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AFGHANISTAN

MID-YEAR REPORT 2012

PROTECTION OF CIVILIANS IN ARMED CONFLICT



Photo: Hoshang Hashimi, Associated Press



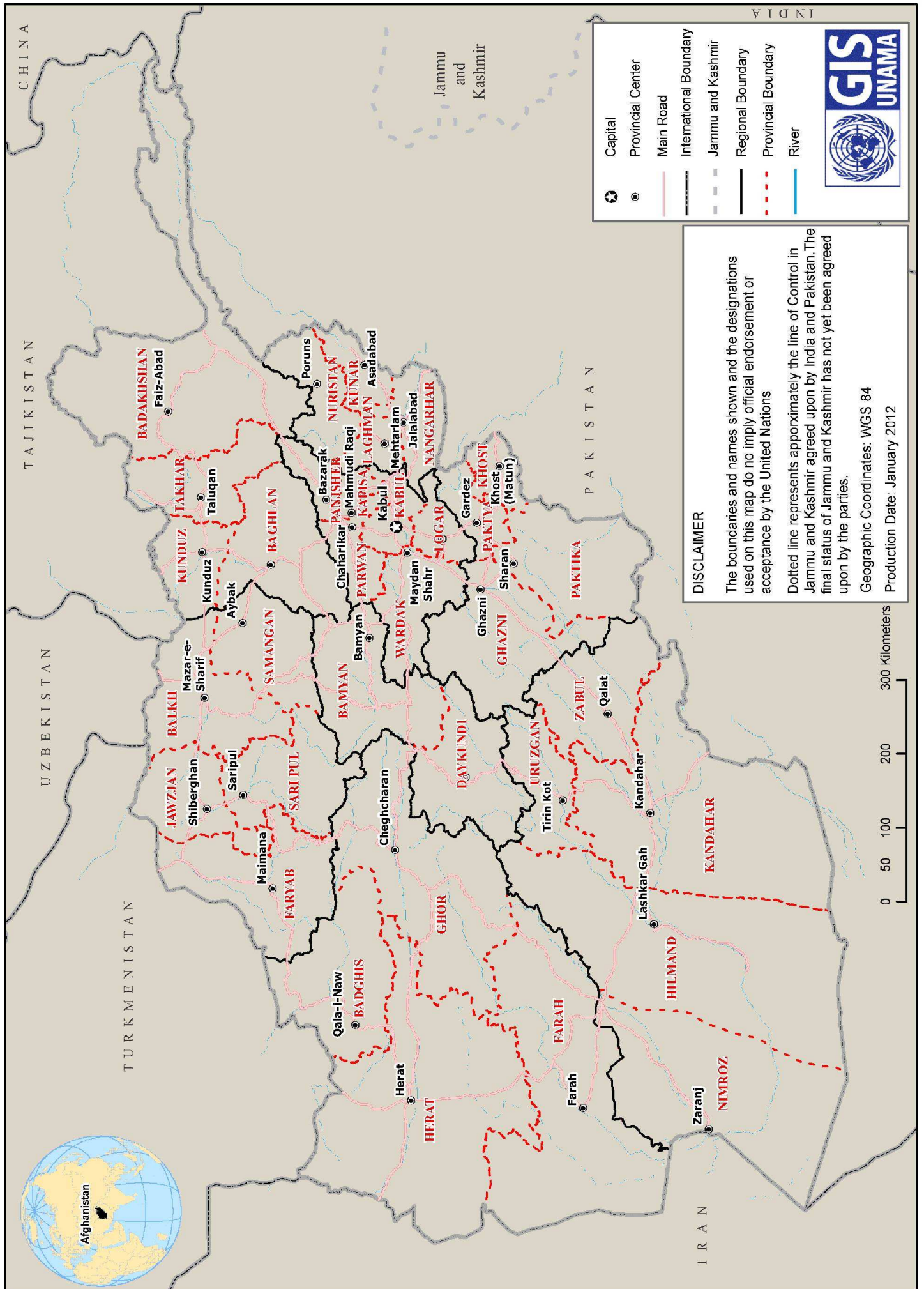
United Nations Assistance
Mission in Afghanistan



UN Office of the High
Commissioner for Human Rights

Kabul, Afghanistan
July 2012

AFGHANISTAN ADMINISTRATIVE DIVISION



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Photo on front cover taken on 10 April 2012 in Guzara district, Herat province following a VBIED attack at the district headquarter, which killed 13 civilians and injured 57. The attack took place at 8:30 am, as people were waiting in line to collect their national identity card.

Mandate

This midyear report on the Protection of Civilians in Armed Conflict in Afghanistan for 2012 was prepared by the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) and covers the period 01 January to 30 June 2012.

