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PROTECTION OF CIVILIANS IN ARMED CONFLICT



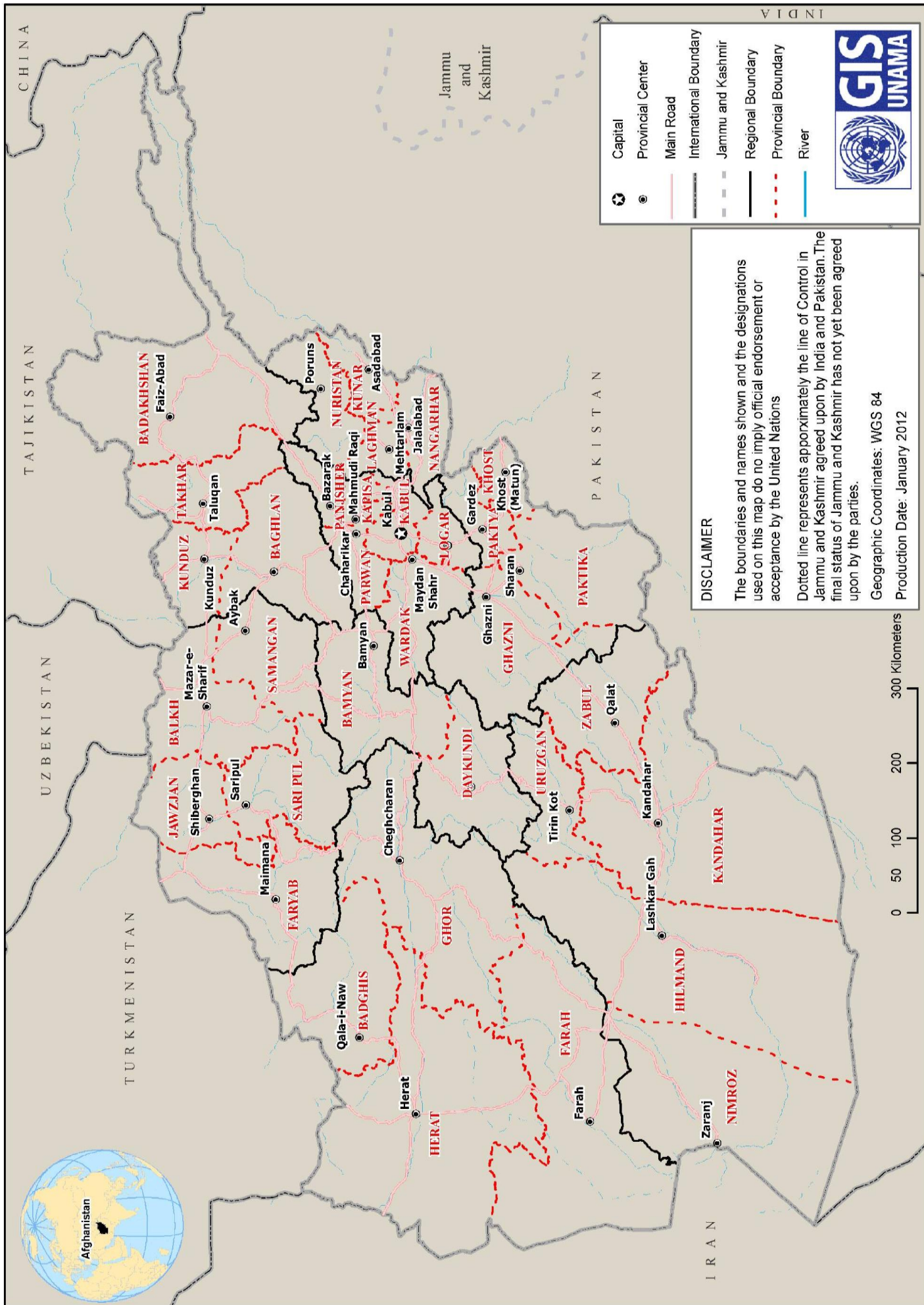
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United Nations Assistance Mission in Afghanistan

Kabul, Afghanistan
February 2014

AFGHANISTAN ADMINISTRATIVE DIVISION



AFGHANISTAN

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Photo on Front Cover (*Rahmat Gul/Associated Press*): An Afghan man carries an injured boy to the hospital after two roadside bombs struck in Achin district, Nangarhar province on 28 November 2013. A second IED detonated on the scene, targeting those providing aid to the victims of the first IED explosion. The two IED detonations killed four civilians and injured eight others.

“The human cost of the conflict in Afghanistan is appalling. No effort should be spared to protect civilians from harm”.

Ján Kubiš, United Nations Special Representative for the Secretary-General in Afghanistan, January 2014, Kabul

Mandate

This annual report on the Protection of Civilians in Armed Conflict in Afghanistan for 2013 was prepared by the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) and covers the period 1 January to 31 December 2013.

The report is prepared pursuant to UNAMA's mandate under United Nations Security Council Resolution 2096 (2013) "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 2096 (2013) recognizes the importance of ongoing monitoring and reporting to the United Nations Security Council on the situation of civilians in Afghanistan's armed conflict and in particular 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 activities to strengthen protection of civilians affected by the armed conflict; and, initiatives to promote compliance with international humanitarian and human rights law, and the Constitution and laws of Afghanistan among all parties to the conflict.

This report has been reviewed and received technical input from the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Glossary

Aerial attack or air strike: Firing ordnance from aircraft, including close air support (CAS) from fixed-wing aircraft, and close combat attack (CCA) from rotary-wing aircraft, and attacks using remotely piloted aircraft (RPA). .

ABP: Afghan Border Police.

ALP: Afghan Local Police.

ANA: Afghan National Army.

ANP: Afghan National Police.

ANSF: Afghan National Security Forces; a blanket term that includes ABP, ANA, ANP, Afghan Special Forces and the National Directorate of Security.

Anti-Government Elements: ‘Anti-Government Elements’ encompass all individuals and armed groups involved in armed conflict with or armed opposition against the Government of Afghanistan and/or international military forces. They include those who identify as “Taliban” as well as individuals and non-State organized armed groups taking a direct part in hostilities and assuming a variety of labels including the Haqqani Network, Hezb-e-Islami, Islamic Movement of Uzbekistan, Islamic Jihad Union, Lashkari Tayyiba, Jaysh Muhammed, and other militia and armed groups pursuing political, ideological or economic objectives including armed criminal groups directly engaged in hostile acts on behalf a party to the conflict.

Armed Group: Organized armed non-State actor engaged in conflict and distinct from a Government force, such as militias, rebels, and criminal groups. Armed groups have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; 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. Armed groups may not be under the official command or control of the State(s) in which they operate, but they 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 defense forces and paramilitary groups (when such are clearly not under State control).¹ These armed groups have no legal basis under the laws of Afghanistan.

UNAMA considers ‘Anti-Government Elements’ described in this report as non-State armed groups but distinguishes them on the basis of their armed opposition against the Government of Afghanistan.

AXO: 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 control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fused, armed or otherwise prepared for use (*Convention on Certain Conventional Weapons Protocol V*).

Civilian Casualties: Killed and injured civilians.

¹ United Nations Humanitarian Negotiations with Armed Groups: A Manual for Practitioners, Gerard Mc Hugh and Manuel Bessler, UN Office for the Coordination of Humanitarian Affairs (OCHA), New York, January 2006. See Section 2.3 Characteristics of Armed Groups.

May be of two classifications:

Direct: Casualties resulting directly from armed conflict – including those arising from military operations by Afghan Government forces and/or international military forces such as force protection incidents, aerial attacks, search and seizure operations, counter insurgency or counter-terrorism operations. It includes casualties from the activities of non-State armed groups such as targeted killings (assassinations), improvised explosive devices or direct engagement in hostilities with Pro-Government Forces.

Indirect/Other: Casualties resulting indirectly from the conflict including casualties caused by explosive remnants of war, deaths in prison, deaths from probable underlying medical conditions that occurred during military operations, or where access to medical care was denied or not available. It also includes deaths from incidents where responsibility cannot be determined with any degree of certainty.

Children: The Convention on the Rights of the Child defines a “child” as any person under the age of 18 (0-17 inclusive). The Rome Statute of the International Criminal Court ratified by Afghanistan in 2003, establishes as a war crime the conscription or enlisting of children under the age of 15 years into State armed forces or non-State armed groups and using children to participate actively in hostilities (see Articles 8(2)(b) (xxvi) and 8(2) (e) (vii).

Civilian: For the purposes of the conduct of hostilities “civilians” are understood, under international humanitarian law, to mean all persons who are not members of military/paramilitary forces or members of organized armed groups who have a continuous combat function, of a party to a conflict. Civilians may lose their protection against attacks for such time as they take direct part in hostilities. A person who is a member of a military/paramilitary force or of an organized armed group and who is *hors de combat* (wounded, sick, shipwrecked, detained or surrendering) or who belongs to the medical or religious personnel of the armed forces must be protected from attack.

COMISAF: Commander of International Security Assistance Force in Afghanistan/ISAF.

EOF Incidents: Escalation of Force incidents also referred to as “force protection” incidents: situations where civilians do not pay attention to warnings from military personnel when in the proximity of, approaching or overtaking military convoys or do not follow instructions at check points.

ISAF defines EoFs as: “a defensive process which seeks to determine the presence of a threat, its eventual extent and when applicable to match the threat with an appropriate defensive response for Force protection.”²

ERW: Explosive Remnants of War means unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

IDP: Internally Displaced Person.

IED: Improvised Explosive Device. A bomb constructed and deployed in ways other than in conventional military action. IEDs can take the form of suicide bombs, such as Personal-Borne IEDs (PB-IED), Radio-Controlled IEDs (RC-IEDs), Vehicle-Borne IEDs (VB-IEDs), Suicide Vehicle Borne IEDs (SV-IED), Command-Wire IEDs (CW-IEDs), Victim-Operated IEDs (VO-IEDs), and Pressure-Plate IEDs (PP-IEDs).

² UNAMA interview with ISAF HQ, 31 January 2014, Kabul.

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 intelligence, 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. IED exploitation is a critical component of effective and sustainable counter-IED measures.

Incidents: Events where civilian casualties result from armed conflict. Reports of casualties from criminal activities are not included in UNAMA's reports on civilian casualties.

IHL: International Humanitarian Law.

IM Forces: "International Military Forces" includes all foreign soldiers forming part of ISAF and US Forces Afghanistan (including Operation Enduring Freedom) who are under the command of the Commander of ISAF (COMISAF), who is also Commander of US Forces in Afghanistan. The term also encompasses Special Operations Forces and other foreign intelligence and security forces.

Injuries: Include physical injuries of varying severity. The degree of severity of injury is not recorded in the databases of UNAMA. Injuries do not include shock or non-physical effects or consequences of incidents, such as psychological trauma.

ISAF: International Security Assistance Force in Afghanistan. ISAF operates under a peace enforcement mandate pursuant to Chapter VII of the UN Charter. ISAF is deployed under the authority of the UN Security Council. In August 2003, on the request of the Government of Afghanistan and the United Nations, NATO took command of ISAF. As of 15 January 2014, the ISAF force comprised approximately 57,004 from 49 Troop Contributing Nations, organized in six regional commands plus ISAF Headquarters in Kabul. Since November 2008, the Commander of ISAF has served as Commander of US Forces Afghanistan, although the chains of command remain separate. UN Security Council Resolution 2120 (2013) reaffirms previous resolutions on ISAF and extends the authorization of ISAF for 14 months until 31 December 2014.

Mol: Ministry of Interior.

NATO: North Atlantic Treaty Organization. Members of NATO are the main troop-contributing States to ISAF; see ISAF.

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

NGO: Non-governmental Organization.

Pro-Government Forces: Afghan Government 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. These forces include, but are not limited to, the ANA, ANP, ABP, NDS, ALP and other Pro-Government local defense forces.

Afghanistan National Security Forces include: ANA, which reports to the Ministry of Defense and is formally incorporated into the armed forces of Afghanistan; Afghan Local Police, which are considered a *de facto* part of the armed forces because of their function and do not have the legal protection afforded to civilians; and ANP, AUP and ANBP, which are law enforcement agencies not formally incorporated into the armed forces of Afghanistan that report to the Ministry of Interior. 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 which never have combat functions, use of force in self-defense does not result in loss of protection as a civilian.

This term also includes international military forces and other foreign intelligence and security forces (see IM Forces).

SOPs: Standard Operating Procedures

Targeted Killing: Intentional, premeditated and deliberate use of lethal force by States or their agents acting under color of law (or by an organized armed group in armed conflict) against a specific individual who is not in the perpetrator's physical custody. Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal.³

UNDSS: United Nations Department of Safety and Security.

UNAMA: United Nations Assistance Mission in Afghanistan.

UNHCR: United Nations High Commissioner for Refugees.

USSOF: United States Special Operations Forces.

UXO: Unexploded Ordnance.

War Crimes: War crimes are serious violations of treaty and customary international humanitarian law. Under the definition of war crimes of the Statute of the International Criminal Court (Rome Statute), war crimes⁴ include serious violations of common Article 3 of the Geneva Conventions, including violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; committing outrages upon personal dignity, in particular humiliating and degrading treatment; taking of hostages; the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.

³ 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.

⁴ ICC Statute, Article 8. Customary international law applicable in both international and non-international armed conflicts defines war crimes as serious violations of international humanitarian law. State practice establishes this rule as a norm of customary international law. Rule 156. Definition of War Crimes. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}. See Additional Protocol II, article 13(2). See Article 8 (2) (c) (i) of the Elements of Crime, Rome Statute of the International Criminal Court. War crimes include serious violations of the laws and customs of war applicable in non-international armed conflicts (based primarily on Article 3 common to the four Geneva Conventions of 1949, their Additional Protocol II of 1977, the 1999 Optional Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1989 Convention on the Rights of the Child, the 1994 Convention on the Safety of United Nations and Associated Personnel, the Statutes of the International Criminal Tribunals for Rwanda and the former Yugoslavia, and the Statute of the Special Court for Sierra Leone). See War Crimes under the Rome Statute of the International Criminal Court and their source in International Humanitarian Law Comparative Table, ICRC Advisory Service on International Humanitarian Law.

Table of Contents

Methodology	x
Legal Framework	xi
Legal Responsibilities of Parties to the Armed Conflict	xi
Executive Summary	1
Recommendations	14
I. Anti-Government Elements and Protection of Civilians	16
Improvised Explosive Devices	16
Suicide and Complex Attacks	22
War Crime of Murder: Targeted Killings of Civilians	24
Attacks on Election Workers, Facilities and Protection of Civilians in the Pre-Election Period	30
Taliban Public Statements on Civilian Casualties	32
II. Ground Engagement between Parties to the Conflict: Civilians Caught in the Crossfire	38
Attribution of Civilian Casualties from Ground Engagements	38
Transition of Security Responsibility to Afghan National Security Forces and Civilian Casualties	39
Indirect Fire in Civilian Areas: Rising Civilian Casualties from Mortars and Rockets in Ground Engagements	41
Anti-Government Elements: Civilian Casualties from Ground Engagements	42
Afghan National Security Forces: Civilian Casualties from Ground Engagements	43
Human Rights Violations and Looting by Afghan National Security Forces during Ground Operations	44
III. Pro-Government Forces and Protection of Civilians	45
Air Operations	46
Escalation of Force Incidents	48
Search Operations	49
Afghan Local Police and Protection of Civilians	50
Lack of Accountability: Pro-Government Armed Groups	56
IV. Human Rights Protection in Conflict Areas	59
Children and Armed Conflict	59
Women and the Armed Conflict	62
Attacks against Medical Personnel and Facilities	62
Explosive Remnants of War	64
Cross-Border Shelling	69
Conflict-Related Displacement of Civilians	69
ANNEX 1: UNAMA Analysis of Taliban Monthly ‘War Crimes’ Statements	72

Methodology

UNAMA investigates reports of civilian casualties by conducting on-site investigations wherever possible and consulting a broad range of sources and types of information that are evaluated for their credibility and reliability. In undertaking investigation and analysis of each incident, UNAMA exercises due diligence to corroborate and cross-check information from as wide a range of sources as possible including accounts of eyewitnesses and directly affected persons, military actors (including Government of Afghanistan and international military forces), local village/district and provincial authorities, religious and community leaders. These are obtained through direct site visits, physical examination of items and evidence gathered at sites of incidents, visits to hospitals and medical facilities, still and video images, reports of the UN Department of Safety and Security and other UN agencies, secondary source accounts, media reports, and information gathered by NGOs and other third parties.

Wherever possible, investigations are based on the primary accounts of victims and/or witnesses of the incident and on-site investigations. On some occasions, primarily due to security-related constraints affecting access, this form of investigation is not possible. In such instances, UNAMA relies on a range of techniques to gain information through reliable networks, again through as wide a range of sources as possible that are evaluated for credibility and reliability.

Where UNAMA is not satisfied with information concerning an incident, it will not be reported. In some instances, investigations may take several weeks before conclusions can be drawn. This may mean that conclusions on civilian casualties from an incident may be revised as more information becomes available and is incorporated into the analysis. Where information is unclear, conclusions will not be drawn until more satisfactory evidence is obtained, or the case will be closed without conclusion and will not be included in the statistical reporting.

In some incidents the civilian status of the reported victims cannot be conclusively established or is disputed. In such cases, UNAMA is guided by the applicable norms of international humanitarian law and does not presume fighting-age males are either civilians or fighters. Rather, such claims are assessed on the facts available on the incident in question. If the status of one or more victim(s) remains uncertain, such deaths are not included in the overall number of civilian casualties.

UNAMA established an electronic database in 2009 to support its analysis and reporting on protection of civilians in armed conflict. The database is designed to facilitate the systematic, uniform and effective collection and analysis of information, including dis-aggregation by age, gender, perpetrator, tactic, weapon, and other categories.

UNAMA makes every effort to identify as precisely as possible the party responsible for a particular civilian casualty. Due to limitations associated with the operating environment such as the joint nature of some military operations and the inability of primary sources in many incidents to identify clearly or distinguish between diverse military actors or insurgents or where no party claims responsibility for an incident, UNAMA attributes responsibility for a particular incident to either Pro-Government Forces or Anti-Government Elements. UNAMA does not claim that statistics presented in this report are complete; UNAMA may be under-reporting civilian casualties given limitations associated within the operating environment.

Legal Framework

The legal framework used for this report includes international human rights law, international humanitarian law, international criminal law, national law and binding United Nations Security Council resolutions on Afghanistan.⁵ All contain obligations relevant to protection of civilians during armed conflict in Afghanistan. These obligations are explained in the next section.

Legal Responsibilities of Parties to the Armed Conflict

UNAMA takes the position that the armed conflict in Afghanistan is a non-international armed conflict between the Government of Afghanistan and its armed forces (Afghan National Security Forces supported by international military forces (referred to in this report and within Afghanistan as “Pro-Government Forces”) and non-State armed groups (referred to in this report and within Afghanistan as “Anti-Government Elements”).

Pro-Government Forces

These include Afghan Government 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. These forces include, but are not limited to, the ANA, ANP, ABP, NDS, ALP and other Pro-Government local defense forces.

Afghanistan National Security Forces include: ANA, which reports to the Ministry of Defense and is formally incorporated into the armed forces of Afghanistan; Afghan Local Police, which is considered a *de facto* part of the armed forces because of their function and do not have the legal protection afforded to civilians; and ANP, AUP and ANBP, which are law enforcement agencies not formally incorporated into the armed forces of Afghanistan and report to the Ministry of Interior.

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 which never have combat functions, use of force in self-defense does not result in loss of protection as a civilian.

The classification of ‘Pro-Government Forces’ may include armed groups involved in the armed conflict, when the groups effectively form part of the armed forces of a party to the conflict, for example, while carrying out security and counter-insurgency operations under the informal command of a Government figure, such as a chief of police, national directorate of security officer or district governor.

This term also includes international military forces and other foreign intelligence and security forces.

Anti-Government Elements

‘Anti-Government Elements’ encompass all individuals and armed groups currently involved in armed conflict with or armed opposition against the Government of Afghanistan and/or international military forces. They include those who identify as “Taliban” as well as individuals and non-State organized armed groups taking a direct part in hostilities and assuming a variety of labels including the Haqqani Network, Hezb-

⁵ UN Security Council Resolution 2096 (2013) highlights the obligations of all parties to comply with international law “including international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians.”

e-Islami, Islamic Movement of Uzbekistan, Islamic Jihad Union, Lashkari Tayyiba and Jaysh Muhammed.

The classification of Anti-Government Elements does not apply to armed criminal groups, except if the group directly engages in hostile acts in the armed conflict on behalf of a party to conflict.⁶

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.

(i) Obligations under International Humanitarian Law

Afghanistan is a party to the four Geneva Conventions of 1949 and to Additional Protocol II 1977⁷ which addresses the protection of civilians in a non-international armed conflict. The Protocol prohibits attacks against civilians and objects indispensable to the survival of the civilian population.

Article 3 common to the four Geneva Conventions of 1949 establishes minimum standards that parties, including State and non-State actors shall respect in non-international armed conflict. Common Article 3 protects civilians through the explicit prohibition of murder⁸, violence, extrajudicial executions, torture, mutilation and other forms of violence.⁹ These acts are prohibited at any time and in any place whatsoever.

The contents of the four Geneva Conventions of 1949 and several rules similar to those found in their Additional Protocols are also part of customary international law,¹⁰ and the most relevant principles that apply to the conduct of Afghan armed forces and

⁶ This section on “definitions” follows the legal framework set out in: Definition of Combatant, 4.2 to 4.3 in UK Ministry of Defence. *The Manual of the Law of Armed Conflict*. Oxford University Press, Oxford, 2004, and ICRC, Customary IHL. Rule 3. All members of the armed forces of a party to the conflict are combatants, except medical and religious personnel.

⁷ Afghanistan ratified Additional Protocol II 1977 on 10 November 2009 which entered into force on 24 December 2009.

⁸ Regarding the war crime of murder as defined by the Rome Statute of the International Criminal Court, UNAMA uses the term ‘deliberate killing of civilians’, which includes targeted killing, to describe an alleged act that may amount to the war crime of murder to distinguish such acts from the crime of murder committed by a private actor outside the context of the armed conflict. Terms such as ‘targeted killing’, ‘extrajudicial killing’, and ‘willful killing’ are sometimes used to describe deliberate killing of a civilian by a party to the armed conflict occurring in the context of the non-international armed conflict in Afghanistan. A targeted killing is not limited to civilians and a combatant can also be the object of a targeted killing.

⁹ Common Article 3 of the Geneva Conventions of 12 August 1949, is applicable during conflicts not of an 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, color, 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.

¹⁰ See ICRC, Customary International Humanitarian Law, ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

international military forces, and non-State armed groups as parties to Afghanistan's non-international armed conflict are the following:

- Distinction: The civilian population as such, as well as individual civilians, shall not be the object of attack.¹¹
- Proportionality: "an attack 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."¹²
- Precautions in attack: "...civilians shall enjoy general protection against the dangers arising from military operations".¹³ In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects" and that 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."¹⁴
- 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 Additional Protocol II 1977, they are still bound by the relevant rules of customary international humanitarian law applicable in non-international armed conflicts.

(ii) Obligations under International Human Rights Law

International human rights law applies both in peace and during armed conflict and applies together with international humanitarian law in a complementary and mutually reinforcing manner.

Afghanistan is a signatory to numerous international human rights treaties,¹⁵ including the International Covenant on Civil and Political Rights (ICCPR) which obligates the Government of Afghanistan to provide basic human rights protection to all persons within the territory or jurisdiction of the State.

While non-State actors in Afghanistan, including armed groups, cannot formally become parties to international human rights treaties, non-State actors which exercise

¹¹ Additional Protocol II, article 13(2).

¹² ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005)

¹³ Additional Protocol II, article 13(1).

¹⁴ Rules 15 to 21 ICRC Study on Customary International Human Rights Law

¹⁵ Afghanistan is a party to the following human rights treaties and conventions: International Covenant on Civil and Political Rights, ratified on 24 April, 1983; International Covenant on Economic, Social and Cultural Rights, ratified on 24 April, 1983; International Convention on the Elimination of all Forms of Racial Discrimination, ratified on 5 August, 1983; Convention on the Elimination of all Forms of Discrimination against Women, ratified on 5 March, 1983; Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, ratified on 26 June, 1987; Convention on the Rights of the Child, ratified on 27 April, 1994; Optional Protocol of the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 19 October, 2002; and Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, ratified on 24 September 2003 and Convention on the Rights of Persons with Disabilities, acceded on 18 September 2012. See http://www.aihrc.org.af/English/Eng_pages/X_pages/conventions_af_z_party.html.

de facto control over some areas, such as the Taliban, are increasingly deemed to be bound by international human rights obligations.¹⁶

Under international human rights law which applies during armed conflict, States must investigate the use of lethal force by their agents,¹⁷ particularly those involved in law enforcement. This duty, together with potential liability for failure to comply, flows from the right to life.¹⁸ Investigations by the State must be immediate, exhaustive, impartial and independent to meet the requirement of effective investigation¹⁹ and they must be open to public scrutiny.²⁰ A State's duty to investigate applies to all law enforcement contexts including those arising during armed conflict. Soldiers may undertake a range of law enforcement activities during armed conflict.²¹

(iii) Obligations under International Criminal Law

Afghanistan became a State party to the Rome Statute of the International Criminal Court (ICC) in 2003. As such, Afghanistan has the primary responsibility to investigate and prosecute international crimes, i.e. war crimes, crimes against humanity and genocide, within the Court's jurisdiction. If Afghanistan is unable or unwilling to do so, the Court can exercise its jurisdiction over Afghanistan.

¹⁶ See UN Secretary-General, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011, para. 188. Also see 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.

¹⁷ 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 UN Security Council and General Assembly resolutions concerning non-international armed conflict, calling for all parties to respect international human rights law.

¹⁸ 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, *Alejandro case*, § 47; ACiHPR, *Civil Liberties case*, § 22.

¹⁹ 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*.

²⁰ ECtHR, *Hugh Jordan v. the United Kingdom*, Application No. 24746/94, Judgment of 4 May 2001, § 109; ECtHR, *Özkan case*, § 187; ECtHR, *Isayeva et al. case* § 213; ECtHR, *Isayeva case*, § 214.

²¹ See C. Droège, "Distinguishing Law Enforcement from Conduct of Hostilities" P57-63 Expert Meeting "Incapacitating Chemical Agents" Law Enforcement, Human Rights Law and Policy Perspectives Montreux, Switzerland 24 - 26 April 2012 at <http://www.icrc.org/eng/assets/files/publications/icrc-002-4121.pdf>; 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. Nils Milzer, *Human Rights Implications Of The Usage Of Drones and Unmanned Robots In Warfare*, Directorate-General For External Policies Of The Union, Policy Department (2013) at <http://www.europarl.europa.eu/delegations/en/studiesdownload.html?languageDocument=EN&file=92953>.

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.²²

In particular, States have an obligation to investigate and prosecute violations of Article 8(2) (e)(i) of the ICC Statute which stipulates “intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities” constitutes a war crime in non-international armed conflict.

UN Security Council Resolution 1325

As the UN Security Council underlined in Security Council Resolution 1325, it is critical for all States to fully apply the relevant norms of international humanitarian and human rights law to women and girls, and to take special measures to protect women and girls from gender-based violence during armed conflict.²³

(iv) Obligations under National Laws

Members of Anti-Government Elements and Afghan security forces are subject to prosecution under the criminal laws of Afghanistan. Members of international military forces are accountable for violations of the national laws of their home States.

(v) Definition of Civilian

For the purposes of the conduct of hostilities, UNAMA uses and applies a definition of “civilian” that accords with international law. Other actors and parties to the armed conflict in Afghanistan have been developing their definition of the term “civilian” described later in this report.²⁴

UNAMA uses a definition of “civilian” that reflects the standards of international humanitarian law. For the purposes of the conduct of hostilities “civilians” are understood, under international humanitarian law, to mean all persons who are not members of military/paramilitary forces or members of organized armed groups who have a continuous combat function, of a party to a conflict. Civilians may lose their protection against attacks for such time as they take a direct part in hostilities. A person who is a member of a military/paramilitary force or of an organized armed group and who is *hors de combat* (wounded, sick, shipwrecked, detained or surrendering) or who belongs to the medical or religious personnel of the armed forces must be protected from attack.

International humanitarian law requires parties to a conflict to always make a distinction in the conduct of military operations between members of military/paramilitary forces, members of organized armed groups having a continuous combat function, and civilians. Persons who are not or no longer taking part in hostilities are protected and must not be attacked.

In the context of the armed conflict in Afghanistan, this report documents attacks against categories of people whose regular activities do not amount to direct participation in hostilities, including public servants and Government workers, teachers, health clinic workers, election workers and others involved in public service delivery,

²² Irrespective of whether States are parties to the ICC statute, they still have obligations under customary law to investigate serious human rights and IHL violations when they are operating on the territory of Afghanistan.

²³ S/RES/1325 (2000); See also S/RES/1820. (2008), S/RES/1888 (2009), S/RES/1889 (2009), and S/RES/1960 (2010).

²⁴ See the definition of “civilian” used by the Taliban later in this report.

political figures and office holders, and employees of NGOs as well as civilian police personnel who are not directly participating in hostilities and are not involved in counter-insurgency operations.

Executive Summary

It was around 10:00 in the morning and I was at home. Suddenly there was gunfire then a big explosion. Our entire house jerked and was covered in dust. The women and children were crying... Soon after there was another explosion, a suicide attacker detonated his vest. Outside, my uncle and cousins were calling me for help but I couldn't reach them. Later I found the dead body of a child in my yard. When I walked upstairs I found children's body parts on my roof. Five children from our neighbour's house were killed.

-- Eyewitness to a complex attack against the Indian Consulate in Jalalabad city, Nangarhar province on 3 August which killed 10 civilians and injured 23 others, mostly children returning from a religious madrassa in a local mosque.²⁵

Armed conflict in Afghanistan took an unrelenting toll on Afghan civilians in 2013. The United Nations Assistance Mission in Afghanistan (UNAMA) documented 8,615 civilian casualties (2,959 civilian deaths and 5,656 injured) in 2013, marking a seven percent increase in deaths, 17 percent increase in injured, and a 14 percent increase in total civilian casualties compared to 2012.²⁶

Escalating deaths and injuries to civilians in 2013 reverses the decline recorded in 2012 and is consistent with record high numbers of civilian casualties documented in 2011.²⁷ Since 2009, the armed conflict in Afghanistan has claimed the lives of 14,064 Afghan civilians.

UNAMA attributed 74 percent of civilian deaths and injuries to Anti-Government Elements,²⁸ 11 percent to Pro-Government Forces (eight percent to Afghan national security forces and three percent to international forces) and ten percent to ground engagements between Anti-Government Elements and Pro-Government Forces. The

²⁵ UNAMA interview with 19-year-old eyewitness and relative of six victims of an IED attack, Jalalabad city, 4 August 2013. UNAMA was informed that following this attack, a Taliban spokesperson sent a text message to media outlets denying the Taliban's involvement in the attack.

²⁶ In 2012 UNAMA documented 7,589 total civilian casualties (2,768 killed and 4,821 injured). See UNAMA's 2012 Annual Report on Protection of Civilians in Armed Conflict at <http://unama.unmissions.org/LinkClick.aspx?fileticket=K0B5RL2XYcU%3D>.

²⁷ In 2011, UNAMA documented 7,839 civilian casualties (3,133 civilian deaths and 4,706 injured) attributed to Anti-Government Elements. See UNAMA's 2011 Annual Report on Protection of Civilians in Armed Conflict at http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf. See also footnote 96 of UNAMA's 2012 Mid-Year Report on Protection of Civilians in Armed Conflict at http://unama.unmissions.org/LinkClick.aspx?fileticket=-_vDVBQY1OA%3d&tabid=12254&language=en-US.

