarters in which UNAMA documented significant decreases of civilian

Civilian Casualties by Anti-Government Elements per Quarter in 2019



Civilian casualties from incidents publicly claimed by the Taliban	1,712 (204 killed and 1,508 injured)
Civilian casualties from incidents attributed to the Taliban that were not publicly claimed	3,192 (1,097 killed and 2,095 injured)
Civilian casualties from incidents publicly claimed by ISIL-KP	788 (181 killed and 607 injured)
Civilian casualties from incidents attributed to ISIL-KP that were not publicly claimed	435 (128 killed and 307 injured)
Civilian casualties attributed to Anti-Government Elements where there was no public claim of responsibility and attribution to a specific group was not possible	320 (58 killed and 262 injured)

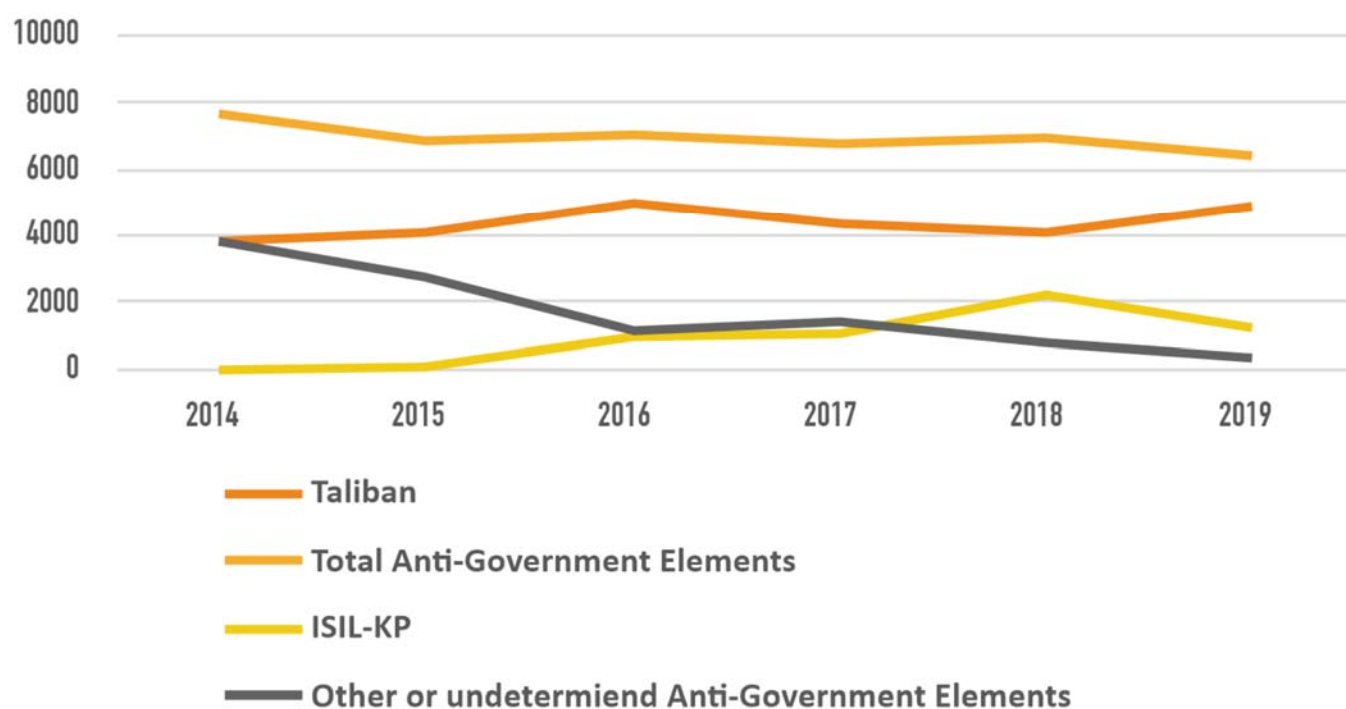
casualties attributable to Anti-Government Elements. During the third quarter of 2019, UNAMA documented the highest number of civilian casualties it had ever recorded since it began systematic documentation. This considerable spike in violence was mainly due to increased Taliban activity, including a rise in indiscriminate suicide attacks in civilian-populated areas as well as election-related violence.

In 2019, UNAMA attributed 76 per cent of civilian casualties caused by Anti-Government Elements to

the Taliban, 19 per cent to ISIL-KP, and five per cent to undetermined Anti-Government Elements.⁶⁸

UNAMA has consistently documented high levels of civilian casualties from indiscriminate attacks perpetrated by Anti-Government Elements using various tactics. These include suicide attacks and large vehicle-borne IED attacks close to civilian objects; the use of indirect fire in populated areas, which often have indiscriminate effects; and the continued use of victim-operated pressure-plate

Civilian Casualties by Anti-Government Elements 2014–2019



IEDs, which function as improvised landmines.

i. The Taliban

In 2019, UNAMA documented 4,904 civilian casualties (1,301 killed and 3,603 injured) resulting from attacks by the Taliban. This represents a 21 per cent increase in the number of civilian casual-

ties attributed to the Taliban compared to 2018. This was mainly driven by a significant increase in civilian casualties from suicide attacks, including complex attacks (133 per cent increase over 2018) as well as an increase in civilian casualties from non-suicide IEDs (21 per cent), which more than offset decreases in civilian casualties from ground engage-

Abduction and Killing of Afghanistan Independent Human Rights Commission Staff Member⁶⁹

On 3 September, Abdul Samad Amiri, the acting head of the Afghanistan Independent Human Rights Commission's (AIHRC) office in Ghor province, was abducted in Jalrez district, Wardak province while travelling on a bus from Kabul to Ghor province. The Commission, in coordination with Mr Amiri's family, were in negotiations with the Taliban for his release when news emerged that he had been shot and killed on 5 September. According to UNAMA's information, Mr Amiri was shot four times in the back. The Taliban Protection of Civilians Commission conducted an investigation into the case, the results of which had not been made public at the time of writing this report.

This was not the first time that a member of AIHRC had been targeted. On 26 October 2015, in Jalalabad city, Nangarhar province a roadside remote-controlled IED detonated against an AIHRC staff shuttle, killing two employees and wounding six others. No party to the conflict ever claimed responsibility for the attack.⁷⁰

UNAMA condemns the deliberate killing of Mr Amiri and strongly reiterates that the intentional killing of civilians who are not directly participating in hostilities is prohibited by international humanitarian law and may amount to a war crime. Furthermore, staff members of AIHRC, as employees of a national human rights institution that operates in compliance with the Paris Principles, are considered to be human rights defenders.⁷¹ As such, the summary execution of Mr Amiri is particularly heinous.

UNAMA reiterates that AIHRC, as a national human rights institution, has a critical mandate to protect and promote human rights at the national level for all those who live in Afghanistan. UNAMA urges the Taliban leadership to issue immediate and clear instructions to its commanders on the protected status of members and employees of AIHRC and to immediately desist from any acts of intimidation, threats and violence against them to ensure that AIHRC can carry out its work in a safe and independent manner.

ments (19 per cent). UNAMA attributed 47 per cent of the total civilian casualties resulting from the armed conflict in 2019 to the Taliban. This is a 10-percentage point increase from the 37 per cent attributed to the group in 2018.

At the end of August and beginning of September, the Taliban staged large-scale offensives against three provincial capitals – Kunduz, Pul-e-Khumri and Farah cities – which coincided with the height of the talks with the United States. The attack on Kunduz had the largest impact on civilians, resulting in 99 civilian casualties (20 killed and 79 injured) over the course of fighting from 31 August to 11 September, with 55 civilian casualties (13 killed and 42 injured) attributed to the Taliban and 44 civilian casualties (seven killed and 37 injured) attributed to the Afghan national security forces, mostly from ground engagements.

Attacks and threats against the media and telecommunications

UNAMA is concerned with the Taliban's threats and attacks on the media throughout the year, which has had a chilling effect on freedom of the press and freedom of expression in general. On 25 June, the Taliban Military Commission issued a statement threatening to target media outlets in Afghanistan,⁷² prompting condemnation from UNAMA and the wider international community.⁷³ In 2019, the abduction of a journalist by the Taliban and the injury of another journalist by IED attack were attributed to the Taliban.⁷⁴

UNAMA emphasizes that international humanitarian law explicitly prohibits attacks against civilians and acts or threats of violence aimed at spreading terror among the civilian population, which in-

cludes media workers. Additionally, international human rights law protects the right to life, liberty and security of journalists and also protects their work on the basis of the freedom to seek, receive and impart information and ideas, orally or in written form, or through any media.

In addition to the threats to media, the Taliban increased pressure and intimidation on telecommunications companies to comply with their demands throughout 2019, such as shutting down networks during evening hours, with extensive disruption to communication networks particularly around the presidential elections. The Taliban deliberately targeted individuals and infrastructure associated with the Salaam Telecommunication network, which is State-owned and generally refuses to abide by the Taliban's demands, unlike other networks.⁷⁵

On 26 August, the Taliban issued a statement declaring the company and its infrastructure as military targets, stating that its employees would be considered as personnel of "an intelligence organ", and indicating that "legal action" would be taken against anyone found carrying a Salaam SIM card.⁷⁶ Between 23 July and the end of 2019, UNAMA documented seven incidents of the Taliban targeting Salaam personnel and property as well as users. On 25 September in Chaparhar district, Nangarhar province, Taliban fighters entered a Salaam telecommunication tower building. They beat and bound the security guard and placed two IEDs inside the tower. The Afghan National Police intervened. They released the guard and defused the IEDs before they could detonate. On 28 September, polling day, and the following day, the Taliban damaged at least 25 telecommunications towers in numerous districts across Kunduz province.

“It was a Tuesday around 10h30 am; 63 students were in class that day. I was in front of the class explaining something and writing on the board when suddenly there was a huge explosion in the corner of the classroom. The force of the blast pushed me into a row of chairs in the class and my leg was wounded. I was conscious and managed to get myself to the door of the class, but once I got there, I couldn’t walk any further on my own. Someone helped me get down to the ground floor of the building into the yard. I was taken to Ghazni Hospital and became unconscious on the way there due to the amount of blood I lost. The doctors said I had almost died.”

--Male student who was injured along with 20 female students and six other male students, by an IED attack inside a classroom at Ghazni University on 8 October 2019; ISIL-KP claimed responsibility for this attack, citing a sectarian motive.

ii. Islamic State of Iraq and the Levant – Khorasan Province (ISIL-KP)

ISIL-KP continued to operate in the east of Afghanistan, namely in Nangarhar and Kunar provinces where they maintained limited areas of territorial control. UNAMA also documented civilian casualties from ISIL-KP attacks in Kabul⁷⁷, Ghazni, Herat, Laghman and Khost provinces. However, they exhibited decreased capacity to carry out high-profile attacks in 2019, which contributed to an overall reduction in civilian casualties attributed to them as compared to 2018 when UNAMA documented record-high numbers.⁷⁸

From 1 January to 31 December 2019, UNAMA attributed 157 incidents resulting in 1,223 civilian casualties (309 killed and 914 injured) to ISIL-KP, which represents a 44 per cent decrease from 2018. This was mainly due to a decrease in suicide attacks,

including complex attacks and those targeting civilians and civilian-populated areas. These attacks comprised 37 per cent of all civilian casualties attributable to the group in 2019 as compared to 87 per cent in 2018. However, this decrease was partly offset by a significant increase in civilian casualties from non-suicide IEDs (183 per cent increase) as well as ground engagements (742 per cent increase) attributable to the group, reflecting its changing tactics.⁷⁹ Security-related incidents attributed to ISIL-KP reflected similar patterns with the United Nations recording an increase in the number of IED discoveries and detonations, as well as armed clashes, in Kabul, Kunar and Nangahar provinces.⁸⁰ Attacks by ISIL-KP comprised 12 per cent of the total civilian casualties in 2019, which represents an eight percentage point decrease from 2018.

Throughout November, hundreds of ISIL-KP fighters surrendered to Afghan forces, beginning in

Achin district of Nangarhar province, succumbing to the pressure of having to battle Afghan national security forces, airstrikes by international military forces, and to a lesser extent ground fighting by Taliban. On 19 November, President Ghani claimed that security forces had ‘obliterated’ ISIL-KP in Afghanistan.⁸¹ On 4 December, US Special Representative Zalmay Khalilzad stated on Twitter that “effective operations by US/Coalition & Afghan security forces, as well as the Taliban, led to ISIS-KP losing territory & fighters.”⁸² From available evidence, the record of the Taliban in pressuring ISIL-KP is mixed and considerably less than that of operations by international military forces and Afghan national security forces.

By early December 2019, approximately 1,500 individuals associated with ISIL-KP surrendered in the eastern region. Among those who surrendered, approximately half were reportedly foreign nationals.

The Afghan Government took the men who were suspected of being members of ISIL-KP into custody for prosecution. Most Afghan women and children associated with ISIL-KP have reportedly been handed over to their relatives. The Government’s policy concerning such women and children with foreign nationalities, including those born in Afghanistan, is not clear. Approximately 80 women and 140 children, presumably foreign nationals, have been transferred to detention centres in Kabul, where they will likely remain until repatriation to their home country. While ISIL-KP represents a diminished threat and received a notable setback in southern Nangarhar, it has not been obliterated entirely and the group has exhibited notable resilience in the past; there are also grounds for concern that several ISIL-KP groups may have relocated to Kunar and Kabul.

b. Tactics and incident types causing most harm to civilians

i. Improvised explosive devices (suicide and non-suicide)

“When we were crossing in front of the fuel station, a horrible explosion suddenly occurred. Everything became dark and there was a terrible smell of smoke. I noticed three or four of our female colleagues had already passed away. Their skulls were completely fractured, to the extent they were hardly recognizable. Upon seeing this scene, I lost consciousness, and later found myself at the hospital. I spent three days there, thanking Allah, but also thinking about this unjustifiable action of terrorists against civilians. I am thinking of my small children. If I was killed, then who would take care of them? What would happen to them? I do not know, the anti-government elements are calling themselves Muslims, but which school of Islamic ideology are they following? In the incident, I sustained injuries on my head. I am undergoing medical treatment. Doctors advised me to go abroad (Pakistan or India) for my medical treatment but I cannot afford this.”

--Victim of an IED attack in Kabul city that targeted a bus of government employees; seven were killed and 32 injured in the attack

Anti-Government Elements' use of IEDs in both suicide and non-suicide attacks continued at extreme levels in 2019; combined, they remained the leading cause of civilian casualties for the year, accounting for 42 per cent of the overall total. In 2019, UNAMA documented 4,336 civilian casualties (885 killed and 3,451 injured) resulting from suicide and non-suicide IED attacks combined.⁸³ While this represents an overall decrease of six per cent from 2018, civilian casualties attributed to Taliban from combined IED types reached the highest levels UNAMA has ever recorded in a single year, causing 3,083 civilian casualties (603 killed and 2,480 injured), a 58 per cent increase over 2018. Conversely, ISIL-KP caused 54 per cent fewer civilian casualties from the combined use of suicide and non-suicide IEDs.

While not all IED attacks are prohibited under international humanitarian law, the manner in which they are carried out often violates the rules of distinction, proportionality and precautions in attack.⁸⁴ Suicide attacks are frequently designed to deliberately target concentrations of civilians to maximize the harmful impact on them, causing maximum social disruption and damage to critical infrastructure. When used against legitimate military targets, they frequently have indiscriminate effects, including as a result of the use of large amounts of explosives, which results in a wide impact area; accidental detonation in civilian-populated areas, as is often the case when dealing with improvised or "homemade" devices; and when suicide bombers purposely detonate explosives outside or near military compounds, including as a tactic to break through security layers to reach the intended target inside. Furthermore, the use of pressure-plate IEDs, which are victim-

operated, are indiscriminate by nature and therefore considered to be unlawful at all times.

Both indiscriminate and disproportionate IED attacks, whether suicide or non-suicide, are serious violations of international humanitarian law and may amount to war crimes. UNAMA reiterates its call on Anti-Government Elements to end the indiscriminate and disproportionate use of all IEDs, including in areas frequented by civilians, to immediately stop the use of victim-operated IEDs as well as the deliberate targeting of civilians and civilian objects.

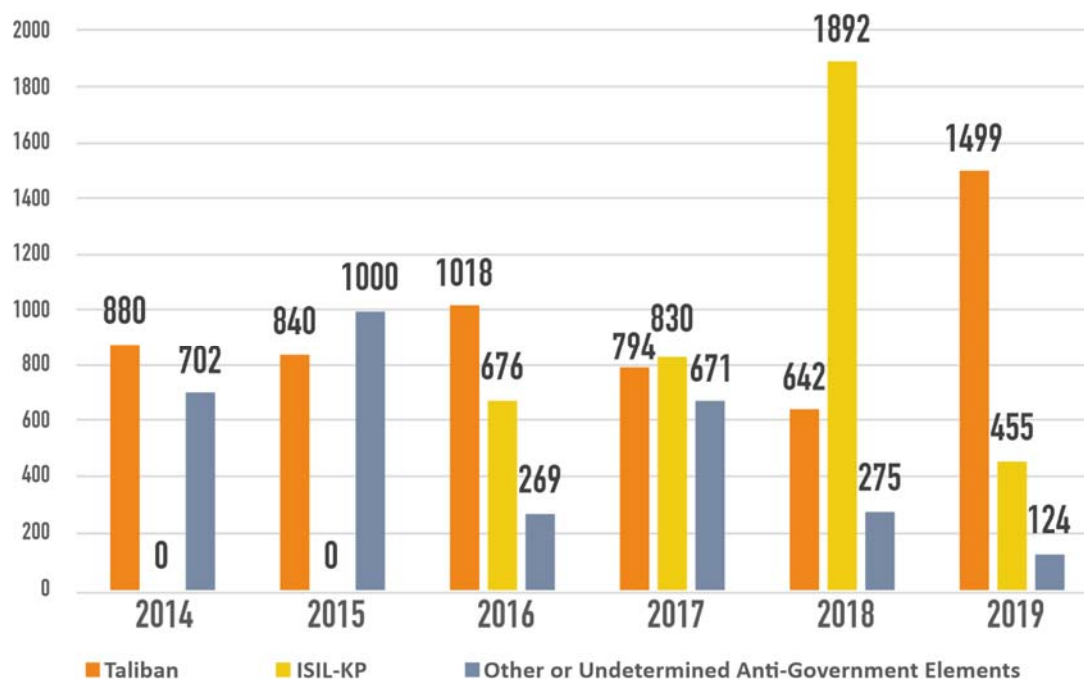
Suicide attacks

In 2019, suicide attacks, including complex attacks by Anti-Government Elements caused 2,078 civilian casualties (378 killed and 1,700 injured), representing a 26 percent decrease as compared to 2018. The decrease was mainly due to a substantial drop in suicide attacks by ISIL-KP.⁸⁵ Suicide attacks by the Taliban, on the other hand, increased substantially in 2019, as did their use of large vehicle-borne IEDs.

In 2019, UNAMA documented 1,499 civilian casualties (165 killed and 1,334 injured) from suicide attacks, including complex attacks by the Taliban, representing a 133 per cent increase from 2018.⁸⁶ This is the highest number of civilian casualties caused by the Taliban from this tactic that UNAMA has ever recorded since it began systematic documentation in 2009.

The Taliban publicly claimed 23 of 26 suicide attacks, including complex attacks that caused 1,437 of the 1,499 civilian casualties that UNAMA attributed to the group. In the past, when the

Civilian Casualties from Suicide IEDs 2014-2019



Taliban claimed responsibility for an incident, they still denied any resulting civilian casualties. Exceptionally, they acknowledged civilian casualties resulting from a suicide vehicle-borne IED attack on the National Directorate of Security headquarters in Qalat city, Zabul province, on 19 September 2019, following an investigation by their Commission for the Prevention of Civilian Casualties and Complaints (see below).

In 2019, Kabul province suffered the highest number of suicide attacks, including complex attacks with 15 such incidents (all in Kabul city) causing over half of all civilian casualties from this tactic. Six of these attacks were carried out in Nangarhar province and four in Ghazni province resulting in similar levels of civilian harm at just over 200 civilian casualties in each province.

Indiscriminate suicide vehicle-borne IED attack that impacted a hospital in Qalat city, Zabul province, 19 September 2019

"It was 05h15 in the morning when I got out of our Masjid after morning prayer when a huge explosion took place. [...] After some time, when I could reach my house, I saw my six family members lying in the house having multiple injuries from the broken glass. I started treating them in my house. Then I received roughly 10 more people from our neighbourhood who had injuries from broken glass. Soon after I received a call to help the victims who were still under a ruined building. I rushed there with my first aid kit".

--Doctor and relative of the victims injured by the suicide attack

On 19 September in Qalat town, Zabul province, Taliban targeted the provincial headquarters building of NDS with a suicide vehicle-borne IED attack, which detonated approximately 20 metres away from the

provincial hospital. The impact of the explosion was far reaching, killing 28 civilians including at least two children and injuring 130 civilians, including at least 33 children and 27 women. Most of the victims were patients

and their family members, doctors, nurses and other healthcare workers. The provincial hospital suffered serious structural damage with ambulances damaged and essential medical equipment destroyed. The hospital had to be relocated to the public health department. Among the injured were 19 healthcare workers.

The Taliban claimed responsibility for the incident on Twitter, citing NDS as the target, but acknowledging that “the provincial hospital has also suffered some harm.” The statement blamed the Afghan Government for having the NDS premises in a residential area.⁸⁷

The Taliban’s Commission for the Prevention of Civilian Casualties and Complaints initiated an investigation into the incident and sent a delegation to the area to talk to individuals at the hospital, patients, students and others. According to their findings, 17 civilians were

killed and 130 injured. The perpetrator was reportedly killed in the incident.

UNAMA stresses that parties to the conflict have an obligation under international law to respect the principles of precaution and proportionality when carrying out an attack. The proximity of military objectives such as the NDS building to civilians and civilian objects, including hospitals, should have been taken into account in the planning and execution of the operation with all feasible precautions taken to avoid harm. The location of the NDS building in a residential area does not negate these obligations or justify an attack that does not respect these principles. UNAMA reiterates that special protection is afforded to medical facilities and transports under international humanitarian law. Indiscriminate and disproportionate attacks are serious violations of international humanitarian law and may amount to war crimes.

Ambulances destroyed by the blast from the Taliban attack on the National Directorate of Security headquarters on 19 September in Qalat city, Zabul province. The hospital, and the patients inside, were gravely impacted. Photo: Nisar Ahmad Sapand



Non-Suicide IEDs, including improvised anti-personnel mines

"We were going to the Sha Agha shrine, near Khakrez District Administrative Centre. It was approximately 13h00 p.m. when we had almost reached our destination. People from my village, Baghipul, were in two cars [minivans]. Overall, we were approximately 100 people, we didn't count. We didn't have money to hire more cars. There were mostly women and children. Then the explosion happened. [starts crying]. We found the body parts of our family members. We never want to go to the same place again."

--Forty-year-old female victim of a Taliban pressure-plate IED that killed 13 civilians and injured 40 others in Khakrez district, Kandahar province, on 15 July 2019; the woman lost five of her family members – all children

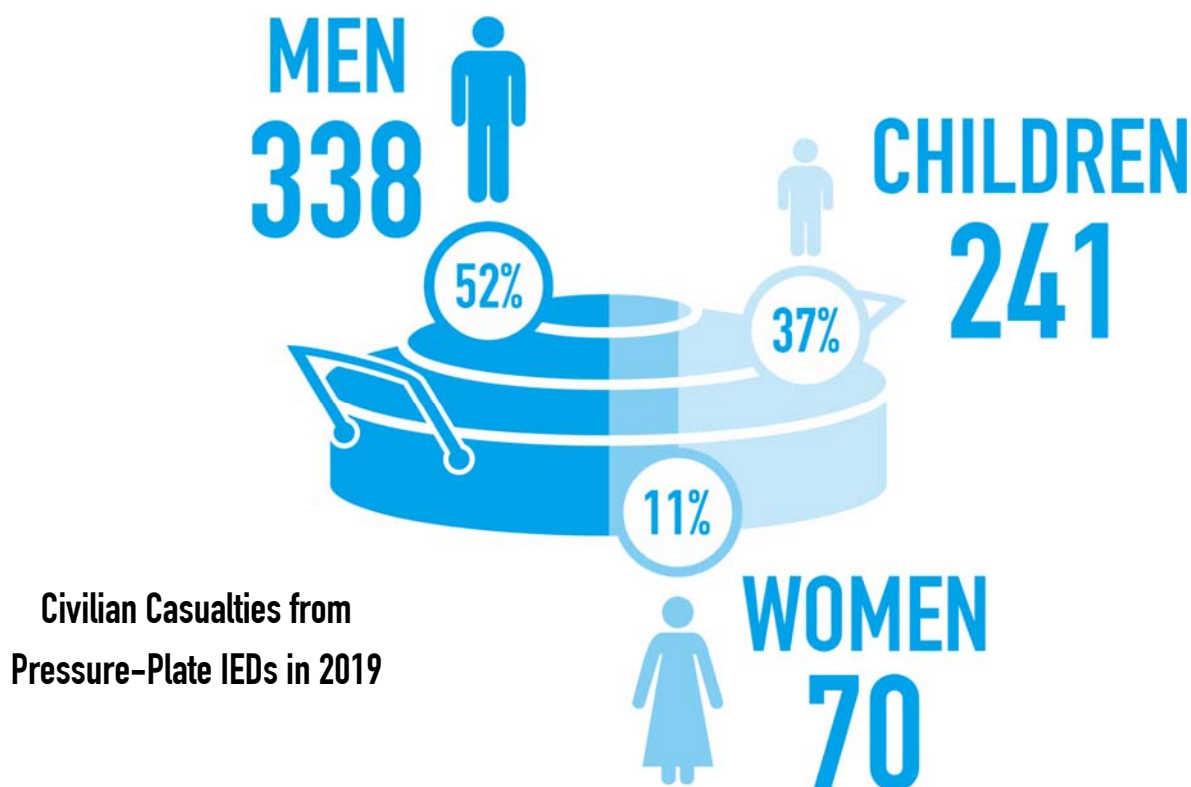
UNAMA documented a spike in harm to civilians from non-suicide IED attacks in 2019. From 1 January to 31 December, it documented 2,258 civilian casualties (507 killed and 1,751 injured) from these devices, representing a 24 per cent increase as compared to 2018. Non-suicide IEDs accounted for 22 per cent of overall civilian casualties, surpassing suicide attacks, including complex attacks as the second leading cause of civilian casualties behind ground engagements.

The Taliban and ISIL-KP both increased their use of non-suicide IEDs in 2019. Civilian casualties attributed to the Taliban from this tactic increased by 21 per cent whereas those attributed to ISIL-KP increased by 183 per cent. Overall, the Taliban still caused almost three times as many civilian casualties from non-suicide IEDs as ISIL-KP and the second highest civilian casualty toll from these devices that UNAMA has ever recorded for that group.⁸⁸ The use of magnetic IEDs and remote-controlled IEDs in particular increased in 2019, causing 48 per cent and 38 per cent more civilian casualties than in 2018, respectively.

Pressure-plate IEDs, including those that function as anti-personnel mines

"On 28 September 2019, an IED planted on the roadside exploded and seriously wounded my 13-year-old son. The IED was planted close to a high school that was used as a polling centre and it exploded when the donkey carrying my son stepped on it. We are a very poor family and my husband is not able to work. My son was carrying potatoes. I am very worried for him and I hope he will recover soon. God forbid he loses his eyesight, I will die. He is a student in the 8th grade in our village."