This report is compiled in pursuance of UNAMA's mandate under United Nations Security Council Resolution 2041 (2012) "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."

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. The report has been reviewed and received technical input from the Office of the 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 unmanned combat air vehicles (UCAVs) or drones.

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 and the National Directorate of Security.

AXO: Abandoned Explosive Ordnance

Casualties: Killed and injured civilians

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, such as deaths or injuries arising from cross-fire.

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/Protected Combatant: International humanitarian law means under “civilians” those persons who are not combatants (members of military/paramilitary forces) or members of organized armed groups of a party to a conflict or those who are not part of levée en masse (mass uprising¹). Civilians may lose their protection against attacks for such time as they take direct part in hostilities. Similar to civilians, a combatant 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.

¹ Levee en masse is referenced in the Third Geneva Convention: “Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war (Article 4(1)(6)).”

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.

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 Body-Borne IEDs (BBIEDs), Remote-Controlled IEDs (RCIEDs), Vehicle-Borne IEDs (VBIEDs), Victim-Operated IEDs (VOIED) and Pressure-Plate IEDs (PPIEDs).

IED Exploitation: IED Exploitation is the process of identifying, collecting, processing and disseminating information and material gathered from an IED incident site in order 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 resulted 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). The term also encompasses those forces not operating under the Commander of ISAF, including certain Special Forces and Special Operations 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 8 December 2011, the ISAF force comprised approximately 130,313 troops from 49 troop contributing States, organized in six regional commands plus ISAF Headquarters in Kabul. Since November 2008, the Commander of ISAF also serves as Commander of US Forces Afghanistan, although the chains of command remain separate. Security Council Resolution 2011 (2011) reaffirms previous resolutions on ISAF and extends the authorization of ISAF for 12 months until 13 October 2012.

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

Non-State Armed Groups/Anti-Government Elements: These 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 groups motivated by a range of objectives and assuming a variety of labels including the Haqqani Network, Hezb-e-Islami, Islamic Movement of Uzbekistan, Islamic Jihad Union, Lashkari Tayyiba and Jaysh Muhammed.

Pro-Government Forces:

- Afghan Government Forces. 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, ANP, ABP, NDS, ALP and other Pro-Government local defense forces.
- International Military Forces (IM Forces) and other government agencies (OGAs).

SOPs: Standard Operating Procedures

Targeted Killing: The 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. 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.

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

Table of Contents

Methodology.....	i
Legal Responsibilities of Parties to the Armed Conflict	ii
Executive Summary	1
Recommendations	10
Anti-Government Elements and Protection of Civilians	12
Improvised Explosive Devices (IEDs)	13
Suicide and complex attacks.....	15
Targeted Killings of Civilians	16
Taliban response to UNAMA's 2011 Protection of Civilians report.....	17
Human Rights in Areas Controlled by Anti-Government Elements.....	18
Government of Afghanistan Control.....	19
Anti-Government Elements influence and control	20
Human rights abuses in areas under the control of Anti-Government Elements.....	21
Organizational elements of parallel judicial structures.....	22
Punishments	23
Freedom of Movement	25
Illegal taxation	26
Impact of Anti-Government Elements mobile deployment on protection of civilians ..	26
Freedom of Expression	27
Intimidation and attacks with regards to enforcing a moral code	28
Access to Health.....	28
Access to Education	30
Interference and attacks against Education.....	31
Confirmed Attacks.....	31
Targeted killings and education	32
Occupation of Schools by Parties to the Conflict.....	32
Influence over Education	33
Pro-Government Forces and Protection of Civilians	35
ISAF Statements and Tactical Directives	36
Aerial Attacks	36
Search operations	39

Escalation of Force	40
Afghan National Security Forces and Protection of Civilians.....	40
Counter-IED and IED-exploitation, clearance and disposal	42
Afghan Local Police and Protection of Civilians.....	44
Impunity over ALP human rights abuses.....	46
Anti-Government Element Attacks against ALP	47
Afghan Local Police and 'Self-proclaimed' ALP	47
Other actions taken to improve ALP conduct and performance	48
Impact of the Armed Conflict on Vulnerable Persons	49
Impact of the Armed Conflict on Women and Children.....	49
Conflict-related Displacement of Civilians.....	49
Additional Conflict-related Incidents Cross-Border Shelling from Pakistan.....	50
ANNEX 1: Protection of Civilians Incidents from Taliban 5 February 2012 Statement ..	51

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 uses best efforts 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, and 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 testimony 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 non-combatant status of the reported victims cannot be conclusively established or is disputed. In such cases, UNAMA is guided by the applicable standards 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 disaggregation 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. However, 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 the particular incident to either Pro-Government Forces or Anti-Government Elements. UNAMA does not claim that the statistics presented in this report are complete; it may be that UNAMA is under-reporting civilian casualties given limitations associated within the operating environment.