²⁸ Anti-Government Elements' encompass all individuals and armed groups involved in armed conflict with or armed opposition against the Government of Afghanistan and/or international military forces. They include those who identify as "Taliban" as well as individuals and non-State organized armed groups taking a direct part in hostilities and assuming a variety of labels including the Haqqani Network, Hezb-e-Islami, Islamic Movement of Uzbekistan and other militia and armed groups pursuing political, ideological or economic objectives including armed criminal groups directly engaged in hostile acts on behalf a party to the conflict. See glossary and legal section of this report.

remaining five percent of civilian casualties were unattributed, resulting mainly from explosive remnants of war.²⁹

Mirroring the trends reported in UNAMA's *2013 Mid-year Report on Protection of Civilians in the Armed Conflict*, improvised explosive devices (IEDs) used by Anti-Government Elements particularly in areas populated or frequented by civilians was the main factor that drove the escalation in civilian casualties across Afghanistan in 2013.

Increased ground engagements between Anti-Government Elements and Pro-Government Forces with civilians caught in the crossfire was a new trend with ground engagements causing 27 percent of all civilian deaths and injuries in 2013.

UNAMA observed that 2013 was the worst year for Afghan women, girls and boys since 2009 with the highest recorded number of women and children's deaths and injuries. Conflict-related violence caused 746 women casualties (235 women killed and 511 injured), up 36 percent from 2012. Child casualties increased by 34 percent compared to 2012 to 1,756 with 561 children killed and 1,195 injured.

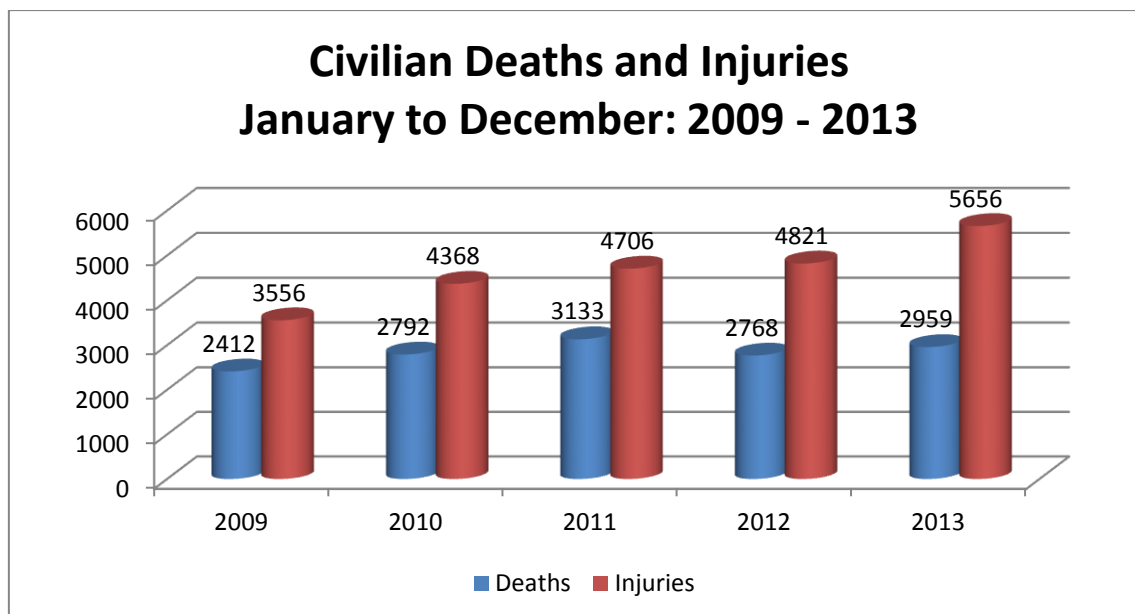
In line with the new trend of increased civilian casualties from ground engagements, 39 percent of all women and children casualties were from ground engagements which caused the most women and child casualties in 2013. While ground engagements injured the most women and children in 2013, IEDs remained the biggest killer of women and children.³⁰

At the start of 2014, UNAMA reiterates the imperative for parties to the armed conflict, in particular Anti-Government Elements, to halt the worsening impact of conflict on Afghan civilians. Increased indiscriminate and unlawful use of IEDs by Anti-Government Elements killed and injured thousands of Afghan civilians as they went about their daily lives. Targeted killings of civilians by Anti-Government Elements and increased ground engagements between insurgents and Afghan national security forces put more and more civilians at risk of death and injury in their homes and communities.

UNAMA again calls on all parties to the conflict to uphold their obligations under international humanitarian law to take all necessary measures to protect civilians from the harms of conflict.

²⁹ Explosive Remnants of War means unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

³⁰ Refer to IED and Ground Engagement sections of the report for detailed figures and analysis.



Anti-Government Elements and the Protection of Civilians

In 2013, Anti-Government Elements caused 74 percent of all civilian casualties, deliberately targeting civilians across the country and carrying out attacks without regard for civilian life. UNAMA attributed 6,374 civilian casualties (2,311 civilian deaths and 4,063 injured) to Anti-Government Elements, an increase of four percent compared to 2012.³¹

Indiscriminate and unlawful use of IEDs by Anti-Government Elements, the only party to the conflict that uses IED, increased and was the leading cause of civilian deaths and injuries in 2013, accounting for 34 percent of all civilian casualties. UNAMA documented 2,890 civilian casualties (962 civilian deaths and 1,928 injured) from IEDs³², a 14 percent increase from 2012.³³ Since 2009, IEDs in Afghanistan have killed or injured 12,504 civilians (4,515 civilian deaths and 7,989 civilians injured) in 3,716 separate IED attacks.

UNAMA notes with concern the dramatic rise in civilian casualties caused by radio-controlled IEDs (RC-IEDs), documenting 356 separate RC-IED attacks.³⁴ These devices caused 1,149 civilian casualties (257 civilians killed and 892 injured), an 84 percent increase from 2012.³⁵

Civilian casualties from pressure-plate or victim-activated IEDs (PP-IEDs) declined by 39 percent from 2012 causing 557 civilian casualties (245 civilian deaths and 312

³¹ In 2011, UNAMA documented 5,636 civilian casualties (2,208 civilian deaths and 3,428 injured) attributed to Anti-Government Elements. See UNAMA's 2011 Annual Report on Protection of Civilians in Armed Conflict at http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf.

³² These figures do not include civilian casualties from suicide and complex attacks (which involve IED tactics).

³³ In 2012, UNAMA documented 2,531 civilian casualties (868 civilian deaths and 1,663 injured).

³⁴ RC-IED and PP-IED civilian figures included in the overall IED figures.

³⁵ UNAMA only documents those incidents which result in civilian casualties.

injured).³⁶ While the decrease is noted, the human cost of PP-IED attacks in 2013 remained high. PP-IEDs were detonated in public areas used by civilians such as roads, markets, Government offices, bazaars, in and around schools, and bus stations. UNAMA reiterates that PP-IEDs as victim-activated devices - which are triggered by any person including children stepping on them or any vehicle driving over them such as civilian minibuses - are indiscriminate reinforcing its call on Anti-Government Elements to stop using them.

Suicide and complex attacks resulted in 1,236 civilian casualties (255 killed and 981 injured) from 73 incidents in 2013. While the number of attacks remained similar to 2012, an 18 percent decrease in civilian casualties from these attacks was noted. Suicide and complex attacks accounted for 15 percent of all civilian casualties in 2013.³⁷

UNAMA documented 1,076 civilian casualties (743 civilians' killed and 333 injured) from 605 incidents of targeted killings.³⁸ Anti-Government Elements increasingly targeted and killed civilian Government officials and civilians they perceived to support the Government including community and religious leaders, judicial authorities, tribal elders, election workers, off-duty police officers, and persons supporting the peace process.

Threats and targeted attacks by Anti-Government Elements against mullahs (religious leaders) they accused of supporting the Government rose as attacks against mullahs and mosques tripled in 2013.³⁹

UNAMA documented 25 incidents of attacks against election workers and election facilities by Anti-Government Elements during 2013, resulting in 16 civilian casualties (four civilian deaths and 12 injured).⁴⁰

Throughout 2013, UNAMA noted increased public messaging by the Taliban on civilian casualties. However, the situation on the ground for Afghan civilians did not improve. The Taliban increased their indiscriminate use of IEDs and continued to attack civilians.

In 2013, the Taliban claimed responsibility for 153 attacks affecting civilians,⁴¹ an increase of 292 percent in such claims by the Taliban compared to 2012.⁴² UNAMA's

³⁶ In 2012, UNAMA documented 913 civilian casualties (393 civilian deaths and 520 injured) from PP-IEDs.

³⁷ In 2012 UNAMA documented 1,510 civilian casualties (328 civilian deaths and 1,182 injured) from suicide and complex attacks in 72 incidents.

³⁸ See the legal section of this report for the definition of 'targeted killing.' Targeted killings may result in multiple civilian deaths and injuries, particularly in circumstances where indiscriminate tactics, such as IEDs, are used. UNAMA documents all civilian deaths and injuries directly resulting from incidents of targeted killings and includes killings involving parallel judicial structures where the individual was in the perpetrator's physical custody at the time of the killing.

³⁹ In 2012, UNAMA documented 21 civilian casualties (eight civilian deaths and 13 injured) in eight incidents.

⁴⁰ Between 1 June 2013 and 2 January 2014, the Independent Electoral Commission (IEC) documented 82 incidents against the electoral process. This figure includes 23 incidents of attacks, 22 incidents of threats and intimidation of IEC staff and 12 incidents of IEDs, RC-IEDs and VB-IEDs targeting and killing/injuring ANP and IEC staff on mobile convoys and causing collateral damage to IEC offices. See 'IEC Security Report, Department of Field Operations, Security Coordination Office, 2 January 2014' on file with UNAMA.

⁴¹ Incidents affecting civilians include civilian deaths and injuries, threats, intimidation and harassment, loss of livelihood and enjoyment of human rights, for example, school or clinic closures as a result of an IED attack.

verification found these 153 attacks resulted in 944 civilian casualties (302 civilians killed and 642 injured), reflecting a 136 percent increase in civilian casualties for which the Taliban claimed responsibility compared with 2012.⁴³ Most of these attacks in 2013 used indiscriminate tactics such as IED detonations in public areas or directly targeted civilians or civilian objects, particularly civilian administration personnel and buildings.

UNAMA highlights that indiscriminate attacks and deliberate targeted attacks against civilians are strictly prohibited under international humanitarian law which binds all parties to the conflict in Afghanistan including the Taliban. Attacks on civilians and killings of mullahs, elections workers, tribal elders and other civilians not directly participating in hostilities may amount to war crimes.⁴⁴

The Taliban began publishing monthly statements detailing incidents of civilian casualties they alleged were caused by Pro-Government Forces.⁴⁵ Of the 277 incidents listed by the Taliban, 91 had been documented by UNAMA, 83 were followed up by UNAMA and 103 could not be verified as involving civilian casualties from conflict-related violence.⁴⁶

On 17 June, the Taliban announced the establishment of a “special committee under the supervision of the military commission for the avoidance of civilian losses.”⁴⁷ The statement noted the committee was tasked with collecting information, investigating and referring incidents of ‘negligence’⁴⁸ by Taliban members to a *sharia* court.⁴⁹ No public information has been provided to date on any action taken by this committee.

UNAMA highlights that for such a mechanism to be credible, it must use the definition of “civilian” under international humanitarian law and promote compliance with principles and norms of international and national law.

Civilian Casualties from Ground Engagements between Parties to the Conflict

UNAMA documented 2,327 civilian casualties (534 civilian deaths and 1,793 injured) from 962 incidents of ground engagements between Anti-Government Elements and

⁴² In 2012, UNAMA documented 46 incidents for which the Taliban claimed responsibility. See UNAMA’s 2012 Annual Report on Protection of Civilians in Armed Conflict at <http://unama.unmissions.org/LinkClick.aspx?fileticket=K0B5RL2XYcU%3D>, p. 27.

⁴³ The Taliban’s stated definition of ‘civilian’ is inconsistent with international humanitarian law as it permits attacks on a range of individuals and objects defined as civilians and protected from attacks under international humanitarian law.

⁴⁴ International humanitarian law prohibits violence to the life, health and physical or mental well-being, in particular, murder, torture, mutilation or any form of corporal punishment, at any time and in any place whatsoever. See Article 4 2 (a) Fundamental Guarantees, Additional Protocol II (1977) to Geneva Conventions of 1949. See also Common Article 3 of the Geneva Conventions.

⁴⁵ Taliban monthly statements at <http://www.shahamat-english.com/index.php/interview> accessed 14 January 2014.

⁴⁶ See Annex 1 of this report for details of the incidents listed by the Taliban and follow up documentation by UNAMA.

⁴⁷ Taliban statement “Interview with Mr Sarhadi, Director of the Special Committee for the Prevention of Civilian Losses, 17 June 2013 at <http://www.shahamat-english.com/index.php/interview/32843-interview-with-mr-sarhadi,-the-director-of-the-special-committee-for-the-prevention-of-civilian-losses>, accessed 14 January 2014.

⁴⁸ Ibid.

⁴⁹ Ibid.

Pro-Government Forces particularly Afghan national security forces,⁵⁰ a 43 percent increase from 2012.⁵¹

Ground engagements were the second leading cause of civilian casualties countrywide producing 27 percent of all civilian deaths and injuries, and accounted for the majority - 39 percent - of all women and children casualties in 2013.⁵²

Of all incidents of ground engagements resulting in civilian casualties, 1,030 civilian casualties (266 civilian deaths and 764 injured) – 44 percent of civilian casualties from ground engagements – were attributed to Anti-Government Elements.⁵³

UNAMA recorded 375 civilian casualties (99 civilian deaths and 276 injured) from ground operations of Afghan national security forces accounting for 16 percent of civilian casualties from ground engagement.

Thirty-eight (38) percent of civilian casualties from ground engagements between Anti-Government Elements and Pro-Government Forces – 877 civilian casualties (159 civilian deaths and 718 injured) - could not be directly attributed to either party, an increase of 76 percent compared to 2012.⁵⁴ This ‘fog of war’ dynamic reflects the changed nature of the conflict in Afghanistan in 2013 which was increasingly being waged in civilian communities and populated areas with civilians caught in the cross fire.

The remaining two percent of civilian casualties from ground engagements were attributed to cross-border shelling into Kunar and Nangarhar provinces which resulted in 37 civilian casualties (nine civilian deaths and 28 injured).⁵⁵ Three incidents of ground engagement which killed one civilian and injured seven (eight civilian casualties) were from an unknown source.

⁵⁰ This figure also includes cross-border shelling into Afghanistan, which accounted for a very small portion of civilian casualties from ground engagements.

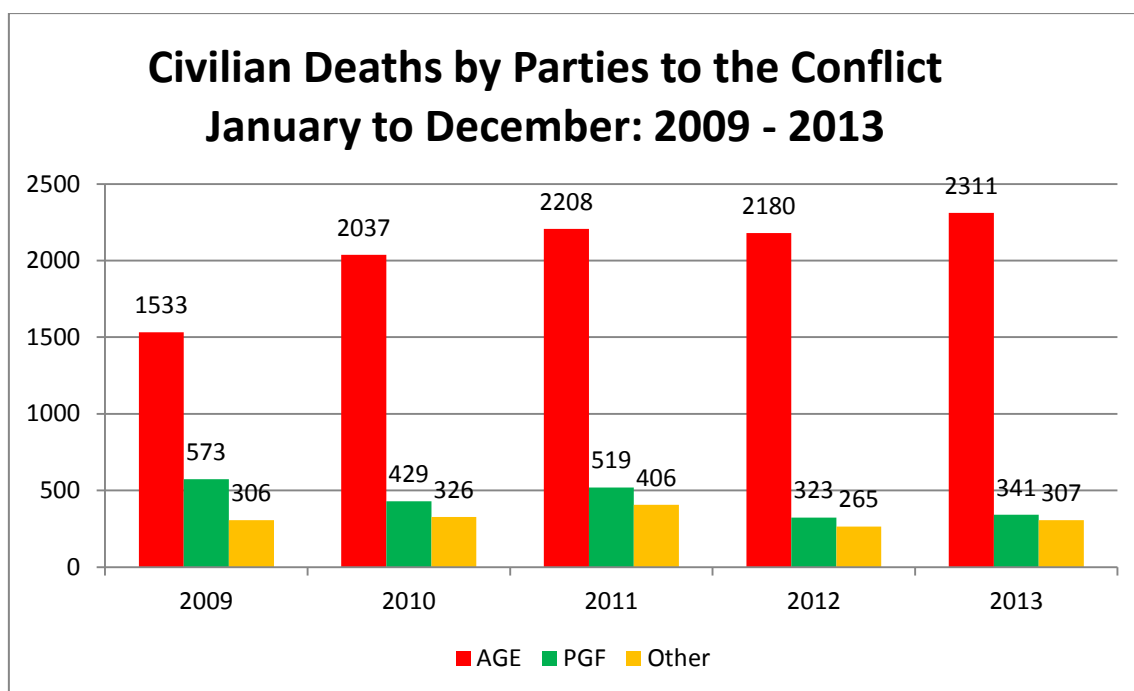
⁵¹ UNAMA documented 444 civilian deaths and 1187 injured (1,631 civilian casualties) from 756 incidents of ground engagements in 2012.

⁵² Although ground engagements injured the most women and children in 2013, IEDs caused the most deaths of women and children.

⁵³ UNAMA verifies each ground engagement incident resulting in civilian casualties with multiple sources, including witnesses, victims, community sources, district authorities and other relevant interlocutors, to try to identify the party responsible for the civilian death or injury, for example, which party fired the mortar round.

⁵⁴ In 2012, UNAMA documented 880 civilian casualties (158 civilian deaths and 378 injured) from unattributed ground engagements.

⁵⁵ See the section on Cross-border Shelling in this report



Pro-Government Forces and Protection of Civilians

Pro-Government Forces⁵⁶ caused 11 percent of all civilian casualties or 956 civilian casualties (341 deaths and 615 injured), a 59 percent increase compared to 2012. UNAMA attributed 57 percent of all civilian casualties caused by Pro-Government Forces to Afghan national security forces, 27 percent to international military forces and 16 percent to joint operations.

UNAMA observed that the overall increase in civilian deaths and injuries by Pro-Government Forces resulted from rising civilian casualties in ground operations led by Afghan national security forces. Three-hundred and seventy-five (375) civilian casualties (99 civilian deaths and 276 injured) were attributed to these forces during ground operations, a 129 percent increase from 2012.⁵⁷

UNAMA attributed three percent of all civilian casualties in 2013 to international forces documenting 261 civilian casualties (147 deaths and 114 injured). UNAMA recorded 182 civilian casualties (118 deaths and 64 injured) from 54 aerial operations by international military forces in 2013, a ten percent decrease in civilian casualties from such operations compared to 2012.⁵⁸ Air operations caused 19 percent of all civilian deaths attributed to Pro-Government Forces, and two percent of all civilian casualties. Women and children comprised 45 percent of civilian deaths from aerial operations.

⁵⁶ Pro-Government Forces are Afghan national security forces and other forces that act in military or paramilitary counter-insurgency operations and are directly or indirectly under the control of the Government of Afghanistan. These forces include, but are not limited to, the ANA, Afghan Special Forces, ANP, ABP, NDS, ALP and other Pro-Government local defense forces. The term "Pro-Government Forces" also encompasses ISAF, Special Forces, Special Operations Forces and other international military forces, including foreign intelligence and other security forces. According to ISAF and Afghan military sources, almost all military operations in Afghanistan were led and conducted by Afghan forces in 2013.

⁵⁷ In 2012, UNAMA documented 164 civilian casualties (74 civilian deaths and 90 injured).

⁵⁸ In 2012, UNAMA documented 202 civilian casualties (125 civilian deaths and 77 injured) from aerial operations.

Of the 54 aerial operations recorded as causing civilian casualties, UNAMA documented 19 incidents of unmanned aerial vehicle (UAV) or remotely piloted aircraft (RPA)⁵⁹ strikes resulting in 59 civilian casualties (45 civilian deaths and 14 injured),⁶⁰ more than tripling civilian casualties from such strikes recorded in 2012.⁶¹ UNAMA observed that civilian casualties, particularly from offensive air strikes, suggest the need for further review of pre-engagement considerations and precautionary measures by international military forces, as stipulated in military doctrine.⁶²

UNAMA documented 75 civilian casualties (31 civilians' killed and 44 injured) from 41 escalation of force incidents by Pro-Government Forces in 2013, a 47 percent increase from 2012.⁶³ This rise reverses the decline in civilian casualties from such incidents in 2011 and 2012.

Search operations carried out by Afghan national security forces, international military forces or in joint operations caused 120 civilian casualties (37 civilian deaths and 83 injured).

Afghan National Security Forces and Protection of Civilians

In 2013, UNAMA documented 349 civilian casualties (88 civilian deaths and 261 injured) from ground operations led by Afghan national security forces (ANA, ANP, ALP, ANBP and NDS). This represents an increase of 264 percent compared to 2012.⁶⁴

With the final transfer of security responsibility from international military forces in June 2013, Afghan national security forces have been taking the lead in military operations country wide.⁶⁵ UNAMA reinforced the need for improved implementation of directives and rules of engagement mandating civilian protection by Afghan security forces, and for establishment of permanent structures in the Ministries of Defense and Interior to routinely investigate reports of civilian casualties by Afghan forces, initiate remedial measures and take follow-up action.

The Civilian Casualties Tracking Team in the Presidential Information Coordination Center (PICC), established in May 2012, only records reports of civilian casualties from security bodies and does not receive complaints from individuals or organizations. Existing Afghan national security forces' structures at the provincial and regional level,

⁵⁹ UAVs are also defined as Remotely Piloted Aircraft (RPA). There is no distinction between the terms RPA, UAV and drones.

⁶⁰ The number of civilian casualty incidents from UAV/RPA strikes may be higher as UNAMA is not always able to confirm which type of platform was used during an aerial operation (fixed-wing, rotary or remotely-controlled) that resulted in civilian casualties.

⁶¹ In 2012, UNAMA documented 19 civilian casualties (16 deaths and three injured) from UAV strikes.

⁶² US Army Combined Arms Center, Afghanistan Civilian Casualty Prevention: Observations. Insights and Lessons, Centre for Army Lessons Learned, US Unclassified. US Military, 2012.

⁶³ In 2012, UNAMA recorded 14 civilians' killed and 37 injured (51 civilian casualties) from 35 incidents of escalation of force by Pro-Government Forces.

⁶⁴ In 2012, UNAMA documented 96 civilian casualties (33 deaths and 63 injured) from ANSF operations.

⁶⁵ NATO, NATO Secretary General welcomes Afghan transition announcement, 18 June 2013 at http://www.nato.int/cps/en/natolive/news_101482.htm.

such as the Operations Coordination Centers⁶⁶ could be strengthened to receive allegations of civilian casualties and coordinate appropriate investigative follow-up.⁶⁷

In view of the growing threat of IEDs against civilians – and security forces – UNAMA welcomes the continued actions by the Government to counter the huge IED threat in Afghanistan. ISAF has played a critical role in developing the counter-IED capacity of Afghan forces through the provision of extensive training, resources, mentoring and equipment. UNAMA reinforces the need for the Government, with continued support from the international community, to ensure that Afghan national security forces are trained, resourced and fully capable of commanding and conducting counter-IED operations in 2014 and beyond.

Of particular concern in 2013 were verified reports of human rights violations carried out by some Afghan national security forces during ground operations and searches in some areas. Reports of beatings of civilians, property destruction and looting by Afghan forces in Faryab and Kunduz provinces were documented by UNAMA.

For example, in September 2013, ANP and ANA supported by Pro-Government armed groups conducted search operations in Dasht-e-Archi district, Kunduz province. Pro-Government armed groups, in full view of Afghan national security forces, carried out house-to-house searches, looting homes of mobile phones, cash, gold, jewelry, school materials, crops and livestock. Several motorcycles were also stolen. The armed groups beat a dozen people particularly elders and scholars they perceived to support the insurgency.

UNAMA calls on the Government of Afghanistan to investigate all allegations of human rights violations by Afghan national security forces as required under national and international law.

Afghan Local Police and Protection of Civilians

Local communities in many districts reported improved security due to the presence of Afghan Local Police (ALP). Despite reports, UNAMA continued to verify civilian casualties from some ALP operations, as well as human rights violations and other illegal actions by some ALP forces. Throughout 2013, UNAMA documented incidents where ALP carried out serious human rights violations with impunity which were often enabled by provincial or national level power-brokers. Such incidents were documented in certain districts in Faryab, Kunduz, Nangarhar and Uruzgan provinces.

UNAMA recorded 121 civilian casualties (32 civilian deaths and 89 injured) in 65 separate incidents involving ALP⁶⁸ in 2013. This number almost tripled civilian casualties attributed to ALP in 2012.⁶⁹ Most of these resulted from some ALP members in certain areas committing summary executions, punishments and revenge actions. Incidents of threats, intimidation, harassment, illegal searches and occupation of schools were also documented.

⁶⁶ Operations Coordination Center –Provincial (OCCP) and Operations Coordination Center – Regional (OCCR) – are provincial and regional Afghan national security forces' coordination bodies which coordinate operations and information sharing among Afghan security forces.

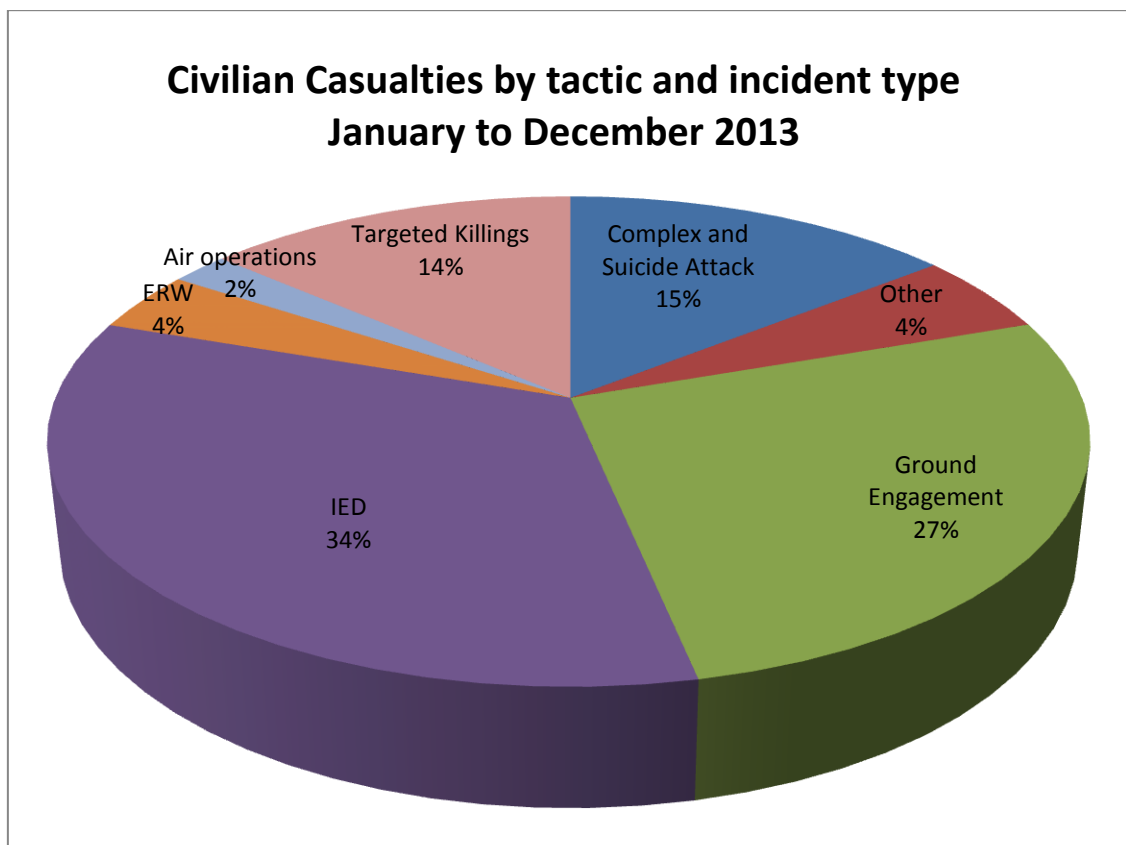
⁶⁷ For these reasons, UNAMA is of the view that the number of civilians casualties caused by Afghan national security forces is under-reported.

⁶⁸ See UNAMA's 2011-2013 Annual and Mid-Year Reports on Protection of Civilians in Armed Conflict, for background on the ALP program and human rights concerns at <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US>.

⁶⁹ In 2012, UNAMA documented 34 civilian casualties (17 civilian deaths and 17 injured) in 43 incidents attributed to ALP.

According to the ALP Directorate in the Ministry of Interior which oversees the ALP, the section investigated more than 100 cases against ALP members during 2013, referring 59 cases to military prosecutors at the provincial level.⁷⁰ Despite these encouraging steps, the Directorate could not provide information on any prosecutions, convictions, suspensions or other action taken.

UNAMA calls for increased efforts to provide accountability for violations by ALP. Any ALP members implicated in serious human rights violations should be promptly suspended, disarmed, investigated, and prosecuted, regardless of their political connections. Efforts should also be made to strengthen the capacity of the ALP Directorate to provide oversight and pursue accountability.



Note – ‘Other’ includes civilian casualties from escalation of force incidents, search operations, detention, abduction and parallel justice punishments.

Armed Groups and Protection of Civilians

UNAMA documented 39 incidents of human rights abuses carried out by Pro-Government armed groups resulting in 55 civilian casualties (18 civilian deaths and 37 injured). The majority of incidents occurred in areas where armed groups held considerable power and influence. With the exception of one incident documented in Uruzgan province, all incidents occurred in Kunduz, Faryab, Baghlan and Jawzjan provinces. UNAMA documented serious human rights abuses including killings carried out by armed groups in Kanam-e-Kalan district, Kunduz province in 2012-2013. The commanders alleged responsible have not been arrested.

UNAMA again calls on the Government to speed up efforts to disband and disarm such groups.

⁷⁰ UNAMA interviews with ALP Directorate, January 2014, Ministry of Interior, Kabul.

Children and the Armed Conflict

Afghan girls and boys were killed and injured in increasing numbers in 2013. Conflict-related violence caused 1,756 child casualties (561 children killed and 1,195 injured), an increase of 34 percent compared to 2012. Child casualties resulted from all types of tactics, with the majority of children harmed by IEDs and during ground engagements.

IEDs remained the biggest killer of Afghan children. UNAMA documented 511 child casualties (192 deaths and 319 injured) caused by IEDs, a 28 percent increase compared to 2012. After IEDs, ground engagements harmed the most children with 641 child casualties (137 deaths and 504 injured), a 59 percent increase over 2012.

Of the total 1,756 deaths and injuries to Afghan children, 964 (328 deaths and 636 injured) or 55 percent of all child casualties resulted from actions of Anti-Government Elements. Two hundred and sixty-six child casualties (93 deaths and 173 injured) were attributed to Pro-Government Forces in 2013 (15 percent of all child casualties).

Cross fire between Anti-Government Elements and Pro-Government Forces caused 245 child casualties (50 deaths and 195 injured) with an additional 13 casualties (two children killed and 11 injured) from cross border shelling. The remaining 268 child casualties (88 deaths and 180 injured) were unattributed, resulting mainly from explosive remnants of war.