-- Relative of a victim of an IED incident which resulted in the injury of a boy in Argo district, Badakhshan province, during the presidential election on 28 September 2019



UNAMA has consistently raised concern about the extreme harm caused to the civilian population by pressure-plate IEDs and has repeatedly called for Anti-Government Elements to immediately cease the use of this type of weapon. While civilian casualties from these devices continued to decrease, the harm caused to civilians – including children – remains significant.

In 2019, UNAMA documented 650 civilian casualties (275 killed and 375 injured) from pressure-plate IEDs,⁸⁹ a 14 per cent decrease from 2018. Of these casualties, 96 per cent were attributed to the Taliban, representing 621 civilian casualties (265 killed and 356 injured).

Pressure-plate IEDs, by virtue of their victim-operated trigger type, cannot be directed against a specific military objective and are incapable of distinguishing between civilians and combatants. The Taliban indicated in recent years that they were taking precautions in using these weapons to prevent harm to civilians, including blocking off

roads, warning the population not to take certain routes, and reducing the amount of explosives used in these devices. It is clear, however, that due to the victim-operated nature of these devices no amount of precautions is sufficient to mitigate the harm they pose to civilians.

For example, on 1 October 2019, in Balkh district, Balkh province, a rickshaw detonated a pressure-plate IED emplaced by the Taliban. A 50-year-old civilian Imam was consequently killed and two other men were wounded although the Taliban had warned locals not to use that particular road. On 13 December 2019, in Jaghatu district, Ghazni province, a pressure-plate IED emplaced by Taliban detonated, impacting a civilian minibus on the road from Daikundi to Ghazni province. Ten civilians were killed (five men, three women, one girl and one boy) and nine sustained injuries (six men, two boys, and one girl). This incident occurred despite some sources claiming that the road had been “closed” by the Taliban.



A child victim of a Taliban IED attack in Khakriz district, Kandahar province on 15 July 2019 is carried into an ambulance. The pressure-plate IED detonated when a convoy of cars drove over it while on their way to visit a shrine. Thirteen civilians were killed and 40 civilians injured in the blast. Photo: Nuaman

In addition to pressure-plate IEDs detonating against civilian vehicles, UNAMA documentation shows that these weapons have also been used as improvised anti-personnel mines, detonating even just from the weight of a child. For example, on 27 October 2019, in Pashtun Kot district, Faryab province, a boy stepped on a pressure-plate IED, which caused his death and that of four other boys aged between 13 and 15 years old while a 10-year-old boy was injured. The device had been planted by the Taliban on a public road near an Afghan National Army check post to target army personnel.

UNAMA recalls that in 1998, one year after the adoption of the Convention on the Prohibition of

the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (“Mine Ban Treaty”), Mullah Mohammad Omar issued a statement strongly condemning the use of landmines, recognizing their destructive power against civilians, calling for a total ban on their use and indicating that anyone using them in ‘personal, political or any other differences’ would be punished in accordance with Islamic law. The statement expressed strong support for the Mine Ban Treaty. Yet, the Taliban have continued to use pressure-plate IEDs that function as improvised anti-personnel mines. UNAMA urges the Taliban to immediately stop using these devices and uphold previous commitments made to ban them.

ii. Attacks deliberately targeting civilians and civilian objects

Anti-Government Elements continued to deliberately attack civilians and civilian objects in 2019 using a variety of tactics from deliberate targeting of particular individuals through shooting, magnetic and remote IED attacks to suicide IED attacks targeting large concentrations of civilians.

From 1 January to 31 December 2019, UNAMA documented 2,832 civilian casualties (817 killed and 2,015 injured)⁹⁰ from deliberate targeting of civilians, representing a 31 per cent decrease compared to 2018. The decrease was mainly due to a sizeable drop in civilian casualties from ISIL-KP suicide attacks, including complex attacks amongst civilian gatherings. Suicide attacks that deliberately targeted civilians accounted for 1,032 civilian casualties (271 killed and 761 injured), a 57 per cent decrease from 2018. Civilian casualties from deliberate targeting of civilians that were attributed to the Taliban⁹¹ decreased by six per cent whereas those attributed to ISIL-KP decreased by 48 per cent.

Despite the overall decrease, UNAMA is particularly concerned with the spike in civilian casualties of deliberate attacks against judges and prosecutors, healthcare workers, and aid workers as well as the continued attacks against the Shi'a Muslim population. Attacks against voters, campaign workers, candidates and others involved in the electoral process leading up to and during the presidential elections continued the disturbing trends recorded during the 2018 parliamentary elections.

UNAMA reiterates that attacks deliberately targeting civilians and civilian objects are serious violations of international humanitarian law that may amount to war crimes. Furthermore, when committed as part of a widespread or systematic attack directed against any civilian population such acts may also constitute crimes against humanity. In particular, when directed against an identifiable group such as the Shi'a Muslim religious minority, on religious or other recognized grounds, such attacks may also amount to the crime of persecution.

UNAMA documented 17 incidents of deliberate attacks against members of the judiciary in 2019, causing 31 civilian casualties (20 killed and 11 injured), an increase from five such incidents in 2018 that resulted in the deaths of five civilians. On 7 November, in Mohammad Agha district, four members of the Paktya province judiciary, including three judges and a staff member of the secretariat of the Paktya court, were shot and killed by Taliban fighters when they were on their way to Kabul in a private vehicle. On 5 September, in the same district, another staff member of the

Anti-Government Elements continued to deliberately attack civilians and civilian objects in 2019 using a variety of tactics.

Paktya court was shot and killed in his house by approximately 15 Taliban fighters dressed in military uniforms with their faces covered, armed with AK47s. They came to the house in the night while some climbed on the roof and others knocked on the front door. When the victim's brother answered, they restrained him and shot and killed the staff member of the Paktya court, taking his car as they left.

UNAMA documented eight incidents of deliberate targeting of healthcare workers in 2019 that caused 22 civilian casualties (nine killed and 13 injured) as compared to two incidents causing two civilian casualties (one death and one injured) in 2018.⁹² On 4 April in Pul-e-Khumri city, Baghlan province, a remote-controlled IED detonated inside a doctor's private clinic, killing him and injuring six patients including a woman.⁹³ According to information collected by UNAMA, approximately six months prior, the son of the Taliban's deputy shadow governor had been arrested by NDS. The Taliban had pressured the doctor to attest to the son's mental instability, but he refused to comply and was threatened with death. UNAMA attributed incident to the Taliban.

UNAMA documented five incidents of Anti-Government Elements deliberately targeting media workers that resulted in eight civilian casualties among journalists and media workers (one killed and seven injured) and one abduction. In 2018, UNAMA documented three such incidents that caused 22 casualties among media workers (12 killed and 10 injured). For instance, on 4 August 2019, around 16h00 pm, PD4, Kabul city, a remote controlled IED attached to a bicycle detonated, targeting a bus carrying the employees of Khurshid

private TV. Two men, a taxi driver and the worker of a local fuel station, were killed while three employees of Khurshid TV sustained injuries. ISIL-KP claimed responsibility for the attack.⁹⁴

Presidential Election

UNAMA is alarmed by the significant impact on civilians from election-related violence, mainly perpetrated by the Taliban, including the deliberate targeting of civilians and civilian objects. Beginning with the top-up registration process that started on 8 June through to the end of 2019, UNAMA verified 277 election-related incidents resulting in 474 civilian casualties (91 killed and 383 injured) and 24 abductions. UNAMA attributed to the Taliban 266 of the 277 incidents, representing 391 civilian casualties (70 killed and 321 injured) and all 24 abductions. One election-related civilian casualty (injury) each was attributed to ISIL-KP and a pro-Government armed group. The remaining civilian casualties were attributed to undetermined Anti-Government Elements, including 71 civilian casualties (21 killed and 50 injured) resulting from the unclaimed complex attack on the Green Trend political party office in Kabul on 28 July.

Prior to polling day, the Taliban issued a series of warnings to Afghan citizens, including teachers and students, to stay away from the electoral process to avoid being harmed by their military operations.⁹⁵ International humanitarian law provides that parties to the conflict must give effective advance warning of attacks which may affect the civilian population, unless circumstances do not permit.⁹⁶ While the obligation to give warnings is not absolute, any warning issued must be effective; to be considered effective, the warning has to be capable

of being acted upon.⁹⁷ The attacks carried out by the Taliban on polling day rendered any warnings ineffective due to their widespread and indiscriminate nature; those who chose to stay away from the electoral process were still at extreme risk of harm. Additionally, warning civilians of an intention to attack election sites does not release the warning party of its obligations under international humanitarian law, including other specific precautionary measures.

On 28 September, polling day, UNAMA verified 104 incidents of election-related violence across Afghanistan, resulting in 281 civilian casualties (31 killed and 250 injured). Over one-third of the victims were children. UNAMA also documented 93 incidents of threats, intimidation and harassment on polling day, mainly consisting of IEDs emplaced near polling centres as well as targeting of district administrative centres and polling centres with indirect fire in an attempt to deter voters from attending. The vast majority of civilian casualties from election-related incidents on polling day – 97 per cent – were attributed to the Taliban with the remainder attributed to crossfire incidents between the Taliban and Afghan national security forces and one incident attributed to a pro-Government armed group.⁹⁸

Following the pattern documented during the parliamentary elections in 2018, UNAMA documented significant levels of civilian harm from the use of indirect fire in populated areas, which had indiscriminate effects. UNAMA notes with concern that at least 85 civilians (12 killed and 73 injured) were harmed while in their homes, away from the elections process.

UNAMA reiterates that the electoral process is a

civilian undertaking. Premises and facilities used for the election are not military objectives and are therefore protected from attack. Any deliberate targeting of civilians and civilian objects may amount to a war crime. Participating in the elections, without discrimination and without unreasonable restrictions, whether as candidates, voters or election workers, is a human right guaranteed under international human rights law and Afghan law. In addition, critical to an effective electoral process is the right of all persons – voters, candidates and their supporters, and election-related staff – to be free from fear and intimidation at all stages, from voter and candidate registration through to voting and in the post-election period.⁹⁹

For more information on election-related violence, please see the UNAMA Special Report on this topic (October 2019).

Attacks Targeting Places of Worship, Religious Leaders and Worshippers

In 2019, UNAMA documented a 48 per cent decrease in civilian casualties from attacks targeting places of worship, religious leaders and worshippers¹⁰⁰ in comparison to 2018, mainly due to a reduction in such attacks by ISIL-KP.¹⁰¹ In total, 20 attacks by Anti-Government Elements resulted in 236 civilian casualties (80 killed and 156 injured), with the majority (65 per cent) perpetrated by ISIL-KP. Despite the overall decrease, civilian casualties from these types of attacks by the Taliban more than doubled.¹⁰²

Suicide attacks remained the leading incident type for attacks that targeted places of worship, religious leaders and worshippers, resulting in 127 civilian

casualties (62 killed and 65 injured).¹⁰³ For instance, on 18 October, in Deh Bala district,¹⁰⁴ Nangarhar province, a suicide attack in a mosque caused 119 civilian casualties (61 killed and 58 injured), more than half of all civilian casualties of such attacks in 2019. The attacker detonated his suicide vest inside the mosque during Friday prayers. Amongst the casualties, 20 children were killed and 10 injured. UNAMA attributed this incident to ISIL-KP.

UNAMA documented six incidents of targeting places of worship, religious leaders and worshippers with the use of non-suicide IEDs that caused 88 civilian casualties (6 killed and 82 injured). On 24 May, a remote-controlled IED emplaced inside the Al-Taqla mosque in Kabul detonated while over 700 people were gathered during Friday prayers. The explosives had been placed under the podium where a well-known religious scholar, Mawlawi Rayhan, was delivering the prayers. The explosion killed him and two other civilian men and injured 34 civilians. Mawlawi Rayhan was known to be an outspoken supporter of the Afghan national security forces and a critic of both the Taliban and ISIL-KP. UNAMA attributed this incident to the Taliban.

UNAMA also documented 17 civilian casualties (10 killed and 7 injured) as a result of incidents in which religious leaders and worshippers were targeted and shot. For instance, on 27 June, a religious scholar who was also the acting head of the provincial Hajj and Religious Affairs department, was shot and killed by ISIL-KP in Nangarhar province, Jalalabad city.¹⁰⁵

In addition to the international legal prohibition of attacks against civilians and civilian objects,

international humanitarian law and international criminal law prohibit and criminalize attacks directed at places of worship, including mosques, which constitute cultural property.¹⁰⁶ Under international human rights law, States parties must protect people's freedom to manifest their religion or belief in worship, observance, practice and teaching.¹⁰⁷ Everyone also has the right to take part in cultural life, which includes the right of everyone to access and enjoy cultural heritage.¹⁰⁸

Deliberate Sectarian Attacks by ISIL-KP Targeting the Shi'a Muslim Religious Minority

UNAMA continued to document sectarian-motivated attacks by Anti-Government Elements, mainly ISIL-KP against the Shi'a Muslim religious minority population, most of whom also belong to the Hazara ethnic group. This marks a continuation of extreme harm to civilians from this community documented by UNAMA since 2016.¹⁰⁹ UNAMA remains gravely concerned about the safety and security of this minority group and the negative impact of these attacks on their freedoms of religion and movement and quality of life.

UNAMA documented 10 incidents of sectarian-motivated violence against Shi'a Muslims resulting in 485 civilian casualties (117 killed and 368), representing a 35 per cent decrease from such attacks as compared to 2018.¹¹⁰ ISIL-KP claimed seven of the 10 incidents, stating that their aim was to target the Shi'a Muslim religious minority. These seven incidents caused 473 civilian casualties (112 killed and 361 injured).



Blood covers the floor of a wedding hall in Kabul the day after ISIL-KP carried out a suicide attack during a wedding ceremony on 17 August 2019. Photo: Fardin Waezi / UNAMA

Most of the civilian casualties were caused during activities related to the cultural and religious expressions of the Shi'a Muslim religious minority population. This includes the single most deadly incident that UNAMA documented in 2019, when on 17 August, ISIL-KP carried out a suicide attack at a wedding ceremony, mainly attended by Shi'a Muslims, resulting in 234 civilians casualties (91 killed and 143 injured)¹¹¹ including 50 children (15 killed and 35 injured). In addition, on 7 March, ISIL-KP fired mortar rounds towards a gathering to commemorate the killing of the Hazara leader of Hezb-e-Wahdat Islami, Abdul Ali Mazari, at Mosalla-e-Mazari area of Kabul. This resulted in 115 civilian casualties (11 killed and 104 injured).¹¹² ISIL-KP also carried out an attack in a Shi'a mosque in Ghazni city on 5 July. The detonation of a remote-controlled IED inside of the Mohammadiyah Mosque resulted in 24 civilian casualties (two killed and 22 injured), the vast majority being children.

In 2019, UNAMA also documented two ISIL-KP claimed incidents targeting students from the Shi'a Muslim religious minority. On 8 October, ISIL-KP detonated an IED in a classroom of Ghazni University, in Ghazni city. This resulted in 27 civilian casualties, including 20 female students. Additionally, on 2 June, ISIL-KP detonated a magnetic IED attached to a bus that transported university students. After the initial explosion, ISIL-KP detonated secondary IEDs targeting first responders arriving at the scene. This resulted in the killing of one civilian, while 10 other civilians sustained injuries.

Attacks on Shi'a Muslims, in which civilians are deliberately targeted, are serious violations of international humanitarian law and may amount to war crimes.¹¹³ In addition, when committed as part of a widespread or systematic attack directed against any civilian population such acts may also constitute crimes against humanity. In particular, when directed against an identifiable group such as the Shi'a Muslim religious minority, on religious or

other recognized grounds, such attacks may also amount to the crime of persecution.¹¹⁴

The attacks on Shi'a Muslims infringe their human rights to freely carry out their cultural and religious activities.¹¹⁵ The wide variety of places of these attacks, including celebratory events, commemorations, places of worship, education and other social gatherings severely limit their ability to express their culture and religion freely, without fear, and to carry out normal lives.

iii. Conflict-related abductions of civilians

Anti-Government Elements continued to abduct civilians as a means of intimidation and control. The abductions often served as a precursor for other human rights abuses. From 1 January to 31 December 2019, UNAMA documented 218 incidents of conflict-related abductions¹¹⁷ affecting 1,006 civilians and resulting in the death of 50 civilians and the injury of five more. This is a 46 per cent reduction from 2018 in terms of the number of civilians abducted, but the number of abductees who were killed remained at similar levels.¹¹⁸ All of the incidents were attributed to Anti-Government Elements – the majority to the Taliban – with the exception of three abduction incidents, which were attributed to pro-Government armed groups.¹¹⁹

Documented incidents included abductions of humanitarian workers, deminers, and healthcare workers. For example, on 14 September in Ruyi Doab district, Samangan province, a group of armed Taliban fighters entered the camp of an international demining agency and abducted five

UNAMA reiterates the obligation of the Government to ensure the security and safety of minorities, including religious and ethnic minorities, at all times, including during their religious and cultural activities. The Government must also ensure that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law and that such law is enforced.¹¹⁶

male staff members. They took the abductees - along with four of the agency's vehicles and some demining tools - to an area close to a nearby province and released them on 30 September, with most of the equipment. In another incident on 16 October in Nowmish district, Daikundi province, the Taliban abducted two male polio vaccinators. They released them three days later following the mediation of community elders.

UNAMA also documented an increase in the use of abductions as a means of extorting money from private sector workers, particularly in the northern region. For instance, On 29 July in Dara-i-Sufi Payin district, Samangan province, the Taliban established a check post on a main road and abducted 25 adult male truck drivers who were transporting coal. The abductees were released unharmed after the payment of money. Similarly, on 11 October in Chahar Bolak district, Balkh province, the Taliban established a checkpoint and stopped five fuel tankers belonging to a private company. The Taliban took five of the

drivers and their assistants, along with the vehicles, to a nearby area and held them for a few hours until a payment of 30,000 AFN (approx. 390 USD) per tanker was made.

UNAMA also notes abductions by armed groups and criminal gangs, which are under-reported. While UNAMA does not systematically document abductions that are not carried out by parties to the conflict, it regularly

received reports of such incidents, including those targeting NGO workers and United Nations staff members.

Conflict-related abductions deprive Afghans of their fundamental rights to personal liberty. Abductions carried out by the Taliban, and threats thereof, on major roads and highways serve to restrict freedom of movement and economic activity, and add to a climate of fear.

iv. Cruel, inhuman or degrading punishment carried out against civilians

In 2019, UNAMA documented nine incidents of Anti-Government Elements resorting to cruel, inhuman or degrading punishment under the guise of enforcing decisions of their parallel justice structures. Anti-Government Elements continued to adjudicate criminal and civil cases according to parallel judicial structures, particularly in areas under their control where people had very limited access to formal judicial mechanisms. Punishments carried out by Anti-Government Elements included executions, amputations and lashings, including for 'moral transgressions'. UNAMA attributed eight incidents resulting in eight civilian casualties (five men and one woman killed, and one woman and one man injured) to the Taliban and one incident resulting in an injured civilian man to ISIL-KP.

On 19 January, in Adraskan district, Herat province, the Taliban executed a man by hanging after a Taliban shadow court sentenced him to death. He had been accused of killing man and stealing his motorbike, and was taken into Taliban custody in early 2018. The man was held for almost one year while his case proceeded through three

courts in the parallel Taliban justice system. On 11 October in Narang district, Kunar province, ISIL-KP cut off the ear of a man in public after he was sentenced by a shadow court. The victim had cut off the ear of a man with whom he had been arguing; the ISIL-KP shadow court issued a verdict that the man should then have his own ear cut off. Approximately 150 community members were present when the sentence was carried out.

Punishments carried out by Anti-Government Elements are criminal acts pursuant to the laws of Afghanistan and amount to human rights violations and abuses. Moreover, severe punishments such as executions constitute serious violations of international humanitarian law that may amount to war crimes.¹²⁰ UNAMA urges Anti-Government Elements to immediately cease imposing cruel, inhuman or degrading treatment or punishment on individuals.

v. Use of homes and other civilian objects for military purposes

UNAMA has consistently documented incidents and raised concern about Anti-Government Elements carrying out attacks from and in civilian locations, including residential homes, markets, and mosques, which exposes them to risks of attack by Pro-Government Forces.

For example, on 6 March, in Chemtal district, Balkh province during a ground engagement between Afghan national security forces and the Taliban, the Afghan National Army fired a mortar round towards Taliban fighters who were hiding in residential homes. The mortar landed on a civilian home, killing three civilians including a six-year old boy, and injuring three children. On 13 November in Seori district, Zabul province a woman was killed and a six-year old boy was injured from shrapnel of a mortar fired by the Afghan National Army who were attempting to target Taliban members hiding in residential homes. The Afghan National Army blamed the Taliban for the casualties.

In certain cases, Anti-Government Elements held civilians in their homes against their will. For instance, on 1 September, in Pul-e-Khumri city, Baghlan province, the Taliban carried out multiple attacks on the city from several directions, forcibly entering residential homes. UNAMA verified an incident in which Taliban fighters entered a home and shot and killed the owner who was trying to escape.

Pro-Government Forces often blame civilian casualties resulting from their operations on Anti-Government Elements due to their hiding in residential homes or using civilians as “human shields”. While Anti-Government Elements have a duty not to place civilians in danger by hiding in and engaging forces from civilian areas and infrastructure, Pro-Government Forces equally have an obligation to take all feasible precautions to protect civilians, and this obligation is not lessened even in situations when the enemy is hiding amongst civilians. UNAMA reminds Anti-Government Elements of the prohibition under international humanitarian law of the intentional co-location of military objectives and civilians with the specific intent of trying to prevent the targeting of those military objectives.¹²¹

IV. PRO GOVERNMENT FORCES

a. Overview

UNAMA documented a 13 per cent overall increase in civilian casualties attributed to Pro-Government Forces in 2019 as compared to 2018 - an increase for the second year in a row. From 1 January to 31 December 2019, Pro-Government Forces caused 2,933 civilian casualties (1,473 killed and 1,460 injured).¹²² The increase in civilian casualties attributed to Pro-Government Forces was mainly due to an increase in civilian casualties from ground engagements, as well as a slight overall increase in civilian casualties from airstrikes. This is the highest level of civilian casualties attributed to Pro-Government Forces since UNAMA began systematic documentation in 2009.

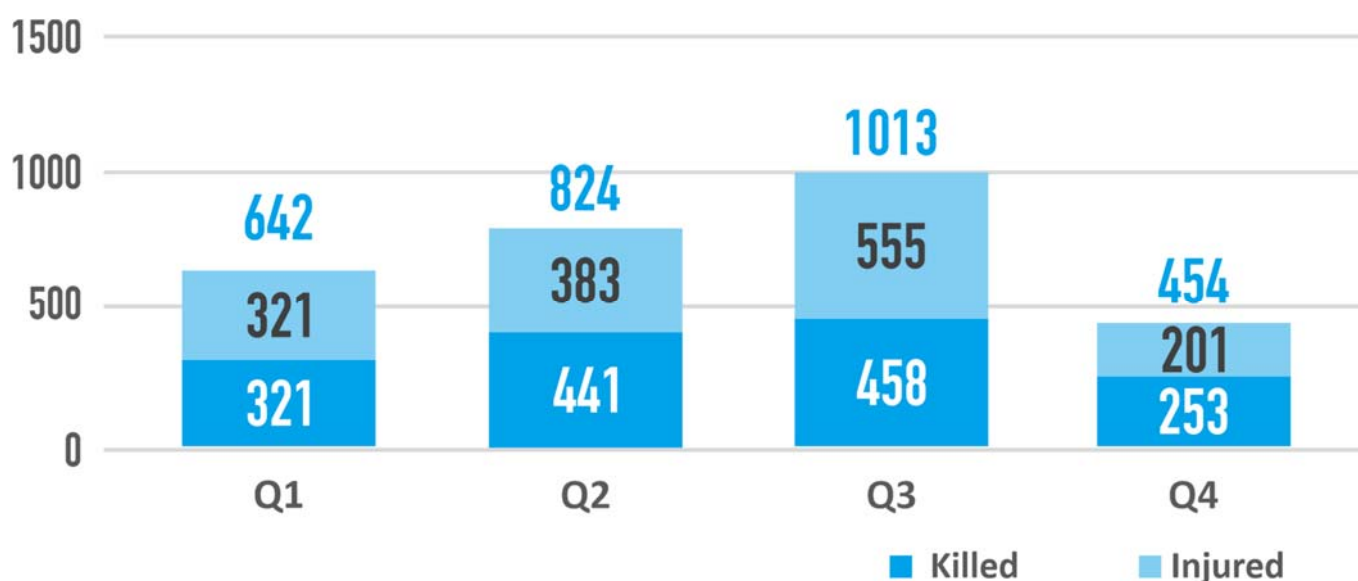
Civilian casualty trends applicable to Pro-Government Forces fluctuated throughout the year, albeit in a different pattern than Anti-Government Element trends. Whereas civilian

casualties attributed to Anti-Government Elements peaked in the third quarter after a relatively quiet first six months, civilian casualties attributed to Pro-Government Forces showed a sizeable increase for the first three quarters (33 per cent), followed by a decrease on a similar scale in the fourth quarter (39 per cent) as compared to the same time periods in 2018.

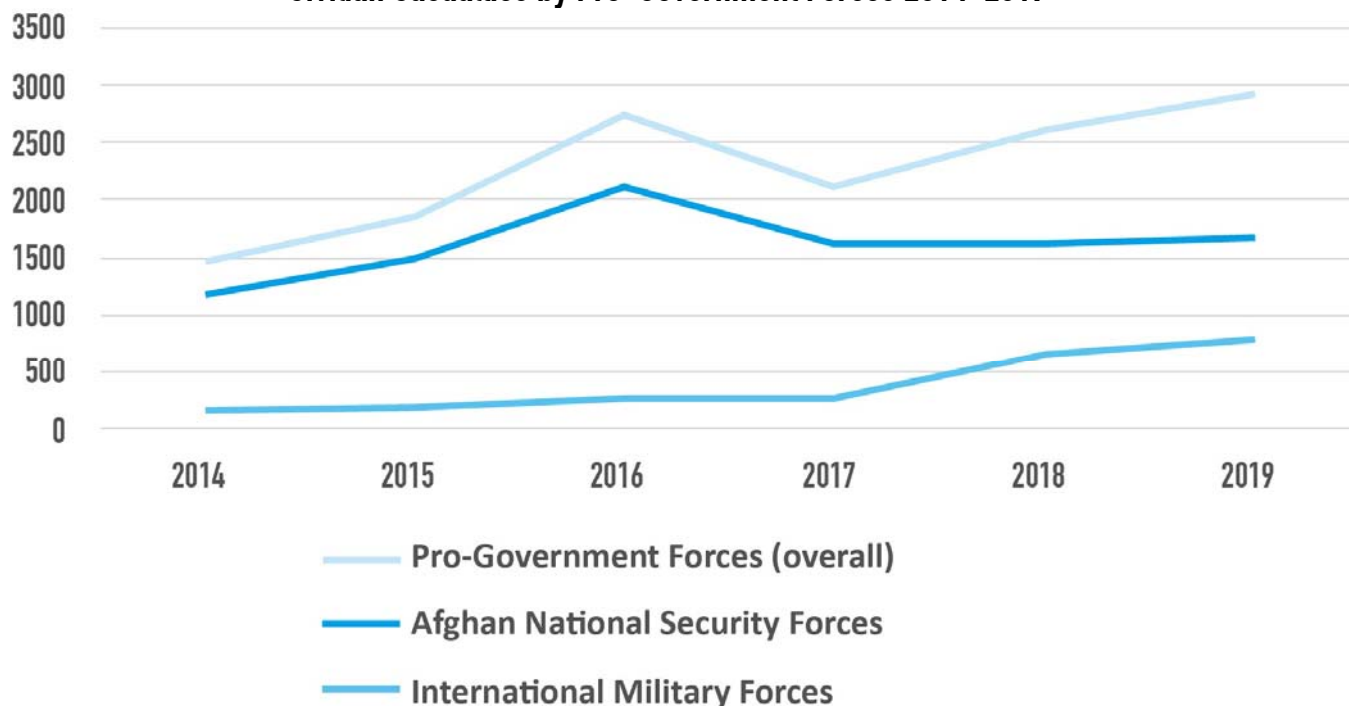
Civilian casualties attributed to Pro-Government Forces accounted for 28 per cent of all civilian casualties in 2019, up from 24 per cent in 2018. The majority of civilian casualties attributed to Pro-Government Forces were caused during ground engagements (43 per cent), followed by airstrikes (36 per cent) and search operations (12 per cent).¹²³

Pro-Government Forces caused 1,260 civilian casualties (363 killed and 897 injured) during ground engagements, representing a 25 per cent rise from

Civilian Casualties by Pro-Government Forces per Quarter in 2019



Civilian Casualties by Pro-Government Forces 2014–2019



2018, reversing two years of consistent reductions.¹²⁴ UNAMA documented a 25 per cent increase in civilian casualties from the use of indirect fire by Pro-Government Forces, raising concern about the indiscriminate effects of using such weapons, particularly in densely populated areas.¹²⁵

In 2019, airstrikes by Pro-Government Forces caused 1,045 civilian casualties (700 killed and 345 injured), a three per cent increase in comparison to 2018.¹²⁶ This is the highest number of civilian casualties from airstrikes since UNAMA began systematic documentation in 2009. Airstrikes were also the leading cause of civilian deaths attributed to Pro-Government Forces, accounting for almost half of all civilian deaths attributed to them.