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 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” including the Taliban, Haqqani Network, Hezb-e-Islami and others).

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.²

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

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.

Afghanistan is a party to the four Geneva Conventions of 1949 and to Additional Protocol II 1977³ 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.

Several rules of the four Geneva Conventions of 1949 and their Additional Protocols have become part of customary international law,⁴ and the most relevant principles that apply to the conduct of Afghan armed forces and 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.⁵ “[The Parties]...shall at all times distinguish between the civilian population and combatants” and “between civilian objects and military objectives.”⁶
- 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.”⁷
- Precautions in attack: “...civilians shall enjoy general protection against the dangers arising from military operations”⁸. In the conduct of military operations, constant care

² S/RES/1325 (2000); See also S/RES/1820. (2008), S/RES/1888 (2009), S/RES/1889 (2009), and S/RES/1960 (2010).

³ Afghanistan ratified Additional Protocol II 1977 on 10 November 2009 which entered into force on 24 December 2009.

⁴ See ICRC, Customary International Humanitarian Law, ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

⁵ Additional Protocol II, article 13(2).

⁶ Additional Protocol 1, article 48. See further article 51 (2) where civilians “shall not be the object of attack,” and article 52 (2) where “attacks shall be limited strictly to military objectives.”

⁷ Additional Protocol 1, article 51(5)(b). See further article 57 on Precautions in Attacks.

⁸ Additional Protocol II, article 13(1).

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.”⁹

All States contributing to the international military forces in Afghanistan, including contingents of ISAF, US Special Forces Afghanistan, members of the Operation Enduring Freedom coalition, or Special Operations Forces that fall outside these chains of command are signatories to the four Geneva Conventions of 1949. While not all troop-contributing States are signatories to Additional Protocol I and Additional Protocol II 1977, they are still bound by those relevant rules that have become part of customary international law.

(ii) Obligations under International Human Rights Law

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

Afghanistan is a signatory to several international human rights treaties,¹⁰ 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 non-State armed groups, cannot formally become parties to international human rights treaties, international human rights law increasingly recognizes that where non-State actors, such as the Taliban, exercise de facto control over territory, they are bound by international human rights obligations.¹¹

(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.

States whose military forces are among the International military forces party to the conflict in Afghanistan, and which ratified the Rome Statute of the ICC, also have a responsibility to investigate and prosecute alleged crimes within the Court’s jurisdiction

⁹ Additional Protocol 1, article 57 (1) and 2(a)(ii).

¹⁰ 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 http://www.aihrc.org.af/English/Eng_pages/X_pages/conventions_af_z_party.html

¹¹ 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.

that may have been committed by their nationals in Afghanistan¹². In particular, States have an obligation to investigate and prosecute violations of Article 8(2) (e)(i) of the ICC Statute which stipulates that “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 conflict.

(iv) Obligations under National Laws

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

(v) Definition of Civilian/Protected Combatant

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 definitions of the term “civilian” as outlined in the following section.

UNAMA

UNAMA uses a definition of “civilian” that reflects the standards of international humanitarian law and considers “civilians” to be persons who are not combatants (members of military/paramilitary forces) or members of organized armed groups of a party to the armed conflict, and those who are not part of *levée en masse*.¹³ A civilian may lose his or her protected status for such time as they take a direct part in hostilities.

International humanitarian law requires parties to a conflict to always make a distinction in the conduct of military operations between combatants and civilians. Persons who are not or no longer taking part in hostilities are protected and must not be attacked. As with civilians, combatants who are *hors de combat* (wounded, sick, shipwrecked, detained or surrendering) or who belong to the medical and religious personnel of the armed forces are protected from attack.

In the context of the armed conflict in Afghanistan, this report documents attacks against categories of people not taking a direct part in hostilities including public servants, teachers, health clinic workers and others involved in public service delivery, political figures and office holders, and employees of NGOs; and, civilian police personnel who do not function as combatants and are not involved in counter insurgency operations.¹⁴

Anti-Government Elements/Taliban

The Taliban stated publicly that certain persons who under international law fall within the definition of “civilian” may be the subject of attack; this is inconsistent with international humanitarian law.

In 2011, the Taliban claimed responsibility for numerous targeted killings of civilian government officials, tribal elders, government workers, contractors, drivers, translators

¹² Irrespective of whether States are parties to the ICC statute, they still have an obligation under customary law to investigate serious human rights and IHL violations.