Children remained the group most vulnerable to harm from explosive remnants of war, comprising 284 of a total 343 such casualties, a rise of 74 percent compared to 2012. Most victims were young boys, who comprised 83 percent of casualties from explosive remnants of war.

Women and the Armed Conflict

Conflict-related violence caused increasing harm to women in 2013. UNAMA documented 746 women casualties (235 deaths and 511 injured), a 36 percent increase from 2012.⁷¹ IEDs used by Anti-Government Elements again killed the most women in the conflict with 86 women deaths and 91 injured (177 women casualties), a 20 percent increase from 2012.⁷²

Although IEDs killed more women than any other tactic, ground engagements caused the most injuries to women and accounted for the majority of women's casualties (334 casualties, 73 deaths and 261 injured)⁷³ comprising 45 percent of all women's civilian casualties in 2013. Most of these women casualties involved women caught in cross-fire or women harmed by stray munitions hitting homes.

Explosive Remnants of War

The consequences of un-cleared unexploded ordnance on civilian life and livelihood were demonstrated in 2013 by a sharp rise in civilian casualties from explosive remnants of war⁷⁴ (ERW). UNAMA documented 343 civilian casualties (114 civilian deaths and 229 injured) from explosive remnants of war, a 63 percent increase from 2012. Eighty-three (83) percent of the victims were children.

⁷¹ In 2012, UNAMA documented 548 women casualties (196 deaths and 352 injured) from all incident types.

⁷² In 2012, UNAMA documented 148 women casualties (81 deaths and 67 injured) from IEDs.

⁷³ In 2012, UNAMA documented 229 women casualties (53 deaths and 176 injured) from ground engagements.

⁷⁴ Explosive Remnants of War: unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

Civilian casualties resulting from explosive remnants of war which may have been left from previous conflicts were also documented. UNAMA notes that the increase in civilian casualties from explosive remnants of war in 2013 corresponded to increased ground engagements between parties to the conflict.⁷⁵ A possible second cause was the expedited pace of ISAF base and high explosive firing range closure as many of the ranges were not sufficiently cleared of unexploded ordnance prior to base closure.⁷⁶

UNAMA calls on ISAF and troop contributing nations to mark all ISAF high explosive ranges to identify potential hazards, and clear such ranges of explosive remnants of war at the earliest opportunity.

Cross-Border Shelling

In 2013, UNAMA documented 37 civilian casualties (nine civilian deaths and 28 injured)⁷⁷ in 130⁷⁸ incidents of cross-border shelling in Kunar and Nangarhar provinces, a 51 percent decrease compared to 2012.⁷⁹ Cross-border shelling caused damage to homes, mosques and livestock and continued to generate widespread anger in the local communities where it occurred.

Conflict-Related Displacement

Conflict-related violence and insecurity continued to cause high levels of internal displacement in Afghanistan. The Internally Displaced Persons (IDPs) Taskforce recorded 124,354 civilians displaced due to the armed conflict in Afghanistan in 2013.⁸⁰ This represents a 25 percent increase over 2012. At 31 December 2013, the total number of IDPs in Afghanistan was 631,286 individuals, more than half of whom have been displaced in the past three years.⁸¹

Armed Conflict and the Right to Health

Attacks and threats against healthcare facilities and personnel increased in 2013, with UNAMA documenting 32 incidents of attacks against healthcare facilities and threats against medical personnel,⁸² compared to 20 incidents in 2012. UNAMA recorded the

⁷⁵ The increase in civilian casualties from ground engagements indicates increased fighting in civilian populated areas, which may lead to unexploded and abandoned ordnance, when indirect fire or aerial platforms have been used for example: air dropped munitions, missiles, rockets, mortars and grenades.

⁷⁶ Measuring the origin of UXO is difficult, particularly after the ordnance has detonated. As a result, UNAMA's analysis of each UXO civilian casualty incident reviews the environment in which the incident occurred, i.e. a UXO civilian casualty occurring on a former ISAF firing range, but does not attribute responsibility for UXO without confirmation of the origin of the ordnance.

⁷⁷ UNAMA records civilian casualty figures from cross-border shelling with the ground engagement figures but separates shelling incidents originating from Pakistan. These figures are attributed under 'other'.

⁷⁸ UNAMA recorded 130 incidents of shells being fired across the border into the territory of Afghanistan. Of these incidents, 24 resulted in civilian casualties.

⁷⁹ In 2012, UNAMA documented 75 civilian casualties (12 civilian deaths and 63 injured) in 206 incidents of cross-border shelling, also only in Kunar and Nangarhar provinces in the eastern region.

⁸⁰ The IDP Taskforce is co-chaired by the UN High Commissioner for Refugees (UNHCR) and the Ministry of Refugees and Repatriation (MoRR) and constitutes the primary vehicle through which conflict-related IDPs are profiled and provided with assistance. UNHCR Brief, Conflict-Induced Internal Displacement- Monthly Update, December 2013, received 14 January 2014.

⁸¹ UNHCR Brief: "Conflict Induced Internal Displacement Trends 2013", and *ibid*.

⁸² Healthcare facilities include hospitals, clinics, first-aid posts, laboratories, blood banks and medical stores. Healthcare personnel include doctors, nurses, first-aiders, medics, and support

killing of five health care workers and injury to four others.⁸³ All incidents resulting in civilian casualties were attributed to Anti-Government Elements.

Armed Conflict and the Right to Education

Conflict-related violence continued to directly impact access to education in all regions of the country. UNAMA verified 62 incidents including targeted attacks, burning of schools, intimidation and threats against teachers and staff, IEDs in the vicinity of schools, raids, and ground engagements. Some schools were also occupied and used for military purposes, compromising their protected status under international humanitarian law and endangering children. UNAMA received reports of seven incidents of occupation of schools in 2013.⁸⁴

Observations on the Impact of the Armed Conflict on Civilians in 2013

The new trend in 2013 of increased civilian casualties from ground engagements, including the alarming increase in women and children casualties, reflected the changing dynamics of the conflict over the year. The closure of international military bases and reduction in ISAF air and ground operations, particularly ISAF ground operations partnered with Afghan national security forces, gave Anti-Government Elements in some areas greater mobility and capability to attack Afghan forces which were more active and more exposed to attacks than in previous years. Civilians, in particular women and children, were often caught in the cross fire.

In addition, security gaps and struggles between armed groups and powerbrokers for influence over territory and political actors also gave rise to increased security incidents and reduced protection for civilians. The fifth and final transfer of security responsibility from international military forces to Afghan security forces began in June 2013⁸⁵ and left security gaps in some areas that Afghan forces had not yet filled. As a result, certain areas were vulnerable to attack by Anti-Government Elements which often led to civilian casualties.

Efforts by Anti-Government Elements to assert territorial influence in contested areas also led to increased ground engagement with Afghan national security forces with civilians increasingly being killed or injured again in cross fire or by improvised explosive devices planted by Anti-Government Elements.

Rising civilian casualties coupled with political and security transition in Afghanistan calls for a renewed and robust commitment from parties to the conflict to take further measures to protect Afghan civilians in 2014. All parties – in particular Anti-Government Elements - must do much more to comply with their legal obligations to prevent civilian death and injury and to increase civilian protection.

UNAMA highlights that in the context of security and political transition in 2014, reduced civilian casualties and improvements in human rights protection should be the core benchmarks of improved stability and efforts toward peace.

staff assigned to medical functions, administering a healthcare facility, or driving an ambulance. 'Healthcare in Danger, A Harsh Reality', ICRC, Kabul, 2013.

⁸³ In 2012 UNAMA documented 12 civilian casualties (three healthcare workers killed and nine injured) in 22 incidents.

⁸⁴ Data gathered and analyzed by the Country Task Force on Children and Armed Conflict.

⁸⁵ NATO, "NATO Secretary General welcomes Afghan transition announcement," 18 June 2013 at http://www.nato.int/cps/en/natolive/news_101482.htm.

Recommendations

UNAMA makes the following recommendations to improve the protection of civilians:

Anti-Government Elements

- Cease the indiscriminate and disproportionate use of IEDs, particularly in all areas frequented by civilians.
- Cease targeting and killing civilians including religious personnel, judicial authorities and civilian Government workers.
- Cease all attacks from and in civilian locations, including restaurants, public roads, consulates, civilian Government offices, including court houses.
- Prevent civilian casualties through compliance with the international principles of distinction, proportionality and precautions in attack, and apply a definition of 'civilian' that is consistent with international humanitarian law.
- Enforce codes of conduct, instructions and directives instructing members to prevent and avoid civilian casualties and hold accountable those members who target, kill and injure civilians.

Government of Afghanistan

- Dedicate all necessary resources to enable the full implementation of the national counter-IED strategy. Prioritize the further development of Afghan national security forces' capacity to command, control and effectively conduct counter-IED operations and IED- disposal, including exploitation.
- Take concrete measures to reduce civilian casualties from ground engagements through revision, strengthening and implementation of tactical directives, rules of engagements and other procedures, and ensure proper training and resourcing of all Afghan national security forces on civilian protection measures and mitigation.
- Ensure timely and transparent investigations, and accurate tracking of all incidents of civilian casualties caused by Afghan national security forces and strengthen Government structures to enable improved monitoring, mitigation and accountability for civilian casualties caused by Afghan national security forces.
- Investigate all allegations of human right violations and abuses by Afghan national security forces, and prosecute and punish those found responsible as required under Afghan and international law.
- Disband Afghan Local Police groups with longstanding impunity for human rights violations and criminal acts and investigate and prosecute allegations of human rights violations and criminal acts by Afghan Local Police members.
- Continue to disband and disarm all illegal armed groups.

International Military Forces

- Increase support to Afghan national security forces to ensure they are sufficiently resourced, trained and equipped to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation in 2014-16.
- Prevent civilian harm by taking active measures to map, mark and clear unexploded ordnance from all international military bases and firing ranges that have closed since the onset of ISAF operations.
- Establish a mechanism within ISAF and Afghan national security forces that communicates the suspected presence of unexploded ordnance from aerial and ground operations to appropriate authorities and ensure the marking and clearance of suspect hazardous areas.
- Conduct thorough review of pre-engagement considerations and precautionary

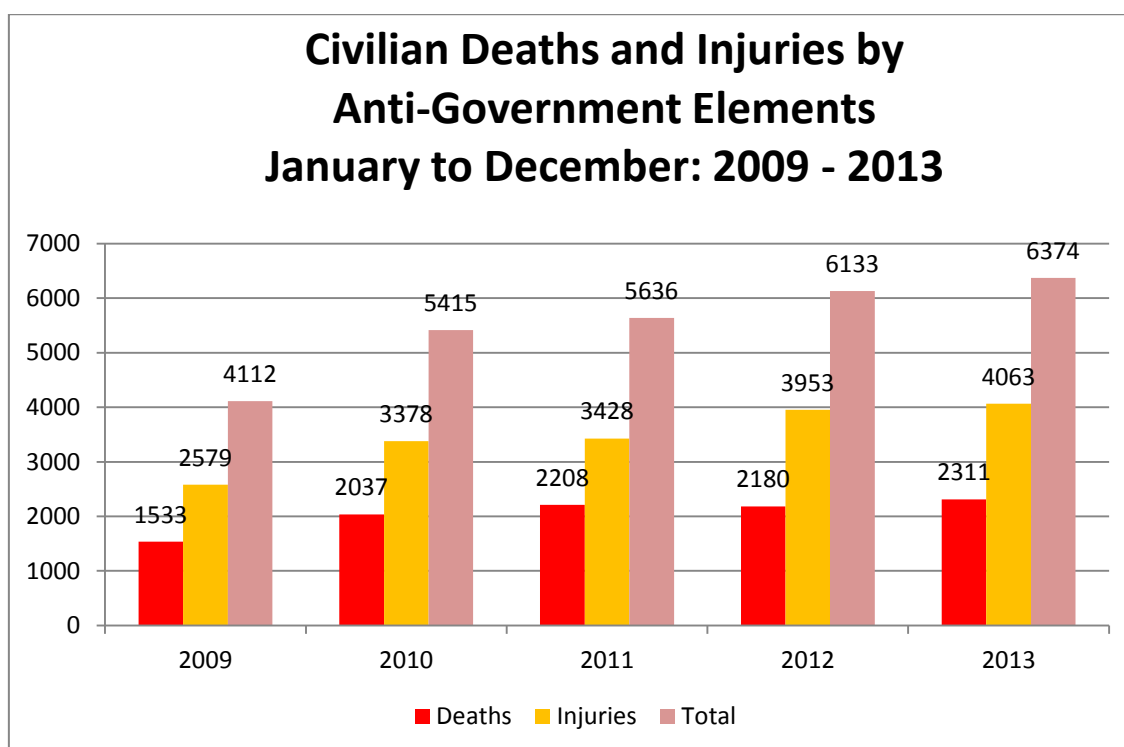
measures for offensive aerial operations to identify additional mechanisms to further minimize civilian harm.

- Conduct post-operation reviews and investigations in cooperation with the Government of Afghanistan where civilian casualties occurred in operations that involved international security or intelligence forces, and take appropriate steps to ensure accountability, better operational practice and compensation.

I. Anti-Government Elements and Protection of Civilians

In 2013, 74 percent of civilian casualties were attributed to Anti-Government Elements. UNAMA documented 6,374 civilian casualties (2,311 civilian deaths and 4,063 injured) caused by Anti-Government Elements, an increase of four percent compared to 2012.⁸⁶

Most civilian casualties by Anti-Government Elements resulted from their use of indiscriminate IED tactics, deliberately targeting civilians across the country and carrying out attacks without regard for civilian life.



Improvised Explosive Devices

It was a bazaar day and I had planned to join my friends for lunch at a restaurant in the bazaar. I had just stepped out from my home to meet them when suddenly I heard an explosion. I ran towards the market and saw victims crying and calling for help. I found my cousin and transferred him to Maimana hospital but at 2:00 pm he died from his injuries.

-- Tribal elder and cousin of victim of an RC-IED attack in a restaurant that killed four civilians and injured 19 in Maimana, Faryab province, 7 February 2013.⁸⁷

Throughout 2013, the indiscriminate and unlawful use of Improvised Explosive Devices (IEDs) by Anti-Government Elements remained the leading cause of civilian deaths and injuries, accounting for 34 percent of all civilian casualties. UNAMA documented 2,890

⁸⁶ In 2011, UNAMA documented 5,636 civilian casualties (2,208 civilian deaths and 3,428 injured) attributed to Anti-Government Elements. See UNAMA's 2011 Annual Report on Protection of Civilians in Armed Conflict at http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf.

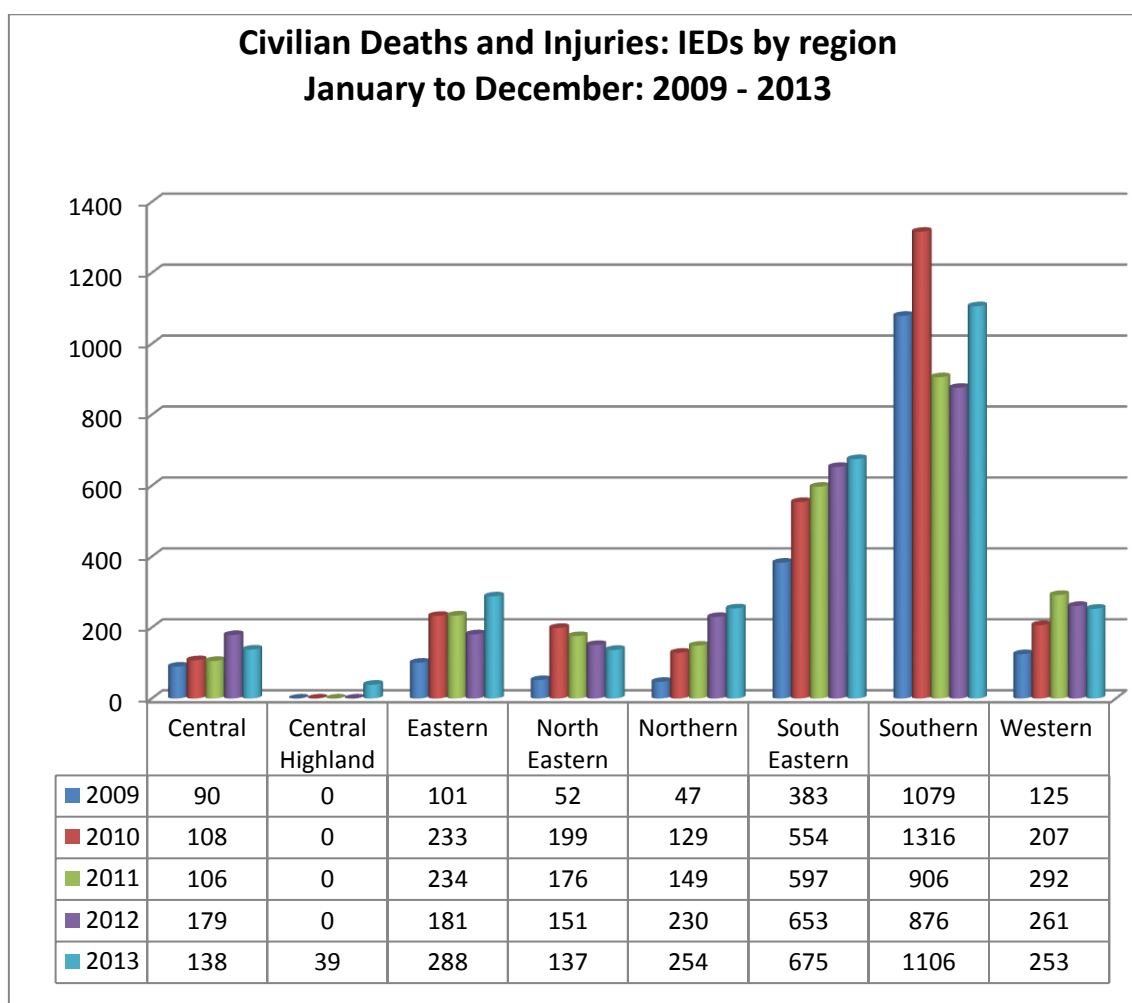
⁸⁷ UNAMA interview, Maimana city, Faryab province, 10 February 2013.

civilian casualties (962 civilian deaths and 1,928 injured),⁸⁸ a 14 percent increase in total civilian casualties from IEDs compared to 2012.⁸⁹

Since 2009, IEDs in Afghanistan have killed or injured 12,504 civilians (4,515 civilian deaths and 7,989 civilians injured) in 3,716 separate IED attacks.

In 2013, IEDs increasingly harmed women and children, with UNAMA recording 177 women casualties (86 women killed and 91 injured), a 20 percent increase from 2012. The numbers of children killed or injured from IED attacks rose significantly in 2013, with 511 child casualties (192 children killed and 319 injured), a 28 percent increase from 2012.

Kandahar and Helmand provinces – by far – remained the provinces where civilians were most impacted by IEDs, followed by Khost, Ghazni and Nangarhar provinces.



Rising civilian casualties from IEDs stemmed from increased indiscriminate and disproportionate use of these devices by Anti-Government Elements. In addition, of particular concern is the use of IEDs to deliberately target civilians. Indiscriminate and disproportionate attacks and attacks deliberately targeting the civilian population and

⁸⁸ These figures do not include civilian casualties from suicide and complex attacks (which involve IED tactics). These tactics are discussed in the following section.

⁸⁹ In 2012, UNAMA documented 2,531 civilian casualties (868 civilian deaths and 1,663 injured) from IED attacks.

civilians are serious violations of international humanitarian law and prohibited at all times.⁹⁰

Throughout 2013, UNAMA documented multiple incidents of Anti-Government Elements using IEDs to deliberately target civilians⁹¹, including civilian Government workers, tribal elders, religious leaders and election workers. For example, on 3 September, two IEDs detonated against a convoy of the mayor of Faizabad, Badakhshan province, killing four bodyguards and wounding two. The Taliban claimed the responsibility for the attack.

Regarding indiscriminate attacks, UNAMA continued to confirm instances of Anti-Government Elements planting or using IEDs in locations that appeared not directed at a specific military objective, and detonating IEDs in a manner or location where the effects of the IED detonation could not be limited. UNAMA documented many IED detonations in markets, public roads and other public areas frequented by civilians.⁹² For example, on 24 October, a road side PP-IED detonated under a tractor traveling on a public road in Jani Khel district, Paktika province, killing two civilians and injuring two others.

UNAMA also documented numerous incidents of disproportionate IED attacks, particularly from radio-controlled IEDs (RC-IEDs) where the harm to civilians was excessive – and which should have been reasonably anticipated by those using the IED – in relation to the concrete and direct military advantage from the attack. For example, on 27 June, Anti-Government Elements detonated a RC-IED against a private car in Mehterlam district, Laghman province, apparently targeting an ALP commander. The attack killed four civilians, including the commander's sons, and injured one civilian. The attack also killed one ALP member and the ALP commander was not harmed.

International humanitarian law, to which Anti-Government Elements are bound, prohibits indiscriminate and disproportionate attacks, and attacks that deliberately target civilians. Such acts may amount to war crimes.

Continued Increase in Civilian Casualties from Command-Operated Radio-Controlled IEDs (RC-IEDs)

In theory, since command-operated IED devices (radio or remote controlled) are operated from a distance and can enable operators to detonate a pre-placed device at the precise time a target moves into the target area,⁹³ civilian casualties from such IEDs could be minimized based on factors such as proper operation of the device and the taking of all feasible precautions to avoid civilian loss of life.

UNAMA notes with serious concern the rise in civilian casualties from RC-IEDs, documenting an 84 percent increase in 2013. UNAMA documented 356 separate RC-IED attacks carried out by Anti-Government Elements, which caused 1,149 civilian

⁹⁰ See Common Article 3 to the Geneva Conventions, Article 13, Additional Protocol II to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts.

⁹¹ Although targeted killings of civilians are prohibited under international humanitarian law, the indiscriminate nature of IEDs combined with their disproportionate effects compound the gravity of this tactic.

⁹² Anti-Government Elements placed IEDs particularly those equipped with a pressure-plate trigger, on transit routes ranging from small footpaths to highways that killed and injured civilians whether they were on foot, riding a bicycle, in buses, taxis or in private cars.

⁹³ Small Arms Survey, *Improvised Explosive Devices*, Chapter 10 'Infernal Machines,' page 220-221.

casualties (257 civilians killed and 892 injured), an 84 percent increase from 2012.⁹⁴ RC-IEDs accounted for 24 percent of all civilian casualties from IEDs and 13 percent of total civilian casualties for the year.

RC-IED Attacks Targeting Afghan and International Security Forces

During UNAMA's verification of each RC-IED incident which caused civilian casualties, UNAMA routinely consulted with Afghan national security forces, in particular NDS and Explosive Ordinance Disposal (EOD) teams regarding the nature of the device used. According to these sources, of the 356 RC-IED attacks recorded in 2013, 173 targeted ANP, 33 targeted ALP, 24 targeted ANBP, 16 targeted ANA, five targeted NDS, three targeted Afghan national security forces and four targeted international military forces.⁹⁵

UNAMA documented instances where Anti-Government Elements appeared to target Pro-Government Forces with RC-IEDs that caused civilian casualties, in addition to military casualties. UNAMA recorded 618 civilian casualties (122 civilian deaths and 496 injured) from 178 RC-IED attacks targeting ANP. The majority of these civilian casualties were instances where the device detonated in a public area, failed to operate as anticipated (intended to detonate against a military target but prematurely detonated or detonated after a convoy had passed, impacting people or areas that appeared not the intended target) or targeted ANP while performing solely civilian law enforcement functions, including traffic police or off-duty police.

UNAMA recorded multiple incidents of harm to civilians by RC-IEDs that targeted the Afghan Local Police (ALP) with 33 RC-IED attacks which killed 27 civilians and injured 82.⁹⁶ For example, on 28 July 2013, a RC-IED detonated against an ALP vehicle in a civilian-populated area near the Shah Joy district centre, Zabul province, killing six civilians and injuring 18, including five children and 13 male adults. In addition to civilian loss of life, the attack killed seven ALP members.

UNAMA highlights particular concern with the use of RC-IEDs targeting Afghan security forces which appeared to cause disproportionate harm in particular RC-IEDs placed and detonated in public areas. For example, on 15 October 2013, a RC-IED targeting ANP detonated in a heavily populated area of Pashtoon Zarghoon district center, Herat province, killing a 15-year old girl and injuring 11 other civilians, including four children and one ANP member. The device detonated as the victims were returning from *Eid* prayers.

All parties to the conflict are required to uphold the principle of proportionality. While RC-IEDs may enable more precise targeting of military objectives, under international humanitarian law, the operator is obliged to avoid or at the very least minimize 'collateral damage' during operations and to abstain from attacks which may disproportionately harm civilians and civilian objects.

In many incidents of civilian casualties from RC-IEDs, Afghan security and intelligence authorities assessed that Anti-Government Elements had planted the RC-IED to target Afghan forces but the device failed to detonate as intended, resulting in civilian

⁹⁴ UNAMA only documents those incidents which result in civilian casualties.

⁹⁵ Civilian casualty figures from these RC-IED attacks do not include ANA or ALP forces, which are not considered civilian nor do the figures include other Afghan security forces killed or injured while directly participating in hostilities at the time of the attack.

⁹⁶ ALP deaths and injuries are not included in UNAMA civilian casualty figures. Although ALP fall under the command of the Ministry of Interior, ALP are considered a *de facto* part of the armed forces because of their function and do not have the protection afforded to civilians under international humanitarian law.

casualties. For example, on 7 December 2013, a RC-IED targeting Afghan forces detonated in a civilian populated area of Tala-wa-Barfak district, Baghlan province, killing a 13-year old boy and injuring four other civilians, including three children aged 12 to 14.

RC-IED Attacks Deliberately Targeting Civilians

UNAMA recorded 72 RC-IED attacks directly targeting civilians, including civilian Government workers, healthcare personnel, tribal elders, daily contractors and construction workers, education facilities and teachers, and election workers.

UNAMA documented four cases where RC-IEDs were used to target election workers. For example, on 21 October 2013, a RC-IED detonated against an Independent Election Commission (IEC) mobile registration team driving in Dushi district, Baghlan province, killing two ANP members escorting the convoy and injuring four others. The Taliban claimed responsibility for the attack.

UNAMA documented RC-IED attacks targeting civilians supportive of the Government. On 5 February, a RC-IED planted in a pressure cooker at a restaurant in Khwaja Sabz Posh district, Faryab province detonated, killing four civilians and injuring 19 others, including two children aged 11 and 12 years old. According to local authorities, Anti-Government Elements carried out the attack against 15 influential elders gathered at the restaurant who were known for supporting the Government.

UNAMA recorded 16 RC-IED incidents where the target was unknown. For example, on 20 July, Anti-Government Elements detonated a RC-IED in a garbage bin in Sayed Karam district, Paktya province, killing five civilians including a ten-year old boy and injuring 12 others.

Other examples of civilian casualties from RC-IED attacks:

- On 27 February, a RC-IED detonated in Shinwar district, Nangarhar province, killing a tribal elder while he was walking in a market, and injuring six others, including three shopkeepers and a driver.
- On 12 August, in Kandahar city, a RC-IED planted in a graveyard area killed two civilians, including a local district council member, and injured three civilians.
- On 6 September, a RC-IED detonated and killed a headmaster of a school in Khanabad district, Kunduz province. Community sources attributed the incident to a pro-government armed group widely believed to be linked with provincial powerbrokers.

Reduction in Civilian Casualties from Pressure-Plated IEDs (PP-IEDs)

The increase in the number of RC-IED attacks resulting in civilian casualties appears to correlate to a decrease in the use by Anti-Government Elements of victim-operated IEDs (VO-IEDs), which include pressure-plated IEDs (PP-IEDs), command-wire IEDs and other forms of victim-initiated IEDs. UNAMA documented 557 civilian casualties (245 civilian deaths and 312 injured) from PP-IEDs planted in areas frequented by civilians, a 39 percent decrease from 2012.⁹⁷

⁹⁷ In 2012, UNAMA documented 913 civilian casualties (393 civilian deaths and 520 injured) from PP-IEDs.

While the decrease is welcomed, the human cost of PP-IED attacks in 2013 remained high. PP-IEDs were detonated indiscriminately in public areas commonly used by civilians such as roads, markets, Government offices, public gathering places, including bazaars, in and around schools, shops and bus stations.

Anti-Government Elements placed IEDs, particularly those equipped with a pressure-plate trigger, on transit routes ranging from small footpaths to highways that killed and injured civilians whether they were on foot, riding a bicycle, in buses, taxis or in private cars. For example, on 27 October, a PP-IED detonated against a civilian vehicle in Andar district, Ghazni province, killing 19 civilians, including 15 women and girls and one boy, and injuring four other women. The victims were traveling to a wedding party.

PP-IEDs in Afghanistan are generally set to explode when they are walked on or driven over and most have approximately 20-25kg of explosive; more than twice the explosive content of a standard anti-tank mine but with the trigger sensitivity of an anti-personnel mine. This means that a PP-IED effectively functions as a massive anti-personnel landmine with the capability of destroying a tank. Civilians who step on or drive over these IEDs have no defense against them and little chance of survival. In 2013, a significant number of IEDs were encountered in Afghanistan with an explosive weight of approximately 2-4 kg specifically designed to injure or kill individuals on foot.⁹⁸

Other examples of civilian casualties from PP-IED attacks:

- On 3 July in Pashtun Kot district, Faryab province, a PP-IED detonated against a family travelling on donkeys to attend a funeral ceremony, killing four women and injuring one man.
- On 7 August, in Bakwa district, Farah province, a local civilian vehicle struck a roadside PP-IED, killing five civilians, including two women, two children and one driver.
- On 10 November, a civilian vehicle carrying women and children struck a roadside PP-IED in Qalat district, Zabul province, killing eight civilians, including five women, two children and one driver.
- On 29 December, a civilian vehicle traveling to a wedding party struck a roadside PP-IED in Maywand district, Kandahar province, killing a nine-year old girl and a 13-year old boy, and injuring eight civilians, including four children.

Counter-IED and IED Disposal

Throughout 2013, IEDs killed more Afghan children, women and men than any other tactic and also represented the biggest threat to Afghan security forces. Countering the threat of IEDs is essential for protecting civilians and building security in Afghanistan. In 2013, Afghan security forces and ISAF continued their efforts to strengthen national counter-IED capability⁹⁹ through implementation of the national counter-IED strategy.¹⁰⁰ These achievements have created a solid foundation to further develop national counter-IED capacity. Afghan security forces have improved their overall counter-IED

⁹⁸ UNAMA interviews with ISAF Counter-IED office, May to December 2013, ISAF HQ, Kabul.

⁹⁹ See UNAMA's 2013 Mid-Year Report on Protection of Civilians in Armed Conflict, pages 45 to 50 at

<http://unama.unmissions.org/LinkClick.aspx?fileticket=EZoxNuqDtps%3D&tabid=12254&language=en-US>.

¹⁰⁰ On 24 June 2012, the National Security Council of Afghanistan passed a national Counter-IED strategy designed to coordinate relevant national security entities in conducting such operations.

capability however further efforts are needed to institutionalize counter-IED operations within appropriate military structures.¹⁰¹

To support civilian protection and sustain Afghanistan's security, it is imperative that the international community – particularly international military forces – both transfer the necessary counter-IED capacity and technical assistance to security forces and provide continuous, long-term support for the Government's counter-IED efforts.