Use of force during search operations were the

third leading cause of civilian casualties by Pro-Government Forces, with 360 civilian casualties (278 killed and 82 injured) in 2019, representing similar high levels of civilian harm as in 2018, when UNAMA documented a significant jump.¹²⁷ This is the highest number of civilian casualties in search operations that UNAMA has documented since it started systematic documentation in 2009. The majority of the search operations were carried out by National Directorate of Security Special Forces units, the Khost Protection Force, and a new group that emerged in Paktika province in 2019, referred to locally as “Shaheen Forces”. These groups operate outside of official Afghan chains of command, often in partnership with international actors on the ground and with air support from international military forces and, to an increasing degree in 2019, the Afghan Air Force.

Responsible Party (Attributed by UNAMA) ¹²⁸	Civilians killed	Civilians Injured	Total Civilian Casualties	Per cent of overall civilian casualties
Afghan national security forces	680	1,002	1,682	16 per cent
International military forces	559	227	786	8 per cent
Pro-government armed groups	102	82	184	2 per cent
Undetermined Pro-Government Forces / multiple Pro-Government Forces	132	149	281	3 per cent

i. Afghan national security forces

Afghan national security forces caused 1,682 civilian casualties (680 killed and 1,002 injured) in 2019, which is a slight increase in comparison to 2018.¹²⁹ An overall decrease in civilian casualties from airstrikes by the Afghan Air Force was offset by a jump in civilian casualties from ground engagements. UNAMA is concerned by the reverse in progress on reducing civilian casualties from ground engagements, particularly as a result of increased use of indirect fire in civilian populated areas.

While civilian casualties from search operations remained at high levels, similar to 2018, those attributed to NDS Special Forces and the Khost Protection Force decreased as opposed to the Shaheen Forces (see below). UNAMA remains concerned about the disproportionate rate of civilian deaths versus injuries in the context of search operations by Afghan national security forces, primarily resulting from incidents attributed to NDS Special Forces.¹³⁰

Responsible party (attributed by UNAMA)	Civilians killed	Civilians injured	Total civilian casualties
Afghan National Army (including Air Force)	381	707	1,088
NDS, including NDS Special Forces ¹³¹	179	52	231
Afghan National Police	23	67	90
Afghan Local Police	9	27	36
Other ANSF and joint attributions	88	149	237

ii. International military forces

In 2019, UNAMA attributed to international military forces 786 civilian casualties (559 killed and 227 injured), an 18 per cent increase as compared to 2018.¹³² Of all of the civilian casualties caused by international military forces, 96 per cent resulted from airstrikes, including strikes planned in advance (“deliberate targeting”) and strikes carried out in response to threats against Afghan national security forces and international military forces on the ground (“dynamic targeting”).

UNAMA remains concerned about the continuing high levels of civilian deaths from airstrikes, particularly from strikes on structures and strikes con-

ducted in support of search operations carried out by NDS Special Forces and Shaheen Forces. UNAMA remains particularly concerned by targeting protocols used by international military forces that permit targeting of objects that do not meet the definition of legitimate military objectives under international humanitarian law as well as individuals who are neither directly participating in hostilities or assuming a continuous combat function in an organized armed group.¹³³

US Forces – Afghanistan airstrikes on farmers in ISIL-KP-controlled territory causing 30 civilian casualties on 19 September 2019

“It was night and 18 of us were sleeping in a tent. I do not know what time it was, but we were woken up by the sound of a bomb that hit one of the tents. We jumped out of our beds and rushed out of the tent. Two of my colleagues stood under a tree with me.... We were then targeted and the three of us fell to the ground. I lost consciousness. In the morning, I regained consciousness and discovered I was wounded (right foot, right arm and thigh) and my two colleagues were dead underneath me. One was 16 years old. I could not see and could not move. My eyes were full of sand and dust. I yelled for help. No one showed up until around 7h a.m. some of our colleagues who survived shifted me and others down to the road and then to the hospital.”

--Thirty-year-old male victim,
interviewed by UNAMA in Nangarhar public hospital on 22 September 2019

On 19 September at approximately 2h a.m., international military forces conducted eight drone strikes on individuals in a wooded area controlled by ISIL-KP, in Wazir Tangi area, Khogyani district, Nangarhar province. Approximately 150 male labourers were reported to be working in the area to harvest pinecones for processing into pine nuts for sale. They had approval from ISIL-KP and had given district and provincial governmental authorities and Afghan national security forces advance written notice, through a letter transmitted by tribal elders, of their intention to harvest in the area. At the time of the strikes, labourers were sleeping in approximately seven different tents scattered around the area.

Initial information was provided to the Resolute Support Civilian Casualty Mitigation Team

shortly after the incident occurred, which included specific information about the letters provided to the Afghan Government and national security forces ahead of time. International military forces circulated a statement to the media indicating that US forces had conducted a “precision strike against ISIS terrorists in an ISIS controlled area” and they were “confident that the strike had killed 16 people, including the targeted ISIS combatants”. According to the statement, the labourers had travelled into the territory “unbeknownst to Afghan Security forces or the US Military”. They assessed that “as many as 8 non-combatants were likely co-located with the ISIS fighters and as many as 8 non-combatants were killed.”

UNAMA collected information from over 30 sources to verify the civilian casualties, including victims, victims’ relatives, tribal elders, Govern-

ment officials, health professionals, the National Directorate of Security and others. UNAMA also interviewed some of the victims in the hospital where they were receiving treatment. UNAMA has verified that at least 20 male civilians were killed, including at least two boys, and 10 male civilians were wounded. UNAMA received information about additional civilian casualties that it was not able to verify. US forces provided 166,600 Afs (2200USD) to each of the families of the eight victims they had identified as civilians and acknowledged had been harmed, provided through the Nangarhar Provincial Governor in a meeting held in the office of the Provincial Governor.

UNAMA stresses that parties to a conflict have an obligation to do everything feasible to verify

that targets are military objectives,¹³⁴ which indicates a requirement to use all available intelligence, surveillance and other assets to gain the most comprehensive situational awareness possible under the circumstances. The way in which the airstrikes were carried out raises serious questions as to the measures that were taken to verify the targets, particularly given that the victims were sleeping in tents at the time, not engaged in combat and information about the nature of their presence in that area was available from Afghan partner forces. UNAMA urges the international military forces to engage in a robust lessons learned exercise, in partnership with Afghan national security forces, which should inform relevant changes in procedures to help prevent such harm to civilians in the future.

ii. Pro-Government armed groups

UNAMA documented 184 civilian casualties (102 killed and 82 injured) in 57 incidents in 2019, as well as seven conflict-related abductions which it attributed to pro-Government armed groups. This represents a two per cent increase in civilian casualties by pro-Government armed groups as compared to 2018.¹³⁵ It is worth noting that this is almost double the number of civilian casualties from 2017.

Civilian casualties by pro-Government armed groups occurred mainly in the context of ground engagements (40 per cent) followed by search operations (34 per cent). UNAMA remains particularly

concerned at the high number of incidents where pro-Government armed groups deliberately targeted civilians during search operations. The majority of civilian casualties by pro-Government armed groups occurred during operations by the Khost Protection Force and Shaheen Forces, both of which are reportedly supported by international actors and operate in the south-eastern region of the country (Khost, Paktya, Paktika and Ghazni provinces).¹³⁶ The remaining civilian casualties attributed to pro-Government armed groups mainly occurred in Takhar and Baghlan provinces.

Pro-Government armed groups continued to operate with impunity, conducting search operations, deliberately killing civilians, including over their own personal disputes, and engaging in armed clashes with Anti-Government Elements and with other armed groups. Pro-Government armed groups operate without a legal basis and outside of structures designed to ensure that a chain of command, accountability mechanisms and redress for victims are in place for violations of the law, including international humanitarian law and international human rights law.

UNAMA calls on the Government of Afghanistan, which has the primary responsibility to protect the human rights of all people in Afghanistan, including their rights to life, liberty and security, to disband all pro-Government armed groups or incorporate them, following a robust vetting procedure, into an official chain of command with effective accountability mechanisms and operating procedures that respect international humanitarian law and international human rights law. Moreover, the Government has a responsibility to investigate all allegations of human rights abuses and violations of international humanitarian law by pro-Government armed groups and to take appropriate action under the Afghan Penal Code with respect to those identified as alleged perpetrators, including senior levels.

Khost Protection Force and “Shaheen Forces”

The Khost Protection Force is a pro-Government armed group that operates outside of the regular military command and control structures, which has carried out specialized operations in the south-east of Afghanistan since at least 2007. UNAMA has

Pro-Government armed groups continued to operate with impunity, conducting search operations and deliberately killing civilians.

repeatedly raised concerns publicly and privately about the actions of the Khost Protection Force, including regarding allegations of civilian casualties and abuses of the rights to life and physical security and other human rights abuses.¹³⁷

Previously, members of the Afghan national security forces and Government officials were reticent to discuss any operations of the Khost Protection Forces with UNAMA. However, as of the beginning of 2019, the National Directorate of Security has provided limited feedback on cases involving civilian casualties attributed to these forces, although they continued to decline to mention the force by name. It is the understanding of UNAMA that these forces operate in the same manner as NDS Special Forces and have a similar command structure, but they differ from NDS Special Forces as they do not have a legal basis on which to conduct their operations under Afghan law.

In 2019, UNAMA documented 12 incidents causing 25 civilian deaths as a result of Khost Protection Force operations, mostly deliberate targeting of civilians in the context of search operations, which

represents a significant drop from 2018.¹³⁸ UNAMA documented almost all civilian casualties attributed to the Khost Protection Force during the first quarter of 2019, after which point their search operations seemed to drop off. UNAMA continued, however, to document attacks against the Khost Protection Force by Anti-Government Elements through to the end of 2019. Following a trend first documented in 2018, UNAMA documented incidents by the Khost Protection Force beyond Khost province alone, extending into Paktya and Paktika provinces.

From March 2019 onwards, UNAMA documented 15 incidents amounting to 62 civilian casualties (58 killed and 4 injured) attributed to “Shaheen Forces”. UNAMA has not been able to verify the chain of command of Shaheen Forces or their relationship to NDS or other pro-Government armed groups such as the Khost Protection Force. However, it is noted that the timing of the first incident attributed to Shaheen Forces coincided with a dramatic decrease in the number of incidents attributed to the Khost Protection Force.¹³⁹ NDS Special Forces have also publicly claimed responsibility for an attack that local sources attributed to Shaheen Forces, suggesting at least close coordination.¹⁴⁰

Shaheen Forces are reported to be based in Urgan district, Paktika province, and like the Khost Protection Force, they operate outside of official Afghan chains of command, in partnership with international actors on the ground and with air support from international military forces when needed. In 2019, UNAMA documented incidents involving these forces mainly in Paktika, but also in Paktiya and Ghazni provinces.

Members of the Khost Protection Force and Shaheen Forces enjoy impunity for abuses they commit, which remains of grave concern. While inquiries are being conducted by the National Security Council into these operations and resulting human rights abuses, UNAMA is not aware of any cases in which members of the Khost Protection Force or Shaheen Forces have been held to account with respect to allegations of excessive use of force, intentional killings, and other violations or abuses that severely impact the human rights and the lives of Afghans.

Members of the Afghan national security forces and civilian Government administration in Kabul are unwilling or unable to speak openly about these forces other than to indicate that they are not fully under the control of the Afghan national security forces. UNAMA questions as to which entity is responsible for their training and the funding, planning and running of operations, and as to whether after action reviews and investigations are conducted, remain unanswered.

UNAMA recalls that the Government has the primary responsibility to protect the rights to life, liberty and security of all people in Afghanistan. UNAMA urges the Government to either formally incorporate, following strict screening procedures, the Khost Protection Force and Shaheen Forces into its armed forces or to disband these groups and investigate and prosecute members for acts allegedly contravening Afghanistan’s criminal law.¹⁴¹ The Government of Afghanistan has the obligation to hold members of these groups accountable for any violations of international humanitarian law and violations or abuses of international human rights law they have perpetrated.

b. Tactics and Incident Types Causing the Most Harm to Civilians

i. Airstrikes

“It was approximately 10h p.m. and we were in our house, almost asleep. [...] One helicopter was hovering very low over the house. My husband opened the door to see what was going on. Once he did, the helicopter started firing and injured both of his legs. He fell on his back. I and my older daughter rushed to him to help him. I was shot and injured. I do not know whether those were bullets or something else; it spread all over in big pieces. [...] We were lying on the floor, in our own blood. I still remember screaming the names of my children and finding out what happened to them. They killed my 10-year-old boy. It took half of his head. My daughter, four years old.... Her stomach was injured so badly that her intestines were completely out. For about an hour she was crying out of pain – crying, ‘mama, it hurts, it hurts,’ until she turned silent. I could not do anything; I could not move.”

--A woman, injured in a helicopter airstrike on 8 February 2019 in Sangin district, Helmand province; two of her children were killed

In 2019, UNAMA documented 1,045 civilian casualties (700 killed and 345 injured) from 219 airstrikes conducted by Pro-Government Forces, a three per cent increase in civilian casualties from this tactic as compared to the previous record high in 2018.¹⁴² This is the fifth year in a row in which civilian casualties from airstrikes increased. UNAMA is particularly concerned by the number of civilian deaths from airstrikes, which continued to increase at a disproportionate rate – by 31 per cent compared to 2018. The proportion of women and children affected by airstrikes dropped to 46 per cent of all civilian casualties from this tactic type as compared to previous years when they comprised almost two-thirds of all civilian casualties.

Airstrikes accounted for 10 per cent of all civilian casualties in 2019.¹⁴³ Continuing the trend from 2018, the majority of victims from airstrikes – 72 per cent – were caused by international military forces, which increased by 17 per cent.¹⁴⁴ Civilian casualties attributed to the Afghan Air Force decreased by 24 per cent, accounting for 22 per cent of the total.¹⁴⁵ The remaining civilian casualties from airstrikes were caused by undetermined Pro-Government Forces.

According to US Air Forces Central Command, US aircraft (including manned aircraft and drones) dropped 7,423 munitions in Afghanistan in 2019, a slight increase from 2018 and the highest number in years.¹⁴⁶ In September alone, US aircraft dropped

948 munitions, which was the highest number for a single month since 2010. In 2019, US aircraft also had by far the highest number of sorties with at least one weapon release.¹⁴⁷ The continuing high number of airstrikes by international military forces not only contributed to civilian casualties, but also, reportedly, a number of friendly fire incidents against their Afghan partner forces.¹⁴⁸

The Afghan Air Force documented an increasing number of sorties in 2019, including at night. It only gained the capability of conducting night strikes in December 2018¹⁴⁹ and has since provided increasing support to night search operations, including for NDS Special Forces, which previously were always supported by international military forces in the air. However, the lack of trained Afghan Tactical Air Coordinators on the ground to assist with targeting will continue to affect accuracy and precautionary measures, and will therefore continue to cause civilian casualties.¹⁵⁰

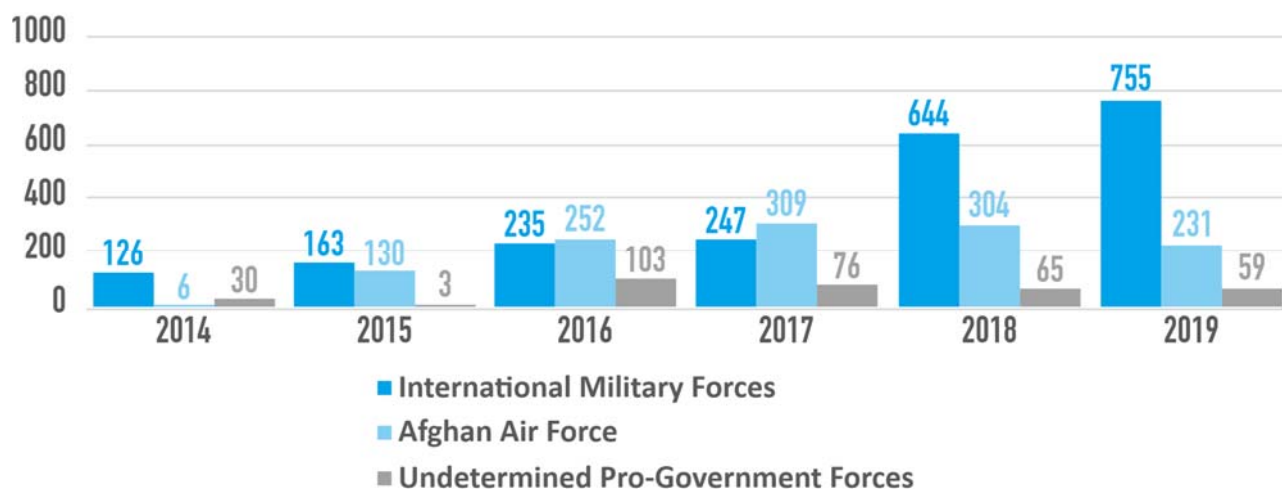
In 2019, UNAMA documented 144 civilian casualties (90 killed and 54 injured) from airstrikes conducted in support of night operations by NDS Spe-

cial Forces and Shaheen Forces. For instance, on 22 September, at 11h pm in Musa Qala district, Helmand province, NDS Special Forces along with Afghan National Army commandos conducted a search operation targeting Taliban strongholds in the area; Al Qaeda was reportedly also present.¹⁵¹ During the operation, the Anti-Government Element fighters responded with force and the Afghan forces called in for air support from USFOR-A. According to sources interviewed by UNAMA, several types of air assets responded, including airplanes and helicopters. At the same time, three wedding procession vehicles – two TownAce and one sedan – appeared in the area. Reportedly, the area of the search operation was cordoned off and when two of the vehicles approached, they were signalled to stop, but failed to do so. The two TownAce vehicle drove into the area of the operation and were hit by bullets fired from a helicopter. Most of the passengers in the first vehicle were killed and passengers in the second vehicle were mostly injured. The third vehicle, the sedan, was carrying the bride and groom and was not hit. As a result of these strikes, 15 civilians were killed (including five women and nine children) and 11 injured (including two women and

Community members gather around a truck carrying children killed by international military forces on 22-23 March 2019 in an airstrike on a house in Telawka area of Kunduz City. The strike was reportedly conducted in defence of Pro-Government Forces on the ground. Thirteen civilians, including 10 children, were killed in the attack. Photo: Nasir Waqif



Civilian Casualties from Airstrikes 2014–2019



six children ranging from one-year old to 16 years old). Reportedly, 14 to 22 Taliban and Al Qaeda fighters were killed and 14 individuals, including a number of women, were arrested.¹⁵² UNAMA also verified three additional civilian casualties resulting from one of the airstrikes on a house in the compound that was targeted. According to information verified by UNAMA, two of the houses in the compound had been rented to fighters, but the owner continued to live in the third house. USFOR-A airstrikes hit the three houses, killing the owner and his two sons, one of whom was 10 years old.

Following the incident, President Ghani expressed his concern and asked the Provincial Governor to investigate the incident.¹⁵³ The Ministry of Defense also informed the media that the civilian casualties resulting from the airstrikes would be investigated. On 23 September, the Office of the National Security Council stated over Twitter that the operation by Afghan and US forces had been carried out against a high-profile Al Qaeda group embedded with Taliban leaders, which included Al Qaeda leader Asim Umar, his courier, who was responsible for delivering messages to Ayman al Zawahiri and the explosives chief for the Taliban in Helmand. The Tweets indicated that Pakistani women, including Umar's wife, had been taken into custody along with eight Taliban fighters.¹⁵⁴ The National Security Council sent a delegation to Helmand to investigate the allegations of civilian casualties, the results of which were still pending at the time of writing this report.

UNAMA is aware that USFOR-A also conducted an investigation under US Army regulation 15-6, the results of which had not been made public at the time of writing this report. UNAMA urges USFOR-A and the Afghan Government to make public the findings of their investigations and provide compensation as appropriate to the victims.

Beyond airstrikes conducted in support of ground forces during search operations, UNAMA is also particularly concerned by deliberate targeting of individuals who were neither directly participating in hostilities nor performing a continuous combat function within an armed group. Such strikes are permitted according to the US Department of Defense Law of War manual but are not in accordance with international humanitarian law. For example, UNAMA has verified civilian casualties resulting from airstrikes on individuals involved in processing illicit drugs and alleged to be financially supporting the Taliban, individuals driving taxis and providing transport for Taliban fighters, and individuals involved in collecting charity (zakat) in Taliban-controlled areas. UNAMA reiterates that individuals who are supporting an armed opposition group – politically, financially or otherwise – but who do not have a continuous combat function in the organized armed group, are not considered to be members of the armed group under international humanitarian law.¹⁵⁵ As civilians they are protected from attack, unless and for such time as they directly participate in the hostilities.¹⁵⁶

USFOR-A airstrike on 23-24 January in Sangin district, Helmand on a home from which the Taliban were engaging in hostilities, causing 20 civilian casualties

*"It was at night. The jets came and started bombing. I heard the sound when I was sleeping and thought I was still dreaming. The first strike hit the room where I was with my husband and one of my children. The roof collapsed, hitting us. I was only partly conscious, I heard my father-in-law come into the room, and he took all three of us out. We (all of us who were in the house) moved to another room, two rooms down, and then bombardment hit our house again. The same room – we were in. The roof collapsed on us. Most got hit on their head, with heavy pieces falling, and flying everywhere. They also hit my arm. The children were killed. Maybe my husband was hit with something else – he was bleeding more than I did. [...] We stayed there until the morning, under collapsed roof, bleeding. Nobody came to help us till morning. If it comes to investigation, bring the responsible to me. So, I would show them what they have caused."*¹⁵⁷

--Thirty-year-old female victim of USFOR-A airstrike carried out in support of Afghan forces on the ground on 24 January, in Sangin district, Helmand; the woman lost five of her children

On the night of 23-24 January 2019, at approximately 9h p.m., in Sangin district, Helmand province a clearing operation was conducted by Afghan and international forces on the ground. They came under fire and responded with force. According to the Resolute Support Civilian Casualty Mitigation Team, Taliban fighters were firing from a residential home and continued engaging Pro-Government Forces.

USFOR-A conducted two airstrikes on the house. The first one hit one of the rooms where one of the families was sleeping. The roof collapsed, injuring all of them. The head of the household rushed to the room to try to pull them out, urging them to hide in another room about 50m away. A few minutes later, a second airstrike was conducted hitting the areas where other family members were hiding.

After the second strike, helicopters circled low to the ground near the house while the victims inside were hiding, some under blankets. They stayed there until morning when relatives came

to assist those who were injured. The injured were only able to leave the area in the afternoon to head to the hospital in Lashkar Gah, Helmand. One source indicated that the only reason why the Taliban allowed them out of the area was because of the need for medical treatment. Three of the injured victims were transported to a hospital in Kandahar city on 28 January, where UNAMA was able to interview them.

The airstrikes caused 20 civilian casualties in total (15 killed and five injured), including three women and 10 children killed, and one woman and three children injured. USFOR-A conducted an investigation under US army regulation 15-6, which confirmed 15 civilians killed. UNAMA provided information to the investigating officer to assist with the investigations and support accountability for the victims. According to USFOR-A, at no time did the ground forces believe there were civilians inside the structure that was targeted.

UNAMA is concerned about the high potential for error when targeting decisions are made with urgency and insufficient information may be readily available concerning either the presence of civilians (such as in a car or house) or the civilian status of the individual.¹⁵⁸ UNAMA has consistently raised concern over the last few years in its meetings with Afghan national security forces and Resolute Support/USFOR-A and in its protection of civilians reports about the increasing numbers of civilian casualties arising from airstrikes, and repeatedly underscored the need for continuous review of targeting criteria and pre-engagement precautionary measures.¹⁵⁹

UNAMA recalls that international humanitarian law requires all parties to the conflict to take all feasible precautions to avoid, and in any event minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.¹⁶⁰ This includes the obligation to collect sufficient information to effectively assess the presence of civilians at a particular strike location, including in dynamic target-

ing situations. This could be done through an analysis of the pattern of civilian life in the area and of the way in which particular structures are being used, and through the conduct of a thorough, transparent, objective and credible review of all airstrikes that have resulted in civilian casualties with a view to assessing the effectiveness of the precautionary measures put in place.¹⁶¹ Parties are obligated to respect the principle of proportionality in planning and conducting an aerial operation, and to cancel or suspend an attack if it becomes apparent that it may be expected to cause civilian harm that would be excessive to the concrete and direct military advantage anticipated.¹⁶²

Even if one party to the conflict fails to respect international humanitarian law, that does not absolve opposing parties from their international humanitarian law obligations.¹⁶³ The principle of proportionality applies regardless of whether aerial strikes are conducted as part of a planned, deliberate targeting operation or whether they are conducted in response to threats against ground forces.

ii. Search Operations

“At around 10h30 p.m. that night, three big helicopters landed in an open area around 2-3 kms away from our village. When they reached our house, the armed forces stuck some explosives to the main doors and detonated them, blowing open the door and causing a very loud noise. I came out of my room and four men told me to stand still, put my hands behind my head and turn my back to them...At around 03:00 hours, we realised that the soldiers had left without saying anything and that the operation was over...I found my two sons and two of my nephews lying on the ground covered in blood. They had been shot in the head through their eyes. This was the most difficult moment of my life. I prayed to God to grant me the patience and strength to cope with this situation. My daughters and my only surviving son lay on the ground next to the bodies in shock.... We buried the victims and returned back to our houses, feeling helpless as we were incapable of doing anything to protect our own children...In our village, no one feels safe anymore. Whenever a helicopter flies overhead, all the children who are outside playing run and hide because they are afraid. My family has been destroyed and I don't have a life anymore, I am only surviving.”

--Family member of victims of a search operation in Zurmat district, Paktya province, in which 11 civilians were killed, on 11 August 2019

Search operations, often referred to as “night raids”, caused two per cent more civilian casualties in 2019 than in 2018, reaching a new all-time high. From 1 January to 31 December, UNAMA documented 360 civilian casualties (278 killed and 82 injured) due to night raids, the vast majority of which were caused by NDS Special Forces, the Khost Protection Force and Paktika-based “Shaheen Forces”.¹⁶⁴ UNAMA notes a particular spike in civilian casualties from search operations during the first six months of 2019 (86 per cent increase), followed by a reduction during the second half of the year (42 per cent decrease). However, the civilian casualty figures reported in this section do not reflect the entire extent of civilian harm from search operations as they do not include civilian casualties resulting from airstrikes conducted in support of ground forces during search operations.

Contrary to the trend in 2018, UNAMA documented a drop – 22 per cent reduction – in civilian casualties from search operations by NDS Special Forces in 2019, amounting to 190 civilian casualties (148 killed and 42 injured).¹⁶⁵ However, search operations by pro-Government armed groups, primarily driven by Shaheen Forces, increased civilian casualties by 24 per cent, causing 63 civilian casualties (61 killed and two injured).¹⁶⁶ Search operations by these forces were frequently conducted in partnership with international actors on the ground. They occurred in central, eastern, south-eastern and southern regions.

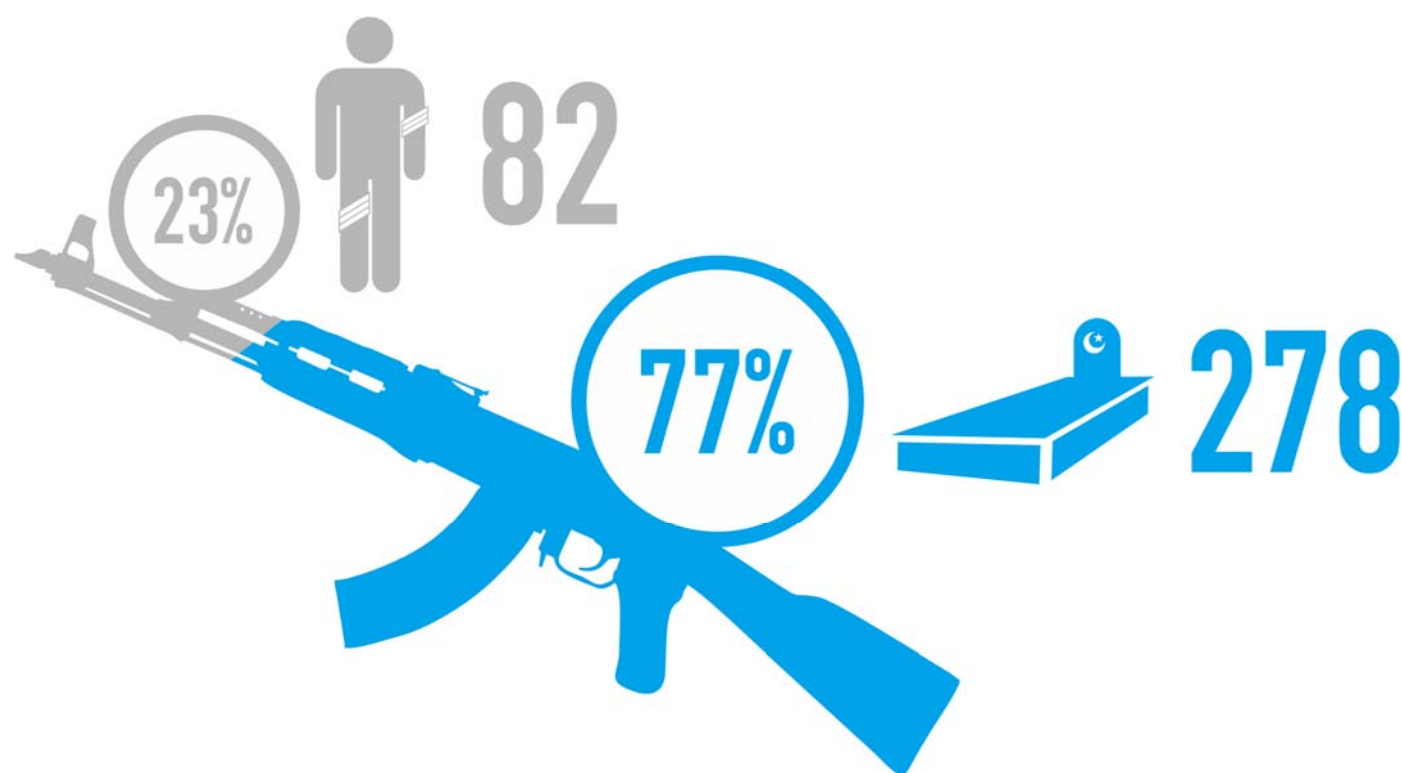
UNAMA continues to be concerned by what appears to be the prevalence of summary executions carried out in the context of search operations. The high number of individuals killed as compared to those injured resulting from search operations is

indicative of this trend. UNAMA documented a number of cases in which NDS Special Forces, Khost Protection Force and Shaheen Forces deliberately shot individuals at close range, including in situations in which an arrest seemed possible. For instance, on 14 March 2019, approximately at 10h p.m., Zurmat district, Paktya province Sahak area, the Khost Protection Force with air support from international military forces conducted a search operation against the Taliban in Haibat Khail village. During the operation, the Khost Protection Force killed five civilian men from one family – a father, his three sons and his nephew. According to sources, the Khost Protection Force took them out of their house and subsequently killed them in front of their house. The next day, Zurmat residents brought the dead bodies to Gardez city and protested the killings in front of the Provincial Governor’s compound.

Often search operations escalated into ground fighting. For example, on 17 January at approximately 4h p.m. in Maywant district, Kandahar province, NDS03 from “Mullah Omar’s House”¹⁶⁷ conducted a search operation which led to clashes between NDS03 and the Taliban. NDS03 fired rockets in response to the Taliban’s engagements and they landed on two residential homes, killing five civilians, including a woman and three children, and injuring four others, including two women and a child. UNAMA reached out to NDS for information, but they did not provide a response.

In addition to the loss of civilian lives, UNAMA has received reports of unlawful and arbitrary detention by NDS Special Forces and the Khost Protection Force during search operations. In some of these cases, individuals were held incommunicado with-

Civilians Killed and Injured from the Use of Force during Search Operations in 2019



out any information being provided to the families.¹⁶⁸ UNAMA received credible accounts of detainees having experienced torture or ill-treatment while held in places under the authority of these entities.¹⁶⁹

UNAMA reiterates its concern that NDS Special Forces, the Khost Protection Force and Shaheen Forces appear to act with impunity. UNAMA has documented instances in which the lack of coordination of these operations with provincial Afghan national security forces or civilian Government authorities affected the effectiveness of the operations, upset delicate political and security arrangements at the local level, and hampered local authorities' abil-

ity to properly investigate incidents when allegations of civilian casualties arise. Due to the secrecy surrounding search operations by NDS Special Forces, the Khost Protection Force and Shaheen Forces in particular, victims and their relatives are left with little recourse in terms of access to information, assistance and support, and redress in the form of restitution or compensation. This tends to fuel anti-Government sentiment and spark protests among the civilian population. These operations appear to fall outside of the normal Governmental chain of command, which raises serious concerns about the lack of transparency and accountability for these operations

iii. Intentional killings, including summary executions

UNAMA documented 30 incidents in 2019 of intentional killings by Afghan national security forces and pro-Government armed groups resulting in 73 civilian casualties (53 killed and 20 injured), some of which amounted to summary executions. UNAMA attributed seven incidents to pro-Government armed groups (13 killed and six injured); six incidents each to the NDS Special Forces (19 killed) and Afghan National Police (six killed and five injured); five incidents each to the Afghan National Army (nine killed and two injured) and Afghan Local Police (four killed and six injured); and one incident (two killed and one injured) to undetermined Pro-Government Forces.

The incidents in which civilians were intentionally killed by Afghan national security forces or pro-Government armed groups occurred both within and outside of combat operations, as well as during search operations when civilians suspected of involvement with Anti-Government Element groups could have been safely detained by or handed over

to law enforcement authorities. UNAMA documented a disturbing pattern of cases in which NDS Special Forces, Khost Protection Force and Paktika-based Shaheen Forces entered peoples' homes in the night, separated men from the rest of the family members, and shot and killed them, sometimes at close range.

For example, in the night of 4 September in Jalalabad city, Nangarhar province, NDS Special Forces (NDS02) conducted an operation against suspected ISIL-KP supporters in a residential compound that contained 39 people at the time (11 men, 10 women and 18 children). NDS02 relocated the women and children to a neighbouring compound and detained the men, handcuffing them and interrogating them separately in various locations in the compound. Another man who was passing through the area was arrested by NDS02. Four men, who were brothers, were summarily executed. They were brought inside the house and were shot at close range in three separate rooms. The eight other men were taken away

On 5 September, as many as 800 people staged a protest in front of the Provincial Governor's office in Jalalabad city, Nangarhar province, demanding justice for the killing of four men in their home by NDS Special Forces on the night of 4 September 2019. Photo: Babrak Amir Zada / Pajhwok



in NDS vehicles and brought to Jalalabad Airfield for further interrogation. The following morning, they were transferred to the Nangarhar province NDS Headquarters and subsequently released. NDS02 issued a press release stating that the targets of the operation were four ISIL-KP financial supporters and the ISIL-KP financial manager for Nangarhar province.¹⁷⁰ Following public outcry about this incident, the Head of NDS, Mohammad Masoom Stanekzai, resigned.¹⁷¹ At the time of writing this report, UNAMA had not received information concerning the criminal investigation and prosecution of those responsible for these killings.

UNAMA also documented a number of incidents in which members of the Afghan national security forces intentionally killed family members of Taliban fighters in retaliation for Taliban attacks carried out against them. For instance, on 25 November in Pul-e-Khumri district, Baghlan province, two armed Taliban fighters shot and killed an Afghan Local Police commander. In retaliation, Afghan Local Police went to the house of one of the Taliban fighters and shot and injured his brother - a healthcare worker. During that incident, Afghan Local Police opened fire on villagers and wounded two more civilians.

In other cases, civilians were shot dead during failed attempts at extortion. For example, on 30 October in Qalat district, Zabul province, two Afghan National Police officers based at a check post shot and killed a truck driver as he was refusing to pay the money they were demanding. On 1 November, hundreds of drivers protested the killing and blocked the Kabul-Kandahar highway, which was only reopened after mediation by local elder and provincial council members. The two Afghan

National Police officers alleged to be involved in the incident were arrested that day and their cases were sent to the provincial military prosecution office for investigation.¹⁷²

UNAMA reiterates that the killing, by any party to the conflict, of persons taking no active part in hostilities is explicitly prohibited by Common Article 3 of the Geneva Conventions at any time and any place, and may amount to a war crime. Further, even if the parties disagree with UNAMA findings on civilian status of those intentionally killed during search operations, UNAMA emphasizes that, under international humanitarian law, violence to life, in particular murder or torture, against a person recognized as *hors de combat* is prohibited and amounts to a war crime. This includes anyone who is in the power of an adverse party or who clearly expresses an intention to surrender, provided he or she abstains from any hostile act and does not try to escape.¹⁷³ As such, in a situation where Afghan national security forces or pro-Government armed groups detain and kill individuals during a search operation who do not pose a further threat, their killing is a violation of international humanitarian law regardless of whether they are civilian or not and amounts to a war crime.

UNAMA also reiterates that under international human rights law, the unlawful killing of a person constitutes a violation of the right to life. States must investigate the use of lethal force by their agents in the context of law enforcement operations and situations of alleged violations of the right to life committed during armed conflict.¹⁷⁴

V. GROUND ENGAGEMENTS: CIVILIANS CAUGHT IN THE CROSSFIRE

“I was busy buying livestock skins in animal selling area of Khwaja Sabz posh Bazar when a big explosion occurred and everywhere became dark and then I don’t remember what happened. When I opened my eyes, I found myself inside a car and my clothes were bloody and there were also some other injured people inside the car. People who were taking care of us told me that I was injured, and we are on the way to Maimana hospital. Our dear doctors are doing their best to cure us, but the number of injured seems to be more, so the doctors can’t spend enough time with every patient. I feel better now. Before the explosion, we were hearing sounds of mortars shelling sporadically and people in the Bazar were worried and saying “why ANDSF are firing mortars during Bazar day?”. We were praying that something wrong shouldn’t happen. Unfortunately, a big human disaster occurred, and a mortar fired by the ANDSF hit bazar area and caused this incident.”

--Victim of an ANA mortar shelling in a Bazar in Maimana city on 5 July 2019

a. Overview

In 2019, UNAMA documented the lowest number of civilian casualties from ground engagements since 2013. From 1 January to 31 December, ground engagements in Afghanistan caused 3,057 civilian casualties (763 killed and 2,294 injured), representing a 10 per cent decrease in comparison to 2018. UNAMA welcomes the sustained reduction of civilian casualties from ground engagements since 2017. However, ground engagements remained the second leading cause of civilian casualties, after the combined use of suicide and non-suicide IEDs, representing around 29 per cent of all civilian casualties. UNAMA also documented a seven per cent increase of civilian casualties from ground engagements caused by indirect fire weapon

systems, such as mortars, rockets and grenades, which often have indiscriminate effects.

The decrease of civilian casualties from ground engagements was mainly caused by a decline of 44 per cent in the number of civilian casualties from cross-fire between the parties to the conflict.¹⁷⁵ In 2019, UNAMA documented 510 civilian casualties (124 killed and 386 injured) from such crossfire incidents, representing 17 per cent of the total of civilian casualties from ground engagements.

In contrast with previous years when Anti-Government Elements caused more civilian casualties from ground engagements, Pro-Government

Civilian Casualties from Ground Engagements 2009–2019



Forces caused slightly more civilian casualties from this tactic type than Anti-Government Elements in 2019. From 1 January to 31 December, Anti-Government Elements caused 1,229 civilian casualties (261 killed and 968 injured) from ground engagements, an 11 per cent decrease in comparison to 2018.¹⁷⁶ In total, UNAMA attributed 40 per cent of civilian casualties from ground engagements to Anti-Government Elements, the majority of which were caused by the Taliban.¹⁷⁷ UNAMA attributed 1,260 civilian casualties (363 killed and 897 injured) to Pro-Government Forces in 2019, a 25 per cent increase in comparison to the year prior.¹⁷⁸ Pro-Government Forces were responsible for 41 per cent of the civilian casualties from ground engagements, mainly attributed to Afghan national security forces.¹⁷⁹ Fifty-eight civilian casualties (15 killed and 43 injured) from ground engagements were attributed to Pakistani Military Forces as a result of cross-border fire.¹⁸⁰

Women and children continued to be harmed by ground engagements. From 1 January to 31 De-

cember, UNAMA documented 1,213 child casualties (270 killed and 943 injured), similar to 2018.¹⁸¹ Women casualties from ground engagements declined by nine per cent with 524 civilian casualties (142 killed and 382 injured).¹⁸²

UNAMA documented a decrease of civilian casualties from ground engagements in southern, south-eastern, and eastern regions.¹⁸³ In southern region, the trend that started in 2017 of decreases in ground engagement-related civilian casualties continued, especially in Helmand, Uruzgan and Kandahar provinces.¹⁸⁴ In eastern region, UNAMA documented fewer civilian casualties from ground engagements attributed to ISIL-KP, which contributed to a significant decrease in this type of civilian casualties in Nangarhar and Kunar provinces. These decreases, however, were more than offset by a high level of civilian casualties from ground engagements carried out mainly by Anti-Government Elements during the 2019 presidential elections, as well as by increases in northern, northeastern, northern, central, and western regions.¹⁸⁵

b. Indirect fire

In 2019, indirect fire during ground engagements caused 2,155 civilian casualties (486 killed and 1,669 injured), leading to a seven per cent increase in comparison to 2018¹⁸⁶ and representing more than one-fifth of all civilian casualties in the year. UNAMA is concerned about the overall increase in civilian casualties from indirect fire weapon systems, reversing the decrease documented over the prior two years.

UNAMA attributed to Anti-Government Elements 806 civilian casualties (144 killed and 662 injured)

from indirect fire in 2019, representing 37 per cent of all civilians killed or injured from these types of weapons and an eight per cent increase from 2018. Pro-Government Forces were responsible for 1,061 civilian casualties (283 killed and 778 injured) from indirect fire, representing almost half of all civilian casualties from this tactic and a 25 per cent increase from 2018. Pro-Government Forces remained responsible for more civilian casualties from indirect fire than Anti-Government Elements. The remaining civilian casualties were caused by either incidents in which the responsible party to the conflict

A teenage girl is treated at a hospital in Lashkar Gar, Helmand, for severe burns and injuries to her legs from a mortar attack carried out by the Afghan National Army during fighting with the Taliban. Four civilians were killed and six civilians were injured in the attack. Photo: Stefanie Glinsky



could not be identified (11 per cent)¹⁸⁷ or by cross-border fire (two per cent).¹⁸⁸

UNAMA documented that indirect fire weapon systems caused almost three quarters of all ground engagement casualties and caused more civilian casualties per incident on average in comparison to direct fire. UNAMA reiterates its concern that the use of mortars, grenades and rockets in densely populated areas carries a high risk of civilian harm due to the nature of the weapons, which are fired without a direct line of visibility to the target, are not especially accurate and can have wide area effects. For instance, on 30 March 2019, a mortar round fired during a ground engagement between Afghan National Army and Taliban landed on the premises of a school in Andar district of Ghazni province, causing the death of four schoolboys and a teacher, while 17 schoolboys and a male teacher sustained injuries.

Polling day for the 2019 presidential election witnessed high numbers of civilian casualties, particularly from the widespread use of indirect fire. In total, 230 civilian casualties (29 killed and 201 injured) were caused by these weapons on polling day, including 60 such incidents attributed to Anti-Government Elements and 16 incidents resulting from responses by Pro-Government Forces.¹⁸⁹ For example, Taliban fired a mortar round towards a

polling centre in Sozma-Qala district, Sar-e Pul province, killing an eight-year-old male child and injuring 20 other civilians (12 men and eight boys). Moreover, the incident caused the closing of the polling centre, impacting the right to participate in the election.

UNAMA urges both Pro-Government Forces and Anti-Government Elements to issue and implement directives that cease the use of indirect fire in populated areas, in order to prevent civilian casualties from these weapons, which are hard to guide and have a wide area effects. Under international humanitarian law, parties are obliged to clearly distinguish between civilians and combatants, and civilian objects and military objectives, including through its choice of weaponry, and a failure to do so may amount to war crimes. The obligation to adhere to international humanitarian law for parties to the conflict remains in force, including the principle of distinction, irrespective of an opposing parties' failure to comply with international humanitarian law, e.g. using homes and other civilian objects for military purposes. Furthermore, the use of indirect fire during ground engagements also potentially contaminates areas with unexploded ordnance, increasing the possibility of inflicting further civilian casualties, particularly child casualties, long after the fighting has subsided.¹⁹⁰

c. Direct fire

In 2019, the use of direct fire during ground engagements caused 765 civilian casualties (234 killed and 531 injured), a 37 per cent decrease compared to 2018. Anti-Government Elements remained responsible for more than half of these

civilian casualties (53 per cent), while 23 per cent of the civilian casualties from direct fire incidents were attributed to Pro-Government Forces. The remaining 24 per cent of civilian casualties could not be specifically attributed to either Anti-

Government Elements or Pro-Government Forces. UNAMA documented a 34 per cent reduction in civilian casualties attributed to Anti-Government Elements from this tactic type as compared to an 18 per cent increase attributed to Pro-Government Forces. Civilians continued to be impacted by shooting during ground engagements in their residential areas, but also while travelling on public roads, conducting agricultural activities, and engaging in their daily routines. For example, on 17 July

2019, in Ab-Kamari district, Badghis province, three civilians died (including one woman) and three other sustained injuries (including two women and a girl) when they were caught in crossfire between the Taliban and Afghan National Army. The Taliban had positioned themselves inside people's homes, which caused the residents – including the victims – to flee, exposing them to the risk of getting shot during the active engagements.¹⁹⁰

d. Cross-border incidents

UNAMA remains concerned about the impact of cross-border incidents from Pakistan affecting the civilian population in Afghanistan. In 2019, it documented 29 cross-border incidents,¹⁹¹ resulting in 65 civilian casualties (16 killed and 49 injured).¹⁹² Nineteen of these incidents and the majority of civilian casualties were caused by indirect fire, mainly in the border area of eastern Kunar province. Besides killing and injuring civilians, these incidents damaged property and livestock was lost. For example, on 8 August 2019, a civilian man and two boys

aged nine and 12 years old sustained injuries from mortar rounds fired from Pakistan into Marawara district, Kunar province.

VI. CIVILIAN CASUALTY MITIGATION POLICIES AND MECHANISMS, INCLUDING ACCOUNTABILITY EFFORTS

UNAMA acknowledges the efforts taken by the Government of Afghanistan, the Afghan national security forces, international military forces, and the Taliban to protect civilians from harm caused by their own operations, as outlined below. At the same time, civilians continue to suffer at extreme levels. UNAMA recognizes that the best way civilians can effectively be protected from harm is through a negotiated settlement to the conflict and an inclusive approach to peace and reconciliation, which will be essential for sustainable peace. In the meantime, much more needs to be done to prevent and mitigate civilian harm.

UNAMA recalls that the parties to the conflict are required to conduct investigations following allegations of civilian casualties, and to ensure accountability, including prosecution where relevant.¹⁹³ UNAMA also emphasizes that international human rights law recognizes victims' rights to truth, justice and reparations, which includes obligations on duty-bearers to investigate and make the truth public as a measure to help prevent further violations.¹⁹⁴ It is essential that the parties to the conflict conduct effective investigations and be transparent in their findings so that they can understand the impact of their operations on the civilian population, take appropriate steps to prevent the harm from reoccurring, promote accountability and repair the harm they have caused.

UNAMA notes with concern the tendency of all

parties to the conflict to deny or downplay levels of civilian harm from their operations; it also notes that a failure to effectively follow up on allegations of civilian casualties and a lack of transparency in the findings will only serve to frustrate and alienate the population over the long-term. UNAMA urges the Government of Afghanistan, its Afghan national security forces, international military forces, and the Taliban to ensure at all times prompt, effective and transparent investigations into incidents that result in civilian casualties and civilian harm. The outcomes of the investigations and other civilian casualty-related data should also feed into regular lessons learned exercises, which could lead to changes of relevant policies and practices. UNAMA calls on parties to the conflict to share findings with victims, their families and the wider population.

Civilians continue to suffer at extreme levels... much more needs to be done to prevent and mitigate civilian harm.

a. Government of Afghanistan and Afghan national security forces

In 2019, the Government of Afghanistan continued to take steps towards the full implementation of the National Policy on Civilian Casualty Prevention and Mitigation (formally adopted in October 2017). It continued its work through the Directorate of Mine Action Coordination towards the creation of a mechanism for the implementation of Protocol V of the 1980 Convention on Certain Conventional Weapons (which came into effect in February 2018).¹⁹⁵ UNAMA recognizes positive developments, led by the National Security Council, concerning the Government's system for documentation of credible allegations of civilian casualties. These developments included the establishment of a standardized reporting format for the Afghan national security forces, the creation of a national database, and formation of a civilian casualty allegation tracker.

Throughout 2019, Government officials increasingly made public announcements¹⁹⁶ on the prevention, mitigation and investigation of civilian casualties, often in response to community protests and media attention. Occasionally the Government created provincial-level delegations to investigate incidents that resulted in civilian casualties; alternatively, it sent delegations from Kabul to assist provincial-level authorities with such investigations.¹⁹⁷ These investigations included examining civilian casualties arising from operations conducted by National Directorate of Security Special Forces, the Khost Protection Force and Shaheen Forces sensitive operations that have not generally been subjected to scrutiny in the past. UNAMA acknowledges these efforts, but urges the Government to make the

results of these investigations public. Results of investigations into high-profile incidents have not been made available to UNAMA as they are either classified or remain under investigation, such as for the 8-9 July NDS Special Forces operation in a health clinic in Damardad district of Wardak province; the 11-12 August Shaheen Forces operation in Zurmat district, Paktya province; the 4 September NDS Special Forces operation in Jalalabad city; and the 22 September NDS Special Forces and international military forces operation in Musa Qala district, Helmand province.

During the second half of 2019, President Ghani reportedly placed certain restrictions on search operations by NDS Special Forces, which has led to a significant reduction in civilian casualties from such operations during the fourth quarter. UNAMA encourages the Government and Afghan national security forces to strengthen and expand the scope of investigations beyond high-profile incidents.

UNAMA shared information on incidents involving civilian casualties with the Afghan national security forces and the National Security Council. Through its human rights field teams, UNAMA continued its regular dialogue on civilian casualty incidents and trends with Afghan national security forces at the regional, provincial and district levels. UNAMA appreciates the regular engagement and encourages Afghan national security forces to strengthen its information-sharing efforts with the National Security Council and with UNAMA. UNAMA welcomes the increased focus and attention in the National Security Council on the pre-

vention of civilian casualties through its newly established Directorate for Peace and Protection of Civilians.

The Ministry of Interior responded to 14 incidents shared by UNAMA, indicating that no civilian casualties were caused by Afghan National Police. In addition, the Afghan Local Police responded to seven incidents shared by UNAMA, indicating that it had not caused civilian casualties.

NDS responded to 107 incidents shared by UNAMA and found that it had caused 52 civilian casualties (41 deaths and 11 injured) in 19 incidents. For the remaining incidents, NDS concluded that no civilian casualties had occurred, or that they had been caused by Anti-Government Elements.

The Ministry of Defence did not provide any response to the incidents that UNAMA had shared with it in 2019.

UNAMA recognizes the continuous support of the NATO Resolute Support Mission to train, advise and assist the Afghan national security forces in relation to international humanitarian law, including the prevention and mitigation of civilian casualties. According to the NATO Resolute Support Mission, advances have been made by the Afghan national security forces in the reporting and data collection of civilian casualties; the awareness of civilian casualty prevention and mitigation among Government and Afghan security forces officials; the post-incident messaging and victim support; and civilian casualty assessments and investigations. The NATO Resolute Support Mission has assisted in the organization of the quarterly CIVCAS Avoidance and Mitigation Board (CAMB).¹⁹⁸ With the expansion of air force capabilities of the Afghan security forces, the NATO Resolute Support Mission is actively involved in training them in targeting, including through assessing potential risks of civilian harm and making informed choices for proportional means of attack during the operational planning phase.

b. International Military Forces

Throughout 2019, UNAMA maintained its engagement with USFOR-A/NATO Resolute Support, discussing regularly civilian casualty incidents and trends. In 2019, USFOR-A/NATO Resolute Support reorganized its civilian casualty review processes in an effort to increase efficiency. Prior to 2019 and at the beginning of 2019, civilian casualty allegations were reviewed and assessed through a Civilian Casualty Credibility Assessment Review Board (CCARB), which was comprised of military and civilian subject matter experts.¹⁹⁹ Civilian casu-

alty assessments were made by majority vote and signed off by the Director of Operations (CJ3), a role typically filled by member of a NATO participating state other than the United States. Due to the increased operational tempo and rise in the number of airstrikes throughout 2018 and 2019, this led to an increase in allegations of civilian casualties, which caused a backlog in review. In an attempt to accelerate the process, the CCARB was abolished during the first half of 2019 in favour of giving the Resolute Support Civilian Casualty Miti-

gation Team (CCMT) a more central role in reviewing civilian casualty allegations and making assessments. Initial assessments of civilian casualty incidents are now carried out by the CCMT within the first 24 to 72 hours after civilian casualty reports are received. If the allegations are deemed not to be credible or if more information is required to make a determination, the CCMT conducts a credibility assessment within seven days, but the allegations are no longer reviewed by a board. Another change is that the Director of Operations (CJ3) has been removed from having a role in signing off on civilian casualty assessments.