It is uncertain what resources and technical support for counter-IED efforts the international community will provide to the Government in 2014 and beyond as ISAF has not provided such information further to UNAMA's requests. Noting the increased threat of IEDs against Afghan civilians and concerns of rising insecurity in Afghanistan in 2014, UNAMA reiterates its recommendation for sustained and even enhanced support to the Government to counter the threat of IEDs.

Suicide and Complex Attacks¹⁰²

In 2013, UNAMA documented 1,236 civilian casualties (255 killed and 981 injured) from 73 incidents of suicide and complex attacks. This represents an 18 percent decrease in civilian casualties from this tactic compared with 2012¹⁰³ although the number of such attacks (72) remained similar to 2012. Civilian casualty figures from suicide and complex attacks do not include civilian casualties from targeted killings in which the primary tactic was a suicide device.¹⁰⁴

UNAMA notes particular concern with complex attacks against civilian compounds. For example, the Taliban claimed responsibility for a complex attack against the US Consulate in Herat city on 13 September which killed eight civilians and injured 53, including nine children. Most of the injured were wounded in their nearby homes.

Complex attacks against military targets continued to result in disproportionate harm to civilian communities. For example, on 28 August, the Taliban attacked the Provincial Reconstruction Team base in Ghazni city, Ghazni province with a vehicle-born IED (VB-IED), RPGs and small arms, resulting in a large explosion and heavy gunfire. The attack killed nine civilians, including a child and injured 38 civilians, including eight girls, four boys and two women. UNAMA recorded the death of one member of the Afghan national security forces.

Suicide attacks ranged in type from those carried out by single individuals either wearing vests or driving vehicles charged with explosives, to multiple suicide bombers that initiated complex attacks involving larger numbers of fighters.

¹⁰¹ In UNAMA's discussions with MoI, MoD and ISAF on Afghan counter-IED capability, security bodies consistently (although not always publicly) shared the view that Afghan security forces continue to require significant support to effectively counter the threat of IEDs.

¹⁰² UNAMA's definition of 'complex attack' is a deliberate and coordinated attack which includes a suicide device (i.e. BBIED, VBIED), more than one attacker and more than one type of device (i.e. BBIED + mortars). All three elements must be present for an attack to be considered complex.

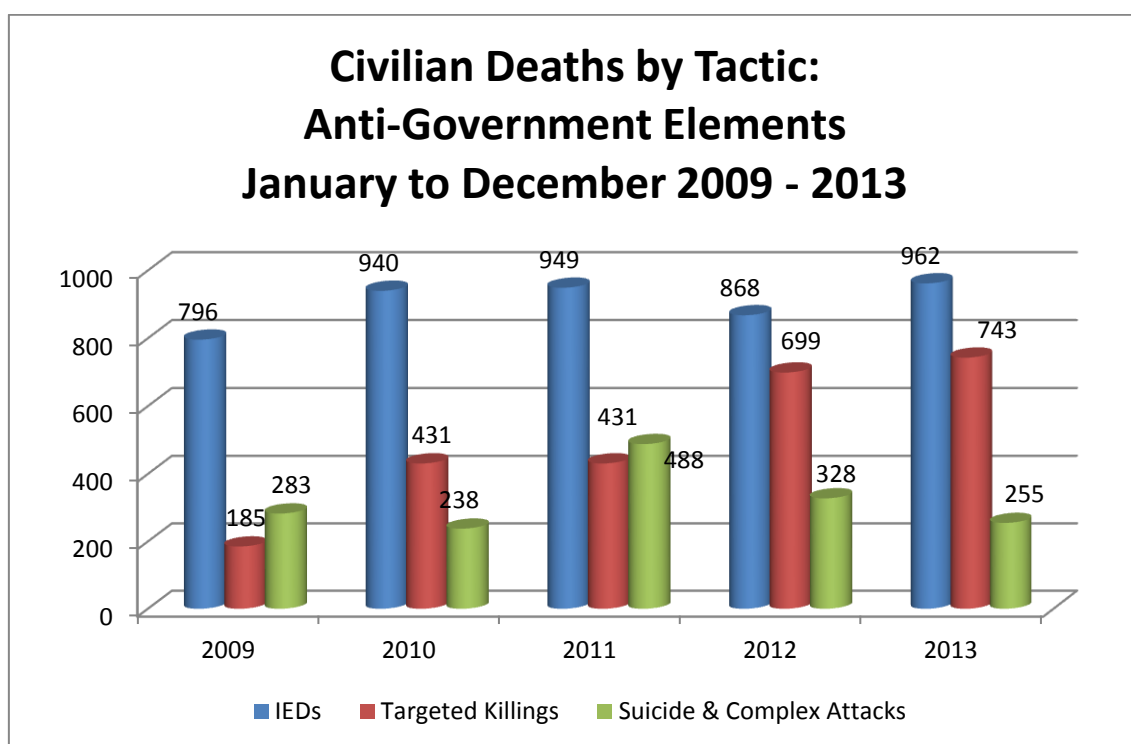
¹⁰³ In 2012, UNAMA documented 1,510 civilian casualties (328 civilian deaths and 1,182 injured) from suicide and complex attacks in 72 incidents.

¹⁰⁴ As UNAMA documents each civilian casualty only once, the actual number of civilian casualties from suicide attacks is higher. For example, incidents in which a suicide attacker targets a high-level Government official and detonates inside a mosque would be documented once as an incident type 'targeted killing' with the tactic 'IED' or 'suicide attack'. In 2013, UNAMA documented 63 separate incidents of targeted killings carried out with IED tactics, resulting in 118 civilian deaths and 65 injured (183 civilian casualties).

Anti-Government Elements continued to use different types of suicide attacks targeting civilians in public places including crowded markets, locations where tribal elders gathered and civilian Government offices. Targeting civilians is a violation of the international principle of distinction.

For example, on 3 August, a group of suicide attackers traveling in a VB-IED approached an ANP check post outside the Indian Consulate in Jalalabad city Nangarhar province, and attempted to enter the consulate.¹⁰⁵ The ANP opened fire on the vehicle and the driver of the VB-IED detonated his vehicle killing himself and two other suicide attackers. The blast also killed ten civilians, including eight children and injured 23 civilians including 12 children and three women. The majority of victims were children who were visiting a nearby mosque for Islamic education, and others included worshipers, shopkeepers and area residents.

Intentionally targeting civilians, and indiscriminate and disproportionate attacks, are prohibited under international humanitarian law and may amount to war crimes.



Representative incidents of suicide and complex attacks in 2013 include:

- On 28 August, in Lashkar Gah city, Helmand province, a suicide bomber with a VB-IED detonated against an ISAF convey near the provincial municipality building killing four civilians and injuring 11, including a woman and child.
- On 31 August, a suicide attacker detonated himself in front of Kabul Bank in Kandahar city, Kandahar province, killing six civilians and injuring 10, including two children.

¹⁰⁵ UNAMA was informed that following this attack, a Taliban spokesperson sent a text message to media outlets denying the Taliban's involvement in the attack.

- On 12 October, a suicide attacker with a VB-IED detonated his vehicle at the main gate of the ANP headquarters in Jalalabad city, Nangarhar province, killing four civilians, including two pedestrians and injuring seven others.
- On 16 November, a vehicle born-IED detonated in a parking lot in close the proximity to the Loya Jirga meetings venue in Kabul city.¹⁰⁶ The attack killed eight civilians, including a 12-year old boy and injured 22. The blast also killed six members of the Afghan national security forces.
- On 20 November, a suicide bomber detonated his vest at a hotel restaurant in Kandahar city, Kandahar province, killing four civilians and injuring 22 others.

War Crime of Murder: Targeted Killings of Civilians

We were discussing poverty in the area in our car, when a group of men in motorcycles ordered the driver to stop. One of the armed men looked inside the car, and shortly after that, they started shooting at us! I can't remember how long they were firing towards us; but when I opened my eyes, I saw all my colleagues lying lifeless on the car seats. I managed to get out of the car and asked for help. But it was already too late: only one of our colleagues was alive, but he also died on the way to the hospital.

- Civilian survivor of a Taliban attack on 27 November, that left him wounded and killed six civilians in Pashtun-kot district, Faryab province.¹⁰⁷

In 2013, UNAMA documented 1,076 civilian casualties (743 killed and 333 injured) from 605 incidents of targeted¹⁰⁸ killings¹⁰⁹ carried out by armed groups. This is almost the same number as in 2012.¹¹⁰ After IED attacks and ground engagements, targeted killings accounted for the third highest number of civilian casualties in 2013. The vast majority of targeted killings (605 of 743) were carried out by Anti-Government Elements.

Anti-Government Elements continued to target and kill Government employees, civilians they accused of spying for the Government, community leaders and off-duty police officers or ANP while performing solely civilian law enforcement functions. In many cases, the Taliban claimed responsibility for the killings on their public website.

Targeted killings were most prevalent in the eastern region, with 184 incidents, followed by the southern region with 129 incidents, the southeast with 96 incidents, the northern region with 92 incidents, the western region with 58 incidents, the central region with 49 incidents, and the northeast region with 35 incidents. Nangarhar province had the highest number of targeted killing incidents documented by UNAMA, followed by Kandahar with 77 incidents and Kunar with 67.

¹⁰⁶ The VB-IED detonated approximately 200 meters from the site for the Loya Jirga, where Afghan elders were to vote on the bilateral long-term security agreement with the United States.

¹⁰⁷ UNAMA interview with NGO staff member, Maimana, Faryab province, 31 December 2013.

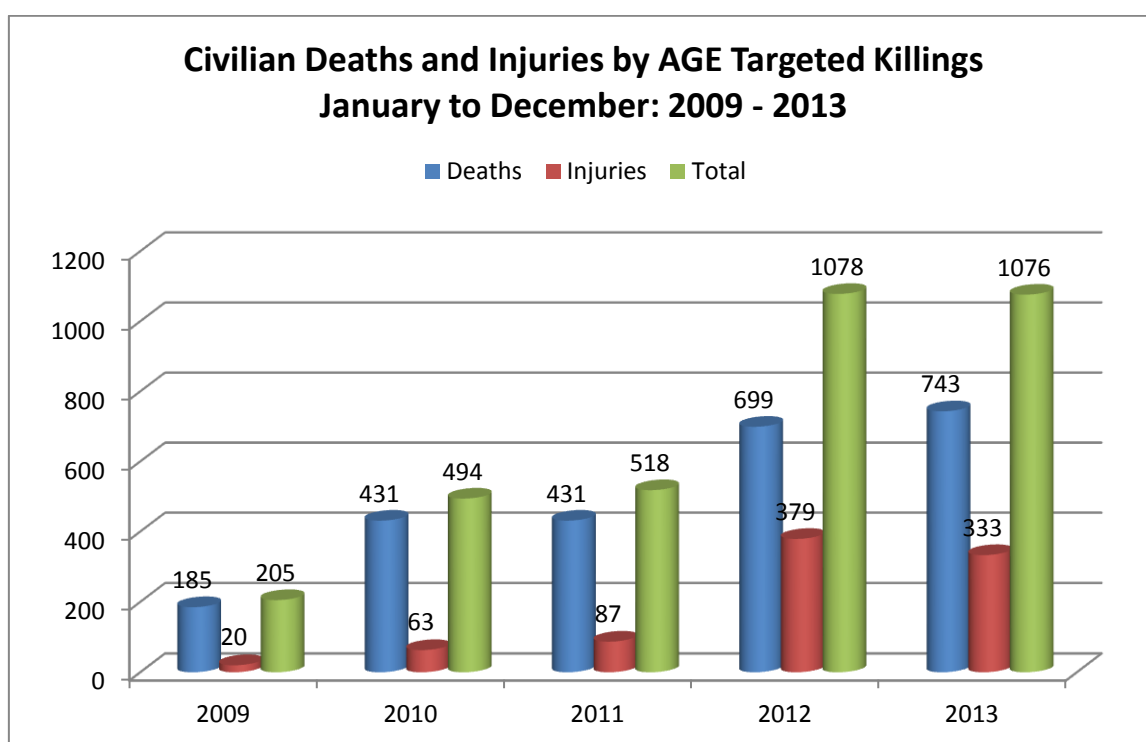
¹⁰⁸ See legal section of this report for the definition of 'targeted killing'. Targeted killings may result in multiple civilian deaths and injuries, particularly in circumstances where indiscriminate tactics, such as IEDs, are used. UNAMA documents all civilian deaths and injuries directly resulting from these incidents as targeted killings.

¹⁰⁹ The category of targeted killing also includes killings involving parallel judicial structures where the individual was in the physical custody of the perpetrator at the time of the killing.

¹¹⁰ In 2012 UNAMA documented 1,077 total civilian casualties (698 civilian deaths and 379 injured) from targeted killings. See UNAMA's 2012 Annual Report on Protection of Civilians in Armed Conflict, at <http://unama.unmissions.org/Default.aspx?tabid=12265&language=en-US>.

Representative examples of targeted killings of civilians include:

- On 25 August, Taliban abducted and shot dead five national staff members of an international non-governmental organization and one Government employee when the group was travelling to Gulran district, Herat province. The Taliban claimed responsibility for the killings on their website.
- On 29 November, Anti-Government Elements ambushed a vehicle carrying six staff members of an international humanitarian organization in Pashtun-kot district. Faryab province, shooting and killing all six civilians. Authorities attributed the incident to Taliban members loyal to the Pashtun-kot Taliban district shadow governor.



Killings of Civilians Due to Family Links or Perceived Support of Government of Afghanistan

In 2013, UNAMA documented 246 attacks against civilians without official affiliation to Government, NGOs or recognized civilian institution (i.e. medical, education, elections, development programming). These attacks against civilians resulted in 532 civilian casualties (410 civilian deaths and 122 injured).¹¹¹ These incidents involved Anti-Government Elements deliberately targeting civilians, including farmers, shopkeepers and students, they perceived as supportive of the Government or national or international security forces.

Examples of civilians killed by the Taliban for perceived support for the Government:

- On 15 November, in Nadar Shah Kot district, Khost province, Taliban shot and killed two civilians, after accusing them of spying for the Government. The Taliban claimed responsibility on their website.

¹¹¹ In 2012, UNAMA documented 405 civilian casualties (309 civilian deaths and 96 injured) in 226 such incidents.

- On 27 November in Qalat district, Zabul province, Anti-Government Elements stopped two boys and checked their mobile telephones. After finding the numbers of Government officials on their telephones, Anti-Government Elements accused the boys of links with the Government, shot and killed them.
- On 13 December in Sabari district, Khost province, Anti-Government Elements shot and killed two civilians, a teacher and a student, after accusing them of spying for the Government. Community sources consistently reported that the victims were 'everyday people' and not involved in military activities.
- On 19 December, Anti-Government Elements shot and killed a local school teacher in Bar Kunar district, Kunar province, while he was travelling in a local taxi. The victim's brother was an ANA soldier.
- On 30 December, two civilians- a brick maker and a driver, were found dead in Aqcah district, Jawzjan province. Communities found a message from the Taliban on one of the bodies, accusing the deceased of joining the "enemies".

Examples of Provincial Peace Council members targeted

UNAMA notes with concern the increase in attacks deliberately targeting members of provincial peace councils. In 2013, UNAMA documented seven incidents resulting in 18 civilian casualties (eight civilian deaths and ten injured).¹¹²

- On 9 July, Anti-Government Elements shot and killed a provincial peace council member in Chamkanay district, Paktya province, as the victim was travelling from the main bazaar to his home.
- On 26 September, a RC-IED detonated against a civilian vehicle in Kot district, Nangarhar province, injuring two men and a woman. One of the victims, a member of the local Provincial Peace and Reconciliation Council was a candidate in the 2014 provincial council elections and the reported target of the attack. Another victim was a district *shura* member.
- On 28 November, Anti-Government Elements shot and killed a provincial peace council member near his home in Qalat district, Zabul province.

UNAMA also documented two incidents of former members of the security forces who were targeted after they left the armed forces. For example, on 25 August, Anti-Government Elements abducted and killed a former ANA soldier who had left the army to run an education centre in Bati Kot district, Nangarhar province.

Under international humanitarian law the deliberate killing of civilians may amount to a war crime. Common Article 3 of the Geneva Conventions which applies to all parties to the armed conflict in Afghanistan including the Taliban, explicitly prohibits murder,¹¹³ violence, extrajudicial executions, torture, mutilation and other forms of violence against civilians¹¹⁴ at all times and in all places.

¹¹² In 2012, UNAMA documented six civilians deaths in two separate incidents of Anti-Government Elements targeting members of provincial peace councils.

¹¹³ See the legal section of this report for a definition of the war crime of murder.

¹¹⁴ See the legal section of this report for details on crimes prohibited under Common Article 3 of the Geneva Conventions.

Parallel Judicial Structure Punishments

In 2013, UNAMA documented 23 incidents of Anti-Government Elements punishing civilians for alleged infractions of *sharia* law or on charges of 'spying' for the Government through parallel judicial structures.¹¹⁵ Punishments ordered and carried out included executions, beheadings, amputation of limbs, beatings, lashings and illegal detention.¹¹⁶

These 23 incidents resulted in the death of 19 civilians and injury of four others by Anti-Government Elements which carried out punishments and death sentences.¹¹⁷ This represents a slight increase in the number of incidents but a decrease in civilian casualties from such acts compared to 2012.¹¹⁸

In the majority of incidents documented in 2013, Anti-Government Elements executed civilians they suspected of spying for the Government, or of committing criminal acts as defined by Anti-Government Elements. UNAMA notes that parallel judicial structures are illegal and have no legitimacy or basis under the laws of Afghanistan. Punishments meted out by these structures amount to human rights abuses, criminal acts under the laws of Afghanistan, and in some circumstances, war crimes.¹¹⁹

Parallel judicial structures were documented in a number of regions of Afghanistan, primarily in areas controlled by Anti-Government Elements.¹²⁰ In some instances, parallel judicial structures were imposed on communities by force through physical removal of suspects, implementation of decisions, threats, intimidation and harassment.

In other instances, communities appeared to prefer using these structures rather than official legal mechanisms and referred cases to the parallel 'court.' For example, on 30 May, Anti-Government Elements shot and killed a 23-year old man and a 16-year old girl in Lal Pura district, Nangarhar province. The couple had reportedly run away from their families and allegedly had pre-marital sexual relations. Interlocutors consistently reported that after the couple ran away, Anti-Government Elements, with the support of

¹¹⁵ See UNAMA's 2012 and 2013 Annual and Mid-Year Reports on Protection of Civilians in Armed Conflict for background, at

<http://unama.unmissions.org/LinkClick.aspx?fileticket=K0B5RL2XYcU%3D>.

¹¹⁶ All incidents of civilian casualties from parallel judicial system punishments recorded by UNAMA were carried out by Anti-Government Elements. UNAMA records instances of deaths and injuries resulting from such procedures, whether the punishment was directly linked to the conflict, i.e. execution of the father of an ANA soldier or was carried out by Anti-Government Elements against a civilian in relation to a non-conflict related infraction, i.e. public lashing for adultery. Common Article 3 protects civilians through the explicit prohibition of murder, violence, extrajudicial executions, torture, mutilation and other forms of violence. These acts are prohibited at any time and in any place whatsoever. See the legal section of this report for further details on the applicability of Common Article 3 in Afghanistan.

¹¹⁷ UNAMA considers parallel judicial structure executions to include those intentional, premeditated and deliberate killings of an individual who is present in the perpetrator's physical custody (as opposed to targeted killings that require the victim not to be in the perpetrator's physical custody) when the killing is imposed for the purpose of punishment, i.e. killing of religious leader for delivering funeral ceremony to deceased Afghan national security force member, despite warnings not to. UNAMA considers such incidents 'murder' as defined under international humanitarian law applicable in the non-international conflict in Afghanistan.

¹¹⁸ In 2012, UNAMA documented 33 civilian casualties (11 civilian deaths and 22 injured) in 17 incidents of parallel judicial structure punishments.

¹¹⁹ Refer to the legal section of this report for a definition of war crimes.

¹²⁰ UNAMA documented such punishments in all regions of Afghanistan except for the Central Highlands, Central and Southeast regions.

the couple's relatives, investigated the incident, tracked down the couple and shot them both.

Representative examples of parallel judicial structure punishments:

- On 20 August, Anti-Government Elements in Jurm district, Badakhshan province, detained a 32-year old man, accused him of adultery and sentenced him to death. The man was tied with ropes around his waist and hung between two trees. After eight hours, the man was removed from the trees, almost lifeless, and then shot dead.
- On 12 October, Anti-Government Elements executed a 19-year old farmer in Jurm district, Badakhshan province, after accusing him of being an informant for Afghan national security forces. The victim was found with a note on his dead body warning of similar consequences for those who spy for Afghan forces.
- On 28 October, a man who killed his neighbor after accusing the neighbor of raping his wife, was detained by a local Taliban commander on charges of murder, in Khash Rod district, Nimroz province. On 27 December, a Taliban court determined that no rape had taken place, and the detained man was sentenced to death. The Taliban transferred the detainee to the location where the original murder had taken place and allowed the neighbor's father to shoot and kill him.
- On 14 December, Anti-Government Elements abducted a civilian from his home in Chaparhar district, Nangarhar province, and later shot and killed him. The victim was found with a letter attached to his body accusing him of robbery and stating that those who commit robbery would face the same punishment.

Such killings often function as a tool to terrorize and intimidate the civilian population, and serve as warning to others not to support the Government. In addition to the prohibition of killing of civilians, international humanitarian law prohibits acts or threats of violence in which the primary purpose is to spread terror among the civilian population.¹²¹

Threats and Attacks against Religious Figures and Places of Worship

¹²¹ Article 13, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. 2. "The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited".

On the fateful day, we were in the Mullah's car, on our way home to Shortepa, when we met two men with covered faces. They came close to us and opened fire, wounding me in the chest and hand. The bullet that hit my chest just missed my heart – otherwise I would have been dead today. They also shot the Mullah with five bullets on his right foot and right hand. They then left us and we continued driving as fast as possible. When we reached the pharmacy, I left immediately to take medicines. The perpetrators came back and shot the Mullah in the back. He died on the spot. I remember a few days earlier the Mullah had told me that he received threatening phone calls from other Mullahs, saying that he could be killed. – I advised him not to worry, and to just rely on God.

-- Witness to targeted killing by the Taliban of a religious leader in Shortepa district, Balkh province, August 2013¹²²

Attacks deliberately targeting mullahs and places of worship tripled in 2013.¹²³ UNAMA documented 27 incidents in which persons or places of worship - including mosques, were directly threatened or attacked, resulting in 18 civilian deaths and seven injured.¹²⁴

The majority of attacks were carried out by Anti-Government Elements targeting mullahs and religious scholars for their perceived public support for the Government. Anti-Government Elements also detonated IEDs and carried out attacks near or in mosques, causing damage to protected places of worship and harming civilians. For example, a RC-IED attack against a mosque in Andar district, Ghazni province carried out on 18 August resulted in the complete destruction of the mosque, with no civilian casualties. Another attack carried out on a mosque in Deihrawud district, Uruzgan province on 1 July resulted in three civilians killed and three injured.

In 2013, mullahs were also subjected to threats, harassment and attacks by Anti-Government Elements when participating in or leading funeral ceremonies for deceased members of Afghan national security forces.¹²⁵ For example on 17 September, a mullah was shot and killed by Anti-Government Elements in Pushtrod district, Farah province. The mullah had been abducted two days earlier, after he conducted a funeral ceremony for a deceased ALP member. Local sources attributed responsibility to the Taliban, although the Taliban did not claim responsibility.

In some instances, in particular where it appeared the Taliban were attempting to exert greater influence in an area, mullahs and religious scholars who declared public support to the Government suffered harsh consequences. On 4 September in Andar district, Ghazni province, the Taliban shot and killed a prominent religious scholar and his two sons due to the scholar's public support for the Government. The Taliban claimed responsibility on their website.

International humanitarian law prohibits deliberate attacks against civilians and civilian property, including places of worship, and places a specific obligation on parties to the conflict to enable religious personnel to carry out their work. Article 9 to Protocol II of

¹²² UNAMA interviews with victim and eyewitnesses, Shortepa district, Balkh province, 1 August 2013.

¹²³ In 2012, UNAMA documented 21 civilian casualties (eight civilian deaths and 13 injured) in eight incidents.

¹²⁴ UNAMA notes the high likelihood of under-reporting of such incidents, given the extreme insecurity, lack of access to remote communities, particularly throughout the southern region, and constraints such communities may have in reporting abuses including against mullahs and mosques.

¹²⁵ See also UNAMA's 2013 Mid-Year Report on Protection of Civilians in Armed Conflict, p. 24.

the Geneva Conventions states “Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties.”¹²⁶ In addition, international humanitarian law prohibits acts directed against people and places of worship which constitute the cultural or spiritual heritage of peoples.¹²⁷

While the vast majority of attacks against mullahs and places of worship in Afghanistan were carried out by Anti-Government Elements, UNAMA notes the State’s responsibility in this regard, to protect mullahs and mosques from attacks.

Attacks on Election Workers, Facilities and Protection of Civilians in the Pre-Election Period

Presidential and provincial council elections in Afghanistan are scheduled to take place on 5 April 2014. Under its mandate to monitor human rights and the protection of civilians impacted by conflict-related violence, UNAMA documented attacks and threats against civilian electoral personnel by parties to the conflict in 2013.¹²⁸

UNAMA documented 25 incidents of attacks against election workers and election facilities by Anti-Government Elements, resulting in 16 civilian casualties (four civilian deaths and 12 injured).¹²⁹

The attacks included four IED attacks, three targeted killings (attempted targeted killings), three ground engagements and two incidents of abduction. UNAMA documented 13 incidents of Anti-Government Elements threatening, intimidating or harassing staff of the Independent Election Commission (IEC).¹³⁰ Of grave concern was the targeted killing of the head of the IEC in Kunduz city, Kunduz province on 18 September. The Taliban claimed responsibility for the attack on their website.

The voter registration process began 26 May 2013 and continued throughout 2013.¹³¹ During this period, UNAMA documented instances of Anti-Government Elements’ deliberately attacking and threatening IEC mobile registration teams.

Examples of attacks against mobile registration teams:

- On 10 October, Anti-Government Elements opened fire on a mobile team in Kushk district, Herat province, injuring two IEC staff members.

¹²⁶ Article 9 Protection of medical and religious personnel, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.

¹²⁷ Ibid. See also ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

¹²⁸ See applicability of Common Article 3 of the Geneva Conventions in legal section.

¹²⁹ Between 1 June 2013 and 2 January 2014, the IEC documented 82 incidents against the electoral process. This figure includes 23 incidents of attacks, 22 incidents of threats and intimidation of IEC staff and 12 incidents of IEDs, RC-IEDs and VB-IEDs targeting and killing/injuring ANP and IEC staff on mobile convoys and causing collateral damage to IEC offices. See ‘IEC Security Report, Department of Field Operations, Security Coordination Office, 2 January 2014,’ on file with UNAMA.

¹³⁰ The IEC figures are significantly higher than the figures provided in this report because UNAMA includes in its documentation and reporting only those incidents with an established nexus to the armed conflict, i.e. carried out by parties to the conflict.

¹³¹ The 2014 Presidential and Provincial Councils elections process began in 2013 with a three phase (provincial, district and polling centre level) top-up voter registration exercise that aimed to register new voters who have turned 18 since the last elections, or existing voters who lost their cards. Phase-I of the exercise started on 26 May 2013. According to the IEC, as of 14 January 2014, more than 3.2 million voters have registered under this top-up exercise.

- On 21 October, a RC-IED detonated against an ANP vehicle escorting an IEC mobile registration team in Dushi district, Baghlan province, killing two ANP and injuring four civilians. The Taliban claimed responsibility on their website.
- On 3 November, a RC-IED detonated against an IEC mobile voter registration team in Du Lina district, Ghor province, injuring six IEC staff members.

UNAMA documented three instances of abduction of IEC workers by Anti-Government Elements. The cases were resolved through community intervention, although in two of the incidents, the release was conditional on the IEC staff member leaving his duties. For example, on 11 September, Anti-Government Elements abducted an IEC staff member - a former mullah – from Qalat district, Zabul province. The IEC staff member had reportedly received threats in the past. Anti-Government Elements released the man after he agreed to leave his employment with the IEC. On 14 October, Anti-Government Elements in Pachir Wa Agam district, Nangarhar province abducted an IEC staff member. He was released soon after through the mediation of tribal elders.

UNAMA confirmed reports of Anti-Government Elements intimidating civilians in some areas by sending night-letters warning them against participating in the electoral process. The letters, some hand-written, others computer-generated, were found in public buildings such as mosques and district headquarters. On 30 October, a letter to an IEC district field coordinator was found on a district administrator's desk during a gathering to promote mobile voter registration in Goshta district, Nangarhar province. The letter warned the IEC staff member not to visit Goshta district to support voter registration efforts, or he would be killed.

In addition to deliberate attacks against the electoral process, insecurity impacted participation of civilians in the electoral process in some areas. For example, the right to freedom of movement, and with it freedom of participation, was curtailed in five districts where people were prevented from registering either because the registration teams could not travel due to insecurity or because people were afraid of traveling to register.¹³²

UNAMA observed countrywide that Afghan security forces, particularly the ANP, responded promptly to attacks or instances of Anti-Government Elements interfering in the electoral process which enabled the electoral process to continue.

Examples of ANP protecting voter registration centres and civilians from attacks by Anti-Government Elements:

- On 20 October, Anti-Government Elements attacked a mobile voting registration center in Khairkot district, Paktika province. ANP responded and reopened the centre after a few hours.
- On 10 November, IEC staff and community members attempted to prevent armed Anti-Government Elements from entering a voter registration center stationed in a local health clinic in Rodat district, Nangarhar province. ANP arrived at the voter registration centre, engaged in small arms fire with Anti-

¹³² In Phase-II of district level voter registration, the IEC established registration centres in 395 out of 399 districts, in addition to 41 registration centres in the 34 provincial capitals. As of 21 November, 3,148,620 voters have been registered. Female registration increased to 34.4 percent. There were five districts where the IEC could not carry out Phase-II district level voter registration due to insecurity: Nawa district, Ghazni province, Kakar district, Zabul province, Baghran and Dishu districts in Helmand province and Waygal district, Nuristan province. Source: UNDP Elect II, Enhancing Legal and Electoral Capacity for Tomorrow - Phase II, Update: 25 October - 21 November 2013.

Government Elements and arrested a member of an Anti-Government armed group.

Current risk assessments indicate that insecurity will impact participation of civilians in the 2014 elections in some areas. On 11 January 2014, the Ministry of Interior completed its security assessment of election polling centres and recommended 414 of the 6,845 identified polling centres for closure due to security reasons.¹³³ Adequate security is essential to ensuring that as many Afghans as possible - particularly women - living in conflict impacted areas can fully participate in the ongoing political process in Afghanistan and exercise their right to vote.

UNAMA also highlights that election personnel are civilians and as such cannot be attacked in compliance with all parties' obligations under international humanitarian law. UNAMA again urges the Taliban and other Anti-Government Elements to stop attacking civilians including election workers and stresses that such acts may amount to war crimes.

Taliban Public Statements on Civilian Casualties

In 2013, the Taliban issued 46 statements that directly or indirectly raised civilian casualties and the protection of civilians. These statements either claimed or denied responsibility for attacks, or denounced civilian casualties they stated were caused by Pro-Government Forces. The Taliban also issued daily news briefs and articles claiming responsibility for complex and suicide attacks, targeted killings and IED incidents.