According to the CCMT, the change in process has resulted in a more standardized and systematic approach to documentation, which has in turn generated higher quality information in a timelier manner. UNAMA acknowledges efforts made to increase the timeliness of review of civilian casualty incidents; however, it reminds USFOR-A/NATO Resolute Support of the importance of conducting robust investigations, even when that may result in delayed assessments. Reliable information about civilian casualty incidents often becomes available beyond 72 hours, especially for incidents that occurred in remote areas that are not under the control of the Government of Afghanistan. In the view of UNAMA, while recognizing the difficulties of doing a timely review of allegations, the previous process of civilian casualty review and assessment by the CCARB, as well as oversight structures, subjected the information on civilian casualty incidents to a higher level of scrutiny than the current process of review by the CCMT.

UNAMA welcomes the start of systematic review of civilian casualty allegations on social media by the

CCMT in 2019 and encourages USFOR-A/NATO Resolute Support to expand its outreach to human sources beyond Afghan security pillars. UNAMA cautions that both in the execution of operations and in the analysis of civilian casualties, reliance on technology without sufficient corroborating human intelligence could increase the chances of causing unintended harm to civilians.

UNAMA encourages international military forces to continue their efforts to review incidents of civilian casualties verified by UNAMA and to systematically use the information that is received on civilian casualties to inform lessons learned exercises, particularly in relation to targeting protocols, and to help identify broader patterns of harm. With the CCMT comprised of only four people in Kabul, UNAMA encourages the United States Government to devote more resources to the team dedicated to civilian casualty assessments, including within the Train Advise Assist Commands (TAACs) in the regions to improve assessments and the gathering of information from security pillars at regional level.

In 2019, USFOR-A/NATO Resolute Support informed UNAMA that it had conducted inquiries into 448 incidents that resulted in alleged civilian casualties attributed to international military forces. Of these, 332 incidents were identified as “not credible” or were “disproved” within 72 hours²⁰⁰ while 74 cases were assessed as “credible”. Of the allegations assessed to be credible, 49 were confirmed as civilian casualties incidents attributed to Resolute Support or USFOR-A, involving 189 civilian casualties in total (111 killed and 78 injured), an increase from the 117 civilian casualties (62 killed and 55 injured) reported confirmed in 2018.²⁰¹ Additional-

ly, 13 incidents were disproved; four incidents were assessed to be not attributable to Resolute Support or USFOR-A operations; and eight incidents were assessed as “possible”, involving 28 alleged civilian casualties (18 killed and 10 wounded).²⁰² In 2019, USFOR-A conducted 14 in-depth investigation under US Army Regulation 15-6 on the basis of civilian casualty allegations that were shared with the CCMT compared to 23 such investigations in 2018.²⁰³ According USFOR-A/Resolute Support, solatia payments have been made in 21 out of 49 cases in which civilian casualties were confirmed.

Although the civilian casualty figures of international military forces differ greatly from those documented in this report, both UNAMA and international military forces have documented a similar

upward trend in 2019. The difference in civilian casualty figures can be explained in part due to differences in standards and methodologies, including USFOR-A’s definition of civilian which, UNAMA has noted, is not aligned with international humanitarian law.²⁰⁴

UNAMA recognizes the role of the Senior Child Protection Adviser of the Resolute Support Mission in working with the Government on the drafting of a Child Protection Policy for the Ministry of Interior, and acknowledges the designation by the United States Department of Defence of a senior civilian responsible for coordinating compliance with policies related to civilian casualties in military operations.

c. The Taliban

UNAMA notes the progress made by the Taliban’s Commission for the Prevention of Civilian Casualties and Complaints in its investigation and accountability measures, including on incidents involving high numbers of civilian casualties and sensitive cases of child recruitment and use and sexual violence.

The Taliban describe its Commission for the Prevention of Civilian Casualties and Complaints as “an active department for the prevention of civilian casualties [...] that thoroughly investigates every civilian casualty incident and prevents its reoccurrence.”²⁰⁵ In 2019, the Taliban prepared standard operating procedures for the Commission to improve its work, through consultation with scholars, *sheikhs*, *muftis*, and professional individuals. On 8

April 2019, it was presented to Taliban leadership which endorsed it on 28 April 2019.

The standard operating procedures set out the structure of the Commission, which includes a head, two deputies, provincial offices and a number of departments and committees, including an “Investigation and Verification Department” and a “Public Awareness and Outreach Department”.²⁰⁶ The procedures clarify that all members of the military commission, provincial governors, heads of provincial commissions, and “ordinary *mujahedin*” are obliged to fully cooperate “in identifying, summoning and investigating perpetrators of [civilian] losses and providing all information”.²⁰⁷ The Commission has the duty to inform *mujahedin* that the killing, injuring and torturing of civilians is prohib-

ited;²⁰⁸ to dispatch a committee to collect information when a major incident occurs;²⁰⁹ and to “express condolences to the possible extent”.²¹⁰ In addition, the standard operating procedures set out a role for the Commission in sharing lessons learned with *mujahedin* to prevent civilian casualties in operations.²¹¹

UNAMA acknowledges the Commission’s investigation efforts after civilian casualties have occurred and the few instances in which the Taliban have privately and publicly acknowledged civilian casualties have resulted from their own operations.²¹² UNAMA notes with concern that the Taliban’s 2019 mid-year and annual civilian casualty reports failed to reflect these incidents and investigations, as well as accountability measures taken, and instead continued to attribute all civilian casualties to other parties.²¹³ UNAMA strongly urges the Commission to play a more active role in preventing civilian casualties, including through lessons learned exercises and training for the military commission.

UNAMA urges the Taliban to ensure that its directives and orders comply with international humanitarian law; to implement directives ordering its members to prevent and avoid civilian casualties; to hold accountable those who violate international humanitarian law, including through conducting indiscriminate attacks or attacks deliberately targeting civilians and civilian objects; and to apply a definition of “civilian” that is consistent with international humanitarian law.

ANNEX I:

LEGAL FRAMEWORK

The legal framework used for this report includes international human rights law, international humanitarian law, international criminal law and relevant United Nations Security Council resolutions.

Legal Responsibilities of Parties to the Armed Conflict

UNAMA takes the position that the armed conflict in Afghanistan is characterized by a number of non-international armed conflicts between the Afghan national security forces and international military forces supporting the Government of Afghanistan and various non-State armed opposition groups, as well as between non-State armed opposition groups. The combined forces of the Government of Afghanistan (including international military forces) are referred to in this report and within Afghanistan as “Pro-Government Forces”, while non-State armed opposition groups are referred to in this report and within Afghanistan as “Anti-Government Elements”. (See Glossary for definition of Pro-Government Forces and Anti-Government Elements).

All parties to the armed conflict – Afghan armed forces, international military forces and non-State armed groups – have clear obligations under international law to protect civilians.

Resolution 1325 (2000) of the Security Council underlines that it is critical for all States to fully apply the relevant norms of international humanitarian

law and international human rights law to women and girls, and to take special measures to protect them from gender-based violence during armed conflict.²¹⁴

(i) Obligations under International Humanitarian Law

In a non-international armed conflict, article 3 common to the Geneva Conventions establishes minimum standards that parties to a conflict, including State and non-State actors, shall respect. Additionally, where applicable, the provisions of Additional Protocol II of 1977, to which Afghanistan is a party, also form part of the governing legal framework.²¹⁵ All States contributing to the international military forces in Afghanistan are signatories to the four Geneva Conventions of 1949. While not all troop-contributing States are signatories of Additional Protocol II of 1977, they are all bound by the relevant rules of customary international humanitarian law applicable in non-international armed conflicts.²¹⁶ The customary rules regulating armed conflicts between states and armed opposition groups are applicable to all parties to the conflict, whether a state or an armed opposition group.

Common Article 3 explicitly prohibits violence to life and person, including murder,²¹⁷ mutilation, cruel treatment and torture, taking hostages, as well as outrages against personal dignity and extrajudicial executions,²¹⁸ at any time and in any place with respect to persons taking no active part in hostili-

ties, including civilians.

Under international humanitarian law, parties to a conflict are obligated to respect the following key principles, including when planning military operations:

- **Distinction:** The civilian population as such, as well as individual civilians, shall not be the object of attack and parties to the conflict must at all times distinguish between civilians and combatants. This principle requires that parties to a conflict distinguish between civilians and civilian objects on the one hand, and combatants and military objectives on the other. Attacks may only be directed against the latter. In order for an object or building to be considered a military objective, it must meet two cumulative criteria, namely that (1) by its “nature, location, purpose of use [it] make[s] an effective contribution to military action” and (2) the object’s “total or partial destruction, capture or neutralization in the circumstances ruling at the time, offer[s] a definite military advantage.”²¹⁹
- **Proportionality:** “an attack against a military objective which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited.”²²⁰
- **Precautions in attack:** “[...] civilians shall enjoy general protection against the dangers arising from military operations”.²²¹ “In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and

civilian objects” and all feasible precautions must be taken with the “view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.”²²²

(ii) Obligations under International Human Rights Law

International human rights law applies both in peace and during armed conflict, together with international humanitarian law, in a complementary and mutually reinforcing manner. As such, States must respect their obligations under international human rights law with respect to individuals within their territory or subject to their jurisdiction. In addition, non-state actors that have effective control of a territory and exercise government-like functions must respect human rights norms.

Government of Afghanistan

Afghanistan is a party to numerous international human rights treaties,²²³ including the International Covenant on Civil and Political Rights, which obligates the Government to provide basic human rights protections to all persons within the territory or jurisdiction of the State.

Under international human rights law, States must investigate the use of lethal force by their agents,²²⁴ particularly those involved in law enforcement. This duty, together with potential liability for failure to comply, flows from the obligation to protect the right to life.²²⁵ For State investigations to be effective, they must be prompt, exhaustive, impartial, independent²²⁶ and open to public scrutiny.²²⁷ A State’s duty to investigate applies to all law enforcement contexts, including those arising during

armed conflict.²²⁸

International military forces

International military forces operating in Afghanistan also have certain human rights obligations that apply extraterritorially. For instance, States must respect and ensure to all individuals within their power or effective control fundamental rights to life and to be free from torture or ill-treatment, even if not situated within their territory.²²⁹ This includes individuals that may fall under the effective control of international military forces or other international actors operating in military operations in Afghanistan.

Non-state armed groups

While they cannot become parties to international human rights treaties, non-State actors, including armed groups, are not precluded from being subject to human rights obligations under customary international law. Non-state actors are increasingly deemed to be bound by certain international human rights obligations, particularly those actors exercising *de facto* control over some areas, such as the Taliban.²³⁰

(iii) Obligations under International Criminal Law

Afghanistan has the primary responsibility to investigate and prosecute international crimes i.e. war crimes, crimes against humanity, and genocide, allegedly committed within its jurisdiction.²³¹ Afghanistan became a State party to the Rome Statute of the International Criminal Court in 2003. As a consequence, to the extent Afghanistan is unable or unwilling to exercise its jurisdiction over international crimes, the International Criminal Court may

exercise its jurisdiction over alleged crimes as defined in the Rome Statute allegedly committed in Afghanistan.²³²

On 20 November 2017, the International Criminal Court Prosecutor submitted a request to the Court, pursuant to Article 15 of the Rome Statute, seeking authorization to open an investigation into crimes within the jurisdiction of the Court committed by the Taliban, Afghan forces and US actors, in the context of the armed conflict in Afghanistan.²³³ The situation had been under preliminary examination by the Office of the Prosecutor since 2006 to determine whether conduct by Afghan and foreign government forces, and well as anti-government forces, after 1 May 2003 may amount to war crimes and crimes against humanity. The preliminary examination also looked into whether other alleged crimes linked to the armed conflict in Afghanistan and committed on the territory of other States Parties to the Statute had been committed since 1 July 2002.

In the request to the Court, the Prosecutor argued that there was a reasonable basis to believe that crimes against humanity and war crimes had been committed by the Taliban and their affiliated Haqqani Network; that war crimes had been committed by the Afghan national security forces, in particular members of the National Directorate for Security and the Afghan National Police; and that war crimes had been committed by members of the US armed forces on the territory of Afghanistan, and by members of the US Central Intelligence Agency in secret detention facilities in Afghanistan and on the territory of other States Parties to the Rome Statute, principally in the period of 2003-4.²³⁴

On 12 April 2019, the Pre-Trial Chamber of the International Criminal Court unanimously rejected the Prosecutor's request to open an investigation, despite acknowledging that the criteria of jurisdiction and admissibility were met. The judges decided that an investigation would not serve the "interests of justice", citing concerns about the "relevant political landscape both in Afghanistan and in key States", the complex and volatile political climate, and the feasibility of the investigation, taking into account challenges that may be faced concerning the lack of state cooperation. On 7 June 2019, the Office of the Prosecution filed a request for leave to appeal the decision, which was authorized by the Pre-Trial Chamber on 17 September. The Appeals Chamber held hearings on 4-6 December 2019. As of the end of 2019, it was to decide whether to uphold or overturn the Pre-Trial Chamber's ruling.

War crimes in non-international armed conflict are defined as serious violations of Common Article 3 and other laws and customs applicable in armed conflict not of an international character. War crimes include – with respect to those not participating in hostilities – violence to life and person, including murder, and deliberately directing attacks against the civilian population as such, or individual civilians not taking part in hostilities.²³⁵

States whose military forces are among the international military forces party to the conflict in Afghanistan also have a responsibility to investigate and prosecute alleged crimes that may have been committed by their nationals in Afghanistan.²³⁶

ANNEX II:

MAIN PARTIES TO THE CONFLICT

Pro-Government Forces

These forces include, but are not limited to Afghan National Security Forces (Afghan Border Force, Afghan Local Police, Afghan National Army, Afghan Territorial Army, Afghan National Police, National Directorate of Security), pro-Government armed groups, and international military forces, including Special Operations Forces and other foreign agencies.

Afghan National Security Forces

The Afghan National Security Forces are composed of all Government security forces, including the Afghan National Army (and its subsidiaries the Afghan Air Force and Afghan Territorial Forces), Afghan Special Forces, National Directorate of Security (Afghanistan's State intelligence and security service, which has Special Forces that participate in military operations), Afghan Local Police, Afghan National Police, Afghan National Civil Order Force and Afghan Border Force.

Under the responsibility of the Ministry of the Interior, the Afghan National Police is the primary law enforcement agency and, in some instances, takes part in hostilities. The Afghan Local Police was created in 2010 to provide a community-based policing capability as a part of counter-insurgency efforts.

Though nominally reporting through the Afghan National Police and Ministry of Interior, due to its combat-related functions, Afghan Local Police are considered a *de facto* part of the armed forces. Following the implementation of security sector reforms under the framework of the 2017 Afghan National Security Forces Roadmap, the former Afghan Border Police and the Afghan National Civil Order Police were transferred from the Ministry of Interior to the Ministry of Defense in 2018.

International military forces

On 1 January 2015, the North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) mission in Afghanistan transitioned to its non-combat successor, the Resolute Support Mission, following the handover of security responsibility to Afghan National Security forces in December 2014. Unlike ISAF, which was authorized by the United Nations Security Council, the legal basis for Resolute Support is provided by a Status of Forces Agreement, signed in Kabul on 30 September 2014 and ratified by the Afghan Parliament on 27 November 2014. United Nations Security Council resolution 2189 (2014) welcomed the bilateral agreement between Afghani-

stan and NATO to establish Resolute Support. Resolute Support is primarily a non-combat mission to train, assist and advise Afghan National Security Forces. It currently consists of approximately 16,000 troops from 39 NATO countries and allies organized in five regional Train, Advise, Assist Commands, with the United States, Germany, Italy, and Turkey leading each – Capital (Turkey), North (Germany), East (United States), South (United States), and West (Italy).

US troops currently comprise the vast majority of international military forces stationed in Afghanistan, with approximately 14,000 US troops supporting the Resolute Support Mission and Operation Freedom's Sentinel, which replaced Operation Enduring Freedom on 1 January 2015. US troops engaged in Operation Freedom's Sentinel focus on counter-terrorism operations under the Afghanistan-United States 2014 Bilateral Security Agreement. The Commander of Resolute Support also serves as the commander of the United States Forces in Afghanistan, although the chains of command remain separate.

Pro-Government armed groups

Pro-Government armed groups are organized non-State armed actors engaged in conflict against armed opposition groups. These groups are distinct from Government Forces and lack legal basis under the laws of Afghanistan. They include the National Uprising Movements, a community-based defence initiative, the Khost Protection Force, and Paktika-based forces known locally in the south-eastern region of Afghanistan as "Shaheen Forces". These forces were mentioned for the first time in March 2019. According to sources, these forces, also known as "904 Unit", operate out of "Shaheen

Camp" in Urgun district, Paktika province and may have a relationship with National Directorate of Security Special Forces. However, members of the Afghan national security forces and Government officials have been unwilling or unable to provide further clarity as to the command structure for the Shaheen Forces.

Anti-Government Elements

They include members of the 'Taliban' as well as other non-State organized armed groups taking a direct part in hostilities against Pro-Government Forces including the Haqqani Network, Islamic Movement of Uzbekistan, Islamic Jihad Union, Lashkari Tayyiba, Jaysh Muhammed, groups identifying themselves as Islamic State/'*Daesh*' and other militia and armed groups pursuing political, ideological or economic objectives including armed criminal groups directly engaged in hostile acts on behalf of other Anti-Government Elements.

Taliban

With the withdrawal of ISAF in 2014, the Taliban have incrementally increased their territorial control and continued to launch large-scale assaults, primarily targeting Afghan National Security Forces' positions, although at an increasingly heavy cost from pro-Government forces airstrikes. The Taliban have long established shadow administrative structures in most provinces. The death of the group's leader, Mullah Omar, made public in August 2015, created internal controversy. These tensions and divisions have become less publicized following the death of Mullah Omar's immediate successor, Mullah Mansour, in May 2016, and the appointment of Mullah Haibatullah Akhunzada that month. From the second half of 2018 onwards, the

Taliban and the US have engaged in direct talks.

The Haqqani Network has assumed an increasingly influential role in the Taliban's military operations. It is currently led by Sirajuddin Haqqani, one of the three deputies of Taliban leader Mullah Haibatullah Akhunzada. The Taliban state that the Haqqani Network is under the umbrella of the Taliban movement and that Sirajuddin Haqqani is a Taliban deputy leader. In the past, the Haqqani Network undertook attacks while maintaining a degree of operational independence. It is believed to be responsible for complex attacks on both Government and international targets in heavily populated areas of Kabul. Since 2017, UNAMA has attributed attacks believed to be committed by the Haqqani Network to the Taliban as the distinction could no longer be reliably established according to its methodology for verifying and attributing civilian casualties. In several cases, Haqqani attacks have been claimed by ISIL-KP with the apparent tacit agreement of the Haqqanis.

Islamic State in Iraq and the Levant – Khorosan Province

The Islamic State in Iraq and Levant – Khorasan Province (ISIL-KP) was formally established in January 2015, following the progressive and partial realignment of some dissident factions or fighters from the Taliban, the Islamic Movement of Uzbekistan and the Tehrik-e-Taliban Pakistan. Commonly referred to by its Arabic acronym *Daesh*, ISIL-KP is present in the east of Afghanistan, with an estimated 2,500 fighters currently active, primarily in Nangarhar and Kunar provinces.²³⁷ Its expansion has been constrained by Afghan National Security Forces/international military forces operations (including airstrikes), local militia mobilization

and, separately, Taliban offensives. A self-identified ISIL-KP enclave in southern districts of Jawzjan province in the north of Afghanistan fell to repeated Taliban assaults in August 2018. The Taliban and ISIL-KP have distinct identities and have been competing over resources and power in the east of the country; ISIL-KP attempts to increase its presence are routinely challenged by Taliban whenever they identify them.

Other Anti-Government Element and Armed Groups

In September 2016, the Government of Afghanistan and Hezb-e Islami, led by Gulbuddin Hekmatyar, signed a peace agreement envisaging United Nations Security Council sanctions delisting, prisoners' releases, the integration of combatants into the Afghan National Security Forces and land allocations to returnees in light of the cessation of the Hezb-e Islami insurgency. Hekmatyar returned to Kabul in May 2017. Slow progress in integrating Hezb-e Islami has raised concerns about some groups' continued involvement in armed conflict, though most Hezb-e Islami interlocutors remain optimistic that all articles of the agreement would be implemented gradually.

Al-Qaeda maintains a limited presence in Afghanistan, especially in the East, Southeast and Southern regions, and operates predominantly under the auspices of existing anti-Government groups, particularly the Taliban. There are an estimated 400 to 600 Al-Qaeda fighters in Afghanistan, mainly in the provinces of Khost, Kunar, Nuristan, Paktiya and Zabul.²³⁸ Their role continues to be cited as concentrated on training, including weapons and explosives, and mentoring, and they have been cited as

being engaged in internal Taliban discussions over the movement's relationship with other jihadist entities.

Several other non-State armed groups continue to operate in Afghanistan, including militia elements linked to political parties and leaders of former *mu-jahedin* jihadi factions, and may operate in opposition to or in support of the Afghan National Security Forces. Such armed groups are frequently cited for human rights violations and regularly clash with each other, with the Taliban and with Afghan National Security Forces while competing for territorial control. In some districts, such armed groups constitute the most prominent armed actors and are considered by locals to have greater influence than either Afghan National and Security Forces or the Taliban.

ANNEX III:

GLOSSARY²³⁹

Abandoned Explosive Ordnance: Abandoned Explosive Ordnance. Refers to explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under the latter's control. Abandoned explosive ordnance may or may not have been primed, fused, armed or otherwise prepared for use.

Abduction: UNAMA documents only conflict-related abductions, which involve the forcible taking and holding of a civilian or civilians by a party to the conflict in order to compel the victim or a third part to take or refrain from taking action. It also includes abduction with the intent to murder the individual or individuals, and abductions carried out by persons taking direct part in hostilities. This includes election-related abductions by a party to the conflict.

Airstrike: Firing or releasing ordnance from aircraft, including close air support from fixed-wing aircraft, and close combat attack from rotary-wing aircraft, and attacks using remotely-piloted aircraft (ie. Drones).

Afghanistan National Security Forces: An umbrella term that includes Afghan Border Force, Afghan Local Police, Afghan National Army, Afghan Air Force, Afghan National Police, Afghan National Civil Order Force, Afghan Special Forces, Afghan Territorial Army (also referred to as the Afghan National Army – Territorial Force), and the National Directorate of Security.

Armed forces: UNAMA considers the Afghan National Army and Afghan Air Force to be the armed forces of Afghanistan. UNAMA also considers the Afghan Local Police, National Directorate of Security, counter-terrorism police, Afghan Border Force, Afghan National Civil Order Force and Ministry of Interior (MOI) Special forces (including Afghan National Police Quick Reaction Force) to be part of the armed forces on account of the functions they perform. UNAMA does not consider the Afghan National Police to be incorporated into the armed forces of Afghanistan with the exception of the specific forces mentioned above.

Afghan Border Force: Formerly the Afghan Border Police. The majority of the Afghan Border Police transferred from the Ministry of the Interior to the Ministry of Defence in December 2017 and was renamed as the Afghan Border Force. These forces report to the ANA corps.

Afghan National Civil Order Force: Formerly the Afghan National Civil Order Police. The majority of the Afghan National Civil Order Police transferred from the Ministry of the Interior to the Ministry of Defence in March 2018. These forces report to the ANA corps.

Anti-Government Elements (AGEs): “Anti-Government Elements” include members of the Taliban and ISIL-KP, as well as members of other armed groups involved in armed conflict with, or armed opposition against, the Government of Afghanistan and/or international military forces.

See *Annex II: Main Parties to the Conflict* for further details.

Anti-Personnel Mine: A mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injured or kill one or more persons. Pressure-plate IEDs, which are victim-operated, have been documented to function as ‘improvised anti-personnel mines’ in Afghanistan.

Armed Group: Organized armed non-State actor engaged in conflict and distinct from a Government force, such as militias, rebels, and criminal groups. These armed groups have no legal basis under the laws of Afghanistan. Armed groups are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. In some cases though, armed groups may receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to the following groups: rebel opposition groups, local militias (ethnically, clan or otherwise based), insurgents, terrorists, guerrillas, and civil defence forces and paramilitary groups (when such are clearly not under State control).²⁴⁰ Some armed groups operate in a manner generally aligned with the Government, although not under their control, and are referred to as pro-Government armed groups.

‘Anti-Government Elements’ described in this report are considered as non-State armed groups but distinguished on the basis of their armed opposition against the Government of Afghanistan.

Bacha bazi: *Bacha bazi* is a harmful practice whereby boys are exploited by wealthy or powerful men for entertainment, particularly for dancing and sexual activities; it is criminalized in the revised Penal Code, which came into effect in February 2018.

Civilian: For the purposes of this report and the application of the principle of distinction under international humanitarian law, civilians are any persons who are not members of military/paramilitary forces or members of organized armed groups with continuous combat function and are protected against direct attacks unless and for such time as they directly participate in hostilities. Civilians participating directly in hostilities are not counted as ‘civilian casualties’ in this report. Members of law enforcement agencies lose their protection as civilians when they function as part of the armed forces or directly participate in hostilities. For members of police units that do not have continuous combat functions, the use of force in self-defence is not considered to result in a loss of protection as a civilian. In Afghanistan, UNAMA considers as civilian police personnel who are carrying out law enforcement functions and who are not directly participating in hostilities or involved in counter-insurgency operations.

Civilian Casualties: Killed or injured civilians. UNAMA documents civilian casualties resulting from conflict-related violence, including casualties caused by explosive remnants of war. It does not document casualties where the civilian(s) was (were) directly participating in hostilities at

the time of death or injury, nor does it document the death or injury of individuals protected from attack under international humanitarian law who are not considered to be civilians, such as persons *hors de combat* or the medical and religious personnel of the armed forces.²⁴¹

UNAMA considers civilians ‘**injured**’ when they require medical treatment for physical injury – through admission to healthcare facilities or by receiving medical assistance from medically-trained personnel. Injuries do not include shock or non-physical effects or consequences of incidents, such as psychological trauma.

Children: The Convention on the Rights of the Child, ratified by Afghanistan in 1994, defines a “child” as any person under the age of 18 (0-17 inclusive).

Complex attack: A deliberate and coordinated attack which includes a suicide device (i.e., body-borne IEDs or suicide vehicle-borne IEDs), more than one attacker and more than one type of device (i.e., body-borne-IEDs and mortars). All three elements must be present for an attack to be considered complex.

Daesh: The word *Daesh* is an acronym from Islamic State of Iraq and the Levant (*al-Dawla al-Islamiya al-Iraq al-Sham*).