The Taliban continued putting forward messages and declarations regarding their involvement in civilian casualty incidents which frequently emphasized the Taliban's definition of 'civilians' (which is inconsistent with the legal definition under international humanitarian law) and that offered details of measures the Taliban stated they had taken to mitigate civilian casualties. Notwithstanding such declarations, the number of incidents involving civilian casualties the Taliban claimed responsibility more than tripled in 2013.¹³⁴

The Taliban's narrative also included messages denying involvement in some incidents, while widely condemning others. Such denials and condemnations were frequently issued following civilian casualty incidents that were broadly condemned nationally and internationally, perhaps highlighting the Taliban's continuous interest in gaining the Afghan people's support and responding to allegations of human rights violations committed by its members.

UNAMA observed, however, as in previous years, that despite statements and measures indicating efforts to protect civilians, the Taliban continued to kill and injure hundreds of Afghan civilians in 2013 using IEDs, targeted killings and in ground engagements with Afghan national security forces.

Taliban Response to UNAMA's 2013 Mid-Year Report on Protection of Civilians

In a public statement, the Taliban acknowledged receipt of UNAMA's 2013 Mid-Year Report on the Protection of Civilians hours prior to its official public launch and stated they were not given sufficient time to analyze its content or to discuss its conclusions

¹³³ Ministry of Interior spokesperson, Sediq Sediqqi, "90 Percent of Polling Centers Will Open Election Day: Mol," Sayed Sharif Amiry, 12 January 2014, at <http://www.tolnews.com/elections2014/90-percent-polling-centers-will-open-election-day-moi>.

¹³⁴ In 2013 UNAMA documented 149 incidents for which the Taliban claimed responsibility, compared to 46 such incidents in 2012.

with UNAMA.¹³⁵ This statement did not acknowledge civilian casualties caused– either deliberately or collaterally – by Taliban actions and attacks.

Notably, the statement addressed UNAMA's identification of 52 specific incidents in which the Taliban had claimed responsibility for the targeting and killing of persons defined as civilians under international humanitarian law.¹³⁶ The Taliban statement reaffirmed responsibility for the attacks but challenged UNAMA's findings of civilian casualties from the attacks, reiterating its position that civilian members of the "Kabul administration"¹³⁷ can be attacked.

Taliban Definition of 'Civilians'

The Taliban continued to define civilians as "*those who are in no way involved in fighting: the white bearded people, women, children and common people who live an ordinary life*".¹³⁸ The Taliban stated it is "illegitimate" to attack or kill such persons.¹³⁹ The Taliban also claimed that UNAMA "*considers officials of Kabul admin, police, soldiers, intelligence workers and employees of other sensitive and detrimental organs as civilians*".¹⁴⁰

UNAMA notes that the Taliban statement is neither an accurate description of UNAMA's position on the definition of 'civilians' nor in compliance with the Taliban's obligations under international humanitarian law as a party to the conflict. UNAMA reiterates that 'civilians' are defined under international humanitarian law as individuals who are not members of military/paramilitary forces or members of organized armed groups of a party to a conflict (soldiers and in many cases police and intelligence are members of such military/paramilitary forces and thus not 'civilians').

To highlight, 'civilians' includes all persons not directly participating in hostilities. Civilians only lose their protected status if they take up arms and directly participate in hostilities, or become members of an armed group that is a party to the conflict. Accordingly, under international humanitarian law individuals employed in civilian Government positions are considered civilians as they do not directly participate in hostilities, remain so until such time as they directly participate in hostilities and must not be attacked.

¹³⁵ Taliban Statement, "Rejoinder of the Islamic Emirate about the recent report of UNAMA regarding the civilian casualties", 31 July 2013, at <http://www.shahamat-english.com/index.php/paighamoona/34995-rejoinder-of-the-islamic-emirate-about-the-recent-report-of-unama-regarding-the-civilian-casualties>, accessed 14 January 2014.

¹³⁶ UNAMA's 2013 Mid-Year Report on Protection of Civilians in Armed Conflict noted that the Taliban claimed responsibility for 52 attacks that resulted in 571 civilian casualties. For example, the report referred to the 3 April 2013 attack on the Farah provincial court, Farah city, Farah province, which killed 33 civilians and injured 105.

¹³⁷ See next section, *Taliban definition of civilians*.

¹³⁸ Taliban Statement, "An open letter to the UNAMA about the biased behavior of this organization," 25 February 2013, at <http://www.shahamat-english.com/index.php/paighamoona/29225-an-open-letter-to-the-unama-about-the-biased-behavior-of-this-organization>, accessed 14 January 2014.

¹³⁹ Ibid.

¹⁴⁰ Taliban Statement, "Rejoinder of the Islamic Emirate about the recent report of UNAMA regarding the civilian casualties", 31 July 2013, at <http://www.shahamat-english.com/index.php/paighamoona/34995-rejoinder-of-the-islamic-emirate-about-the-recent-report-of-unama-regarding-the-civilian-casualties>, accessed 16 January 2014.

Taliban Statements on Civilian Casualty Avoidance and Mitigation Measures

In 2013, the Taliban stated they had taken new steps to address civilian casualties. In an interview published on 17 June, the Taliban announced the establishment of a “special committee under the supervision of the military commission for the avoidance of civilian losses”.¹⁴¹ The interview indicated that the Taliban special committee’s *modus operandi* comprised 16 articles and that a select few had been made public. According to article I, the special committee’s core responsibility was to “get information, evaluate and send the report to the leadership of the Islamic Emirate regarding those civilian losses” attributed to Taliban members.¹⁴² Article III required the committee to thoroughly investigate incidents of “negligence” by Taliban members and, where determined responsible, to refer perpetrators to a *sharia* court for punishment.¹⁴³ The committee’s contact details were made publicly available.¹⁴⁴

The same interview reported that the committee had registered nine cases – four in Helmand, two in Kandahar and one each in Faryab, Wardak and Zabul provinces – of negligent acts by Taliban members resulting in civilian casualties.¹⁴⁵ The interview further stated that these cases would be referred to a *sharia* court in the “near future.” To date, the Taliban have provided no further information on the disposition of these cases.

UNAMA highlights that such a mechanism – to be credible - should operate in accordance with the definition of ‘civilian’ under international humanitarian law and aim to promote compliance with obligations of all parties to uphold international law. It is also not clear how the Taliban defines “negligent acts resulting in civilian casualties” for the purposes of its internal investigation and referral to a *sharia* court.

In addition to the Taliban’s declarations on the work of the special committee, in 2013 the Taliban made several other assertions on civilian casualty mitigation measures. For example, the Taliban’s *Eid-ul-Fitr* message, released on 6 August, declared “...Those people who harm the commoners by misusing the name of Mujahid or kidnap people for ransom or follow personal goals under the name of Jihad, they are neither Mujahideen nor belong to the Islamic Emirate”.¹⁴⁶ While this message appeared to seek to deter criminally motivated abductions (for the purpose of ransom), it does not provide a message deterring Taliban members from using this tactic for other purposes. Intimidation and abduction of civilians by Taliban members continued in many parts of the country throughout 2013.¹⁴⁷

¹⁴¹ Taliban Statement, “Interview with Mr Sarhadi, the Director of the Special Committee for the Prevention of Civilian Losses”, 17 June 2013, at <http://www.shahamat-english.com/index.php/interviwe/32843-interview-with-mr-sarhadi,-the-director-of-the-special-committee-for-the-prevention-of-civilian-losses>, accessed 14 January 2014.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Taliban Statement on its Pashto website

“د افغانستان اسلامي امارت د نظامي چارو کمیسیون د ملګري تلفاتو د مخنیوي اداره”

<http://shahamat.info/index.php/paighamoona/42293>-accessed 14/01/2014.

¹⁴⁵ Ibid.

¹⁴⁶ Taliban Statement, “Message of Felicitation of Amir Ul Momineen (May Allah Protect Him) on the Occasion of Eid-ul-Fitr”, 6 August 2013, at

<http://www.shahamat-english.com/index.php/paighamoona/35234-message-of-felicitatation-of-amir-ul-momineen-may-allah-protect-him-on-the-occasion-of-eid-ul-fitr>, accessed 14 January 2014.

¹⁴⁷ Customary international humanitarian law and humanitarian law applicable to the non-international armed conflict in Afghanistan prohibits the taking of hostages. See Article 4 (2)(c)Additional Protocol II, .

The same *Eid-ul-Fitr* message stated that Taliban members found to have acted in a “careless” manner with regard to involvement in civilian casualty incidents shall be referred to the leadership and processed through judicial courts.¹⁴⁸ The Taliban’s definition of “acting in a careless manner” has neither been publicly clarified nor has information been provided on any measures taken through this process.

Similarly, on 27 November, the Taliban stated that it tries to avoid harm to civilians (referred to in the statement as “the masses”).¹⁴⁹

Taliban Claims of Responsibility for Civilian Casualties

In 2013, the Taliban claimed responsibility for a total of 153 attacks affecting civilians¹⁵⁰ – an increase of 292 percent compared to 2012.¹⁵¹ UNAMA verification found that these attacks resulted in 944 civilian casualties (302 civilians killed and 642 injured, a 136 percent increase in civilian casualties for which the Taliban claimed responsibility compared to 2012.

Most of these attacks either used indiscriminate tactics such as IED detonations in public areas, targeted off-duty police or police performing a solely civilian law enforcement function or directly targeted civilians, particularly civilian administration personnel or buildings. Five of the 149 attacks targeted ANA and five others targeted ALP. Several incidents caused high numbers of civilian casualties. For example, the Taliban claimed responsibility for the 13 September complex attack against the US Consulate in Herat city, which resulted in 61 civilian casualties. This attack killed eight civilians and injured 53. All the casualties were Afghans, with the exception of four international (non-US) contracted guards.¹⁵²

The Taliban claimed responsibility for attacks on its website as well as through direct approaches to the media. Many statements claiming responsibility presented in-depth accounts of the attacks, providing details on the intended target, operational developments and casualties incurred on both sides.¹⁵³

¹⁴⁸ “Occasionally, when a Mujahid is found being careless as regards the prevention of the civilians casualties, he must be referred to the leadership after identification for handing over to the judicial courts.” See footnote 140.

¹⁴⁹ “You understand that this war and our preparation for this war is long-drawn-out, therefore, we try our best that the masses are not harmed so that they could also have the same high spirit and fighting morale for a long period of time”. Taliban Statement, “Zabihullah Mujahid: Each of the United Nations Report Goes Through the American Filter and Is Published on Their Demand”, 27 November 2013, at

<http://www.shahamat-english.com/index.php/interviwe/39994-zabihullah-mujahid-each-of-the-united-nations-report-goes-through-the-american-filter-and-is-published-on-their-demand>, accessed 16 January 2014.

¹⁵⁰ Incidents affecting civilians include civilian deaths and injuries, threat, intimidation and harassment, loss of livelihood and impact of the enjoyment of human rights, for example, school or clinic closures as a result of an IED attack.

¹⁵¹ In 2012 UNAMA documented 46 incidents for which the Taliban claimed responsibility. See UNAMA’s 2012 Annual Report on Protection of Civilians in armed conflict, p. 27, at <http://unama.unmissions.org/LinkClick.aspx?fileticket=K0B5RL2XYcU%3D>.

¹⁵² Taliban Statement, “Herat Martyrdom Operation Causes Heavy Enemy Losses”, 13 September, 2013, at <http://www.shahamat-english.com/index.php/news/36970-herat-martyrdom-operation-causes-enemy-heavy-losses>, accessed 14 January 2014.

¹⁵³ See for example Taliban Statement on the 13 September attack against the US Consulate in Herat, “Herat Martyrdom Operation Causes Heavy Enemy Losses”, 13 September, 2013, at <http://www.shahamat-english.com/index.php/news/36970-herat-martyrdom-operation-causes-enemy-heavy-losses>, accessed 14 January 2014.

Taliban Monthly Statements on Civilian Casualties Caused by Pro-Government Forces

In 2013, the Taliban began publishing monthly statements detailing incidents of civilian casualties they alleged were caused by Pro-Government Forces.¹⁵⁴ The Taliban raised a total of 277 incidents in their statements. UNAMA followed up on all alleged incidents to determine whether the incidents had been documented by UNAMA and if not, whether they warranted inclusion in UNAMA's civilian casualty database. UNAMA found that of the 277 incidents, 91 had been documented, 83 were followed up by UNAMA and 103 incidents could not be verified as involving civilian casualties related to the armed conflict.¹⁵⁵

Of the 277 incidents listed in the Taliban's monthly statements, UNAMA observed that 42 incidents stated numbers of civilian casualties consistent with UNAMA's documentation, an additional 28 incidents noted higher numbers and 24 incidents noted lower numbers of civilian casualties than UNAMA's documentation.

While the Taliban accused Pro-Government Forces of responsibility for civilian casualties in all 277 incidents, UNAMA's documentation found attribution to Pro-Government Forces in 71 of the 277 incidents. In 11 other incidents, UNAMA found the civilian casualties were attributed to crossfire, in eight incidents the civilian casualties were attributed to Anti-Government Elements, and in four further incidents the casualties were unattributed.

UNAMA's verification of another 30 incidents found no civilian casualties and in an additional 25 incidents UNAMA found that the civilian casualties alleged by the Taliban were not civilians. UNAMA observed that 13 incidents were not related to the armed conflict and in the 115 remaining incidents, UNAMA could not confirm the status of the casualties or the incident.

Taliban Statements of Condemnation and Denial of Civilian Casualties

The Taliban condemned -- or denied responsibility for -- several incidents of civilian casualties that resulted from IED detonations and also condemned operations by Pro-Government Forces which they alleged caused civilian casualties. UNAMA observed that statements of denial and condemnation often followed incidents of civilian casualties that were widely condemned by the Government and the international community. For example, on 7 September, in Watapur district, Kunar province, international military forces conducted an aerial attack that killed 10 civilians and injured one girl. The Taliban condemned the attack and the civilian casualties.¹⁵⁶ UNAMA's investigation confirmed the incident took place and the number of civilian casualties.

In another example, on 18 November, in Khair kot district, Paktika province, an explosion in an abandoned ANP check post killed six children and injured two others. The Taliban denied responsibility and alleged that Pro-Government Forces had planted

¹⁵⁴ Taliban monthly statements at <http://www.shahamat-english.com/index.php/interview>, accessed 14 January 2014.

¹⁵⁵ See Annex 1: Summary and Analysis of Taliban Statements. Details of UNAMA's investigation of the 277 incidents listed in the Taliban monthly reports available upon request.

¹⁵⁶ Taliban Statement, "US Drone Strikes Martyr 16 Innocent Civilians in Kunar" at <http://www.shahamat-english.com/index.php/news/36679-us-drone-strikes-martyr-16-innocent-civilians-in-kunar>, accessed 14 January 2014.

an IED at the site.¹⁵⁷ UNAMA determined that the explosion was caused by an UXO of unknown origin.

On 19 November, in Chora district, Uruzgan province, unknown armed men abducted two polio vaccinators. The victims' bodies were discovered two days later with gunshot and stab wounds. While no party claimed responsibility for the killing, the Taliban in a public statement denied involvement and attributed the act to Pro-Government Forces.¹⁵⁸ UNAMA confirmed the deaths but could not attribute responsibility for the civilian casualties.

Taliban Attacks on Aid Workers and Claims of Responsibility

In its *Eid-ul-Fitr* statement released on 6 August, the Taliban leadership stated that every humanitarian organization that *"keeps away from political and espionage motives and which is not established by the invaders for the purpose of collecting intelligence or inviting people to non-Islamic ways"* could carry out its humanitarian activities in areas under Taliban control in coordination with the Taliban's relevant commissions.¹⁵⁹ The Taliban broadcast a similar message following an attack on an ICRC compound in Jalalabad in May 2013.¹⁶⁰ Despite the statement, UNAMA recorded a number of attacks against humanitarian organizations during 2013 for which the Taliban claimed responsibility.

For example, on 25 August, in Gulran district, Herat province, five national staff members of an international NGO and one Government employee travelling to Gulran district were kidnapped. All staff members were shot dead on 27 August. The Taliban claimed responsibility.¹⁶¹ On 27 November, in Pashton-kot district, Faryab province, on the main road between Pashton-kot and Almar districts, six aid workers from an international NGO were killed and another was seriously injured. The NGO suspended its activities in the province soon after the attack. The Taliban claimed responsibility.¹⁶²

UNAMA highlights that humanitarian workers are considered civilians under international humanitarian law and as such are protected from attack for as long as they do not directly participate in hostilities. Attacks against humanitarian organizations also impede community access to basic needs and violate Afghans' rights to health and education.

¹⁵⁷ Taliban Statement, "Islamic Emirate's Clarification on the Martyrdom of 7 Children", 19 November 2013 at <http://www.shahamat-english.com/index.php/paighamooona/39762-islamic-emirate-s-spokesman-s-clarification-on-martyrdom-of-7-children>, accessed 14 January, 2014.

¹⁵⁸ Taliban Statement, "Arbaki Commander Brutally Martyrs 2 Civilians in Chora", November 23, 2013 at <http://www.shahamat-english.com/index.php/news/39915-arbaki-commander-brutally-martyrs-2-civilians-in-chora>, accessed 14 January 2014.

¹⁵⁹ Ibid.

¹⁶⁰ Taliban Statement, "Remarks of spokesman of Islamic Emirate regarding attack on ICRC in Jalalabad," 31 May 2013.

¹⁶¹ Taliban Statement, "Six National Solidarity Hirelings killed," 27 August 2013 at <http://www.shahamat-english.com/index.php/news/36053-6-national-solidarity-program-hirelings-killed>, accessed 14 January 2014.

¹⁶² Taliban Statement, "Five Members of Acted Killed in Northern Faryab Province," 27 November 2013, <http://www.shahamat-english.com/index.php/news/40015-5-members-of-acted-killed-in-northern-faryab-province>, accessed 14 January 2014.

II. Ground Engagement between Parties to the Conflict: Civilians Caught in the Crossfire

In 2013, UNAMA documented 2,327 civilian casualties (534 civilian deaths and 1,793 injured) from 962 incidents of ground engagements between Anti-Government Elements and Pro-Government Forces,¹⁶³ a 43 percent increase from 2012.¹⁶⁴ After IEDs, ground engagements resulted in more civilian casualties than any other tactic.

Ground engagements caused increasing harm to women and children in 2013. Although IEDs used by Anti-Government Elements killed the most women and children in 2013,¹⁶⁵ ground engagements caused the most injuries to women and children.

Ground engagements accounted for the majority of women's casualties (334 casualties, 73 deaths and 261 injured)¹⁶⁶ - an increase of 46 percent and accounted for 45 percent of all women's civilian casualties in 2013. Similarly for children, ground engagements caused the majority of children's injuries (641 casualties, 137 deaths and 504 injured), a 59 percent increase from 2012¹⁶⁷ and comprised 37 percent of children civilian casualties in 2013. Most of the incidents documented involved women and children caught in cross-fire or stray munitions impacting their homes.

Attribution of Civilian Casualties from Ground Engagements

Of all incidents of ground engagements resulting in civilian casualties, UNAMA attributed 1,030 (266 civilian deaths and 764 injured) or 44 percent of all civilian casualties from ground engagements to Anti-Government Elements.¹⁶⁸

UNAMA recorded 375 civilian casualties (99 civilian deaths and 276 injured) from the operations of Pro-Government Forces, accounting for 16 percent of all civilian casualties caused by ground engagement.

UNAMA could not attribute civilian casualties directly to either party in 38 percent of all civilian casualties from ground engagements between Anti-Government Elements and Pro-Government Forces. These incidents of unattributed ground engagements resulted in 877 civilian casualties (159 civilian deaths and 718 injured).

The remaining two percent of civilian casualties from ground engagements were attributed to cross-border shelling into Kunar and Nangarhar provinces¹⁶⁹ which resulted in 37 civilian casualties (nine civilian deaths and 28 injured). Three incidents of ground engagement which killed one civilian and injured seven (eight civilian casualties) were from an unknown source.

¹⁶³ This figure also includes cross-border shelling into Afghanistan, which accounted for less than 0.4 percent of civilian casualties from ground engagements.

¹⁶⁴ In 2012, UNAMA documented 1,631 civilian casualties (444 civilian deaths and 1,187 injured) from 756 incidents of ground engagements.

¹⁶⁵ In 2013, UNAMA documented 177 women casualties (86 deaths and 91 injured) from IEDs, and 511 children's casualties (192 deaths and 319 injuries) from IEDs.

¹⁶⁶ In 2012, UNAMA documented 229 women casualties (53 deaths and 176 injured) from ground engagements.

¹⁶⁷ In 2012, UNAMA documented 404 children's casualties (94 deaths and 10 injured) from ground engagements.

¹⁶⁸ UNAMA verifies each ground engagement incident resulting in civilian casualties with multiple sources, including witnesses, victims, community sources, district authorities and other relevant interlocutors, to try to identify the party responsible for the civilian death or injury, for example, which party fired the mortar round.

¹⁶⁹ See the section on Cross-border Shelling in this report.

Transition of Security Responsibility to Afghan National Security Forces and Civilian Casualties

The rise in civilian deaths and injuries in 2013 from ground engagements, including the alarming increase in women and children casualties, reflected the changing dynamics of the conflict. Throughout 2013, UNAMA observed a correlation between rising civilian deaths and injuries from ground engagements particularly attacks by Anti-Government Elements against Afghan security forces in civilian-populated areas and areas where security responsibilities transitioned. The closure of international military bases and reduction in ISAF air and ground operations, particularly ISAF ground operations partnered with Afghan security forces, gave Anti-Government Elements in some areas greater mobility and capability to attack Afghan security forces, the latter more active and more exposed to attacks than in previous years.

UNAMA observed that repeated attacks against Afghan national security forces by Anti-Government Elements, and a steady sequence of counter-attacks and offensive operations, resulted in ongoing clashes, attacks and operations that killed and injured increasing numbers of Afghan civilians.

The fifth and final transfer of security responsibility from international security forces to Afghan security forces began in June 2013¹⁷⁰ and left security gaps in some areas which were not yet filled by Afghan security forces leaving some areas vulnerable to attack by Anti-Government Elements. For example, in Nangarhar province, civilian casualties from ground engagements tripled in the second half of the year, following the final transition of the most insecure, contested districts in the province.¹⁷¹ Between 1 July and 31 December 2013 (last six months of 2013), UNAMA documented 140 civilian casualties (25 civilian deaths and 115 injured) in Nangarhar province, a 150 percent increase from 2012.¹⁷²

UNAMA documented increased civilian casualties from ground engagements in every region.¹⁷³ In the southern region, for example, civilian casualties from ground engagements almost tripled, with 361 civilian casualties (54 civilian deaths and 307 injured), up 184 percent from 2012.¹⁷⁴ UNAMA recorded the highest number of civilian casualties from ground engagements in Kunar province, confirming 339 civilian deaths and injuries, followed by Helmand province (276 civilian casualties), Nangarhar province (261 civilian casualties), Ghazni province (160 civilian casualties) and Faryab province (153 civilian casualties).

¹⁷⁰ NATO, "NATO Secretary General welcomes Afghan transition announcement," 18 June 2013. Available online: http://www.nato.int/cps/en/natolive/news_101482.htm.

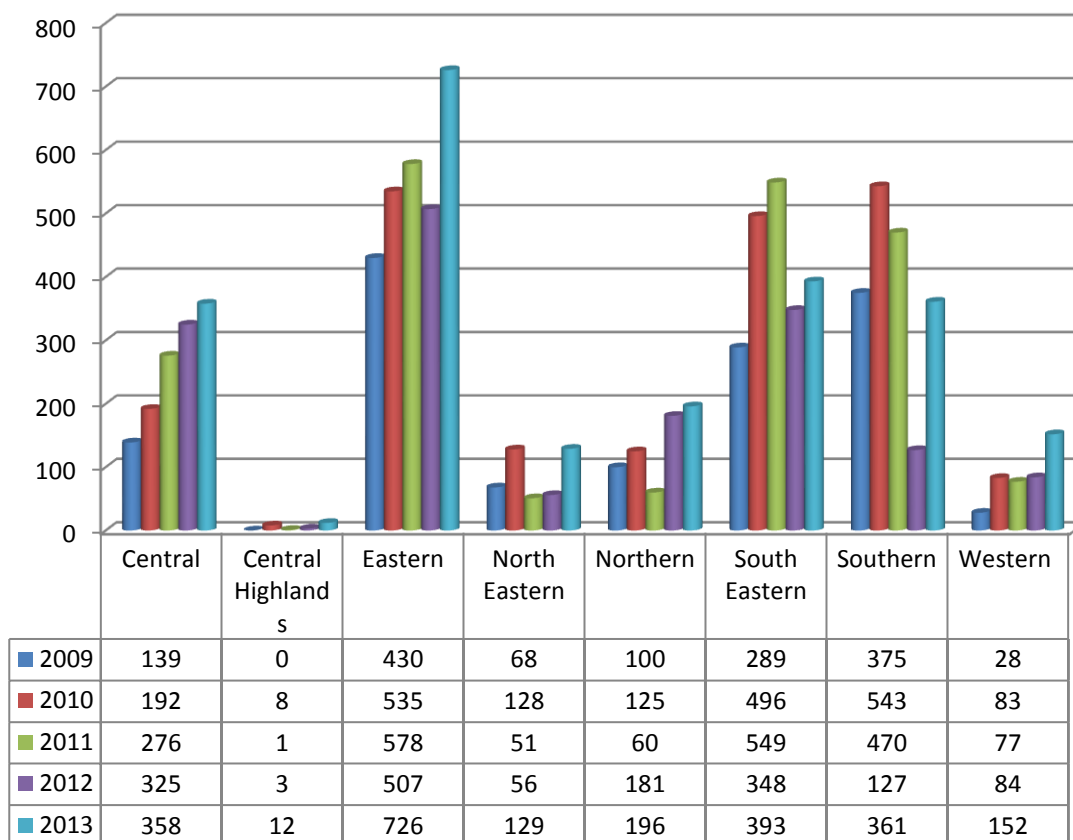
¹⁷¹ See NATO Afghanistan Transition Map, T1 to T5, http://www.nato.int/nato_static/assets/pictures/stock_2013/20130618_130618-afghan-transition-tranche5-bg.jpg.

¹⁷² Between 1 July and 31 December 2012, ground engagements in Nangarhar province resulted in 15 civilian deaths and 41 injured (56 civilian casualties).

¹⁷³ UNAMA also documented continued use of 'asymmetric' tactics by Anti-Government Elements, notably, use of IEDs, targeted killings and attacks against civilian Government workers as highlighted earlier in this report.

¹⁷⁴ In 2012, UNAMA documented 127 civilian casualties (64 civilian deaths and 63 injured) from ground engagements in the southern region.

Civilian Deaths and Injuries: All Ground Engagements by region January to December 2009 - 2013



Representative examples of civilian casualties from ground engagements between Anti-Government Elements and Pro-Government Forces:

- On 2 August, Anti-Government Elements fired two rockets toward the ANP headquarters in Gardez district, Paktya province. One of the rockets landed on a civilian house, killing two children and wounding one. Reportedly all the victims were brothers and were under the age of 15.
- On 13 October, Pro-Government Forces fired artillery rounds from a Forward Operating Base located south of Asadabad city, Kunar province. One of the artillery rounds impacted in a residential area, killing two boys, ages 12 and 13, and wounding two women and an eight year-old girl.
- On 30 October, Anti-Government Elements shot and killed two ALP personnel in Shindand district, Herat province. ALP responded to the attack, resulting in a lengthy exchange of fire which left one woman and a girl dead, and wounded four civilians, including a woman, child and two men. The Taliban claimed responsibility for the killing of the ALP on their website.
- On 14 December, Anti-Government Elements fired a rocket toward the District Administration Center in Baraki-Barak district, Logar province. The rocket

missed the target and impacted near a high school, injuring a 12-year old boy. Afghan security forces responded to the attack, reportedly launching mortar rounds in all directions from the district administration buildings. Three of the rocket rounds impacted a playground in a village five kilometers from the district center, killing two boys and injuring five other boys, aged three to 15 years, and one civilian man.

- On 15 December, Anti-Government Elements attacked an ANA convoy in Khogyani district, Nangarhar province, resulting in an exchange of heavy and small arms fire. During the cross-fire, an RPG rocket was fired into a residential area where children were playing. As a result, seven children - five boys and two girls aged between four and 10 years old - were wounded.

Indirect Fire in Civilian Areas: Rising Civilian Casualties from Mortars and Rockets in Ground Engagements

UNAMA is particularly concerned by the use of indirect fire such as mortars and rockets by parties to the conflict during ground engagements. Mortars and rockets accounted for 44 percent of civilian casualties from ground engagements, causing 1,026 civilian casualties (209 civilian deaths and 817 civilian injured), up 57 percent on 2012.¹⁷⁵

UNAMA attributed 66 percent of civilian casualties from mortars and rockets to Anti-Government Elements, 24 percent to Pro-Government Forces,¹⁷⁶ six percent could not be attributed, and the remaining four percent to cross-border shelling.

Although Anti-Government Elements caused the majority of incidents, indirect fire, particularly mortar rounds fired by Pro-Government Forces increased significantly. UNAMA documented 250 civilian casualties (53 civilian deaths and 197 injured) from mortars and grenades used by Pro-Government Forces,¹⁷⁷ a 381 percent increase from 2012.¹⁷⁸ For example, on 7 September, a mortar round fired by ANA in Warduj district, Badakhshan province impacted a civilian residence, killing one woman and injuring three children and a woman.

In addition to killing and maiming civilians, the use of mortars and grenades during ground engagements potentially contaminates areas with unexploded ordnance. There are currently no policy or operational measures in place requiring the tracking, marking and clearance of UXO from areas where ground engagements have taken place.

UNAMA also confirmed reports from Almar district, Faryab province that during an Afghan National Army (ANA) military operation on 31 October, mortar fire of the ANA destroyed or damaged 22 houses and 18 motorcycles were either burnt or confiscated.

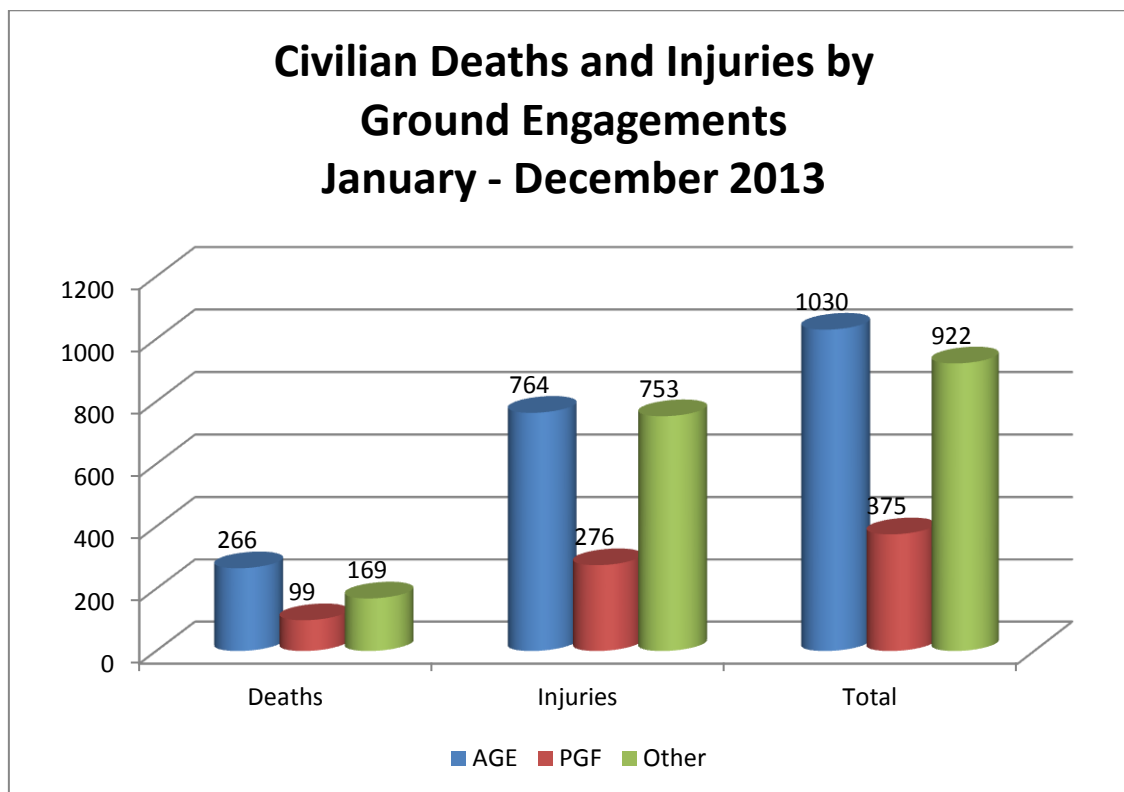
¹⁷⁵ In 2012, UNAMA documented 652 civilian casualties (132 civilian deaths and 520 injured) from the use of mortars, grenades and rockets by all parties to the conflict during ground operations.