Explosive Remnants of War: Explosive Remnants of War refer to unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

Explosive weapons: Explosive weapons are not explicitly defined by international law. Explosive

weapons generally consist of a casing with a high-explosive filling and whose destructive effects result mainly from the blast wave and fragmentation produced by detonation. Mortars, artillery shells, aircraft bombs, rocket and missile warheads, and many improvised explosive devices (IEDs) fall under this term. Certain types of explosive weapons may be categorized as **light weapons** (e.g. hand-held under-barrel and mounted grenade launchers, portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres of less than 100 mm). Many explosive weapons, such as aircraft bombs, rockets systems, artillery and larger mortars are categorized as **heavy weapons**.²⁴²

Ground engagements: Ground engagements include kinetic ground operations, stand-off attacks, crossfire and armed clashes between parties to the conflict. Ground engagements include attacks or operations in which small arms, heavy weapons and/or area weapons systems, i.e. mortars and rockets are fired.

IED: Improvised Explosive Device. A bomb constructed and deployed in ways other than in conventional military action. IEDs can broadly be divided into four categories: Command-Operated IEDs, Victim-Operated IEDs, Suicide IEDs, and Other IEDs.

Command-Operated IEDs – Radio or remote controlled IEDs (RC-IEDs) operated from a distance that can enable operators to detonate a pre-placed device at the precise time a target moves into the target area.²⁴³ RC-IEDs include user-detonated IEDs, such as roadside IEDs, and objects and ani-

mals rigged with IED devices, such as vehicles, bicycles, motorcycles and donkeys. Magnetic-IEDs are IEDs attached by a magnetic or other device and are a sub-category of command-operated IEDs; UNAMA records these devices separately due to the common delivery method in Afghanistan, *i.e.*, placement on vehicles of targeted individuals.

Victim-Operated IEDs – A victim-operated IED detonates when a person or vehicle triggers the initiator or switch which could be a pressure plate or pressure release mechanism, trip wire or another device, resulting in an explosion.²⁴⁴

Other IEDs – This category includes command-wired IEDs and timed-IEDs²⁴⁵ and IEDs where the trigger/switch type for detonation could not be determined.

Suicide IEDs – Separately from data on IEDs, UNAMA documents civilian casualties resulting from complex and suicide attacks. Suicide IEDs are generally either Body-Borne IEDs (BB-IEDs) or Suicide Vehicle-Borne IEDs (SVB-IEDs). Body-Borne IEDs refer to situations where a suicide bomber wears an explosive vest or belt while Suicide Vehicle-Borne IEDs is defined as the detonation of a vehicle rigged with explosives by a driver or passenger inside the vehicle, or the detonation of a BB-IED by the driver or a passenger while inside the vehicle.

IED Exploitation: IED Exploitation is the process of identifying, collecting, processing and disseminating information and material gathered from an IED incident site to gain actionable intel-

ligence, to improve counter-IED procedures and methods, to decrease the resources of insurgents and to support prosecutions. It includes preservation, identification and recovery of IED components for technical, forensic and biometric examination and analysis and is carried out by authorized specialist facilities.

Incidents: Events with a nexus to the armed conflict resulting in civilian casualties, civilian abductions, or damage to civilian property, as well as threats/intimidation/harassment related to the armed conflict and the military use of medical and healthcare facilities by parties to the conflict.

Indirect fire weapons: Weapons, such as grenades, mortars and rockets, that do not require a line of sight between the weapon and its target.

International military forces: “International military forces” include all foreign troops forming part of the NATO-led Resolute Support Mission as well as US Forces-Afghanistan who, in addition to participating in the Resolute Support Mission, are also engaged in counterterrorism operations as part of Operation Freedom’s Sentinel. The term also encompasses Special Operations Forces and foreign agencies.

Mullah: In Afghanistan, this term is used to describe a religious man who has been educated or trained in Islamic traditions and jurisprudence.

NATO: North Atlantic Treaty Organization. Members of NATO are the main troop-contributing States to the Resolute Support Mission (see Resolute Support Mission and *Annex II: Main Parties to the*

Conflict for details).

NDS: National Directorate of Security, Afghanistan's State intelligence and security service.

Non-suicide IEDs: Any improvised explosive device other than a suicide IED i.e. those caused by pressure-plate, magnetic, and remote-detonated triggers.

OHCHR: The United Nations Office of the High Commissioner for Human Rights.

Operation Freedom's Sentinel: United States forces in Afghanistan who support the Resolute Support Mission and also carry out counter-terrorism operations under the Afghanistan-United States 2014 Bilateral Security Agreement. See *Annex II: Main Parties to the Conflict* for details.

Pro-Government armed group: "Pro-Government armed group" refers to an organized armed non-State actor engaged in conflict in support of the Government and distinct from Afghan national security forces and criminal groups. Pro-Government armed groups do not include the Afghan Local Police, which fall under the command and control of the Ministry of Interior. These armed groups have no legal basis under the laws of Afghanistan and are not within the formal military structures of the Government of Afghanistan. In some cases, armed groups receive direct/indirect support of Government of Afghanistan or other States. This definition includes, but is not limited to, the following groups: "national uprising movements",²⁴⁶ local militias (ethnically, clan or otherwise based), and civil defence forces and paramilitary groups.

Pro-Government Forces: "Pro-Government Forces" refer to Afghan National Security Forces and other forces and groups that act in military or paramilitary counter-insurgency operations and are directly or indirectly under the control of the Government of Afghanistan. For the purposes of UNAMA protection of civilians reports, Pro-Government Forces include pro-Government armed groups. See *Annex II: Main Parties to the Conflict*.

Resolute Support: On 1 January 2015, the North Atlantic Treaty Organization (NATO) transitioned from its predecessor, the International Security Assistance Force (ISAF) mission in Afghanistan, to its Resolute Support mission to train, assist and advise Afghan national security forces. See *Annex II: Main Parties to the Conflict* for details.

Search operations: Search operations are a military tactic used in Afghanistan by Pro-Government Forces to capture or kill persons they believe to be Anti-Government Element targets, usually involving entering and searching homes or other civilian structures, and often carried out at night. Often referred to as "night raids".

Small arms: Weapons designed for individual use. They include, *inter alia*, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns.²⁴⁷

Suicide attack (Suicide IED attack): UNAMA uses the term 'suicide IEDs' or 'suicide attacks' to include all attacks where the perpetrator used an IED, typically body-borne or vehicle-borne, intended to result in his or her death upon detonation. This also includes 'complex attacks' (see definition above).

Targeted killing: For the purposes of this report, ‘targeted killing’ is defined as intentional use of lethal force by Pro-Government Forces or Anti-Government Elements against a specific individual who is not in the perpetrator’s physical custody.²⁴⁸ These incidents often involve a degree of pre-meditation. UNAMA documents civilian casualties arising directly and collaterally from such attacks.

Tashkil: Dari word meaning “structure” that refers to the official staffing table and equipment allocations authorized by the Government of Afghanistan for a particular Government entity, including security forces and civilian Government.

UNAMA: United Nations Assistance Mission in Afghanistan.

UXO: Unexploded Ordnance.

War Crimes: War crimes are serious violations of treaty or customary international humanitarian law.

War crimes in non-international armed conflict are defined as serious violations of Common Article 3 of the Geneva Conventions and other laws and customs applicable in armed conflict not of an international character. War crimes include *inter alia* – with respect to those not, or no longer, participating in hostilities – violence to life and person, including murder, and intentionally directing attacks against the civilian population as such, or individual civilians.²⁴⁹

Zakat: Obligatory payments made annually as a proportion of one’s wealth and used for charitable

and religious purposes; regarded as a form of worship in Islam.

See *Annex I: Legal Framework* for more details.

ANNEX IV: PROVINCIAL BREAKDOWN OF CIVILIAN CASUALTIES

The table on the following page is organized in order of the province with the highest number of civilian casualties to the lowest for the period of 1 January to 31 December 2019. It contains the total number of civilian casualties documented in each of Afghanistan's 34 provinces during this period, the top three causes of civilian casualties in each province, and the percentage increase or decrease compared to 2018.

Province	Leading tactic or cause	Second highest tactic	Third highest tactic	Total civilian casualties	% change from 2018
Kabul	Suicide IEDs	Non-Suicide IEDs	Targeted/Deliberate Killings	1,563 (261 killed and 1,302 injured)	-16%
Nangarhar	Non-Suicide IEDs	Ground Engagements	Suicide IEDs	1,070 (356 killed and 714 injured)	-41%
Helmand	IEDs	Airstrikes	Ground Engagements	675 (284 killed and 391 injured)	-23%
Ghazni	Suicide IEDs	Non-Suicide IEDs	Ground Engagements	673 (213 killed and 460 injured)	+3%
Faryab	Ground Engagements	Airstrikes	Explosive Remnants of War	665 (199 killed and 466 injured)	+3%
Zabul	Ground Engagements	Suicide IEDs	Airstrikes	496 (142 killed and 354 injured)	+69%
Kunduz	Ground Engagements	Non-suicide IEDs	Airstrikes	492 (141 killed and 351 injured)	+46%
Kandahar	Non-Suicide IEDs	Suicide IEDs	Search Operations	467 (121 killed and 346 injured)	-13%
Herat	Non-Suicide IEDs	Ground Engagements	Targeted/Deliberate Killings	400 (144 killed and 256 injured)	+54%
Baghlan	Ground Engagements	Targeted/Deliberate Killings	Non-suicide IEDs	349 (123 killed and 226 injured)	+34%
Laghman	Ground Engagements	Non-Suicide IEDs	Suicide IEDs	282 (80 killed and 202 injured)	+4%
Balkh	Ground Engagements	Non-Suicide IEDs	Targeted/Deliberate Killings	277 (108 killed and 169 injured)	+22%
Kunar	Ground Engagements	Explosive Remnants of War	Targeted/Deliberate Killings	256 (77 killed and 179 injured)	-36%
Parwan	Suicide IEDs	Ground Engagements	Search Operations	246 (65 killed and 181 injured)	+500%
Logar	Airstrikes	Ground Engagements	Targeted/Deliberate Killings	218 (95 killed and 123 injured)	+52%
Paktya	Ground Engagements	Targeted/Deliberate Killings	Search Operations	218 (78 killed and 140 injured)	-49%
Sari Pul	Ground Engagements	Explosive Remnants of War	Non-Suicide IEDs	217 (48 killed and 169 injured)	+115%
Khost	Non-Suicide IEDs	Targeted/Deliberate Killings	Ground Engagements	197 (51 killed and 146 injured)	+13%
Takhar	Ground Engagements	Airstrikes	Non-Suicide IEDs	192 (60 killed and 132 injured)	+70%
Wardak	Ground Engagements	Airstrikes	Search Operations	184 (108 killed and 76 injured)	-18%
Paktika	Search Operations	Non-Suicide IEDs	Airstrikes	168 (128 killed and 40 injured)	+11%
Badghis	Ground Engagements	Airstrikes	Non-Suicide IEDs	161 (77 killed and 84 injured)	+104%
Farah	Non-Suicide IEDs	Ground Engagements	Airstrikes	147 (87 killed and 60 injured)	-47%
Uruzgan	Ground Engagements	Airstrikes	Non-Suicide IEDs	145 (73 killed and 72 injured)	-16%
Kapisa	Ground Engagements	Non-Suicide IEDs	Airstrikes	124 (49 killed and 75 injured)	-11%
Jawzjan	Ground Engagements	Explosive Remnants of War	Non-Suicide IEDs	123 (29 killed and 94 injured)	-33%
Badakhshan	Airstrikes	Ground Engagements	Targeted/Deliberate Killings	106 (48 killed and 58 injured)	+68%
Ghor	Targeted/Deliberate Killings	Ground Engagements	Non-Suicide IEDs	77 (62 killed and 15 injured)	+20%
Daykundi	Non-Suicide IEDs	Ground Engagements	Aerial Operations	70 (44 killed and 26 injured)	+71%
Nimroz	Airstrikes	Ground Engagements	Explosive Remnants of War	62 (30 killed and 32 injured)	-24%
Samangan	Ground Engagements	Targeted/Deliberate Killings	Non-Suicide IEDs	45 (11 killed and 34 injured)	-2%
Nuristan	Ground Engagements	Targeted/Deliberate Killings	Non-Suicide IEDs	22 (8 killed and 14 injured)	-8%
Bamyan	Explosive Remnants of War	N/A	N/A	5 (3 killed and 2 injured)	-29%
Panjsher	N/A	N/A	N/A	0 (0 killed and 0 injured)	0%

ANNEX V:

RESPONSE OF THE TALIBAN

د یوناما د ۲۰۱۹ میلادي کال د ملکي تلفاتو د
کلني راپور په هکله د افغانستان اسلامي امارت
ځواب

بڼي چاري!

مگر که د ملکي تلفاتو موضوع له سياسي
ملحوظاتو او استفاده جويي سره ملگری وي، بيا
نشو کولای چې واقعا د انسانانو د مرگ ژوبلې
مخه ونيسو، بلکې د بې گناه انسانانو وژونکي به
لاهم خپلو شومو کړنو ته دوام ورکوي او پړه به
بې په بل لوري غورځي.

د یوناما د کلني راپور په اړه زموږ ملاحظې په
لاندې ډول دي:

۱ – متأسفانه ستاسو راپور د هغو پېښو او سیمو
څخه بشپړ معلومات نه لري يا يې نه دي حساب
کړي چې د امريکايي ځواکونو لخوا د بمبارونو او
شپنيو چاپو په پايله کې په خورا بوگونوونکي ډول
ملکي خلک په کې وژل شوي، تپيان شوي،
کورونه نړېدلي او خلک ځورېدلي دي.

۲ – په افغانستان کې د ملکي تلفاتو لومړی درجه
ستر عاملین امريکايي ځواکونه دي چې خورا
ډیرې ړندې بمبارۍ کوي او د خلکو په کورونو
چاپې وهي.

دا چې د یوناما لخوا د ملکي تلفاتو کلني راپور له
موږ سره شریک کړل شو، مننه ترې کوو، هيله
مو داده چې د ملکي تلفاتو په برخه کې دا ډول
راپورونه خپرول د دې باعث شي چې د ملکي
تلفاتو وارډوونکي او عاملین خپلو کړنو ته متوجه
کړي او زموږ د مظلومو عامو وگړو مرگ ژوبله
کمه او حتی صفر شي.

د یوناما لخوا خپور شوی راپور مو وکوت، خو
متأسفانه له نواقصو سره مل دی، د یوناما په
شمول له ټولو بشريالو ادارو چې د ملکي خلکو د
مرگ ژوبلې په اړه راپورونه خپروي، هيله لرو
چې د ملکي مرگ ژوبلې موضوع له سياسي کیدو
څخه را وباسي او د عيني واقعاتو سره سم راپور
تهیه او خپور کړي، ځکه داسې کول به په واقعي
بڼه د ملکي تلفاتو عاملین مشخص کړي او د پېښو
په کمیدو کې به په ریښتوني توگه کمښت راولي.

۴ - که تاسو په افغانستان کې رسنۍ تعقيب کړئ، هره ورځ موږ شاهدان يو چې د مختلفو ولاياتو څخه د ملکي تلفاتو د اړولو راپورونه خپري، په لسو راپورونو کې ايله که يو راپور په هغو پيښو پورې اړه ولري چې د اسلامي امارت د مجاهدينو لخوا د تلفات اړول شک پرې کيږي، يا زاړه ماينونه انفجار شوي وي، يا نور چاوديدونکي توکي د مرگ ژوبلې سبب شوي چې په يوه پيښه کې هم د بالفعله قصدي عمل ثبوت نه وي، په داسې حالت کې دا معقوله ده، او کوم افغان وگړی به قناعت درسره وکړي چې بيا دې هم زموږ مجاهدين د ۴۷ سلنې ملکي مرگ ژوبلې عامل و اوسي؟

۵ - د ملکي تلفاتو بل ستر عامل په اطرافي سيمو کې د اربکي قومندانانو افرادو او وسلوالو لخوا د خلکو وژل، تپي کيدل او خورول دي، چې هغه هم مخامخ د کابل ادارې غړي دي او د امريکايي ځواکونو لخوا معاشونه ورکول کيږي.

۶ - د ملکي مرگ ژوبلې بل علت د کابل ادارې د عسکرو يا پوليسو لخوا په عامو کليو او د ملکي خلکو د گڼې گوني په ځايونو باندې د توغندويو رانده بريدونه دي چې هره ورځ په مختلفو ولاياتو کې په اطرافي سيمو کې دا سې پيښې تکرارېږي.

د امريکا د دفاع وزارت د محاسبو له مخې په تير کال کې د امريکايي ځواکونو لخوا په افغانستان باندې (۷۴۲۳) بمونه اورول شوي، که يو بم ۵ کيلوگرامه فرض کړو دا (۳۷۱۱۵) کيلو گرامه باروت چې د افغانستان د خلکو په وړاندې په پوره بې پروايي سره کارول شوي، له دومره لوی وحشت سره آيا دا ممکنه ده چې د همدومره باروتو استعمالوونکي بايد په کال کې ايله د ۸ سلنې د ملکي مرگ ژوبلې مسئلې وبلل شي؟

۳ - زموږ ټول اولس شاهد دی چې د ملکي تلفاتو دوهم ستر عامل د کابل ادارې تر چتر لاندې د صفر يو، صفر دوه، صفر درې، د کندهار امنيتي ځواک او د خوست امنيتي ځواک (ضربتيان) دي چې په خورا بورنوونکي ډول په ملکي وژنو او خورونو کې لاس لري.

د خلکو په کورونو باندې د شپې او ورځې چاپې وهي، خلک له کوره باسي بيا يې په دښتو او صحراوو کې وژني، شخصي زندانونه لري، خلک په کې تعذيب او شکنجه کيږي، آيا دا به کوم افغان وگړی له تاسو سره ومني چې دغه وحشي ځواک به ايله په افغانستان کې د ۱۲ سلنې ملکي مرگ ژوبلې عامله وي؟

له پورته يقيني مرگ ژوبلي سره سره بيا هم د امريکايي اشغالگرو عسکرو لپاره د ۸ سلني مسئوليت راجع کول او د کابل ادارې د مختلفو ارگانونو په غاړه د ۱۶ سلني مسئوليت ور اچول په خورا ښکاره توگه ستاسو راپور تر سوال لاندې راولي، دا خبره روښانه کوي چې دا راپور د امريکايي سفارت خانې، نظاميانو او د کابل ادارې له چارواکو سره په مشوره کې ترتيب شوی او هغوی ته له مشهودو جناياتو څخه د برآت ورکولو هڅه شوې.

داسې کول ستاسو په محاسبو باندې د افغانانو باور ته جدا زيان اړوي او هيڅوک نشي کولای د يوناما راپورونه واقعبينانه او د بشري عاطفې له مخې را جمع شوي وگڼي، بلکې په ښکاره سياسي ملحوظات او د امريکايي اشغالگرو فشارونه په کې په نظر کې نيول شوي چې د اسلامي امارت لپاره د منلو نه دي.

۷- په راپور کې په مشخص ډول د امريکايي ځواکونو لخوا د ډرون الوتکو وحشيانه کردار ته اشاره نه ده شوې. آيا تاسې خبر ياست چې د امريکايانو لخوا د افغانستان په کليوالي سيمو د ډرون الوتکو څخه په استفاده تر کومه حده يوه غير قانوني او غير انساني جگړه جريان لري. ډرون الوتکې اکثره مهال په اطرافي سيمو کږمي کوي او په هر چا يې چې شک راشي ورباندې

بريد کوي. ډرون الوتکو ډير ځله عام بزگران، شپانه، ماشومان او حتی د خوښيو او جنازو مراسم په نښه کړي دي. له دې علاوه د ډرون الوتکو د گشت او د شپې د تيتو پروازونو له امله په کليوالي سيمو کې عامو خلکو ته رواني ستونزې پيدا شوې دي. په زرگونه ښځې او کوچني ماشومان چې د ډرون له اواز سره حساسيت لري په رواني او عصبي امراضو مبتلا شوي. داسې وحشت چې ښايي تاريخ يې بيلگه ونه لري امريکايانو د خپلو هوايي روباتانو (ډرون) په واسطه په افغان کليوالو پيرزو کړی دی.

۸- په اطرافي سيمو کې په تير کال په زرگونو ملکي تاسيسات په قصدي عملياتو کې له منځه وړل شوي د بيلگې په توگه ۱۱۶ مساجد، ۱۸ بابه ښوونځي، ۲۰ صحي مراکز، ۱۶۵۰ د ملکي خلکو کورونه ۱۱ ديني مدارس، ۱۷۱۹ دوکانونه او د څو ښارگوټو په شمول لوی شمير عامه تاسيسات د کابل رژيم عسکرو په قصدي ډول منفجر کړي او تخریب کړي دي. نه پوهيږو د ملل متحد د تعريف له مخې ملکي تاسيسات يوازې هغه دي چې په ښار کې وي او که د اطرافو او کليو عامه تاسيسات هم په دې رديف کې راځي؟؟ په راپور کې دغو تخريبي جناياتو ته اشاره نه ده شوې.

۹- د کابل رژيم استخباراتي ډلې په خاص ډول په خوست کې د سي آی اي تر امر لاندې (

مبايلونه، قيمتي توکي او حتی د ښځو زيورات يې غلاء کړي دي. ستاسو په راپور کې دغو پلان شويو لوټماريو ته هيڅ اشاره نه ده شوې.

۱۱- ستاسو په راپور کې موږ د ۲۶ فدايي بريدونو مسئول بلل شوي يو چې بيا ښودل شوي چې ټول د ملکي خلکو په ضد را منځته شوي، آيا موږ ملکي تأسيسات په نښه کړي دي؟

که تاسو د فدايي بريدونو موارد يو يوشخص کړي، ټول په نظامي اهدافو ترسره شوي، يو ځای هم ملکي ځای نه وو، البته هغه پيښې چې ريښتيا د امارت لخوا شوي او مسئوليت يې هم اخيستل شوی، خو ستاسو په راپور کې داسې وانمود شوی چې گڼې دا بريدونه ټول په عامو خلکو شوي دي، چې موږ يې مغرضانه او ستره بې انصافي گڼو، په زرگونه ټټه امريکايي باروت چې په کليو او خلکو غورځي هغه له پامه غورځي، خو په باگرام، د ناټو په قومندانۍ گرینج ويلج، امینتي قطارونو، نظامي قرارگاډو او مهمو نظامي هستو بريد بيا د ملکيانو په ضد عمل تلقی شوی.

پکتیکا او غزني په ولاياتو کې داسې جنايات ترسره کړي چې شايد د بشر تاريخ يې هم بيلگې ونه لري. مثلاً داسې هم پيښ شوي چې دغه ځواکونه يوه کور ته ورغلي، په کور کې د تلاشي په مهال يې کومه وسله نه ده پيدا کړې، خو يوه کوچنۍ بطري يې موندلې وي. وروسته يې په دې بهانه کور په بمونه الوزولی وي چې دا د مخابراتي بطري ده او تاسو له طالبانو سره رابطه لرئ. حال دا چې کوچنۍ بطري د ديوالي ساعت او ډيرو نورو شيانو لپاره خلک کاروي. بله دا چې دا ځواکونه په کوم کور کې کتابونه پيدا کړي، نو پوښتنه کوي چې دا کتابونه د کوم طالب يا ملا دي، که د کتابونه څښتن ومومي، سمدستي يې د طالبۍ په جرم قتلوي او که په لاس ور نشي نو کتابونه او ټول کور په بمونو الوځوي. د دغسې تکراري جناياتو له امله خلک مجبور شوي چې کتابونه وسوځوي او يا يې تر خاورو لاندې کړي موږ نه پوهيږو يوناما چې د علم او تنوير شعار بدرگه کوي ولې د دغسې وحشتونو په اړه خاموشه ده.

۱۰- په وروستيو کلونو کې په خاص ډول په تېر ميلادي کال کې د امريکايانو له همکارۍ برخمنو د کابل رژيم عسکرو د چاپو او عملياتو په نوم خلکو ته لوی مقدار مالي زيانونه هم اړولي. دوی چې څومره کورونه تلاشي کړي، نو پيسې،

نو ځکه موږ ستاسو دغه راپور ردوو، بې پرې يې نه بولو او په ريښتوني توگه د ملکي خلکو د مرگ ژوبلې د مخنيوي په مقصد تيار شوی نه راته ښکاري.

طبعاً جگړه ده، امکان لري د مجاهدينو په پيښو کې هم ملکي خلکو ته زیانونه اوښتي وي، خو موږ یوه خبره په صراحت سره کوو چې د اسلامي امارت هیڅ یو برید هم د ملکي خلکو د وژلو په قصد نه دی ترسره شوی.

بلې خوا موږ د اکثر و هغو ملکي پيښو چې په غیر قصدي ډول په خطا کې هم د مجاهدينو لخوا اوښتي وي عاملین پیدا کړي او همدا اوس هم په زندانونو کې پراته دي او دوسي په محکمه کې تر دروان لاندې دي.

له دومره احتیاط او توجه سره سره بیا موږ ته د زیاتو ملکي تلفاتو نسبت کول او مقابل جهت ترې خلاصول هغه سوالونه دي چې موږ مخکې هم له تاسو سره پرې بحث کړی او قناعت مو نه دی تر لاسه کړي.

ستاسو د راپور له خپریدو سره سم موږ دا راپور په رسنیو کې هم ردوو او بې پرې یې بولو، په راتلونکي کې هیله لرو چې خپل ارقام دقیق کړي، ریښتیا هم د ملگرو ملتو له آدرسه راپورونه خپاره کړي، د امریکایانو پلو مه نیسي. مننه

Unofficial UNAMA translation:

The Response of the Islamic Emirate of Afghanistan to UNAMA's 2019 Annual Report on Civilian Casualties

With regards,

We express thanks to UNAMA for sharing the annual civilian casualties report with us and hope that the issuance of such reports on civilian casualties make the perpetrators pay more attention to their acts and that this report result in a reduction of the casualties of our oppressed public to even a zero level.

We reviewed the report which was published by UNAMA. Unfortunately, there were shortcomings in the report. We urge all the humanitarian agencies including UNAMA who publish reports on civilian casualties, not to politicize the issue of civilian casualties and prepare and publish the report keeping in mind the realities on the ground. By doing so, they can identify the perpetrators of civilian casualties and pave the ground for actual reduction in the number of accidents.

If the issue of civilian casualties is associated with political considerations and misuse, then we would not be able to actually prevent the human casualties, because killers of innocent people will continue their heinous acts and would blame others for it.

Our comments on the UNAMA Annual Report are as follows:

1. Unfortunately, your report does not contain full information about those incidents and areas, or it has not taken into account when civilians were brutally killed and injured, and homes were destroyed as a result of bombings and night raids conducted by the US forces.

2. The number one major cause of civilian casualties in Afghanistan are the US forces conducting many blind bombings and raiding people's houses.

According to US Department of Defense figures, US forces have dropped 7,423 bombs on Afghanistan in the past year. If we assume that one bomb is made up of five kilograms of ammunition, they will make up a total of 37,115 kg of ammunitions, used with utmost carelessness, against the people of Afghanistan. Despite such huge brutality, is this possible that the user of such an amount of ammunition be held responsible only for 8 percent of all the civilian casualties?

3. The whole nation has witnessed that the number two major cause of civilian casualties is the NDS 01, 02, 03, Kandahar security force and Khost Protection Force operating under the umbrella of the Kabul administration that are violently involved in the civilian killings and persecutions.

These forces conduct day and night raids on people's houses; they take people out of their houses and then kill them in the deserts. They have their

own private prisons where people are persecuted and tortured. Will any Afghan citizen accept that these brutal forces are only responsible for 12 percent of all the civilian casualties in Afghanistan?

4. If you follow the media in Afghanistan, we are witnessing daily reports of civilian casualties from different provinces being published. One out of ten reports may relate to the incidents involving casualties allegedly carried out by the Mujahideen of the Islamic Emirate of Afghanistan, or as a result the mines that have remained from the past exploding, or other explosive devices causing the casualties and no proof has been provided to show that any of those incidents were intentionally carried out. In such a circumstance, no Afghan will accept that our Mujahideen are responsible for 47 percent of all the civilian casualties.

5. Another major cause of civilian casualties is the killing, injury and harassment of people by Arabaki/local commanders and armed militias in the rural areas, who are also members of the Kabul administration and are being paid by US forces.

6. Another cause of civilian casualties is the blind attacks of artilleries by the soldiers or policemen of the Kabul administration on public villages and crowded places of civilians, which are repeated daily in different provinces around the country.

In addition to the above death and injury toll, the attribution of eight percent casualties to the US occupation forces and the attribution of 16 percent

causalities to various organs of the Kabul administration will clearly put your report under question. It is clear that the report was prepared in consultation with the US embassy, military officials and officials of the Kabul administration and efforts have been made to exonerate them from the witnessed crimes.

In doing so, it will seriously damage the trust of Afghans in your calculations, and no one will be able to see UNAMA's reports as being realistic and collected/gathered through human passion, but political considerations and pressures from the American occupiers have been considered. This is not acceptable for the Islamic Emirate of Afghanistan.

7. The report does not specifically mention the brutal role of US forces drones. Do you know about the extent of the illegal and inhuman war being conducted using drones by Americans in the rural areas of Afghanistan? The drones often patrol the rural areas and attack anyone whom they suspect. Drones have often targeted ordinary farmers, shepherds, children and even wedding and funerals ceremonies. In addition, due to drone patrols and low night flights, the flights have caused psychological problems for the public in rural areas. Thousands of women and young children who are sensitive to the sound of drones suffer from psychological and neurological disorders. Through their robots (drones), the Americans have horrified the Afghan villagers in such a manner whose example cannot be traced back in the history.

8. Thousands of civilian establishments were destroyed last year in deliberate operations in the rural areas, for example - 116 mosques, 18 schools, 20 health centers, 1650 civilian homes, 11 religious Madrasas, 1719 shops and a number of townships, including civil property, were deliberately exploded and destroyed by the forces of the Kabul administration. We don't know what the definition of public property is by the UN. Does it refer only to civilian properties that are in the city, or to properties in rural areas and villages? The report did not address these devastating crimes.

9. Kabul-based intelligence agencies, especially under the CIA order in Khost (Khost Protection Force), Paktya, Paktika and Ghazni provinces have carried out such crimes, that cannot be traced back in the history. For example, it is reported that these forces went to a house, did not find any weapon there during the search operation, but found a small [handheld radio] battery in the house. Then they bombed the house because a small battery was found in the house and the occupant of the house was blamed for having contact with the Taliban. However, small batteries are used by people for wall clocks and many other purposes. If these forces find any type of books in the house, they ask who these books belong to, to any Talib or Mullah. If they find the owner of the books, he will be immediately killed by them for being allied to Taliban and if they do not get him, then the books and the whole house will be destroyed by bombs. Due to such repeated crimes, people have been forced to burn or hide their books. We do not know why UNAMA,

which promotes the slogan of knowledge and enlightening, is silent about such horrific acts.

In recent years, especially in the past year, the forces of the Kabul regime have, with the support of the US, also caused huge financial losses to people through raids and operations. They have stolen money, mobiles, valuable items and even women's jewelry during the search operations. There are no references made in your report to these deliberate lootings.

In your report, we were considered to be responsible for 26 martyrdom attacks, it again showed in your report that all were carried out against civilians. Do you think that we target civilian locations?

If you specify the instances of the martyrdom attacks one by one, you will find that all were carried out against military targets, not any civilian locations. The incidents that were actually carried out by the Emirate and for which responsibility was also taken have been reflected in your report as being directed against the public, which we consider to be biased and unfair and you turned a blind eye to the thousands of tons of American ammunition dropped on villages and ordinary people. However, in your report the attacks on Bagram, NATO Headquarters, Green Village, security caravans, military installations and major military bases are regarded as acts against the civilians.

Therefore, we reject your report. We do not consider it to be impartial and it does not appear to be accurately intended to prevent civilian casualties.

It is, of course, a war. It is possible that some losses are inflicted on civilians in attacks launched by Mujahideen, but we could say one thing explicitly: that no single attack has been carried out for the purpose of killing civilians.

On the other hand, we have found the offenders of most of the civilian incidents that have, unintentionally and out of error, been carried out by the Mujahideen and they are currently kept in prisons and their cases are under process in the courts.

Despite so much caution and attention, the attribution of a large number of civilian casualties to us and finding the opposing party not guilty of the attribution are the questions that we have already discussed with you and we have not been convinced.

Upon publication of your report, we will reject this report in the media as well and call it partial. In the future, we hope you use accurate figures, and truly publish reports from the United Nation's address, and do not take the side of Americans.

Thank you

ENDNOTES

1. UNAMA also documents and verifies incidents that result in civilian property damage.
2. For more information, see Annex I: Legal Framework and the definition of civilians and ‘civilian casualties’ in Annex III: Glossary.
3. International Committee of the Red Cross (ICRC), 2016 Commentary of Article 3, Geneva Convention I of 1949, para. 530.
4. ICRC, Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law, May 2009, p. 32.
5. *Ibid.* pp. 33-35.
6. ICRC Customary International Humanitarian Law, 2005, Volume I: Rules (“ICRC Customary International Humanitarian Law Study”), Rule 6, accessible at: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1>.
7. See UNAMA Protection of Civilians Annual Reports 2013, p. 32; 2014, p. 74; 2015, p. 54; 2016, p. 78; 2017, pp. 6 and 56 (referring to all Anti-Government Elements); and 2018, p. 28.
8. See UNAMA Special Report on Airstrikes in Dasht-e-Archi district, Kunduz Province, 2 April 2018 (published May 2018); and UNAMA Special Report on Airstrikes on Alleged Drug-Processing Facilities (published October 2019), available at: <https://unama.unmissions.org/protection-of-civilians-reports>.
9. *Ibid.* This was the second human rights fact-finding mission into Taliban-controlled territory, carried out jointly with the AIHRC, following the mission to Dasht-e-Archi district, Kunduz Province, in April 2018.
10. In 2018, UNAMA verified 10,994 civilian casualties (3,803 killed and 7,191 injured).
11. “Anti-Government Elements” include members of the Taliban and ISIL-KP, as well as members of other armed groups involved in armed conflict with, or armed opposition against, the Government of Afghanistan and/or international military forces. See Annex II: Main Parties to the Conflict and Annex III: Glossary.
12. “Pro-Government Forces” refer to Afghan National Security Forces and other forces and groups that act in military or paramilitary counter-insurgency operations and are directly or indirectly under the control of the Government of Afghanistan. For the purposes of UNAMA protection of civilians reports, Pro-Government Forces include pro-Government armed groups. See Annex II: Main Parties to the Conflict and Annex III: Glossary.
13. See UNAMA Mid-Year update on Protection of Civilians (July 2019) available at: <https://unama.unmissions.org/protection-of-civilians-reports>.

- reports.
14. From 1 July to 30 September 2019, UNAMA documented 4,489 civilian casualties (1,256 killed and 3,233 injured).
 15. From 1 October to 31 December 2019, UNAMA documented 1,930 civilian casualties (725 killed and 1,205 injured), compared to 2,754 civilian casualties (933 killed and 1,821 injured) in the same period in 2018.
 16. In 2019, ISIL-KP carried out seven suicide attacks, including complex attacks causing 455 civilian casualties (183 killed and 272 injured) as compared to 36 such attacks in 2018 causing 1,892 civilian casualties (557 killed and 1,335 injured), which represents a 76 per cent decrease.
 17. In 2019, the Taliban carried out 29 suicide attacks, including complex attacks causing 1,499 civilian casualties (165 killed and 1,334 injured) as compared to 21 such attacks in 2018 causing 642 civilian casualties (216 killed and 426 injured), which represents a 133 per cent increase.
 18. In 2019, UNAMA documented 2,832 civilian casualties (817 killed and 2,015 injured) from attacks of Anti-Government Elements that deliberately targeted civilians.
 19. See, section IV(b)(i) on *Airstrikes for more information* of this report.
 20. In 2018, UNAMA documented 95 civilian casualties from the 2 April 2018 Afghan Airforce airstrike in Dasht-e-Archi district of Kunduz province (see UNAMA Protection of Civilians Annual Report 2018, pp. 34 and 35, available at <https://unama.unmissions.org/protection-of-civilians-reports>). Without this single incident, UNAMA would have documented a 10 per cent increase of civilian casualties caused by the Afghan Air Force in 2019.
 21. This includes, for example, individuals who may collect “tax” or zakat, as well as individuals who may be involved in financially supporting Anti-Government Elements through the processing of illicit drugs or other means. See UNAMA Special Report: Airstrikes on Alleged Drug-Processing Facilities, Farah, 5 May 2019 (published in October 2019), available at: <https://unama.unmissions.org/protection-of-civilians-reports>.
 22. ICRC, Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law, May 2009, p. 32-35.
 23. ICRC Customary International Humanitarian Law Study, Rule 6. For more information on the legal analysis concerning this topic, please read UNAMA Special Report: Airstrikes on Alleged Drug-Processing Facilities, Farah, 5 May

- 2019 (published in October 2019), available at: <https://unama.unmissions.org/protection-of-civilians-reports>.
24. See the listed parties under Annex I of the Secretary General Report on Children and Armed Conflict (A/73/907), 29 June 2019.
 25. *Bacha bazi* is a harmful practice whereby boys are exploited by wealthy or powerful men for entertainment, particularly for dancing and sexual activities; it is criminalized in the revised Penal Code, which came into effect in February 2018.
 26. The perpetrators were not members of Pro-Government Forces or Anti-Government Elements.
 27. See section IV.b.ii on *Search operations* of this report.
 28. Percentages are rounded. As a result, the breakdown figures may not always add up to the aggregated figure.
 29. See section V.d. on *Cross-border incidents* for more information of this report.
 30. In 2018, UNAMA attributed 6,970 civilian casualties (2,238 killed and 4,732 injured) to Anti-Government Elements.
 31. Of the incidents attributed to the Taliban, the group publicly claimed responsibility for 81 attacks resulting in 1,712 civilian casualties (204 killed and 1,508 injured).
 32. Of the incidents attributed to ISIL-KP, the group claimed responsibility for 50 attacks (mostly targeting civilians) causing 788 civilian casualties (181 killed and 607 injured).
 33. In 2018, Afghan national security forces caused 1,629 civilian casualties (640 killed and 989 injured).
 34. This is compared to 2018 when UNAMA recorded 1,013 civilian casualties (534 killed and 479 injured) resulting from airstrikes by Pro-Government Forces.
 35. This is compared to 2018 when UNAMA recorded 353 civilian casualties (284 killed and 69 injured) from search operations by Pro-Government Forces.
 36. The United States Special Representative for Afghanistan Reconciliation held talks with the Taliban in Doha from 25 February to 12 March, 1 to 9 May 2019, 29 June to 9 July and 3 -11 August. The talks continued to focus on the withdrawal of American forces and on guarantees that Afghanistan would not become a base for transnational terrorism. See the following Reports of the Secretary-General on the situation in Afghanistan and its implications for international peace and security: A/73/902-S/2019/493; A/74/348-S/2019/703 (3 September 2019); A/74/582-S/2019/935 (10 December 2019).
 37. Operation Freedom's Sentinel, Lead Inspector

- General Report to the United States Congress (1 January – 31 March 2019), p.3, available at: https://www.stateoig.gov/system/files/fy2019_lig_oco_report.pdf.
38. In Q2 2019, Taliban were responsible for 269 incidents resulting in 798 civilian casualties (257 killed and 541 injured) as compared to Q2 2018 when Taliban were responsible for 379 incidents resulting in 1,020 civilian casualties (369 killed and 651 injured).
 39. See <https://www.afghanistan-analysts.org/aan-qa-what-came-out-of-the-doha-intra-afghan-conference/> and <https://foreignpolicy.com/2019/07/10/the-taliban-have-a-road-map-for-peace/>.
 40. See the A/74/582-S/2019/935 (10 December 2019); also see https://media.defense.gov/2019/Nov/20/2002214020/-1/-1/1/Q4FY2019_LEADIG_OFS_REPORT.PDF. A Romanian soldier was also killed in the attack.
 41. See UNAMA Protection of Civilians Special Report: 2019 Election Violence (October 2019), available at: <https://unama.unmissions.org/protection-of-civilians-reports>.
 42. See *Chapter III: Anti-Government Elements*.
 43. An additional three women casualties (two killed and one injured) were attributed to the Pakistani Military Forces. See section V.d. on *Cross-border incidents* of this report for more information. Eight women casualties (four killed and four injured) were caused by explosive remnants of war and could not be attributed to any party.
 44. For more information on the humanitarian needs in Afghanistan, see the 2020 Afghanistan Humanitarian Needs Overview (17 December 2019), United Nations Office for the Coordination of Humanitarian Affairs (OCHA), available at: <https://www.humanitarianresponse.info/en/operations/afghanistan/document/afghanistan-humanitarian-needs-overview-2020>.
 45. The Taliban has been listed for recruitment and use, killing and maiming, attacks on schools and/or hospitals, and abductions; ISIL-KP have been listed for recruitment and use and killing and maiming; and the Afghan National Police and Afghan Local Police have been listed for recruitment and use. The Afghan Government concluded an action plan with the United Nations in 2011 and a Road Map to Compliance in 2014.
 46. In 2019, UNAMA documented 2,226 boy casualties and 910 girl casualties. It was unable to verify the gender of 13 child casualties.
 47. See section V.d. on *Cross-border incidents* of this report for more information.
 48. UNAMA recorded the following child casualties from airstrikes: 2009 - 152 (92 killed and

- 60 injured); 2010 – 42 (28 killed and 14 injured); 2011 – 183 (127 killed and 56 injured); 2012 – 74 (51 killed and 23 injured); 2013 – 49 (35 killed and 14 injured); 2014 – 54 (32 killed and 22 injured); 2015 – 91 (36 killed and 55 injured); 2016 – 200 (78 killed and 122 injured); 2017 – 266 (114 killed and 152 injured); 2018 – 492 (236 killed and 256 injured).
49. Law on Protection of Child Rights, Legislative Decree (No. 362) (5 March 2019).
 50. Pursuant to Article 79 of the 2004 Constitution of Afghanistan, Legislative Decrees “must be presented to the National Assembly within 30 days of convening its first session. Once presented to the National Assembly, if a decree is rejected, it is void and unenforceable. Until such time that it is rejected by both houses, a decree retains its legal force.” As a procedural matter, Legislative Decrees are first adopted by the Wolesi Jirga (lower house) and then transmitted to the Meshrano Jirga (upper house) for its concurrence.
 51. See Annex III: *Glossary*.
 52. UNAMA notes the ongoing investigation by the high-level committee at the Office of the Attorney General into allegations of widespread sexual abuse against children in schools in Logar province, which surfaced in the media in November 2019. While it is unclear whether this case has a conflict-nexus, UNAMA continues to follow up on the allegations and provide technical assistance to the Office of the Attorney General.
 53. Convention on the Rights of the Child (1989), Articles 19(1) and 34.
 54. *Ibid.* Article 37(a).
 55. Taliban claimed responsibility for the attack on Twitter, see https://twitter.com/Zabehulah_M33/status/1145704786181939200.
 56. UNAMA attributed 18 incidents to Taliban, seven to ISIL-KP and four to undetermined Anti-Government Elements.
 57. These figures do not include incidents in which schools and education personnel were incidentally affected.
 58. Of incidents attributed to Pro-Government Forces, four were attributed to the Afghan National Army, three to the National Directorate of Security, two to international military forces, and two to unknown or multiple pro-government forces.
 59. Article 4(3)(a), Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), 8 June 1977; Rule 38, ICRC, Customary International Humanitarian Law Database.
 60. OCHA, Humanitarian Needs Overview 2020, available at: <https://>

www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/afg_humanitarian_needs_overview_2020.pdf.

61. Of incidents attributed to Pro-Government Forces, six were attributed to the Afghan National Army, five to the National Directorate for Security, one to Afghan National Police, one to Afghan Local Police, one jointly to various Pro-Government Forces, and three to international military forces.
62. The ban on the World Health Organization was limited to house-to-house polio vaccination campaigns. ICRC activities were also temporarily banned by the Taliban around the same time.
63. Common Article 3 to the Geneva Conventions of 12 August 1949 (“Common Article 3”); Additional Protocol II, Articles 4(2), 7, 13; ICRC, Customary International Humanitarian Law Study, Rules 1, 6 and 7. Medical staff, medical units and medical transports, whether military or civilian, assigned exclusively to medical duties by parties to the conflict are also protected from attack by international humanitarian law. See Common Article 3; Additional Protocol II, Article 9(1); ICRC Customary International Humanitarian Law Study, Rules 25, 28 and 29. See also Rome Statute of the International Criminal Court (“Rome Statute”), Articles 8(2)(c), (e)(i), (e)(ii).
64. See Universal Declaration of Human Rights (1949), Article 25; International Covenant on Economic, Social, and Cultural Rights (1966), Article 12; United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000). See also International Court of Justice, Advisory Opinion on Legal Consequences of Construction of the Wall in Occupied Palestinian Territories, 9 July 2004, para. 106.
65. These figures also include civilian casualties resulting from conventional landmines.
66. In 2018, UNAMA attributed 6,970 civilian casualties (2,238 killed and 4,732 injured) to Anti-Government Elements. The total figures for civilian casualties attributed to Anti-Government Elements does not include incidents in which civilian casualties were jointly attributed to both Anti-Government Elements and Pro-Government Forces during ground engagements. Please see *Chapter V: Ground Engagements: Civilians Caught in the Crossfire* of this report.
67. The talks between the Taliban and United States negotiators were suspended by the United States on 7 September and resumed at the start of December 2019. See *Chapter I: Political and Security Dynamics Affecting Civilian Protection* of this report.
68. UNAMA attributes incidents to a particular

- Anti-Government Element group when the group claims responsibility, or when responsibility for an incident is not claimed but the analysis of all evidence available leads UNAMA to the conclusion that the group is responsible. Mainly related to incidents involving suicide and non-suicide IEDs, the analysis includes review of any information available in the public domain as well as information provided by the Government and other sources, some of which is provided confidentially and retained in the UNAMA Protection of Civilians database. Where ‘undetermined Anti-Government Elements’ is used, UNAMA also undertakes analysis to ensure that the incident had a conflict nexus, as casualties from the use of IEDs and other weapons by criminal groups not a part of the armed conflict are not included in UNAMA reporting.
69. Also see https://www.aihrc.org.af/home/press_release/8497; and <https://www.aihrc.org.af/home/press-release/8499>.
 70. See <https://news.un.org/en/story/2015/10/513732-un-condemns-attack-human-rights-workers-afghanistan-killed-two-injured-six>. In another incident, on 5 August 2007, Taliban members killed Amir Mohammad Ansari Baluch, the provincial director of AIHRC in Ghor province as he was travelling from Herat to Kabul. This incident predated UNAMA’s systematic documentation of civilian casualties and establishment of the UNAMA Protection of Civilians database.
 71. See A/HRC/22/47. In October 2019, the Sub-Committee on Accreditation recommended the AIHRC be recredited with ‘A’ status (<https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/SCA-Reports.aspx>).
 72. “Warning by Military Commission of Islamic Emirate to hostile media outlets” (24 June 2019), available at: <https://alemarahenglish.com/?p=47329>. This was not the first time the Taliban had issued public statements threatening the media. On 12 October 2014, the Military Commission issued a statement condemning the reporting of TOLO TV and IT, declaring that they considered these television channels to be targets and not legitimate media outlets.
 73. See also the statement by UNAMA on 27 June 2019, <https://unama.unmissions.org/statement-tadamichi-yamamoto-taliban-threats-against-media-afghanistan>.
 74. See section III.b.ii on *Attacks deliberately targeting civilians and civilian objects* of this report.
 75. In 2018 and throughout 2019, the Taliban issued orders to telecommunications companies to shut down services overnight as a means of preventing security forces from tracking them down or carrying out operations against their fighters. Private telecommunications companies such as Roshan, Afghan Wireless Communication Company, Multinational Telecommunication Network and Etisalat thus shut down their services in the evening in certain parts of the country, including Kunduz, Baghlan and

- Takhar provinces; Salaam Telecommunications is the only network that has continued to operate in those regions overnight. See for example <https://iwpr.net/global-voices/overnight-ban-telecoms-afghan-provinces>.
76. Statement on file in the UNAMA Protection of Civilians database; previously available here: <http://alemarahenglish.com/?p=50587> (link broken).
 77. According to 2019 figures recorded by the United Nations Department of Safety and Security, security-related incidents decreased in Kabul while they increased in both Kunar and Nangarhar provinces.
 78. In 2018, UNAMA documented 2,181 civilian casualties (681 killed and 1500 injured) perpetrated by ISIL-KP, which was a 118 per cent increase from 2017.
 79. In 2019, UNAMA documented 501 civilian casualties (53 killed and 448 injured) from non-suicide IEDs attributed to ISIL-KP as compared to 177 civilian casualties (48 killed and 129 injured) in 2018. For ground engagements attributed to ISIL-KP, UNAMA documented 160 civilian casualties (18 killed and 142 injured) in 2019 as compared to 19 civilian casualties (six killed and 13 injured) in 2018.
 80. Information recorded by the UN Department of Safety and Security.
 81. Comments made by President Ghani during a gathering of elders and officials in Jalalabad on 19 November, see: <https://www.reuters.com/article/us-afghanistan-islamicstate/afghanistans-president-claims-victory-over-islamic-state-idUSKBN1XT1UQ>
 82. [1]See the comment of the US Special Representative Zalmay Khalilzad on Twitter: <https://twitter.com/US4AfghanPeace/status/1201956898616025093?s=20>
 83. In 2019, non-suicide IED attacks by Anti-Government Elements caused 2,258 civilian casualties (507 killed and 1,751 injured) and suicide IED attacks by Anti-Government Elements caused 2,078 civilian casualties (378 killed and 1,700 injured).
 84. See Annex I: Legal Framework.
 85. In 2019, ISIL-KP carried out seven suicide attacks, including complex attacks, causing 455 civilian casualties (183 killed and 272 injured) as compared to 36 such attacks in 2018 causing 1,892 civilian casualties (557 killed and 1,335 injured), which represents a 76 per cent decrease.
 86. In 2018, Taliban suicide attacks, including complex attacks, caused 642 civilian casualties (216 killed and 426 injured).
 87. On 1 July, the Taliban claimed responsibility on Twitter, accessible at https://twitter.com/QyAhmadi_1/status/1174573369775316992?s=20 and https://twitter.com/Zabehulah_M33/status/1145589351021236224 (in Pashto).
 88. In 2019, the Taliban caused 1,584 civilian casu-

alties (438 killed and 1,146 injured) from non-suicide IEDs, and ISIL-KP caused 501 civilian casualties (53 death and 448 injured) from such devices.

89. In 2019, UNAMA documented 338 men (135 killed and 203 injured); 241 children (101 killed and 140 injured); 70 women (38 killed and 32 injured); and one civilian death of unspecified gender and age that were caused by pressure-plate IEDs.
90. This figure does not include attacks targeting Afghan National Police by Anti-Government Elements, which caused 799 additional civilian casualties (208 killed and 591 injured).
91. The Taliban claim not to deliberately target civilians as a matter of policy; however, their definition of a civilian does not align with international humanitarian law, as UNAMA has previously raised as a concern. See the *Methodology* section of this report and fn 7 for reference.
92. For more information on the broader impact of the armed conflict on healthcare in Afghanistan, see *Chapter II: Thematic Concerns* of this report.
93. A total of 21 civilians were registered at the hospital, but only six required treatment beyond first aid.
94. The claim of responsibility from ISIL-KP is on file in the UNAMA Protection of Civilians da-

tabase.

95. See <https://alemarahenglish.com/?p=49655> (6 August); https://twitter.com/Zabehulah_M33/status/1174192534354108416?s=20 (18 September)(Pashto); and <https://alemarahenglish.com/?p=52430> (26 September).
96. ICRC Customary International Humanitarian Law Study, Rule 20.
97. See A/HRC/29/CRP.4, para. 94.
98. In addition, UNAMA has documented 27 incidents with 63 civilian casualties (13 killed and 50 injured) on 28 September, polling day, that were attributed to Pro-Government Forces who were targeting Anti-Government Elements, and which were not considered election-related.
99. International Covenant on Civilian and Political Rights (1966), Article 25.
100. This does not include attacks incidentally affecting mosques/places of worship or attacks on mosques/places of worship if used by a party to the conflict in fighting.
101. In 2018, UNAMA documented 22 attacks against people and places of worship, resulting in 453 civilian casualties (156 killed and 297 injured), similar to the number of civilian casualties related to these attacks in 2017.
102. In 2019, Taliban attacks on places of worship,

- religious leaders and worshippers resulted in 73 civilian casualties (11 killed and 62 injured) as compared to 31 civilian casualties (14 killed and 17 injured) in 2018.
103. In 2018, UNAMA documented 6 attacks against people and places of worship through the use of suicide attacks, including complex attacks, resulting in 413 civilians (138 killed and 275 injured).
104. Also called Haska Meyna district.
105. The claim of responsibility from ISIL-KP is on file in the UNAMA Protection of Civilians database.
106. ICRC Customary International Humanitarian Law Study, Rule 38. Rome Statute, Article 8(2)(e)(iv) criminalizes in non-international armed conflict “intentionally directing attacks against buildings dedicated to religion [...] historic monuments [...] provided they are not military objectives”. See also Additional Protocol II, Article 16; International Convention on Civil and Political Rights, Article 18. See also Afghanistan’s Revised Penal Code (2018), Articles 337-340 related to war crimes and Articles 336, 342 and 343 related to crimes against humanity.
107. Universal Declaration of Human Rights (1948); International Covenant on Civil and Political Rights (1966), Articles 2, 18, 27. See also United Nations Human Rights Committee, General Comment 22 on Article 18 (1993). See also International Court of Justice, Advisory Opinion on Legal Consequences of Construction of the Wall in Occupied Palestinian Territories, 9 July 2004, para. 106.
108. International Covenant on Economic, Social and Cultural Rights (1966), Article 15.
109. In 2017, UNAMA recorded 557 civilian casualties (211 killed and 346 injuries) resulting from 22 sectarian-motivated attacks. For details, see UNAMA Protection of Civilians Annual Report 2017 pp. 41-42; See also UNAMA Special Report on Attacks against Places of Worship, Religious Leaders and Worshippers (November 2017).
110. In 2018, UNAMA recorded 747 civilian casualties (223 killed and 524 injured) resulting from 19 sectarian-motivated attacks.
111. This included a woman killed and seven women injured.
112. This included two children killed and 17 children injured as well as three women killed and 13 women injured. On 9 March 2018, ISIL-KP was responsible for 32 civilian casualties (12 killed and 20 injured) in the same area through a suicide IED targeting the same commemoration.
113. Common Article 3; Additional Protocol II, Articles 4(2), 13(2); Rome Statute, Articles 8(2)(c) and 8(2)(e)(i); ICRC Customary International Humanitarian Law Study, Rules 1, 6, 89, 15.