¹⁷⁶ Of the 24 percent of civilian casualties attributed to Pro-Government Forces from mortars and rockets, UNAMA attributed 80 percent to Afghan national security forces, seven percent to international military forces and 13 percent to both parties.

¹⁷⁷ Of the 250 civilian casualties from mortar fire attributed to Pro-Government Forces, 80 percent were attributed to Afghan national security forces, seven percent to ISAF and 13 percent attributable to both Afghan national security forces and ISAF or not attributed to one specific Pro-Government Force.

¹⁷⁸ In 2012, UNAMA documented 52 civilian casualties (18 civilian deaths and 34 injured) directly attributed to mortars and grenades fired by Pro-Government Forces.

International humanitarian law stipulates that parties to the conflict – including the Taliban and Afghan national security forces - must take all feasible precautions to protect the civilian population and civilian objects against the effects of attacks. Such precautions include advance warnings to civilians, choosing appropriate methods of warfare, and avoiding locating military targets next to civilian areas.¹⁷⁹ In particular, UNAMA urges parties to the conflict to cease firing mortars and grenades into civilian populated areas.



Anti-Government Elements: Civilian Casualties from Ground Engagements

Civilian casualties from ground engagements attributed to Anti-Government Elements rose by 17 percent in 2013¹⁸⁰, with 1,030 civilian casualties (266 civilian deaths and 764 injured) from such operations. Attacks by Anti-Government Elements against ANA causing civilian casualties increased from 94 incidents in 2012 to 130 incidents in 2013. Although attacks against ANA rose in 2013, Anti-Government Elements appeared to have increasingly focused their attacks on Afghan ANP and ALP which appeared as more accessible targets and responsible for securing many communities.

The majority of ground engagements causing civilian casualties resulted from Anti-Government Elements carrying out attacks against Afghan security forces stationed in the vicinity of civilian populated areas. In this regard, UNAMA documented 222 incidents of civilian casualties from ground engagements where Anti-Government

¹⁷⁹ Rule15-21, Precautions in Attack and Rules 22 -24, Precautions against the Effects of Attacks. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

¹⁸⁰ In 2012, UNAMA documented 880 civilian casualties (216 civilian deaths and 664 injured) attributed to ground operations carried out Anti-Government Elements.

Elements had attacked ANP, up 36 percent from 2012.¹⁸¹ Anti-Government Elements' attacks against ALP resulting in civilian casualties almost doubled, with 47 incidents recorded in 2013, up 95 percent from 2012.¹⁸²

UNAMA observed that while ANA generally remained in their bases unless conducting operations, ANP and ALP were highly visible in communities, operating check-posts near or within communities, market places, public roads and other civilian populated areas. This exposure heightened their vulnerability to attack by Anti-Government Elements and often led to Afghan civilians, particularly women and children, being caught in the cross-fire. For example, on 12 March, Anti-Government Elements attacked an ANP check post in Musa Qala district, Helmand province. During the ANP's response to the attack, a rocket fired by Anti-Government Elements missed its target and impacted on a local residence, killing two girls and injuring another girl.

Although the majority of ground engagements initiated by Anti-Government Elements appeared to target security forces, UNAMA notes the deliberate targeting of civilians by Anti-Government Elements in numerous ground engagements. In this regard, UNAMA documented 196 incidents of attacks against groups of civilian Government employees, civilian Government offices and buildings, and other civilian locations during ground engagements.¹⁸³ These attacks resulted in 379 civilian casualties (94 civilian deaths and 285 injured).

Afghan National Security Forces: Civilian Casualties from Ground Engagements

In 2013, UNAMA documented 375 civilian casualties (99 civilian deaths and 276 injured) from ground engagements attributed mainly to Afghan national security forces and an overall 129 percent increase from 2012.¹⁸⁴

The following is a partial breakdown of the 134 ground engagements attributed to specific Pro-Government forces:

- 12 incidents causing nine civilian deaths and 52 injured (61 civilian casualties) attributed solely to ANP
- 31 incidents causing 21 civilian deaths and 71 injured (92 civilian casualties) attributed solely to ANA
- 18 incidents causing seven civilian deaths and 22 injured (29 civilian casualties) attributed solely to ALP
- 15 incidents of ground engagements resulting in 11 civilian deaths and 15 injured (26 civilian casualties) were attributed solely to international military forces.

The remaining incidents and casualties occurred during joint operations of Afghan security forces, including operations partnered with international security forces.

¹⁸¹ In 2012, UNAMA documented 163 incidents of Anti-Government Elements attacking ANP which resulted in civilian casualties, either as collateral damage or due to the civilian law enforcement or off duty status of the ANP.

¹⁸² In 2012, UNAMA documented 24 incidents of Anti-Government Elements attacking ALP which resulted in civilian casualties.

¹⁸³ See the section in this report on killings of civilians due to family links or perceived support of Government of Afghanistan which covers 246 attacks against civilians. Incidents of attacks against civilians during ground engagements are included in this section on ground engagements.

¹⁸⁴ In 2012, UNAMA documented 164 civilian casualties (74 civilian deaths and 90 civilians injured) attributed to Pro- Government Forces carrying out ground engagements.

Human Rights Violations and Looting by Afghan National Security Forces during Ground Operations

What search operations? It was looting only. ANA and ANP vehicles stayed in the main road of the village but only the arbakis searched the houses. ANA and ANP know everything that happened as they were there. They didn't come to search, they came only to loot. Our goods were being brought to the ANP check points.

-- Female witness from Anzir Gul village, Kunduz province.¹⁸⁵

Of particular concern in 2013, were reports of human rights violations by some Afghan security forces during their ground operations. UNAMA received credible reports of beatings of civilians, property destruction and theft of personal property, including motorcycles, money, jewelry and valuable items.

For example, from 11 to 15 September 2013, ANP and ANA supported by Pro-Government armed groups conducted search operations in Dasht-e-Archi district, Kunduz province.¹⁸⁶ The operation was stated as targeting Anti-Government Elements suspected of involvement in the 30 August 2013 killing of the Dasht-e-Archi district governor. Pro-Government armed groups, in full view of Afghan national security forces, carried out house-to-house searches, looting homes of mobile phones, cash, gold, jewelry, school materials, crops and livestock. Several motorcycles were also stolen. The armed groups beat ten to 15 people – particularly elders and scholars they perceived to support the insurgency. UNAMA also received allegations that at least one woman had been raped by members of the armed groups during the operation.¹⁸⁷

In a separate operation on 31 October, Afghan security forces launched an operation against Taliban in Almar district, Faryab province.¹⁸⁸ The Taliban response led to two days of clashes with both sides using heavy weapons and small arms. The military operation resulted in the death of five civilians (three men and two teenage girls), and injury of 12 civilians (four men, four women and four girls). UNAMA confirmed reports that deliberate actions and mortar fire of the Afghan National Army (ANA) destroyed or damaged 22 houses. Eighteen motorcycles were either burnt or confiscated by the ANA.

¹⁸⁵ UNAMA interview with female witness, 13 September 2013, Kunduz.

¹⁸⁶ Between 14 and 30 September 2013, UNAMA interviewed more than a dozen victims, witnesses, community representatives and elders from the village in addition to Afghan security forces and provincial authorities at the district and provincial level in Kunduz.

¹⁸⁷ UNAMA was not able to directly verify these claims, due to inaccessibility of victims and security concerns. A Government official reported to UNAMA having witnessed a woman being beaten, and a man complaining to a local Government official that his daughters-in-law had been raped. Also, a credible source reported that rapes had occurred in four houses in Nahri Jadid, Tarakyan village. Another source stated to UNAMA that three rapes had occurred- two at Haji Zarghoun and one at Amir Malouk. According to a further source, five armed men raped a woman – the fiancée of an alleged insurgent -- at Mohammad Alam village of Dasht-e-Archi district.

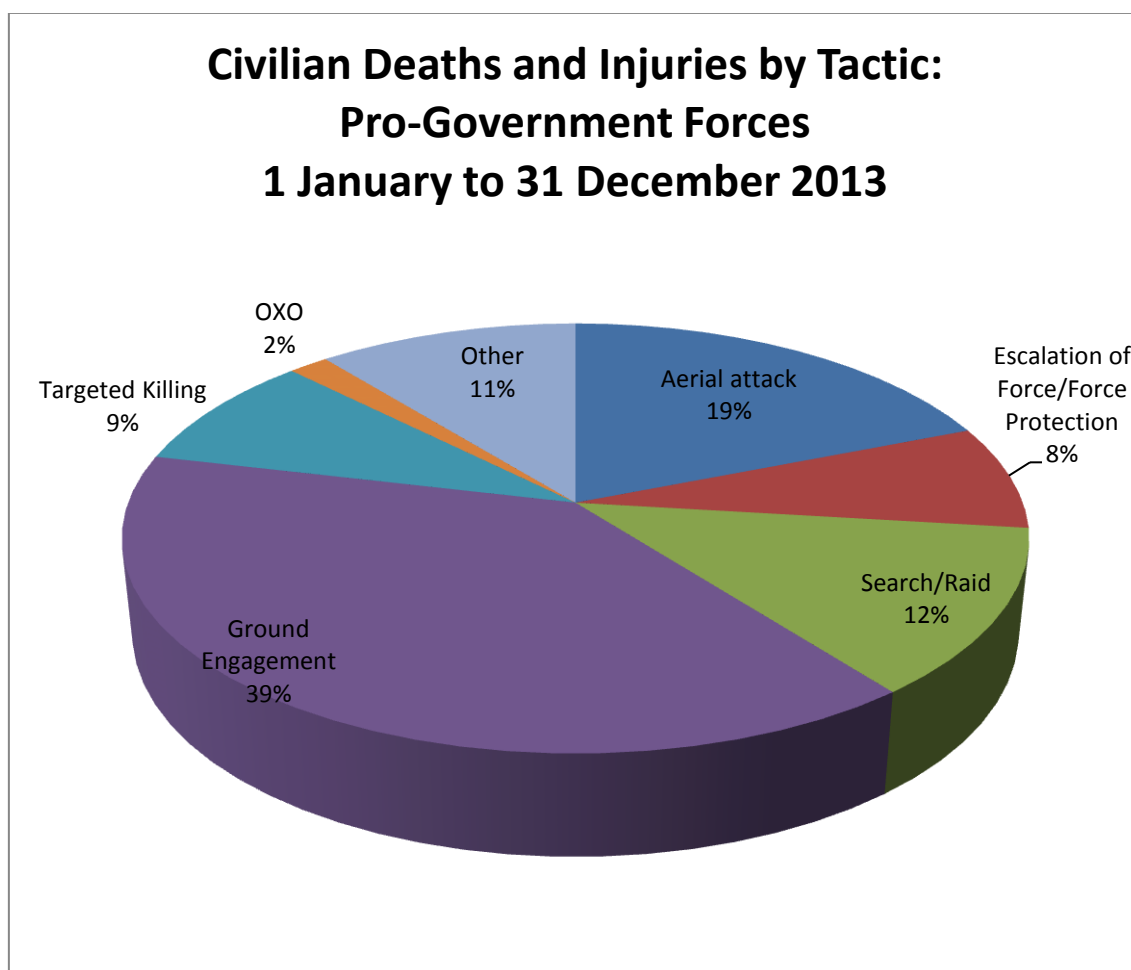
¹⁸⁸ Between 31 October and 20 November, UNAMA carried out multiple interviews with victims, witnesses, community representatives and elders from the village. UNAMA also interviewed Afghan security forces and provincial authorities at the district and provincial level and reviewed video recordings (by mobile telephones) of burnt homes and other destroyed property.

III. Pro-Government Forces and Protection of Civilians

This little girl has been here for four days. She is four years old. She was brought in late at night without any bandages or dressings on her wounds. She has lost most of her face and both eyes. She also has very serious arm injuries and may lose a hand. Her entire family was killed when the vehicle they were travelling in was bombed. She is the only survivor.

-- Medical official at Jalalabad Public Health Hospital discussing a child victim of an airstrike in Watapur district, Kunar province, on 7 September 2013 that left 10 civilians killed and one injured.¹⁸⁹

Pro-Government Forces continued to implement measures aimed at reducing civilian casualties throughout 2013. However, UNAMA documented an increase in civilian casualties caused by Pro-Government Forces – in particular Afghan national security forces - compared to 2012. UNAMA recorded 956 civilian casualties (341 civilian deaths and 615 injured) caused by Pro-Government Forces, a 59 percent increase from 2012.¹⁹⁰



¹⁸⁹ UNAMA interviews with medical official, Jalalabad Public Health Hospital, 11 and 12 September 2013. The airstrike killed 10 civilians, including the girl's immediate family members. Through UNAMA intervention and with international support from ISAF, the child was transferred to Kabul and later to the United States for medical treatment.

¹⁹⁰ In 2012, UNAMA documented 602 civilian casualties (323 civilian deaths and 279 injured).

Civilian casualties caused by Pro-Government Forces comprised 11 percent of all civilian casualties in 2013. UNAMA attributed 57 percent of all civilian casualties caused by Pro-Government Forces to Afghan national security forces, 27 percent to international military forces and 16 percent to joint operations.

Air Operations

In 2013, UNAMA documented 182 civilian casualties (118 deaths and 64 injured) from 54 aerial operations conducted by international military forces, a 10 percent reduction in casualties from such operations compared to 2012.¹⁹¹ Aerial operations caused 19 percent of civilian deaths attributed to Pro-Government Forces, and two percent of all civilian casualties. Women and children comprised 45 percent of civilian deaths from aerial operations.

Almost one third of the civilian deaths from aerial operations in 2013 occurred in Kunar province, where three air strikes killed 32 and injured 11, mostly women and children.¹⁹²

Regarding the aerial platform for weapons released, UNAMA confirmed that 32 percent of civilian casualties from aerial operations (45 civilian deaths and 14 injured) resulted from Unmanned Aerial Vehicles (UAVs¹⁹³)/RPAs, 18 percent (18 civilian deaths and 14 injured) from rotary wing (helicopter) and 20 percent (29 civilian deaths and eight injured) from fixed-wing.¹⁹⁴ UNAMA was not able to confirm the aerial platform used for 54 of the total 182 civilian casualties.

UNAMA highlights the continuing trend of reduced civilian casualties from air operations but continued to document some civilian casualties from aerial operations of international forces.

Targeted Killings by Unmanned Aerial Vehicles (UAVs)/Remotely Piloted Aircraft (RPAs) and other Aerial Platforms

Within the total figures for civilian casualties from airstrikes, UNAMA recorded 59 civilian casualties (45 civilian deaths and 14 injured)¹⁹⁵ from 19 incidents of unmanned aerial vehicle (UAV)/RPA¹⁹⁶ strikes in 2013, more than tripling such casualties recorded in 2012.¹⁹⁷

The continued critical need for continuous review of targeting criteria in “offensive”¹⁹⁸ aerial operations was highlighted by an offensive air strike on 7 September 2013 in

¹⁹¹ In 2012, UNAMA documented 202 civilian casualties (125 civilian deaths and 77 injured) from aerial operations.

¹⁹² See UNAMA’s 2013 Mid-Year Report on Protection of Civilians in Armed Conflict, section on aerial operations for details.

¹⁹³ UAVs are also referred to as Remotely Piloted Aircraft (RPA) and drones.

¹⁹⁴ UNAMA routinely discusses every allegation of civilian casualties attributed to ISAF in accordance with the information exchange agreement between UNAMA and ISAF. The findings in this report are based upon UNAMA conclusions using the methodology outline on page i of this report.

¹⁹⁵ The number of civilian casualty incidents from drone strikes may be higher as UNAMA is not always able to confirm which type of platform was used during an aerial operation (fixed-wing, rotary or remotely-controlled) that resulted in civilian casualties.

¹⁹⁶ UAVs are also defined as Remotely Piloted Aircraft (RPA). There is no distinction between the terms RPA, UAV and drones.

¹⁹⁷ In 2012, UNAMA documented 19 civilian casualties (16 civilian deaths and three injured) from UAV strikes.

¹⁹⁸ An offensive aerial operation is a pre-planned aerial operation distinct from a defensive air operation.

Watapur district, Kunar province that killed and injured civilians.¹⁹⁹ A UAV targeted a vehicle carrying six insurgents and 11 civilians including four women, four children and two civilian men. The strike killed 10 civilians and all six insurgents and seriously injured a four-year old girl.

During UNAMA's initial meetings with ISAF on the incident ISAF denied the possibility of civilian casualties. After multiple meetings in which UNAMA called for a review of the incident, ISAF confirmed two civilian deaths "one female and one child" and "would not rule out the possibility of another woman's death."²⁰⁰

According to ISAF, the UAV strike in Watapur was carried out as part of an offensive engagement rather than a defensive military operation and without any imminent threat to ISAF or the community. ISAF informed UNAMA that approval of the initial strike was obtained from all required levels of ISAF and Afghan national security forces' chain of command.²⁰¹ Based on ISAF's statements, it is unclear however what pre-engagement measures were taken prior to launching the strike to distinguish between civilians and combatants, as required by ISAF's procedures and international humanitarian law.

For example, ISAF claimed that "one high level target" was "most likely" killed in the operation but did not provide UNAMA with the identity of any other individual killed during the operation, despite claiming "all were insurgents."²⁰² UNAMA notes that ISAF has neither published the results of its investigations of the air strike nor any policy changes that may have been made following the incident.

In the case of the 7 September UAV/RPA strike in Watapur, UNAMA raises concern about possible negligence of international military forces and a possible failure to take sufficient precautionary measures. The advanced surveillance technology, equipment and extensive intelligence networks used by international military forces, combined with operational policies oriented toward reducing harm, should provide a sufficiently robust framework to ensure the degree and kind of care that limits, if not eliminates, disproportionate collateral damage.

The apparent failure, however, of international forces to identify the presence of a group of women and children in a vehicle prior to engaging the vehicle with a UAV/RPA strike could suggest negligence.²⁰³ Of further concern, was the apparent failure of international military forces to confirm the identity and/or status of the men accompanying the fighter targeted by international military forces.

Need for Review of Pre-Engagement Precautionary Measures

UNAMA asserts that continuing civilian casualties from offensive air strikes suggests the need for further review of pre-engagement considerations and precautionary

¹⁹⁹ Since the incident occurred on 7 September 2013, UNAMA has conducted more than 50 interviews with community representatives, national security bodies, ISAF and relatives of victims in Jalalabad, Nangarhar province and Asadabad, Kunar province, and at ISAF HQ in Kabul. UNAMA has also reviewed numerous relevant documents and other documentary material.

²⁰⁰ UNAMA meetings with ISAF legal team and CJ3, November 2013, ISAF HQ, Kabul.

²⁰¹ UNAMA meetings with ISAF, September, October and November 2013, ISAF HQ, Kabul.

²⁰² Meeting with ISAF CJ3 and Military Legal Advisor, 27 October 2013, ISAF HQ, Kabul.

²⁰³ In the context of armed conflict, negligence may be defined as a demonstrable and inexcusable failure to take the degree and kind of care that might reasonably have been expected of the individual(s) in question in the circumstances as he/she perceived them to be at the time he/she acted, or failed to act, thus causing the incident that gave rise to the prohibited civilian casualties, damage or destruction. Boothby, William. "Negligence, Due Care and Errors of Judgment in Bombardment", Section 9.8 on *The Law of Targeting*. Oxford University Press, February 2012.

measures by ISAF. This is particularly relevant in circumstances where there is no immediate threat and the opportunity is available to exercise tactical patience, consider tactical alternatives and take additional time to confirm positive identification and situational awareness, as recognized by US Army military doctrine.²⁰⁴

As an example where such practice might have prevented civilian deaths, on 4 October 2013, ISAF carried out several helicopter airstrikes in Bihsud district, Nangarhar province, killing five civilians, including two boys. The victims were sitting in an open area, approximately 50 meters from residential homes, when they were targeted in three separate strikes. The victims had reportedly recently returned from a bird-hunting trip in a nearby area with their firearms. ISAF confirmed responsibility for the civilian casualties in this incident.

It is unclear if all military and security forces currently operating in Afghanistan are held accountable to the same ISAF standards and policies regarding the use of lethal force in aerial operations. In this regard, UNAMA notes that coordination and consistency in practice, policies and procedures between ISAF and its special operations forces, and international non-military government agencies, particularly regarding the use of UAVs, is required to promote protection of Afghan civilians. This is of particular importance in the context of ISAF withdrawal from Afghanistan in 2014.

Other examples of air-related incidents include:

- On 30 March, international military forces conducted an airstrike in Ghazni centre, Ghazni province targeting suspected Taliban, killing three civilians and injuring eight.
- On 3 September, Ghazni city, Ghazni province, international military forces conducted a UAV strike against a group of men alleged to be Anti-Government Elements, killing one civilian and injuring two. The men were guards at a construction company.
- On 25 September, international military forces carried out an airstrike against a group of Anti-Government Elements in Waza Zadran district, Paktya province, killing two civilians- boys aged 12 and 14 and several insurgents. At the time of the strike, the boys were in the mountains collecting wood and peanuts, and had been approached by the Anti-Government Elements for food and tea.

Escalation of Force Incidents²⁰⁵

UNAMA documented 75 civilian casualties (31 civilian deaths and 44 injured) from 41 separate escalation of force incidents (EoF), a 47 percent increase from 2012.²⁰⁶ This increase reverses the decline in civilian casualties from such incidents documented in 2011 and 2012. Of the 41 incidents, 23 were attributed to Afghan forces and 18 to international military forces.

²⁰⁴ US Army Combined Arms Center, Afghanistan Civilian Casualty Prevention: Observations. Insights and Lessons, Centre for Army Lessons Learned, US Unclassified. US Military, 2012.

²⁰⁵ Escalation of force incidents or “force protection” incidents documented by UNAMA involve civilian casualties from the use of lethal or non-lethal force by military forces in situations where civilians do not pay attention to, do not understand or do not see warnings from military personnel when in the proximity of, approaching or overtaking military convoys or circumstances where civilians do not follow instructions at military check points.

²⁰⁶ In 2012, UNAMA documented 51 civilian casualties (14 civilian deaths and 37 injured) from 35 incidents of escalation of force by Pro-Government Forces.

Of note is a significant increase in civilian casualties from EoF caused by international military forces, as civilian deaths increased almost six-fold from three to 17, and the number of injured rose from 10 to 21 (38 civilian casualties) compared to 2012.²⁰⁷ The increase may be linked to retrograde and re-basing activity involved in the security transition process.

With the closure of hundreds of international military bases across Afghanistan in 2013, the requirement to move human and logistical resources increased the exposure of ISAF on roads, heightening concerns of possible attacks from Anti-Government Elements.

UNAMA similarly recorded a 37 percent rise in civilian casualties from escalation of force incidents caused by Afghan forces, with the number of deaths increasing from nine to 13 and those injured from 18 to 23 (36 civilian casualties).²⁰⁸ This rise in civilian casualties may have resulted from the increased number of operations carried out by these forces, as well as increases in attacks against their convoys causing heightened alert and reaction to potential attacks by Anti-Government Elements.

Examples of civilian casualties from escalation of force:

- On 16 August, Gardez district, Paktya province, a member of the international military forces guarding a check-post near Gardez FOB opened fire against a civilian car when the car did not comply with a warning to stop, killing one male civilian and injuring three others.
- On 3 November, an ANA soldier opened fire at a civilian pick-up truck in Sherzad district, Nangarhar province, killing a six-year-old girl and injuring her father- the driver.
- On 9 December, in Alishing district, Laghman province, ALP opened fire on a civilian vehicle when the driver failed to obey the ALP's order to stop. One boy was killed and four other civilians - one man and three boys- were injured.

Search Operations

UNAMA documented 120 civilian casualties (37 civilian deaths and 83 injured) from search operations carried out by Pro-Government Forces.²⁰⁹ This represents a slight increase in total civilian casualties from search operations compared to 2012.²¹⁰ UNAMA highlights that accurate data on numbers of search operations, civilian casualties from search operations and which specific security forces were involved is difficult to obtain due to the multiple security bodies conducting joint and separate operations, as well as the military classification of such information.²¹¹

²⁰⁷ In 2012, UNAMA documented 13 civilian casualties (three civilian deaths and 10 injured) from nine incidents of escalation of force by international military forces alone.

²⁰⁸ In 2012, UNAMA documented 27 civilian casualties (nine civilian deaths and 18 injured) from 17 incidents of escalation of force by ANSF.

²⁰⁹ It is also difficult to attribute search operations to one specific security body. Although almost all operations in 2013 were Afghan-led, search operations may be carried out by a range of Afghan forces, including ANA, NDS, ANP and Afghan Special Forces, either independently or jointly, and some with the presence or support of international military forces, including ISAF, special operations forces and other government agencies. Given both limitations associated with the operating environment and limited access to information, UNAMA may be under-reporting the number of civilian casualties from search operations.

²¹⁰ In 2012, UNAMA documented 114 civilian casualties (75 civilian deaths and 39 injured) from search operations by Pro-Government Forces.

²¹¹ Ibid.

To strengthen civilian protection, UNAMA reiterates that Afghan national security forces should develop and implement tactical directives and operational procedures to improve prevention of civilian casualties including from search operations.

Afghan Local Police and Protection of Civilians

My son, who worked as a driver, was at a relative's house when the ALP arrived. They shot my son in the head. A father's wish is to always see his son alive; and if dead, then at least in one piece. It was a heinous crime. I want justice to prevail.

-- Father of a man killed during an ALP and ANP search operation on 12 July in Gombaz village, Kunduz province.²¹²

The Afghan Local Police (ALP) program²¹³ continued to expand in 2013, growing to 25,277 ALP members in 126 districts across Afghanistan.²¹⁴ By the end of 2014, this number is expected to reach 30,000 personnel deployed in approximately 142 districts. The US has announced plans to continue to fund the program -- with an approved force of 30,000 members -- through to 2018.²¹⁵

In 2013, local communities in many districts reported improved security due to an ALP presence. Many authorities and communities also told UNAMA they considered the deployment of ALP to be a more desirable alternative for provision of security than armed groups. Despite these reports, UNAMA continued to document and verify civilian casualties from some ALP operations, as well as human rights violations and other illegal actions carried out by some ALP forces. UNAMA is particularly concerned by the impunity enjoyed by some ALP members in incidents of serious human rights violations documented.

UNAMA documented 121 civilian casualties (32 civilian deaths and 89 injured) in 65 separate incidents attributed to ALP members. This represents an increase of 256 percent in civilian casualties attributed to ALP compared to 2012.²¹⁶ Civilian casualties by ALP forces represented one percent of the total civilian casualties documented by UNAMA in 2013.

The majority of incidents documented took place in Kunduz province (27 incidents), followed by Nangarhar province (six incidents). Dasht-e-Archi, Iman Sahib and Chahadara districts of Kunduz province were the areas with the highest numbers of human rights violations attributed to ALP, followed by Qaisar district, Faryab province, Khogyani district, Nangarhar province, and Khas Uruzgan district, Uruzgan province.

Conflict-Related Violence: Civilian Casualties from ALP Offensive and Defensive Operations

Civilian casualties attributed to ALP during ground engagements rose in 2013, with UNAMA documenting 18 incidents of ground engagements. Seven civilians were killed

²¹² UNAMA interview with victim's father, 15 July 2013, Kunduz province.

²¹³ See UNAMA's 2011-2013 Annual and Mid-Year Reports on Protection of Civilians in Armed Conflict, for background on the ALP program and human rights concerns with the program. <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US>

²¹⁴ UNAMA e-mail exchange with Deputy Director ALP-Special Operations Afghanistan (SOAG), NATO Special Operations Component Command - Afghanistan, (NSOCC-A), ISAF, Kabul, 9 January 2014.

²¹⁵ UNAMA e-mail exchange with Deputy Director ALP-SOAG, NSOCC-A, ISAF, Kabul, 6 and 9 January 2014.

²¹⁶ In 2012, UNAMA documented 34 civilian casualties (17 civilian deaths and 17 injured) in 43 incidents attributed to ALP.

and another 22 were wounded in these incidents. While many of these casualties occurred during ALP responses to attacks by Anti-Government Element on ALP check-posts, other casualties resulted from offensive ALP operations under the direction of ANP provincial or district commanders or local ALP commanders.

UNAMA also documented two civilian casualty incidents of ALP forces using heavy weapons such as mortars.²¹⁷ UNAMA has been informed that ALP members do not receive mortar training as part of the authorized ALP training on how to operate heavy weapons (for instance, how to set a mortar plate to ensure accurate targeting).

For example, on 29 September, ALP members fired non-military-issued mortar rounds, which impacted on residential houses in Noor Rehman village, Dasht-e-Archi district, Kunduz province, injuring four women and a seven-year-old boy.

Reports of Human Rights Violations by ALP

UNAMA investigated several categories of human rights violations carried out by some ALP forces in 2013. These included summary executions²¹⁸ and other forms of killings, punishment and revenge actions against civilians amounting to ill-treatment, threats, intimidation and harassment, illegal searches and the occupation of schools.

UNAMA documented reports of 11 cases of summary execution by ALP. For example, on 10 July, insurgents attacked an ALP post in Shindand district, Herat province. In response, ALP members abducted two civilian relatives of the alleged perpetrators. The bodies of the abducted persons were found eight days later, having reportedly been killed by the ALP according to a number of sources interviewed by UNAMA. No arrests have been made.²¹⁹

UNAMA also documented eight separate incidents of killings²²⁰ involving the ALP. On 5 September, an ALP member in Narang district, Kunar province reportedly shot and killed a civilian farmer in his field after accusing him of planting an IED that had injured the ALP member's son. The local prosecutor's office was processing the case file at the time of release of this report.

Of the civilian deaths attributed to ALP, most were perpetrated by ALP members acting outside their mandate. These actions included punishment/revenge killings, illegal searches, and 'accidental' shootings in questionable circumstances. For example, on 8 August in Khaz Urugzan district, ALP assembled a large group of local men, after accusing the community of sheltering insurgents that allegedly killed an ALP commander. The ALP members severely beat more than two dozen of the assembled

²¹⁷ ALP members are issued with an AK-47 assault rifle PKM (portable kinetic machine gun) for every six ALP personnel. UNAMA interview with ALP-SOAG, NSOCC-A, ISAF, 20 November 2013. The Ministry of Interior holds the discretionary authority to temporarily issue ALP forces heavy weapons. UNAMA interview with NSOCC-A SOAG ALP, 24 January and 2 February 2014, Kabul. Note that the source supplying the heavy weapons used in the incidents documented above is unclear.