114. For example, crimes against humanity as defined in Article 7 of the Rome Statute include, inter alia, acts of murder; extermination; or persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds; and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.
115. See for example, Articles 18 and 27 of the International Covenant on Civil and Political Rights (1966) and United Nations Human Rights Committee, General Comment No. 23 on Article 27 (1994).
116. International Covenant on Civil and Political Rights, Article 20.
117. See Glossary for a definition of ‘abduction’.
118. In 2018, UNAMA documented 1,857 conflict-related abductions of which 53 were killed and 34 injured.
119. UNAMA attributed 176 incidents of abductions to the Taliban (with 906 civilians abducted, 39 of whom were killed and three injured); 37 incidents to ISIL-KP (89 civilians abducted, including six killed); and two incidents to undetermined Anti-Government Elements affecting four civilians. The three abduction incidents attributed to pro-Government armed groups affected seven civilians and resulted in the death of five while two more were injured.
120. Common Article 3 of the 1949 Geneva Conventions prohibits the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples; Rome Statute, Article 8(2)(c)(iv).
121. ICRC Customary International Humanitarian Law Study, Rule 97.
122. In 2018, UNAMA documented 2,607 civilian casualties (1,182 killed and 1,425 injured) attributed to Pro-Government Forces.
123. The remaining civilian casualties attributed to Pro-Government Forces occurred outside the context of ground engagements, mainly incidents of killing and injuring of civilians (either known to be civilian or mistaken for Anti-Government Elements).
124. In 2018, UNAMA documented 1,012 civilian casualties (281 killed and 731 injured) from ground engagements attributed to Pro-Government Forces. In 2017, UNAMA documented 1,121 civilian casualties (275 killed and 846 injured) from ground engagements attributed to Pro-Government Forces.
125. In 2019, the use of indirect weapons by Pro-Government Forces during ground engage-

ments caused 1,061 civilian casualties (283 killed and 778 injured); in 2018, such incidents caused 851 civilian casualties (210 killed and 641 injured). See also *Chapter IV: Ground Engagements: Civilians Caught in the Crossfire* of this report.

126. In 2018, UNAMA documented 1,013 civilian casualties (534 killed and 479 injured) from airstrikes by Pro-Government Forces.

127. In 2018, UNAMA documented 353 civilian casualties (284 killed and 69 injured) from search operations by Pro-Government Forces.

128. In this report, civilian casualties attributed to multiple Pro-Government Forces that are all part of the Afghan National security forces have been categorized under Afghan national security forces; prior to this report, they were attributed to “multiple Pro-Government Forces”.

129. In 2018, Afghan national security forces caused 1,629 civilian casualties (606 killed and 929 injured).

130. See also similar concerns raised in relation to the Khost Protection Force below in section IV.a.iii on *Pro-Government Armed Groups* of this report.

131. In 2019, UNAMA attributed 71 civilian casualties (63 killed and 8 injured) to NDS01; 97 civilian casualties (80 killed and 17 injured) to NDS02; and 79 civilian casualties (48 killed and 31 injured) to NDS03.

132. In 2018, international military forces were responsible for 667 civilian casualties (386 killed and 281 injured).

133. See UNAMA Special Report on Airstrikes on Alleged Drug-Processing Facilities, Farah, 5 May 2019 (published in October 2019) for further legal analysis on targeting; also see section IV.b.i on *Airstrikes* of this report.

134. ICRC Customary International Law Study, Rule 16.

135. In 2018, UNAMA documented 180 civilian casualties (99 killed and 81 injured) attributed to pro-Government armed groups.

136. In 2019, UNAMA attributed 62 civilian casualties (58 killed and 4 injured) to Shaheen Forces; 25 civilian deaths to the Khost Protection Force; and 10 civilian casualties (2 killed and 8 injured) to both Shaheen Forces and the Khost Protection Force.

137. 137. See for example the UNAMA Protection of Civilians Annual Report 2018, p. 36; UNAMA Quarterly Report on the Protection of Civilians (April 2019), p.5; UNAMA Midyear Update on the Protection of Civilians (July 2019), p.10; and UNAMA Quarterly Report on the Protection of Civilians (October 2019), p.10.

138. In 2018, UNAMA documented 28 incidents involving 111 civilian casualties (71 killed and 40 injured) as a result of Khost Protection

Force operations.

139. The majority of civilian casualties attributed to the Khost Protection Force and Shaheen Forces in 2019 were caused in the context of search operations.

140. On 12 August, NDS01 issued a Tweet about an operation in Zurmat, Paktya province that UNAMA has attributed to Shaheen Forces, see https://twitter.com/NDS_Afghanistan/status/1160810703357468675 (in Dari).

141. See section IV.b.ii on *Search Operations* of this report.

142. In 2018, UNAMA documented 1,013 civilian casualties (534 killed and 479 injured) resulting from airstrikes by Pro-Government Forces.

143. In 2018, airstrikes accounted for nine per cent of all civilian casualties that year.

144. UNAMA documented 755 civilian casualties (546 killed and 209 injured) from airstrikes by international military forces in 2019 as compared to 644 civilian casualties (381 killed and 263 injured) in 2018.

145. UNAMA documented 231 civilian casualties (113 killed and 118 injured) from airstrikes by the Afghan Air Force in 2019 as compared to 304 civilian casualties (118 killed and 186 injured) in 2018. In 2018, UNAMA documented 95 civilian casualties in relation to the 2 April 2018 Afghan Airforce airstrike in Dasht-e-Archi district of Kunduz province (see UNAMA Protection of Civilians Annual Report 2018, pp. 34 and 35, available at <https://>

unama.unmissions.org/protection-of-civilians-reports.. Without this single incident, UNAMA would have documented a 10 per cent increase in civilian casualties in 2019 caused by the Afghan Air Force as compared to 2018.

146. For data for the 2012-2019 period, see <https://www.afcent.af.mil/About/Airpower-Summaries/>; for 2011, see Air Power Summaries of the US Air Forces Central Command: <https://www.afcent.af.mil/Portals/82/Airpower%20Summary%20-%20February%202016.pdf?ver=2016-11-25-023616-157>. Several media sources reported that the number of munitions dropped in Afghanistan in 2019 was the highest since 2006 when the Pentagon began documentation: <https://www.stripes.com/news/middle-east/us-dropped-bombs-in-afghanistan-at-record-level-in-2019-1.616428>; <https://www.theguardian.com/us-news/2020/jan/28/us-afghanistan-war-bombs-2019>; <https://www.aljazeera.com/news/2020/01/record-7423-bombs-dropped-afghanistan-2019-report-200128142958633.html>.

147. Air Power Summaries, *Ibid*.

148. UNAMA only verifies civilian casualties, not casualties of members of Pro-Government forces or Anti-Government Elements, and so the numbers cited in the following news articles have not been independently verified by UNAMA: <https://www.nytimes.com/2019/05/17/world/asia/us-airstrike-afghanistan-police.html> (US airstrike reported to have killed Afghan police officers in Helmand province on 16 May 2019); <https://www.nytimes.com/2019/03/23/world/asia/afghanistan-insider-airstrike-civilians.html> (Afghan soldiers reported to be

- killed alongside civilians in US airstrike in Kunduz province on 23 March 2019); <https://www.voanews.com/south-central-asia/officials-us-airstrike-mistakenly-kills-4-afghan-soldiers> (US airstrike reported to kill and injure Afghan soldiers in Logar province on 18 November 2019); <https://www.nytimes.com/2019/03/23/world/asia/afghanistan-insider-airstrike-civilians.html> (Afghan soldiers killed and wounded by US airstrike after a joint American-Afghan special forces patrol exchanged fire with a nearby ANA base on 13 March 2019 in southern Uruzgan province).
149. The first night strike of the Afghan Air Force was carried out on 8 December 2018. See Department of Defense, *Enhancing Security and Stability in Afghanistan*, June 2019, p. 59, available at: <https://media.defense.gov/2019/Jul/12/2002156816/-1/-1/1/ENHANCING-SECURITY-AND-STABILITY-IN-AFGHANISTAN.PDF>.
150. According to SIGAR, ATACs are only used in 2.5 to 7.5 per cent of all Afghan Air Force strikes from MD530 helicopters and A-29s https://media.defense.gov/2019/Nov/20/2002214020/-1/-1/1/Q4FY2019_LEADIG_OFS_REPORT.PDF.
151. UNAMA is mandated to verify civilian casualties and so the presence of Al Qaeda is not verified by UNAMA.
152. See initial public statement published by UNAMA in the aftermath of the incident: <https://unama.unmissions.org/united-nations-concerned-continuing-high-number-civilian-casualties-afghanistan>.
153. See <https://www.tolonews.com/afghanistan/activists-relatives-helmand-seek-justice-civilian-deaths>.
154. See the relevant tweets on 23 September 2019 on the official Twitter account of the National Security Council: <https://twitter.com/NSCAfghan/status/1176212078069276677?s=20>.
155. ICRC, *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law*, May 2009, p. 32-35.
156. ICRC Customary International Humanitarian Law Study, Rule 6. For more information on the legal analysis concerning this topic, please read UNAMA Special Report: *Airstrikes on Alleged Drug-Processing Facilities* (October 2019), available at: <https://unama.unmissions.org/protection-of-civilians-reports>.
157. UNAMA interview with the victim at a hospital, Kandahar city, 29 January 2019.
158. See for example the incident highlighted in the orange box above entitled “US Forces – Afghanistan airstrikes on 19 September 2019 on farmers in ISIL-KP-controlled territory causing 30 civilian casualties”.
159. See, for example, UNAMA Protection of Civilians Annual Reports 2018 (p. 39); 2017 (p. 47); 2016 (p. 9); and 2015 (p.11).
160. See Rule 15, ICRC Customary International Law Study and Article 13, Additional Protocol

II.

161. See, for example, International Criminal Tribunal for the Former Yugoslavia, Kupreskic case, Judgment, paras. 49, 132, 526.
162. See Rule 14, ICRC Customary International Law Study.
163. See Rule 140, ICRC Customary International Law Study.
164. In 2018, UNAMA documented 353 civilian casualties (284 killed and 69 injured) from search operations. UNAMA has documented intentional killings, including summary executions during search operations. The civilian casualties mentioned in IV.a.ii *Search operations* and IV.a.iii *Intentional killings* do not overlap.
165. In 2018, UNAMA attributed to NDS Special Forces 244 civilian casualties (206 killed and 38 injured) resulting from search operations.
166. In 2018, UNAMA attributed to pro-Government armed groups 51 civilian casualties (41 killed and 10 injured) resulting from search operations.
167. Locally, NDS03 is also referred to as forces from “Mullah Omar’s House” as they operate from a base in the area where Mullah Omar used to reside.
168. According to information received from NDS (letter #12855 of 06/09/1397, on file with UNAMA), none of its operational and special units have detention centres of their own. Upon arrest, NDS special units reportedly refer suspects and accused persons to NDS detention centres in the capital and provinces for initial investigations.
169. UNAMA publishes reports on the treatment of conflict-related detainees on a biannual basis. For more information, see <https://unama.unmissions.org/treatment-conflict-related-detainees-afghan-custody>.
170. NDS03 press release from 5 September 2019 is on file in the UNAMA Protection of Civilians database. UNAMA reiterates that individuals who are supporting an armed opposition group – politically, financially or otherwise - but who do not have a continuous combat function in the organized armed group, are not considered to be members of the armed group. As civilians they are protected from attack, unless and for such time as they directly participate in the hostilities.
171. “Afghan intelligence director quits after deadly raid”, AFP (5 September 2019), available at: <http://www.rfi.fr/en/contenu/20190905-afghan-intelligence-director-quits-after-deadly-raid>.
172. On 5 January 2020, both perpetrators were sentenced to 25 years imprisonment by the primary military court of Zabul province.
173. Rule 47, ICRC Customary International Humanitarian Law Study.

174. See paras. 9, 10 and 17 of the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted on 24 May 1989 by the Economic and Social Council Resolution 1989/65. See also United Nations Security Council and General Assembly resolutions concerning non-international armed conflict, calling for all parties to respect international human rights law and General Comment No. 36 on the right to life, Human Rights Committee, CCPR/C/GC/36. UNAMA documented
175. In these incidents, the civilian casualties could not be attributed to either Anti-Government Elements or Pro-Government Forces and were thus jointly attributed.
176. In 2018, UNAMA attributed 1,382 civilian casualties (285 killed and 1,097 injured) from ground engagements to Anti-Government Elements.
177. Of the 40 per cent of civilian casualties attributed to Pro-Government Forces from ground engagements, the Taliban caused 35 per cent (241 killed and 818 injured), ISIL-KP five per cent (18 killed and 142 injured) and undetermined Anti-Government Elements less than one per cent (two killed and eight injured).
178. In 2018, UNAMA attributed 1,012 civilian casualties (281 killed and 731 injured) from ground engagements to Pro-Government Forces.
179. Of the 41 per cent of civilian casualties attributed to Pro-Government Forces as a result of ground engagements, Afghan national security forces caused 34 per cent (307 killed and 739 injured), pro-Government armed groups two per cent (19 killed and 54 injured), international military forces less than one per cent (nine killed and six injured); and undetermined or multiple Pro-Government Forces four per cent (28 killed and 98 injured).
180. See section V.d on *Cross-border incidents* of this report for more information.
181. In 2018, UNAMA documented 1,192 child casualties (276 killed and 916 injured) from ground engagements.
182. In 2018, UNAMA documented 576 women casualties (132 killed and 444 injured) from ground engagements.
183. UNAMA documented the following decreases of civilian casualties from ground engagements in 2019 as compared to 2018: southern region, 297 fewer civilian casualties (39 per cent decrease); south-eastern region, 282 fewer civilian casualties (53 per cent decrease); and eastern region, 206 fewer civilian casualties (37 per cent decrease). UNAMA also documented nine fewer civilian casualties in the central highlands region in 2019 as compared to 2018 (38 per cent decrease).

184. See UNAMA Protection of Civilians Annual Report 2018, p. 46 and UNAMA Protection of Civilians Annual Report 2017, p. 21. In 2019, the following provinces showed the largest decreases in civilian casualties as compared to 2018 (in order): Ghazni (-249 civilian casualties); Helmand (-153 civilian casualties); Nangarhar (-148 civilian casualties); Uruzgan (-76 civilian casualties); Farah (-63 civilian casualties); and Kandahar (-61 civilian casualties).
185. UNAMA documented the following increases of civilian casualties from ground engagements in 2019 as compared to 2018: northern region, 179 additional civilian casualties (28 per cent increase); northeastern region, 141 additional civilian casualties (33 per cent increase); central region, 98 additional civilian casualties (43 per cent increase); and western region, 51 additional civilian casualties (23 per cent increase). In 2019, the following provinces showed the largest increases in civilian casualties as compared to 2018 (in order): Kunduz (+141 civilian casualties); Kabul (+130 civilian casualties); Faryab (+88 civilian casualties); Sari Pul (+82 civilian casualties); Herat (+56 civilian casualties); and Takhar (+56 civilian casualties).
186. In 2018, UNAMA documented 2,022 civilian casualties (426 killed and 1,596 injured) from indirect fire weapon systems during ground engagement. In 2018, UNAMA documented an increase of nine per cent in civilian casualties caused by indirect fire weapon systems in comparison to 2017.
187. In 2019, UNAMA documented 235 civilian casualties (46 killed and 189 injured) from indirect fire that could not be attributed to either Anti-Government Elements nor Pro-Government Forces, a decrease of 37 per cent in comparison to 2018, when UNAMA documented 372 civilian casualties (84 killed and 288 injured).
188. See section V.d. on *Cross-border incidents* of this report for more information.
189. During the October 2018 polling days for the parliamentary elections, UNAMA documented 248 civilian casualties from indirect fire weapon systems.
190. Please see section I.e on *Explosive Remnants of War* of this report.
191. Five of the 29 cross-border incidents resulted from landmines in the border area of eastern Kunar province, causing seven civilian casualties (one killed and six injured). The mines detonated when local residents, often shepherds, stepped on them, causing death and injury, including permanent disability.
192. Pakistan indicated to UNAMA that it conducted investigations into 18 cross-border incidents. According to the results of 14 investigations, no cross-border fire took place. Four of these investigations remained ongoing at the

time of writing this report.

193. With respect to the obligation to investigate violations of international humanitarian law that amount to war crimes, see preamble to the Rome Statute; ICRC Customary International Humanitarian Law Study Rule 158. While the obligation to investigate allegations of violations of international humanitarian law that do not amount to war crimes is not expressly stated, it can arguably be inferred from the international customary international law obligation to ensure respect for international humanitarian law. See ICRC Customary International Humanitarian Law Study, Rules 139, 144. See Annex I: Legal Framework for more information on the international human rights law obligations to investigate
194. See Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147 (16 December 2005).
195. The mechanism is expected to outline the role and responsibilities of Afghan national security forces to track and mark locations of possible contamination from unexploded ordnance and. At the time of writing, the draft version was being reviewed by the Office of the National Security Council.
196. See for example statements from President Ghani on 13 March and 5 September 2018, available on Twitter at <https://twitter.com/ashrafghani/status/1105756544036208640?s=20> and <https://twitter.com/ashrafghani/status/1169589280911560704?s=20>; the Office of the National Security Council also issued statements with regard to civilian casualties, including on August 14 and September 23, available on Twitter at <https://twitter.com/NSCAfghan/status/1161686142779056129?s=20> and <https://twitter.com/NSCAfghan/status/1176212084310384640?s=20>.
197. For example, provincial ANA confirmed the prosecution of one of its ANA soldiers who shot and injured three male civilians in a Coaster bus, on 3 April 2019 in Arghandab district, Zabul province; and provincial ANP confirmed the prosecution of one of its officers who shot and killed a man after a dispute on 28 September, in Arghandab district, Kandahar province.
198. The Office of the National Security Council convened CAMB meetings on 15 January, 14 May, and 15 October 2019.
199. A member of the human rights team from the US Embassy would participate in the CCARB as an observer.
200. According to information provided by Resolute Support/USFOR-A, allegations deemed to

- be “not credible” are catalogued and closed. Resolute Support Memorandum for the Record for United Nations Assistance Mission [for] Afghanistan (30 Jan 2020), on file with UNAMA.
201. See UNAMA Protection of Civilians Annual Report 2018, available at: <https://unama.unmissions.org/protection-of-civilians-reports>.
202. According to information provided by Resolute Support/USFOR-A, “possible” civilian casualties incidents are defined as incidents “when it is not possible to determine if CIVCAS occurred, but there were RS/USFOR-A actions/operations corresponding to the allegation which could have resulted in CIVCAS.” *Ibid*.
203. The overall number of civilian casualties confirmed through US Army Regulation 15-6 processes was not disclosed to UNAMA.
204. For more information, please see the section on *Methodology* at the beginning of this report. Also see the UNAMA Special Report on Airstrikes on Alleged Drug-Processing Facilities (October 2019), available at <https://unama.unmissions.org/protection-of-civilians-reports>.
205. Voice of Jihad, Civilian Casualty Report for the First Half of 2019 (30 July 2019).
206. Standard Operating Procedures for the Civilian Protection and Complaints Commission (2019), on file with UNAMA, Art. 1.
207. *Ibid*, Art. 3.
208. *Ibid*, Art. 7.
209. *Ibid*, Art. 4.
210. *Ibid*, Art. 13.
211. *Ibid*, Art. 6.
212. See, for instance, the “Statement by the Commission for the Prevention of Civilian Casualties regard Farah tragedy” (3 September 2019), Voice of Jihad (“a 303 bus travelling from Herat to Kandahar on the main Kandahar highway hit an IED...from which 25 civilians were martyred and 35 others wounded. Immediately following the incident, the Commission for Prevention of Civilians Casualties and Complaints (sic) dispatched a team to the site to carry out a comprehensive investigation. With the efforts of this Commission, the individual responsible for the incident was identified and detained and the case forwarded to the Farah courts yesterday.”
213. Voice of Jihad, Civilian Casualty Report for the First Half of 2019 (30 July 2019) and the Taliban shared its Annual Civilian Casualty Report (2019) on Twitter, available at https://twitter.com/Zabehulah_M33/status/1212291347362832385?s=20.
214. S/RES/1325 (2000). See also S/RES/1820 (2008), S/RES/1888 (2009), S/RES/1889 (2009), S/

RES/1960 (2010), S/RES/2106 (2013), S/RES/2122 (2013), and S/RES/2242 (2015).

215. Afghanistan ratified Additional Protocol II 1977 on 10 November 2009. It entered into force on 24 December 2009.
216. The United States has signed, but not ratified, Additional Protocol II. It is nevertheless bound by norms of customary international law, which are reflected in provisions of Additional Protocol II.
217. UNAMA records civilian killed and injuries with a nexus in the ongoing armed conflict under different tactic-types, including targeted killing, suicide attacks, and IEDs. In doing so, UNAMA documented alleged acts that amount to the war crimes pursuant to the International Criminal Court Statute and/or customary international law - including the war crime of murder pursuant to Article 8(c)(i) of the ICC Statute - as well as civilian killed and injuries caused during the conduct of hostilities that may not violate international humanitarian law. UNAMA distinguishes conflict-related civilian killed and injuries from domestic criminal offences such as murder or assault committed by a private actor outside the context of the armed conflict. Incidents lacking the requisite nexus with the ongoing armed conflict are not included in this report.
218. Common Article 3 of the Geneva Conventions of 12 August 1949 is applicable during conflicts of a non-international character. "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples."
219. Additional Protocol II, Article 13(2); ICRC Customary International Humanitarian Law Study, Rule 1. See also ICRC Customary Inter-

national Law Study, Rules 1-24.

220.ICRC Customary International Humanitarian Law Study, Rule 14.

221.Additional Protocol II, Article 13(1); ICRC Customary International Humanitarian Law Study, Rule 15.

222.ICRC Customary International Humanitarian Law Study, Rules 15 to 21.

223.Afghanistan is a party to the following human rights treaties and conventions: International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of all Forms of Racial Discrimination; Convention on the Elimination of all Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; Convention on the Rights of the Child; Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; and Convention on the Rights of Persons with Disabilities. For ratification dates, see http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN, last accessed 23 January 2020.

224.See Paragraphs 9, 10 and 17 of the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted on 24 May 1989 by the Economic and Social Council Resolution 1989/65. See also United Nations Security Council and General Assembly resolutions concerning non-international armed conflict, calling for all parties to respect international human rights law.

225.UNHRC, General Comment No. 31 (2004), § 15; UNHRC, General Comment No. 6 (1982), § 4; ECtHR, McCann case, § 169; ECtHR, Kaya case, § 86; ECtHR, Ergi v. Turkey, Application No. 23818/94, Judgment of 28 July 1998, §§ 82, 86; ECtHR, Isayeva v. Russia, Application No. 57950/00, Judgment of 24 February 2005, §§ 208-9, 224-5; IACiHR, Abella (La Tablada) case, § 244; IACiHR, Alejandre case, § 47; IACiHPR, Civil Liberties case, § 22.

226.IACiHR, Abella (La Tablada) case, § 412; ECtHR, Özkan case, § 184; ECtHR, Orhan v. Turkey, Application No. 25656/94, Judgment of 18 June 2002, § 335; ECtHR, Isayeva et al. case, § 210-11; ECtHR, McCann case.

227.ECtHR, Hugh Jordan v. the United Kingdom, Application No. 24746/94, Judgment of 4 May 2001, § 108; ECtHR, Özkan case, § 187; ECtHR, Isayeva et al. case § 213; ECtHR, Isayeva case, § 214. See also Basic Principles and Guidelines on the Right to a Remedy and Reparation for Vic-

- tims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>, last accessed 27 January 2020.
228. See C. Droege, "Distinguishing Law Enforcement from Conduct of Hostilities", pp. 57-63, contained in the Report on the Expert Meeting "Incapacitating Chemical Agents", Law Enforcement, Human Rights Law and Policy Perspectives, held in Montreux, Switzerland 24-26 April 2012, at: <http://www.icrc.org/eng/assets/files/publications/icrc-002-4121.pdf>, last accessed 27 January 2020; Nils Melzer, "Conceptual Distinction and Overlaps between Law Enforcement and the Conduct of Hostilities," in *The Handbook of the International Law of Military Operations* (Oxford: Oxford University Press, 2010), pp. 43-44
229. Human Rights Committee, General comment No. 31 (2004), para. 10; Legal Consequences of the Construction of a Wall, paras. 111 and 113; CAT/C/USA/CO/2, paras. 14-15; CCPR/C/USA/CO/4, para.9; CCPR/C/GBR/CO/6, para. 14.
230. See United Nations Secretary-General, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011, para. 188. See also Report of the International Commission of Inquiry to investigate all Alleged Violations of International Human Rights Law in the Libyan Arab Jamahiriya A/HRC/17/44, 1 June 2011; the Report of the International Commission of Inquiry on the Situation of Human Rights in the Syrian Arab Republic, A/HRC/19/69, para. 106; United Nations Mission in the Republic of South Sudan (UNMISS), Conflict in South Sudan: A Human Rights Report, 8 May 2014, para. 18.
231. International Criminal Court Statute, preamble and Articles 1, 17. See also ICRC Customary International Law Study, Rule 158.
232. International Criminal Court Statute, Articles 1, 12-17.
233. <https://www.icc-cpi.int//Pages/item.aspx?name=171120-otp-stat-afgh>
234. <https://www.icc-cpi.int//Pages/item.aspx?name=171120-otp-stat-afgh>; <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-02/17-7-Red>.
235. International Criminal Court Statute, Article 8 (2)(c),(e); ICRC Customary International Humanitarian Law, Rule 156.
236. Irrespective of whether States are parties to the Rome statute, they all have obligations under customary law to investigate serious violations of international human rights and international humanitarian law when they are operating on the territory of Afghanistan. See ICRC Custom-

- ary International Law Study, Rules 144, 157, 158.
- 237.S/2020/53, para. 53.
- 238.*Ibid.*, para. 55.
- 239.Definitions contained in this Glossary are only for the purposes of this report.
- 240.United Nations Humanitarian Negotiations with Armed Groups: A Manual for Practitioners, Gerard McHugh and Manuel Bessler, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), New York, January 2006.
- 241.See also ICRC 'Interpretive Guidance on the Notion of Direct Participation in the Hostilities under International Humanitarian Law', ICRC, Geneva, 2009.
- 242.Borrie, J. and Brehm, M., 'Enhancing civilian protection from use of explosive weapons in populated areas: building a policy and research agenda', in International Review of the Red Cross, Volume 93, Number 883.
- 243.Small Arms Survey, Improvised Explosive Devices, Chapter 10 'Infernal Machines,'(2013) pp. 220-221, available at <http://www.smallarmssurvey.org/publications/by-type/yearbook/small-arms-survey-2013.html>
- 244.*Ibid.*
- 245.Since 2009, UNAMA has recorded very few incidents from these switch types.
- 246.See UNAMA Protection of Civilians Annual Report 2014 for definitions and details of engagement of members of national uprising movements in the conflict, available at: <https://unama.unmissions.org/protection-of-civilians-reports>.
- 247.International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, Adopted by the United Nations General Assembly on 8 December 2005, A/CONF.192/15, accessible at: http://www.un.org/events/smallarms2006/pdf/international_instrument.pdf.
- 248.Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal provided that relevant provisions of IHL and human rights law are respected. See United Nations General Assembly, Human Rights Council 14th Session, Agenda item 3, Report of the Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions, Philip Alston. Addendum, 'Study on Targeted Killings'. A/HRC/14/24/Add.6. 10 May 2010. In UNAMA, for database recording purposes, the category of targeted killings also includes some cases of killings where the victim was briefly in the perpetrator's custody at the time of the killing but the custody did not amount to an abduction, i.e. the

person identified to be killed is stopped by armed individuals, their identity is confirmed, and then the attackers kill the person, commonly at checkpoints.

249. ICC Statute, Article 8(2)(c)(e); ICRC Customary International Humanitarian Law, Rule 156.