²¹⁸ Summary execution (or extrajudicial execution) refers to an unlawful and deliberate killing carried out by government order, or with a government's complicity, by its agents or other without prior judicial sentence from a court after a criminal trial that was capable of imposing capital punishment had been held.

²¹⁹ UNAMA interview, district prosecutor, 28 October 2013, Shindand district, Herat province.

²²⁰ Deliberate killings refers to other arbitrary or unlawful killings, for example where the ALP is directly responsible for a civilian death, resulting from a deliberate act or omission on the part of a member of ALP which was intended to result in loss of life.

men. Those witnesses and victims interviewed by UNAMA consistently reported that one older man, believed to be related to an insurgent, died from his injuries.²²¹

Further, UNAMA documented 21 incidents of ALP threats, intimidation and harassment of civilians that constituted both human rights violations and crimes under Afghan law. UNAMA documented multiple incidents of extortion, primarily in Kunduz and Faryab provinces, where communities reported they were forced to provide ALP check-posts with food, firewood or labour. Some ALP members have also been accused of extorting money (*usher*) from locals under threat of reprisal if they refuse.

Other examples of human rights violations by ALP:

- On 8 July, ALP members threatened civilians at Syed Akbar village, Dasht-e-Archi district, Kunduz province, in an attempt to force them to pay *usher*. When the villagers refused, the ALP shot and killed two civilians and wounded one other.
- On 13 September, two ALP commanders exchanged small arms fire in Chemtal district, Balkh province, in a dispute over illegal *usher* collected by the ALP. A 14-year-old child and a woman were injured in the firefight.
- On 15 November, an ALP member shot and killed two civilians and wounded two others in Pul-e-Khumri district, Baghlan province, over a personal dispute. ANP members arrested six ALP members. At the time of writing of this report, the case was pending with the Baghlan civil prosecutor.

Impunity of ALP for Human Rights Violations and Criminal Acts

Throughout 2013, UNAMA documented incidents where ALP carried out human rights violations with impunity. This impunity was often enabled by provincial or national level power-brokers. For example, UNAMA received multiple, credible, consistent reports that on 16 December, two prominent ALP commanders shot and killed two civilians and wounded five others over a land dispute in Pul-e-Khumri district, Baghlan province.²²² Although the police arrested six suspects in this case, including one of the commanders, the killings had followed a series of other violations reportedly carried out by ALP against civilians in the area, with impunity.

For example, both ALP commanders had previously been accused of crimes, including murder, beatings and harassment, the sexual abuse of young boys, robbery, and illegal *usher* collection. Earlier in 2013, one of the commanders was arrested and detained but was later released reportedly due to his connections with high ranking officials and Baghlan provincial authorities.²²³ UNAMA highlights that this case profiles how impunity can perpetuate a cycle of human rights violations.

UNAMA notes that ALP abuses also resulted from the inability of ANP in some districts to effectively command and control ALP units. This situation was exacerbated by inadequate accountability and oversight mechanisms in some areas. As previously reported by UNAMA, ANP command and control mechanisms do not always provide satisfactory oversight over ALP operations and activities.²²⁴

²²¹ UNAMA interviews with local officials, Khaz Uruzgan community elders, and other sources, August and September 2013, Tirin Kot, Uruzgan.

²²² UNAMA interviews with Zaman Kheil residents, local police officials, 17 December 2013, Kunduz.

²²³ This development took place in June 2013.

²²⁴ See for example UNAMA's 2012-2013 Annual and Mid-Year Reports on Protection of Civilians in Armed Conflict at

While most ALP units operate effectively under ANP command and enjoy a level of support in their communities, UNAMA continued to document instances in some locations where the Government had minimal control over ALP. UNAMA observed that in some cases, ALP units were under the informal command of a local commander or warlord, or enjoyed the protection of national level power brokers, particularly in Faryab, Kunduz and Nangarhar provinces. In other cases, the ANP's reliance on ALP to provide security in remote areas appeared to act as a disincentive for accountability efforts when violations were committed by ALP.

UNAMA observed that these links with provincial and national level powerbrokers continued to enable certain ALP units to commit a range of crimes and human rights violations with impunity. For example, UNAMA documented that on 14 August, in response to the killing of a former ALP commander, a group of 130 ALP entered Kochak village, in Khaz Uruzgan district, Uruzgan province, and beat a 70-year-old man to death.²²⁵ The victim was the brother of a Taliban commander who no longer lived in the area. Following the killing, ALP members ordered the villagers to destroy the house of the alleged Taliban commander and those of two of his brothers. When the villagers refused, the ALP members physically assaulted 25 local men using machine gun butts, bayonets and sticks. The ALP subsequently set fire to and destroyed three residences belonging to the Taliban commander and his brothers.

Despite an investigation by the Government and a series of protests and demonstrations by local residents, no actions had been taken against the perpetrators at the time of writing of this report.²²⁶

UNAMA observed that unaddressed abuses by the ALP appeared to have increased support for the Taliban in some districts, with communities reporting that they increasingly viewed the Taliban as a 'lesser evil.' For example, since the establishment of the ALP unit in Qaisar district, Faryab province in early 2013, UNAMA verified ALP abuses that included systematic extortion, threats, intimidation, harassment and the blocking of civilian access to Government institutions, including the governor's office and the chief of police.²²⁷

Additional reports of torture, ill-treatment and arbitrary detention in Qaisar district are subject to continuing UNAMA investigation. According to community members and district authorities, a portion of the 300-member ALP force in Qaisar district functioned solely as a private militia, beyond the command and control of the ANP district chief of police and other local authorities. Complaints to the provincial governor and chief of police had failed to secure action or trigger an investigation.

Case Study: Impunity of ALP for Murder, Drug-Trafficking and Forced-Marriage

In February 2013, the Ministry of Interior appointed a local commander to the ALP in Nangarhar province.²²⁸ Community representatives, human rights advocates and other local persons opposed the appointment due to the commander's political linkages and reported criminality.

<http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US>.

²²⁵ UNAMA interviews with local officials, Khaz Uruzgan community elders and other sources, August and September 2013, Tirin Kot, Uruzgan province.

²²⁶ Ibid, and UNAMA interview with local organizations, 12 December 2013, Tirin Kot, Uruzgan.

²²⁷ UNAMA documented eight incidents involving ALP in Qaysar district, Faryab province, since 2012. Five of these incidents occurred in 2013, including the assault of a tribal elder on 28 March, and threats against community members approaching authorities to settle their disputes. UNAMA interviews with community elders, Qaisar local officials, August 2013, Faryab province.

²²⁸ District name withheld for security concerns and possible repercussions.

Since the appointment, UNAMA has received multiple reports of human rights violations and criminality involving the commander, including murder, forced marriage, the unlawful occupation of private property to establish an ALP security post and drug trafficking. UNAMA raised these allegations with Ministry of Interior representatives (ALP Directorate) and provincial ANP. In October 2013, the Ministry of Interior removed the commander from his post and initiated criminal proceedings. This decision was based on the recommendation of the ALP Criminal Investigations Department, which had investigated numerous allegations against the ALP commander and prepared a detailed case file based on complaints received from a range of sources.

In mid-October, the Ministry of Interior summoned the commander to the ALP Directorate, which in turn referred him to the Deputy Minister of Interior. Rather than removal from office, the commander returned to his post after signing a guarantee that he would not commit criminal acts.

When asked by UNAMA on 31 October, the ALP Directorate stated that the commander could not be removed due to his relationship with and protection by the then provincial governor of Nangarhar.²²⁹

New Accountability Measures

The ALP Monitoring and Investigations section within the Ministry of Interior is the main oversight mechanism for the ALP and based in Kabul.²³⁰ According to the ALP Directorate, the section investigated more than 100 cases against ALP members during 2013, referring 59 cases to military prosecutors at the provincial level.²³¹ Despite these positive steps, the Monitoring and Investigations section did not track the progress of these cases, nor could it provide statistics on associated convictions and suspensions. Lacking a permanent provincial-level presence, the Directorate relies on Ministry of Interior field missions to investigate serious violations which depend on provincial chiefs and the ANP's cooperation and goodwill to conduct their work.

As one Ministry of Interior ALP Directorate investigator told UNAMA:

"Unless we have a competent, truly independent and authoritative ALP monitoring unit, ALP impunity will prevail and the symbolic and weak oversight over them will be exacerbated."²³²

For example, on 17 January 2013, the ALP Directorate of the Ministry of Interior sent a delegation to Chahardara district, Kunduz province to investigate the district ALP unit commanders, accused of violations that included torture, serious assault, extortion and forced labour.²³³ The Directorate summoned and arrested the commanders on 19 January, but the military prosecutor released them on 21 January due to lack of evidence. The Ministry of Interior investigators had submitted a note to the prosecutor upholding the allegations, but no evidence to support criminal charges or a conviction.²³⁴ Evidence was submitted instead to the Criminal Investigations

²²⁹ UNAMA interview with ALP Directorate, Ministry of Interior HQ, 31 October 2013, Kabul.

²³⁰ See UNAMA's 2011-2013 Annual and Mid-Year Reports on Protection of Civilians in Armed Conflict for background on the ALP program and human rights concerns with the program.; at <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US>.

²³¹ UNAMA meeting with ALP Directorate, 9 January 2014, Ministry of Interior HQ, Kabul.

²³² Ibid.

²³³ UNAMA interview with members of the ALP Directorate, Ministry of Interior, 17, 18 and 19 January 2013, Kunduz.

²³⁴ UNAMA interviews with local officials, Kunduz, 23 January 2013.

Department of the provincial police, which reportedly withheld the information rather than sharing it with the prosecutor.²³⁵

Following their release, the suspects returned to their posts. UNAMA has since received several reports from victims and witnesses claiming to have been coerced into signing “forgiveness letters”.²³⁶ The military prosecutor has in turn stated he has been unable to access the area to investigate due to security concerns.²³⁷ Both commanders were later tried on abuse of authority charges but were acquitted due to a lack of material and testimonial evidence.²³⁸ At the time of the release of this report, both men remained in their posts.

To strengthen oversight and accountability within the ALP, ISAF established an ALP ‘watch list’ in the fall of 2013, which highlights those ALP districts identified as experiencing human rights violations, systemic corruption, poor leadership, significant tribal fissures, or a lack of either public support or layered security.²³⁹ The program involves the compilation of reports from multiple sources (coalition forces, Ministry of Interior, UNAMA, Afghanistan Independent Human Rights Commission, etc.) that identify alleged violations involving ALP.²⁴⁰

ISAF places identified ALP units on its ‘watch list’. A cautionary letter is then issued to the Ministry of Interior, after which the Ministry is required to conduct an investigation and subsequently review the status of the district on a quarterly basis. If the issues of concern are not corrected, ISAF may recommend temporary suspension of some ALP salaries in that district, or if required, removal of the *tashkil*.²⁴¹ At the time of the release of this report, the *tashkil* for Ghormach district, Faryab province had been reduced from 200 to 50 ALP due to mismanagement of the ALP program.²⁴²

In line with recommendations made by UNAMA in its previous reports on Protection of Civilians in Armed Conflict, UNAMA welcomes the new Program of Instruction (POI) for all incoming ALP that includes 14 hours of human rights training, in collaboration with the Afghanistan Independent Human Rights Commission.²⁴³

In spite of these significant efforts to improve accountability of ALP forces, UNAMA notes with concern continuing impunity of numerous ALP members in some areas of the country. Cases in which ALP members have been held accountable for their actions were limited to low-ranking ALP members who lacked political connections. This is a worrying trend that should be followed closely in 2014 and beyond, and may indicate growing tolerance for human rights violations. This is particularly the situation

²³⁵ UNAMA interview with members of the Ministry of Interior ALP Directorate, Kabul HQ, 9 January 2014.

²³⁶ UNAMA telephone follow-up interviews with victims and witnesses, 21-30 January 2013.

²³⁷ UNAMA interviews with local officials, Kunduz, 23 January 2013.

²³⁸ UNAMA interviews with local officials, Kunduz, 18 November 2013.

²³⁹ ‘Layered security’ refers to the overlapping presence of all ANSF in an area. ALP, as a defense only force, depends on support from ANP or ANA elements positioned sufficiently close to ALP check posts to render assistance when needed, i.e. if an ALP force is attacked by Anti-Government Elements.

²⁴⁰ UNAMA e-mail exchange with Deputy Director ALP-SOAG, NSOCC-A, ISAF, Kabul, 9 January 2014.

²⁴¹ The US military funds the ALP program through NSOCC-A/ISAF.

²⁴² Ibid.

²⁴³ Human rights training for ALP forces was introduced in response to recommendations in UNAMA’s 2013 Mid-Year Report on Protection of Civilians in Armed Conflict and follow-up advocacy. UNAMA e-mail exchange with ALP-SOAG, NSOCC-A, ISAF, Kabul, 17 January 2014.

regarding ALP abuses against civilians who are presumed or perceived to be aligned with Anti-Government Elements.

UNAMA further observed that some members of Afghan national security forces hold the view that its officers, including ALP, should not be held accountable for any abusive actions because Anti-Government Elements were the instigators of violence. In UNAMA's view, an approach of 'fighting a wrong with another wrong' could result in a rapid unraveling of accountability gains made in recent years.

UNAMA also notes that the Government is required under Afghan and international law to investigate and prosecute all alleged crimes and human rights violations carried out by its agents. UNAMA highlights that without consistent, coherent, coordinated efforts by both the Ministry of Interior and the ALP Directorate to take corrective actions, human rights violations by ALP against civilians could continue and increase in both volume and gravity.

Recommendations on ALP

UNAMA recommends that the Government increase efforts to ensure that all newly recruited ALP, in particular ALP commanders, be thoroughly vetted in accordance with prescribed ALP establishment procedures. Any ALP members implicated in serious human rights violations, should be promptly suspended, disarmed, investigated, and prosecuted, regardless of their political connections. Efforts should also be made to strengthen the capacity of the ALP Directorate by providing political support, practical assistance, equipment, personnel and resources to ensure accountability for ALP violations.

To prevent local level interference, UNAMA reiterates its recommendation that the Ministry of Interior assign a military prosecutor to the ALP Directorate to lead investigations at the national level. The Ministry should also appoint a human rights focal point of senior rank to enable independent oversight of investigations and to support accountability measures.

Lack of Accountability: Pro-Government Armed Groups²⁴⁴

There is a government within the government here; one that makes it impossible for us to get justice. It exists for the sole reason of keeping us down and itself in power.²⁴⁵

-- Community elder, Kanam-e-Kalan village, Kunduz, 6 April 2013

In 2013, UNAMA observed several instances of a lack of accountability for human rights abuses carried out by some Pro-Government armed groups. These abuses occurred during the course of their security operations. In the incidents documented, UNAMA observed that the reported perpetrators were known to communities and security authorities, and could have been located, with prosecution and accountability resting primarily on the local Government's due diligence and political will.

Under international human rights law which applies during armed conflict, the Government has a duty to investigate the use of lethal force by its agents including Pro-Government armed groups.²⁴⁶ This duty, together with potential liability for failure to comply, flows from the right to life and other rights. Investigations by the State must

²⁴⁴ See the legal section of this report for the definition of "armed group."

²⁴⁵ UNAMA meetings with Kanam village elders, April 2013, Kunduz.

²⁴⁶ See Section II, Accountability and the Rights of Victims, International Legal Protection of Human Rights in Armed Conflict. OHCHR, Geneva, 2011.

be immediate, exhaustive, impartial and independent to meet the requirement of effective investigation, and open to public scrutiny.

UNAMA has previously reported on several incidents of attacks and abuses against civilians by Pro-Government armed groups which authorities did not effectively investigate and prosecute.²⁴⁷ UNAMA observed that in some cases, perpetrators remained in positions of authority, command, or control of territory, and continued to present a risk to civilians in the areas where they operated.²⁴⁸

In 2013, UNAMA documented 55 civilian casualties (18 civilian deaths and 37 injured)²⁴⁹ from abuses and operations by Pro-Government armed groups. Abuses included deliberate killings, unlawful operations, beatings, threats and property destruction and theft. Almost all the cases UNAMA documented occurred in Kunduz and Faryab provinces and demonstrated a lack of accountability.

Case Study: Mass Killing and Human Rights Abuses in Kanam-e-Kalan, Kunduz

On 2 September 2012, a Pro-Government armed group attacked Kanam village, near Kunduz city, targeting male villagers with assault rifles and rocket launchers, killing 12 civilians and injuring eight. One woman was allegedly shot and injured while trying to shield her husband. Following community outcry throughout 2013, eight lower-level members of the armed group were arrested. Two men were convicted and sentenced to 18-year prison terms, which were later reversed on appeal, leading to their release.

The commanders responsible for the attack have not been arrested, in spite of a warrant issued by the Kunduz prosecutor. Several sources in Khanabad district, including Government and police sources repeatedly told UNAMA that the commanders' locations were known and that the arrest warrants could be implemented if Kunduz authorities would pursue them.

On 6 April 2013, a prominent Kanam-e-Kalan elder, who had been vocal in local and national for a regarding the 2012 mass killing, was shot and killed by two men on a motorcycle. Local authorities dismissed the case as a personal dispute.²⁵⁰

On 16 April 2013, another prominent Kanam Pashtun leader was killed under similar circumstances, and the case was again dismissed as a personal dispute.²⁵¹ Kanam elders and villagers interviewed by UNAMA insisted that the two killings and alleged perpetrators were clearly connected with the 2012 mass killings in Kanam.

On 20 September 2013, a firefight erupted between the Taliban and Pro-Government armed groups in a Kunduz district. The armed groups, which had previously been involved in the Kanam killings, forced Anti-Government Elements from the area, looted the villages and assaulted civilians living in the villages. UNAMA received credible and consistent reports that the armed group beat a civilian to death, shot and killed another elderly civilian, and injured two other civilians.²⁵²

²⁴⁷ See UNAMA's 2012-2013 Annual and Mid-Year Reports on Protection of Civilians in Armed Conflict at <http://www.unama.unmissions.org/Default.aspx?tabid=13941&language=en-US>.

²⁴⁸ UNAMA interview with local official, 16 April 2013, Kunduz city.

²⁴⁹ In 2012, UNAMA documented 55 civilian casualties (38 civilian deaths and 17 injured) resulting from abuses or operations carried out by Pro-Government armed groups.

²⁵⁰ UNAMA interviews with local officials, 6 April 2013, Kunduz.

²⁵¹ UNAMA interview with local official, 16 April 2013, Kunduz.

²⁵² UNAMA telephone interviews with Buta community elders, October 2013.

Throughout 2012 and 2013, the same armed groups which had attacked the villages in Kunduz province were reportedly connected with criminal activity and further human rights abuses in the area.

Observations

UNAMA observed that accountability efforts for such Pro-Government armed groups were often compromised due to perpetrators' linkages with provincial and national level powerbrokers. Patronage networks which appeared to shield perpetrators extended from the village to the national level, fuelling corruption and criminality, particularly the illegal narcotics industry, and functioning through tribal, family and power relations.

UNAMA noted that such patronage networks often eroded human rights protection and subverted hard-earned rule of law gains by enabling impunity for persons suspected of human rights abuses through intimidation, exchange of favors, or bribery to impede prosecutions.²⁵³

UNAMA observed in several instances that the failure to prosecute perpetrators was also guided by the rationale that pursuing accountability for abuses committed by Pro-Government armed groups could hamper efforts to prevent an area from falling under the control of Anti-Government Elements.²⁵⁴ For example, following the attack on Kanam village, Kunduz security authorities told UNAMA they viewed these commanders as a key armed force necessary to keep the Taliban from re-taking Khanabad district.

UNAMA highlights that impunity for human rights violations and abuses risks perpetuating instability and tension, and undermining the legitimacy of the Government of Afghanistan.

²⁵³ UNAMA's analysis is based on dozens of interviews conducted during UNAMA visits to Khanabad, Imam Sahib, Qala-e-Zal and Kunduz districts of Kunduz province during the second half of 2013. Interviews included prosecutors, local governance workers, health workers, teachers, journalists and women's leaders, all of whom made reference to the interference of powerbrokers and patronage as a key factor in impunity for human rights violations in Kunduz province.

²⁵⁴ UNAMA interview with Kunduz chief of police, 8 October 2013. According to the chief of police the creation of an ALP contingent to replace the pro-government armed groups in Khanabad would be a key step towards accountability.

IV. Human Rights Protection in Conflict Areas

Children and Armed Conflict

A local Taliban commander told me to press the button of a remote-control device placed near the group of ALP. After I refused, he threatened to kill me and my parents. He told me that I would go to paradise and receive huge rewards. I took the remote control. I was so afraid when I was approaching the target. He was also pointing at me, signaling to press the button. I did so.

-- Fifteen-year old boy detained in a NDS detention facility in Baghlan province following a RC-IED attack against ALP on 5 May 2013.²⁵⁵

2013 was the worst year for Afghan girls and boys since 2009, with the highest number of child deaths and injuries documented. Conflict-related violence caused 1,756 child casualties (561 children and 1,195 injured) an increase of 34 percent compared to 2012. Child casualties resulted from all tactics with the majority of children harmed by IEDs and during ground engagements.

Of the 1,756 deaths and injuries to Afghan children, 964 (328 deaths and 636 injured) or 55 percent of total child casualties resulted from actions of Anti-Government Elements. Two hundred and sixty-six (266) child casualties (93 deaths and 173 injured) or 15 percent of total child casualties were attributed to Pro-Government Forces. Two hundred and forty-five (245) child casualties (50 deaths and 195 injured) or 14 percent of total casualties were from crossfire between Anti-Government Elements and Pro-Government Forces, and 13 casualties (two killed and 11 injured) resulted from cross border shelling. The remaining 268 child casualties (88 deaths and 180 injured) were unattributed, resulting mainly from explosive remnants of war (ERW).

While ground engagements caused the most injuries to children, IEDs remained the biggest killer of Afghan children. UNAMA documented 511 child casualties (192 child deaths and 319 injured) caused by IEDs, a 28 percent increase compared to 2012. UNAMA documented 641 child casualties (137 deaths and 504 injured) caused by ground engagements, up 59 percent from 2012.

Children represented 83 percent of all casualties from explosive remnants of war remaining the group most vulnerable to harm from these, comprising 284 of a total 343 explosive remnants of war casualties (93 deaths and 191 injured). This represents an increase of 74 percent over 2012.

Abductions and Killings

In 2013, UNAMA verified the abduction of 30 boys and four girls in 16 incidents, all carried out by Anti-Government Elements. Eight abduction incidents were reported from the eastern region, five from the southeastern region and two from both the southern and western regions. The apparent reasons for abduction of children included allegations of spying, supporting the Government and forced recruitment into armed groups.

UNAMA documented that following abduction by Anti-Government Elements, ten boys were executed.²⁵⁶ For example, on 12 October 2013, Anti-Government Elements

²⁵⁵ UNAMA interview at NDS detention centre, Pul-i-Khumri city, Baghlan province, 8 May 2013.

²⁵⁶ Verified through the Country Task Force on Monitoring and Reporting – a UN-led country-wide monitoring mechanism, focused on gathering information and data on grave violations against children in the context of the armed conflict in Afghanistan. All incidents of grave child

abducted two boys, aged eight and 10, from Watapur district, Kunar province, accused them of spying for Pro-Government Forces and killed them both the following day.²⁵⁷

Recruitment and use of Children into Armed Forces and Groups

UNAMA remains deeply concerned about the recruitment and use of children in armed forces and armed groups. UNAMA verified 25 incidents of underage recruitment that involved 43 children in 2013. Sixty-seven (67) percent of the incidents were attributed to Anti-Government Elements, including the Taliban, and 33 percent to Pro-Government Forces. The recruitment and use of children by parties to the conflict, including the ANP, ALP as well as Anti-Government Elements was observed in most regions. Children were allegedly recruited and used by armed groups to conduct suicide attacks, plant IEDs and transport goods.

Afghan national security forces – namely the ANP and ALP continue to be listed for child recruitment in the annexes of the UN Secretary-General's Annual Report on Children and Armed Conflict. In response to this listing, the Government of Afghanistan developed an Action Plan to Prevent Underage Recruitment (signed between the Government and the United Nations on 30 January 2011).

While progress has been made in the implementation of the Action Plan, UN monitors noted that underage recruitment by Afghan national security forces, in particular by the ANP, has not yet ceased. Insufficient age determination procedures, low levels of birth registration in the country, and problems related to the falsification of ID cards have compounded the problem of child recruitment within the ranks of Afghan national security forces.

Recruitment and use of children by the ANP and ALP at check-points, including as messengers and tea boys, remained a serious concern. In 2013, UNAMA continued to verify reports of recruitment and use of children by Afghan forces:

- On 15 March, a RC-IED detonated against a 15-year old child in Sirkany district, Kunar province. The boy was carrying water on a donkey to an ANA check-post.
- On 4 May, UNAMA observed a 17-year old boy in the police training centre in Jalalabad city. The boy stated that he had served as a police officer in Kiti district, Daikundi province for two months before being sent to Jalalabad for training.
- On 29 October, UNAMA observed an 11-year old boy in the Kandahar Juvenile Rehabilitation Centre. The boy stated that he had been recruited by ALP in Maiwand district, Kandahar province, where he claimed he worked as a cook. On 4 September, he accidentally shot and killed an ALP officer with an AK-47 that had no magazine, but unknown to the ALP officer, a bullet in the chamber.

Detention of Children for Alleged Association with Armed Groups

UNAMA continued to receive reports that Afghan national security forces arrested and detained boys on national security-related charges. As of 31 December 2013, Ministry of Justice records revealed that 196 children (all boys) were being held in Juvenile Rehabilitation Centres across the country for association with Anti-Government

rights violations documented by UNAMA are shared with the Country Task Force. UNAMA co-chairs the Country Task Force on Monitoring with UNICEF.

²⁵⁷ UNAMA investigation 13 – 31 October 2013 including interviews with family members of the victims, ANP, NDS and community leaders.

Elements or on national security-related charges. For example, on 5 May 2013, UNAMA interviewed a 15-year old boy detained in a NDS detention facility in Baghlan province, following a RC-IED attack against an ALP. The boy informed UNAMA that a local Taliban commander had forced him to detonate the device against ALP.

Rape and other forms of Sexual Violence

UNAMA continued to document some incidents of sexual violence against children by parties to the conflict. UNAMA observed a general climate of impunity for such crimes which stemmed from an absence of due diligence by authorities to investigate, prosecute and punish offenders, cultural stigma and misplaced shame, fear of reprisals, and a lack of referral mechanisms and service provision particularly in insecure areas. In many instances, children who reported being victims of sexual violence were themselves subsequently accused of crimes.

Despite significant under-reporting, during 2013 UNAMA received eight reports of sexual violence against boys, of which it was possible to verify four incidents (three by Afghan national security forces and one by Anti-Government Elements), including:

- On 15 January, in Kandahar city, a 16-year old daily wage laborer was arrested on national security-related charges; he claimed a police commander and his deputy tortured him. The boy was transferred to a different police ward, where he was detained for 18 nights. The boy stated police had tortured him and shot him in the ankle because he refused sexual relations. The boy said that he was later raped by three police officers.
- On 2 February, ANP arrested a 16-year old student of a religious school in Kandahar province. The boy informed UNAMA that ANP arrested him and two classmates, brought them to a police station where they were tortured, raped and severely beaten.
- On 16 February, two boys were raped by an ALP commander and his bodyguards in Imam Sahib district, Kunduz province. The ALP commander was arrested and released without charge. One of the victims, a 16-year old child who had complained to the authorities, was accused of homosexuality and subsequently fled to Pakistan.

Attacks against Schools and Incidents that Impacted Access to Education²⁵⁸

In 2013, UNAMA received reports of 62 conflict-related incidents that affected education. Incidents included threats, intimidation and harassment of students and teachers, occupation of schools and attacks or military operations in the vicinity of schools which impacted school attendance by children.

UNAMA confirmed seven incidents of Afghan national security forces occupying schools. In each incident three to six schools were occupied. For example, during October 2013, three schools were occupied by ANA, ANCOP and ANBP in Warduj district, Badakhshan province. Artillery was reportedly installed on the roof of the classes and soldiers could be seen in the schools. Students and teachers were not allowed to come inside the schools during this occupation.

UNAMA notes with concern that incidents of military use of schools compromise the neutrality of schools – which are protected places under international humanitarian law – and makes schools possible military targets for the duration of the occupation, and denying children of their fundamental right to education.

²⁵⁸ Verified through the Country Task Force on Monitoring on Children in Armed Conflict.

In an incident impacting access to education, On 14 May 2013, the Zabul provincial governor banned the use of all motorbikes in Shah Joy district, Zabul province, as motorbikes were deemed to be used for targeted killings by Anti-Government Elements. In retaliation the ban, the Taliban forcibly closed 40 schools.

Women and the Armed Conflict

In 2013, UNAMA recorded the highest number of women's deaths and injuries since 2009 with conflict-related violence caused increasing harm to women. UNAMA documented 746 women casualties (235 deaths and 511 injured), a 36 percent increase from 2012.²⁵⁹

IEDs used by Anti-Government Elements again killed the most women in the conflict in 2013 with 86 women deaths, and 91 injuries (177 women casualties), a 20 percent increase from 2012.²⁶⁰ For example, on 8 November, a road side IED detonated under a civilian vehicle traveling in Qalat district, Zabul province, killing five women, two children and one man (the driver).

Although IEDs killed more women than any other tactic, ground engagements caused the most injuries to women and comprised the majority of women's casualties (334 casualties, 73 deaths and 261 injured)²⁶¹ – which rose by 46 percent and accounted for 45 percent of all women's civilian casualties in 2013. The majority of these involved women caught in cross-fire or stray munitions impacting their homes. For example, on 6 December, Anti-Government Elements attacked a convoy of Afghan security forces which were conducting operations in Alishing district, Laghman province. A stray mortar hit a civilian home, killing a woman and a child and injuring two women and three children.

Attacks against Medical Personnel and Facilities

Attacks against healthcare facilities and personnel increased in 2013, with UNAMA documenting 32 incidents of attacks against healthcare facilities and threats against medical personnel²⁶² in comparison to 20 incidents documented in 2012. In 2013, five civilian deaths and four injured were documented.²⁶³ Of the 32 incidents in 2013, UNAMA attributed 29 incidents to Anti-Government Elements, which killed three civilians and injured four (seven civilian casualties).

International humanitarian law explicitly prohibits attacks by parties to the conflict against healthcare facilities and personnel. Medical personnel exclusively assigned to medical duties must be respected and protected in all circumstances.²⁶⁴ Threats of violence perpetrated against medical personnel, patients, facilities and transports that hinder the provision of medical care are also prohibited.

²⁵⁹ In 2012, UNAMA documented 548 women casualties (196 deaths and 352 injured) from all incident types.

²⁶⁰ In 2012, UNAMA documented 148 women casualties (81 deaths and 67 injured) from IEDs.

²⁶¹ In 2012, UNAMA documented 229 women casualties (53 deaths and 176 injured) from ground engagements.

²⁶² Healthcare facilities include hospitals, clinics, first-aid posts, laboratories, blood banks and medical stores. Healthcare personnel include doctors, nurses, first-aiders, medics, and support staff assigned to medical functions, administering a healthcare facility, or driving an ambulance. 'Healthcare in Danger, A Harsh Reality', ICRC, Kabul, 2013.

²⁶³ In 2012 UNAMA documented 12 civilian casualties (three medical workers killed and nine injured) in 20 separate incidents.

²⁶⁴ Rule 25. Medical and Religious Personnel and Objects. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

The majority of incidents involved threats, intimidation and harassment, followed by abductions and targeted killings of medical personnel.²⁶⁵ Following the trend noted in the first half of 2013, 62 percent of attacks against medical personnel and facilities were documented in the eastern region.²⁶⁶

UNAMA observed that some incidents of threats and looting of clinics appeared to suggest an attempt by Anti-Government Elements to obtain healthcare for their injured fighters. For example, on 21 October 2013, Anti-Government Elements stopped two trucks carrying pharmaceutical drugs and other medical supplies to a clinic in Jalrez district, Wardak province, abducted the drivers and seized the trucks. Anti-Government Elements released the driver on the same day after a few hours; two days later one truck with drugs and another truck without drugs were released.

Other incidents occurred where clinics were robbed. For example, on 28 September, in Alingar district, Laghman province, Anti-Government Elements entered a NGO clinic, searched the facility and looted equipment and stole personal property from staff members.

Abductions and targeted killings of medical personnel often followed intimidation and threat campaigns. Intimidation of female nurses and threats against female medical staff were particularly documented in Qargin district, Jawzjan province in June. This intimidation campaign followed the killing of a medical staff member working in the same clinic, earlier that month.

Throughout 2013, UNAMA received several allegations of Afghan security forces and international military occupying clinics and using them as a base to launch military operations. On 24 July, ANA soldiers entered an NGO clinic in Hisarak district, Nangarhar province, and instructed the staff to leave. ANA occupied the clinic until 18 August, using it as a temporary base from which they coordinated an on-going military clearing operation.

UNAMA also received reports of armed forces entering health clinics, carrying out search operations and damaging medical equipment. For example, on 11 February, Afghan and international military forces forcibly entered a clearly marked medical clinic in Sayadabad district, Wardak province and occupied the clinic for three hours and caused minor damage. Reportedly, the clinic's guard had tried to prevent international military forces from entering the clinic, but the forces had reportedly insisted that a Taliban commander was hiding inside the clinic which was later proved inaccurate. The clinic was located next to a religious madrassa, which was also searched at that time, and four persons were reportedly arrested.

Polio Vaccination Campaigns

Polio eradication in Afghanistan made steady progress throughout 2013, with a significant reduction in reported polio cases. Thirteen cases were reported in 2013 compared to 37 cases reported in 2012. Insecurity and lack of access to insecure

²⁶⁵ Eight of the 32 incidents documented by UNAMA involved abductions of medical personnel which did not result in civilian casualties, but may have had a serious harmful impact on delivery of medical services, access of humanitarian organizations and general climate of insecurity in the areas affected.

²⁶⁶ See UNAMA's 2013 Mid-Year Report on Protection of Civilians in Armed Conflict, p. 67 at <http://unama.unmissions.org/LinkClick.aspx?fileticket=EZoxNuqDtps%3d&tabid=12254&language=en-US>.

areas remained one of the factors affecting the quality of vaccination campaigns in 2013.²⁶⁷

Polio vaccinators saw some improvement in accessing children in the southern region but accessibility to children remained a challenge in Kunar and Nuristan provinces in the eastern region. The number of inaccessible children in Kunar and Nuristan did not show a significant change and almost 20,000 children were not accessed for vaccination. Although the Taliban have publicly stated they generally support polio vaccination campaigns,²⁶⁸ the main reasons of inaccessibility varied from small factions of Anti-Government Elements not allowing polio vaccinators to carry out their work, local disputes, and conflict-related insecurity.

The right to health is protected by international human rights and humanitarian law and includes the right by all citizens to the highest attainable standard of health,²⁶⁹ even in situations of armed conflict.²⁷⁰

Explosive Remnants of War

Throughout 2013, explosive remnants of war (ERW)²⁷¹ continued to jeopardize civilian lives and livelihoods, leaving Afghans, in particular children, at significant risk of killing and maiming in some areas. UNAMA verified 162 separate incidents of UXO detonation resulting in 343 civilian casualties (114 civilian deaths and 229 injured), a 63 percent increase in civilian casualties compared to 2012.²⁷² Of the 343 civilian casualties, 284 - 83 percent - were children.

After ground engagements and IEDs, explosive remnants of war caused more harm to children than any other type of incident. Of the 162 UXO incidents resulting in civilian casualties, UNAMA attributed 10 of the 162 incidents to international military forces, while the remaining incidents were unattributed, and include UXO from previous conflicts.²⁷³

While UNAMA previously documented slight increases in civilian casualties from explosive remnants of war, the sharp increase recorded in 2013 coincided with an

²⁶⁷ Insecurity and lack of access were also noted as factors hindering vaccinations in 2012. See UNAMA's 2012 Mid-Year Report on Protection of Civilians in Armed Conflict, p. 28. At <http://unama.unmissions.org/LinkClick.aspx?fileticket=-vDVBQY1OA%3d&tabid=12254&language=en-US>

²⁶⁸ The Taliban issued a statement on 13 May 2013 declaring their support of polio vaccination campaigns, if such campaigns were led by Afghan personnel, and conducted in harmony with Islamic values. Taliban statement: "Declaration of the Islamic Emirate of Afghanistan regarding the Polio Vaccination," 13 May 2013, at

<http://shahamat-english.com/index.php/paighamoona/31412-declaration-of-the-islamic-emirate-of-afghanistan-regarding-the-polio-vaccination>, accessed 13 January 2014.

²⁶⁹ Article 12, International Covenant on Economic, Social and Cultural Rights.

²⁷⁰ 'A human rights approach to health care in conflict', Katherine H. A. Footer and Leonard S. Rubenstein, International Review of the Red Cross, Article pp 1-21, published online: 19 August 2013.

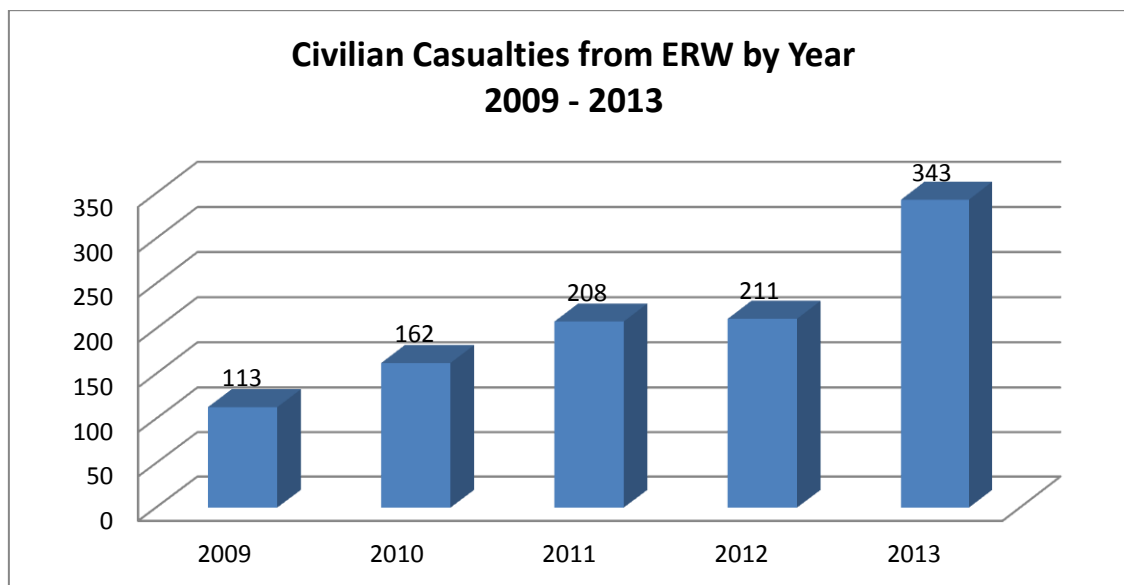
²⁷¹ ERW: Explosive Remnants of War means unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

²⁷² In 2012, UNAMA documented 211 civilian casualties (74 civilian deaths and 137 injured) in 83 incidents.

²⁷³ The number of ERW civilian casualties by international military forces may be higher. UNAMA did not attribute responsibility to ISAF unless ISAF confirmed or multiple authoritative sources, including MACCA and Afghan national security forces had confirmed an incident. UNAMA may be underreporting civilian casualties caused by ERW.

increase in ground engagement causing civilian casualties,²⁷⁴ and the escalated pace of ISAF base and firing range closure with concerns that high explosive firing ranges had not been sufficiently cleared of unexploded ordnance prior to closure.²⁷⁵

ISAF confirmed the presence of 184 high explosive firing ranges²⁷⁶ located within the vicinity of ISAF bases for current or previous use by ISAF and Afghan national security forces. ISAF closed or transferred more than 750 bases, including nearly 100 bases in the past six months. Less than 50 bases remain open.²⁷⁷ After the bases closed, with the exception of eight locations, the high explosive firing ranges had not been cleared,²⁷⁸ as ISAF and Afghan national security forces are determining which of the 184 ranges will be used by Afghan national security forces.²⁷⁹



UNAMA's 2013 Mid-Year Report on the Protection of Civilians highlighted the absence of an ISAF policy framework (and practice) directing the clearance of explosive remnants of war from firing ranges and bases prior to closure. The report observed the lack of a centralized system within ISAF accurately documenting which bases and firing ranges – if any - had been cleared of explosive remnants of war and the technical standard of surface or sub-surface clearance used prior to or following base closure.

The report highlighted the potential for civilian casualties if high explosive firing ranges were not marked and cleared prior to closure. UNAMA's report also raised concerns about explosive remnants of war resulting from aerial and ground operations.

²⁷⁴ The increase in civilian casualties from ground engagements indicates increased fighting in civilian populated areas, which may lead to unexploded and abandoned ordnance, when indirect fire or aerial platforms have been used for example: air dropped munitions, missiles, rockets, mortars and grenades.

²⁷⁵ Identifying the origin of UXO is difficult, particularly after the ordnance has detonated. Therefore, UNAMA's analysis of each UXO civilian casualty incident reviews the environment in which the incident occurred, i.e. a UXO civilian casualty occurring on a former ISAF base, but does not attribute responsibility for UXO without confirmation of the ordnance's origin.

²⁷⁶ ISAF was not able to provide details on which of the 184 high explosive firing ranges are in use by ISAF and/or Afghan national security forces and which sites are vacant.

²⁷⁷ Statement by General Dunford, Commander ISAF, at press conference in Kabul, 9 January 2014.

²⁷⁸ ISAF confirmed that eight firing ranges are currently undergoing clearance. ISAF information paper provided to UNAMA, 17 January 2014.

²⁷⁹ ISAF information paper provided to UNAMA, 17 January 2014.

Since mid-July 2013, ISAF has taken concrete steps to address these issues. Although considerable progress has been made on policies for future base closures and identification of hazard areas, increased efforts are required to mark and clear explosive remnants of war from high explosive ranges that have already closed.

Policy Framework: New SOP Does not Require Marking and Clearance of Explosive Remnants of war from Ranges already Closed

On 7 December, ISAF published a Standard Operating Procedure (SOP) on the Operation and Clearance of ISAF Ranges and Sites of Kinetic ISAF Engagements. This SOP covers the options available to troop contributing nations should they decide to undertake clearance of ranges established and operated by the ANSF. The SOP does not require nations to clear explosive remnants of war from firing ranges that have already been closed, transferred or are still operational.

The SOP guides nations which elect to conduct clearance to do so in accordance with the Afghanistan Mine Action Standards (AMAS) and notify the Theatre Mine Action Center (TMAC) of their intentions to clear ranges, which will then forward this information to MACCA.²⁸⁰ Although the SOP supports the procedure for explosive remnants of war clearance for future base and ranges closures, the SOP does not obligate nations to clear explosive remnants of war including from closed or transferred ranges. As noted, the vast majority of ISAF bases and ranges have already been closed or transferred. Serious concerns remain regarding sites of former high explosive firing ranges that have not been marked or cleared and the high risk of civilian casualties from explosive remnants of war in those locations.

Explosive Remnants of War from Firing Ranges: Identification of 184 Sites of High Explosive Firing Ranges

ISAF identified 184 sites of high explosive firing ranges. ISAF was not able to inform UNAMA how many of these 184 ranges remained in use by ISAF or Afghan forces and how many have been closed. Similarly, with the exception of eight bases ranges which closed in 2013, there is no record in the ISAF Mine Action Centre (TMAC) of high explosive ranges being cleared prior to closure.²⁸¹

On 6 January 2014, COMISAF directed a working group to determine which of ISAF's ranges needed to be retained for operational purposes, and the number and location of ranges to be transferred to Afghan forces to be completed by mid-February 2014.²⁸² The measurable outcome for explosive remnants of war clearance is unclear given that the majority of bases and ranges have already closed or been transferred to Afghan forces. Following the identification of ranges to be used by Afghan forces – although these forces are currently using some locations – it appears that ISAF has no plans to mark or clear explosive remnants of war from those high explosive ranges which have already closed.²⁸³

Of core concern is ISAF's position that the clearance of high explosive firing ranges is not a requirement but a decision left to the discretion of Troop Contributing Nations (TCNs). ISAF has stated "TCNs and ISAF are under no legal obligation to conduct

²⁸⁰ ISAF information paper provided to UNAMA, 17 January 2014.

²⁸¹ In a 24 January 2014 meeting between UNAMA and ISAF, US military engineers confirmed that eight sites, including ranges from Tirin Kot, Farah, Solerno, Hadrian and Hayratan were currently being cleared but did not provide information on when or if the ranges had been closed or transferred to Afghan forces.

²⁸² Ibid.

²⁸³ UNAMA meeting with ISAF, 24 January 2014, ISAF HQ, Kabul.

ERW clearance” because Afghanistan has not ratified Protocol V.²⁸⁴ ISAF has also stated that “ISAF has no authority to direct TCNs to mark or clear ranges. Marking and clearance is a national issue”.²⁸⁵

Explosive Remnants of War from Munitions Disposal Areas:²⁸⁶ New Policy to Prevent Civilian Casualties

There are 32 Munitions Disposal Areas (MDA) currently operational in Afghanistan, which are located on high explosive firing ranges.²⁸⁷ On 18 August, a humanitarian demining organization located large quantities of ordnance, including UXO, scattered 100 meters in every direction from the centre of a demolition pit – MDA – near the ANA base in Deh Dadi district, Balkh province. UNAMA could not confirm reports that UXO from this blast site had killed a civilian man.

UNAMA and MACCA shared a detailed report with ISAF which investigated, confirmed the allegations and took practical policy measures. On 20 September, COMISAF issued a fragmentary order (FRAGO) directing subordinate headquarters to report the location of all Munitions Disposal Areas (MDA), the amount of munitions disposed of on each site, and to conduct an inspection of each MDA after any disposal operation.²⁸⁸

Explosive Remnants of War from Ground Operations: Improved Coordination and Information Sharing

UNAMA's 2013 Mid-Year report on Protection of Civilians also raised concerns about the lack of coordination between ISAF, Afghan security forces and the Government with MACCA regarding clearance and documentation policy and practice to remove explosive remnants of war from the battlefield, for example, from ISAF ground operations. UNAMA and MACCA had observed an absence of practice in which ISAF communicated the potential presence of explosive remnants of war to authorities responsible for coordination of explosive remnants of war clearance which could ensure that suspect hazardous areas were marked and cleared with communities warned of potential hazard.²⁸⁹

UNAMA welcomes steps taken by ISAF to identify locations of past aerial and ground operations with a high potential for UXO. As of 24 January, ISAF declassified the location and site coordinates of 231 sites of kinetic ISAF engagements (battlefield areas) to be available to MACCA, which is responsible for maintaining the Information

²⁸⁴ See legal section of this report.

²⁸⁵ Item 28, NATO/ISAF Comment Matrix, declassified, released to UNAMA 31 January 2014.

²⁸⁶ ISAF and ANSF destroy cache finds and munitions confiscated from Anti-Government Elements at MDAs, which are located on high explosive firing ranges; in 2013, ISAF and Afghan forces destroyed 321,130 pieces of munitions and other weaponry including: anti-government force IEDs, PP-IEDs, IED componentry, IED-making materiel, known and unknown ammunition/rounds of different sizes, Anti-personnel munitions, initiators, grenades, grenade launcher, blasting caps, mines, RPGs, RPG warheads/rockets, PKMs and PKM rounds, weapons (AK-47s, G3 rifles etc.), military booby traps, assorted weapon magazines, packages of command wire and assorted weapons paraphernalia. Source: ISAF explosive remnants of war information paper, declassified and released to UNAMA on 10 January 2014.

²⁸⁷ ISAF information paper on ERW provided to UNAMA, 10 January 2014.

²⁸⁸ ISAF Information paper on ERW, 17 January 2014.

²⁸⁹ The procedure in place is that field units are to communicate the presence of UXO to IJC but in practice this is not consistent. UNAMA, MACCA, ISAF meeting at ISAF HQ, 24 July 2013, ISAF HQ, Kabul.

Management System for Mine Action (IMSMA), the central database for explosive remnants of war information in Afghanistan.²⁹⁰

Next Steps: Troop Contributing Countries Should Allocate Funds for Clearance

Since the onset of regularized engagement between ISAF, MACCA, UNMAS and UNAMA on explosive remnants of war in mid-2013, ISAF has made some progress in establishing a policy and procedural framework to minimize UXO resulting from their operations and actions, including closure of firing ranges.

ISAF has identified the presence of 184 sites of high explosive ranges; many of which are vacant and unmarked, posing significant risk for Afghans in the future. Similarly, none of the 231 sites of kinetic engagements have been marked as containing potential UXO. Despite the significant risks posed at these hazardous areas – and the 63 percent increase in civilian casualties in 2013 from UXO – there are no plans for ISAF or troop contributing nations to mark and clear these areas which is needed to prevent civilian casualties.

UNAMA recommends that troops contributing countries promptly establish a funding mechanism to be used and allocate funds to enable large scale clearance operations to begin. One option is to use the existing Voluntary Trust Fund for Mine Action administered by UNMAS in New York which was established in 1994 by member States to channel money for humanitarian mine action globally. This mechanism could be used for ISAF explosive remnants of war. Alternatively a new trust fund could be established in Afghanistan or nations could contract clearance organisations directly.

Representative examples of civilian casualties from explosive remnants of war:

- On 28 July, in Farah city, Farah province, an UXO explosion killed three children and wounded another four. The children had collected UXO from the Farah FOB shooting range, intending to sell the scrap metal to a local merchant.
- On 22 October, in Farah city, Farah province, an UXO detonated, killing a 12-year old girl. The girl had removed the UXO from the Farah FOB shooting range. According to sources, she was killed when trying to destroy an undetonated shell, presumably to salvage the sellable metal.
- On 18 November, in Khair Kot district, Paktika province, an UXO explosion killed six boys and injured another two. The boys had found the UXO – possibly a RPG – on their way home from school, about 300 meters away from an abandoned ANP check-post. Sources could not establish whether the ordnance was left behind by the ANP or was fired by the Taliban. Reportedly, the ANP left the check-post because it was too close to a residential area and was a danger to the population.
- On 29 December, in Ghazni center, Ghazni province, a grenade detonated inside a residential house, killing four civilians, including one woman, a baby girl, and two young boys were injured. Reportedly the children were playing with the grenade.

²⁹⁰ UNAMA meeting with ISAF, 23 January 2014, ISAF HQ, Kabul and ISAF ERW information paper, declassified and released to UNAMA 10 January 2014.

Cross-Border Shelling

In 2013 UNAMA documented nine civilian deaths and 28 injured²⁹¹ (37 civilian casualties) in 24²⁹² incidents of cross-border shelling into Kunar and Nangarhar provinces, a 51 percent decrease in civilian casualties from such incidents compared to 2012.²⁹³

UNAMA verified and confirmed incidents of cross-border shelling which caused civilian casualties and/or property damage. Incidents with no civilian casualties were also confirmed with Afghan officials and ANSF.²⁹⁴ All but five of the incidents causing civilian casualties occurred in Kunar province, in Dangam, Sirkanay, Marawara, Khas Kunar, Shaigal Wa Shiltan districts with the majority in Dangam district. The five remaining incidents occurred in Kamdesh district, Nuristan province and Lal Pur district, Nangarhar province. UNAMA did not receive reports of cross-border shelling from other districts.

In addition to civilian casualties, UNAMA received reports of cross-border shelling causing damage to homes, mosques and livestock. For example, on the 28 November 2013, 15 heavy artillery rounds impacted in Dangam district, Kunar province. One of the artillery rounds hit Ghuzan mosque causing serious damage.

Cross-border shelling continued to generate widespread anger in the local communities where it occurred. The issue was raised frequently by Kunar residents during meetings with UNAMA. In 2013, UNAMA documented at least 19 demonstrations against cross-border shelling in the eastern region with 13 in Kunar province.

Examples of cross-border shelling which resulted in civilian casualties:

- On 23 September, approximately 60 heavy artillery rounds were fired from across the Afghan border into Sirkanay district, Kunar province. One of the artillery rounds impacted a civilian home, killing a 14-year-old girl and wounding two civilian men.
- Also in Sirkanay district, Kunar province, on 25 September, approximately 25 heavy artillery rounds were fired across the border into Afghanistan. One of the rounds hit a residential compound killing one man and wounding two others.²⁹⁵

Conflict-Related Displacement of Civilians

*We were forced to leave our home. The insurgents did not allow us to take any necessary household items. No blankets, no cooking kits – nothing we need. Myself and my two kids just left the village. We walked for ten kilometers on foot to reach the main road. It was very difficult for my young children to walk for about 10 kilometers.*²⁹⁶

²⁹¹ UNAMA includes civilian casualty figures from cross-border shelling with ground engagement figures.

²⁹² UNAMA recorded 130 incidents of shells being fired across the border into Afghan territory. Of these incidents, 24 resulted in civilian casualties.

²⁹³ In 2012, UNAMA documented 75 civilian casualties (12 civilian deaths and 63 injured) in 48 incidents of cross-border shelling, also only in Kunar and Nangarhar provinces in the eastern region.

²⁹⁴ UNAMA monitors cross-border shelling by seeking multiple -sources of confirmation for each incident, including victims, witnesses, elders, doctors, ANP, ANBP, NDS and officials.

²⁹⁵ In both incidents the casualties were cross-border refugees from the Mohmand Agency in the Federally Administered Tribal Areas of Pakistan.

²⁹⁶ UNAMA interview with woman, 6 December 2013, Khoshtak valley, Jurm district, Badakhshan province.

-- A woman internally displaced from Jurm district, whose husband serves in the Afghan national security forces, forced to leave her home due to threats from Anti-Government Elements, Badakhshan

Throughout 2013 conflict-related violence and insecurity continued to generate high levels of internal displacement in Afghanistan. The Internally Displaced Persons (IDPs) Taskforce recorded 124,354 civilians displaced due to the armed conflict in 2013.²⁹⁷ This represents a 25 percent increase over 2012, (102,000 persons displaced by armed conflict). As of 31 December 2013, the total number of IDPs in Afghanistan was 631,286 individuals, with more than half displaced in the past three years.²⁹⁸

The changing nature of the conflict in Afghanistan had a direct impact on patterns of displacement. Increased ground engagements between Anti-Government Elements and Pro-Government Forces created sudden and often large movements of thousands of persons, predominantly from rural areas towards urban centres. The majority of IDPs sought safety in their own district, or neighbouring districts in the same province.²⁹⁹ In 2013 the most commonly cited reasons for displacement by IDPs were armed conflict and hostilities, general deterioration of security, and intimidation and threats by Anti-Government Elements.

UNHCR recorded a geographical shift towards a higher displacement of civilians in the southern region in 2013.³⁰⁰ For example, in May 2013, 27,000 persons were displaced due to a military operation in northern Helmand province. As a result of this and similar incidents, Helmand province accounted for almost half of all recorded displacement in 2013.³⁰¹ Over the past three years, the southern region has experienced a growing increase in displacement and currently hosts the highest number of IDPs in Afghanistan.³⁰²

The western, eastern and northern regions continued to record high numbers of IDPs. In the eastern region, IDPs were consistently displaced to Kunar and Nangarhar provinces. Throughout the eastern region, IDPs cited harassment and intimidation by Anti-Government Elements as the primary reason for displacement.³⁰³ IDPs in the east tended to move in smaller groups rather than large-scale movements ordinarily associated with armed conflict (and witnessed, for example, in Helmand province). In the northern region, Faryab province accounted for the highest regional numbers of

²⁹⁷ The IDP Taskforce is co-chaired by the UN High Commissioner for Refugees (UNHCR) and Afghanistan's Ministry of Refugees and Repatriation (MoRR). It constitutes the primary mechanism through which conflict related IDPs are profiled and provided with assistance. See UNHCR Brief, Conflict-Induced Internal Displacement- Monthly Update, December 2013 received 14 January 2014 on file with UNAMA.

²⁹⁸ UNHCR Brief "Conflict Induced Internal Displacement Trends 2013."

²⁹⁹ UNHCR Brief "Conflict Induced Internal Displacement Trends 2013."

³⁰⁰ In comparison, in 2011 and 2012 the majority of IDPs were displaced in the western region.

³⁰¹ UNHCR recorded 52,000 IDPs in Helmand province in 2013, accounting for all recorded displacement in the southern region over this period.

³⁰² Twenty-nine (29) percent of all IDPs are in the southern region, 26 percent in the western region, 20 percent in the eastern region, 13 percent in the northern region, 10 percent in the central region and a further two percent in the south-eastern region.

³⁰³ In the eastern region, the IDP caseload includes a population of 32,300 returnees who did not settle in their place of origin due to the security situation and other concerns.

IDPs,³⁰⁴ consistent with a 47 percent increase in civilian casualties from ground engagements in the province.³⁰⁵

The year 2013 has seen a continuation of existing trends in secondary displacement and displacement of returned refugees. One large-scale instance of repeated secondary displacement took place in Helmand province between May and October 2013, when many families who were displaced to Sangin district as a result of ground engagements, were subsequently displaced to Lashkergah following renewed fighting. Some IDPs attempted to return to their area of origin, but due to conflict and insecurity were unable to settle, and became displaced again.

³⁰⁴ UNHCR Brief “Conflict Induced Internal Displacement Trends 2013.”

³⁰⁵ In 2013, UNAMA documented 152 civilian casualties (50 civilian deaths and 102 injured) from ground engagements in Faryab, a 48 percent increase from 2012 (33 civilian deaths and 70 injured- 103 civilian casualties).

ANNEX 1: UNAMA Analysis of Taliban Monthly 'War Crimes' Statements

In 2013, the Taliban listed 277 incidents of 'war crimes' in their monthly statements which UNAMA followed up. Of the 277 incidents, UNAMA found that it had documented 91 incidents, 83 incidents were followed up and documented by UNAMA, and in the remaining 103 cases, UNAMA could not verify that the incident occurred.

Incidents UNAMA documented prior to the Taliban Statements

From the 91 incidents UNAMA documented before publication of the Taliban statements, in 32 incidents UNAMA noted the same number of civilian casualties as listed in the Taliban statements. UNAMA noted that 27 of these were attributed to Pro-Government Forces, three to crossfire between Anti-Government Elements and Pro-Government Forces, one case attributed to Anti-Government Elements, and in one case the civilian casualty could not be attributed.

In 22 of these incidents, UNAMA noted a lower number of casualties than the Taliban statements. UNAMA observed these casualties were attributed to Pro-Government Forces in 15 cases, Anti-Government Elements in four cases, and cross-fire between Anti-Government Elements and Pro-Government Forces in three cases.

In 20 cases, UNAMA found that the number of casualties was higher than stated in the Taliban statements. In such cases, responsibility for the casualties was attributed to Pro-Government Forces in 14 cases, to crossfire between Anti-Government Elements and Pro-Government Forces in four cases, and could not be attributed in two cases.

Of the remaining 17 incidents, two were still under investigation, in four cases UNAMA concluded the incidents were not related to armed conflict, in four cases UNAMA noted the casualties listed were not civilians, in one case UNAMA could not determine whether the incident was related to the armed conflict; in one case UNAMA could not determine the status of those killed or injured, and in five cases the incident did not involve civilian casualties.

Incidents Documented by UNAMA following the Taliban Statements

From the 83 cases UNAMA followed up after publication of the Taliban statements, in 10 incidents UNAMA noted the same number of civilian casualties as in the Taliban statements. According to UNAMA, eight of these were attributed to Pro-Government Forces, one to Anti-Government Elements, and in one case the casualty could not be attributed to a party to the conflict.

In six cases, UNAMA noted that the number of civilian casualties was lower than stated by the Taliban. UNAMA documented these six as attributable to Pro-Government Forces.

In four cases, UNAMA noted that its documentation of civilian casualties was higher than stated by the Taliban.

In one case, responsibility was attributed to Pro-Government Forces, in one case to crossfire between Anti-Government Elements and Pro-Government Forces, and two cases to Anti-Government Elements.

In the remaining 62 incidents, UNAMA noted that nine cases were not related to the armed conflict, in 21 cases casualties listed were not civilians, in one case UNAMA could not determine whether the casualty related to the armed conflict; and in one case UNAMA could not determine the status of those killed or injured. In one case, UNAMA documented that the incident did not take place, in one case UNAMA could find no

related incidents; three cases could not be documented as the Taliban statement did not mention the location, and in 25 incidents UNAMA documented no civilian casualties.

Summary

Out of 277 incidents in the Taliban's monthly statements, UNAMA noted that 42 had civilian casualty figures consistent with UNAMA documentation, an additional 28 incidents noted higher civilian casualty figures than the Taliban statements and 24 incidents noted lower numbers of civilian casualties.

UNAMA observed that the Taliban accused Pro-Government Forces of responsibility for civilian casualties in all 277 cases. UNAMA's documentation attributed civilian casualties to Pro-Government Forces in 71 incidents.

In 11 other incidents, UNAMA documentation noted civilian casualties were attributed to crossfire, in eight cases to Anti-Government Elements, and in four cases the casualties could not be attributed. UNAMA's documentation noted no civilian casualties in 30 incidents. In 25 incidents, UNAMA found that casualties the Taliban mentioned were not civilians. UNAMA observed that 13 allegations were not related to the armed conflict and in the 115 remaining incidents, the status of the casualties or of the incident could not be confirmed.

TOTAL	UNAMA Documentation	Results	Attribution
277	91 cases documented by UNAMA prior to publication of the Taliban statements	32 cases had the same number of casualties	27 to Pro-Government Forces 3 to Cross-fire between PGM and AGE 1 AGE 1 Unattributed
		22 cases had a lower number of casualties	15 to Pro-Government Forces 3 to Cross-fire between Pro-Government Militia and AGE 4 AGE
		20 cases had a higher number of casualties	14 to Pro-Government Forces 4 to Cross-fire between Pro-Government Militia and AGE 2 Unattributed
		2 cases were still under investigation	
		4 cases were not related to armed conflict	
		1 case UNAMA could not determine related to armed conflict.	
		1 case UNAMA could not determine the status of the target/casualty.	
		5 cases did not have civilian casualties	
		4 cases, casualties were not civilian	
	83 cases documented by UNAMA after publication of the Taliban statements	10 cases had the same number of casualties	8 to Pro-Government Forces 1 AGE 1 Unattributed
		6 cases had a lower number of casualties	6 to Pro-Government Forces
		4 cases had a higher number of casualties	1 to Pro-Government Forces 1 to Cross-fire between Pro-Government Militia and AGE 2 AGE
		1 case was under investigation	
		9 cases were not related to armed conflict	
		1 case UNAMA could not determine related to armed conflict	
		1 case UNAMA could not determine the status of the target/casualty	
		25 cases did not contain civilian casualties	
		21 cases the casualties were not civilian	
		1 case UNAMA confirmed that incident did not take place	
		3 cases UNAMA could not confirm as no location was mentioned	
		1 case only related incidents were found	
	103 cases could not be confirmed by UNAMA.		