¹³ Compare Article 50 Paragraph 1, Additional Protocol 1 to the Geneva Conventions. Also see Nils Melzer, “Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law,” 1 July 2009.

¹⁴ UNAMA considers as combatants police officers taking a direct part in hostilities. This includes members of the Afghan National Police, the Afghan Local Police and the Afghan National Border Police that routinely conduct counter-insurgency operations unless there is evidence to the contrary. UNAMA considers as non-combatants traffic police and other police officers carrying out solely civilian policing roles.

and other civilians and included such civilians in their public lists of targets to kill or capture.¹⁵ In an October 2011 statement responding to the government's convening of a Loya Jirga, the Taliban identified as lawful targets a broad range of civilians participating in the Jirga or associated with the government:

*The Islamic Emirate wants to warn every person who wants to participate in this so-called Loya Jirga that such traitors will be pursued by Mujahideen of Islamic Emirate in every corner of the country and will face severe repercussions. The country's trustworthy scholars have passed a decree in this regard and every participant of this convention shall be charged with treason if caught. The Islamic Emirate also calls on its brave and courageous Mujahideen to target every security guard, person with intention, participant and every follower of this convention.*¹⁶

The deliberate targeting and killing of these and other civilians is a violation of international humanitarian law which stipulates that only military objectives are lawful objects of attack. Civilians are not lawful military targets unless they are taking a direct part in hostilities.

ISAF

At UNAMA's request, ISAF provided the following definition of civilian, as adopted by SOP 307 Ed 3:

*"International humanitarian law refers to civilians as those persons who are not combatants (members of military/paramilitary forces) or members of organized armed groups of a party to a conflict or part of a levee en mass (mass uprising). Civilians may lose their protection against attacks for such time as they take direct part in hostilities, but retain (or regain) such protection if hors de combat (ie. wounded, sick, detained or surrendering) and thereby no longer actively participating on hostilities. Civilians will be further differentiated by their affiliation for purposes of analysis by the Civilian Casualty Mitigation Team".*¹⁷

¹⁵ See UNAMA 2011 Mid Year Report on Protection of Civilians, pp. iv-vi; the Taliban's 2010 Code of Conduct and Taliban statement of 30 April 2011 announcing their spring offensive expanded the list of civilian targets to members of the (Afghan) cabinet, parliament and peace councils.

¹⁶ Remarks of the spokesperson of the Islamic Emirate regarding the upcoming supposed Loya Jirga of 26 October 2011.

¹⁷ Email exchange between UNAMA and ISAF, 15 June 2012.

Executive Summary

My wife, our four children, my brother's wife and her two children were waiting at the district administration centre to receive our Tazkeera (national ID). I asked my family to remain near the gate and so that I could go inside to check if the Statistic Department staff had arrived to work. I heard a loud explosion and I ran back to the gate. I saw people lying in blood on the ground. I saw one of my daughters dead on the ground and my other three daughters and their mother wounded. The police helped me put my daughters and wife in a vehicle and transferred them to the hospital.

-- Father of two girls killed in an IED attack at Guzara district headquarters, Herat province, 10 April 2012 in which 13 civilians died and 57 others were injured.¹⁸

In the first six months of 2012, the armed conflict in Afghanistan continued to take a devastating toll on civilians. Between 1 January and 30 June 2012, conflict-related violence resulted in 3,099 civilian casualties or 1,145 civilians killed and 1,954 others injured, a 15 percent decrease in overall civilian casualties compared with the same period in 2011 when UNAMA documented 3,654 civilian casualties (1,510 killed and 2,144 injured).¹⁹ This reduction of civilian casualties reverses the trend in which civilian casualties had increased steadily over the previous five years. UNAMA remains concerned, however, that the number of civilian deaths and injuries remains at a high level, comparable with 2010, when UNAMA documented 3,268 (1,271 civilian deaths and 1,997 civilian injuries) civilian casualties.

Between 1 January and 30 June 2012, UNAMA documented a total of 925 women and children killed or wounded, representing 30 percent of all civilian casualties.²⁰ This represents a one percent increase in the ratio of women and children civilians killed or injured in comparison to the same period of 2011.²¹ Improvised explosive devices (IEDs) remained the leading cause of conflict-related deaths of women and children followed by ground engagements.

As of 30 June, the United Nations High Commissioner for Refugees (UNHCR) reported that conflict-related violence had displaced approximately 114,900 people in Afghanistan of which 17,079 were newly displaced in the first half of 2012. Conflict-induced displacement in the first six months of 2012 is 14 percent higher than in the same period last year.

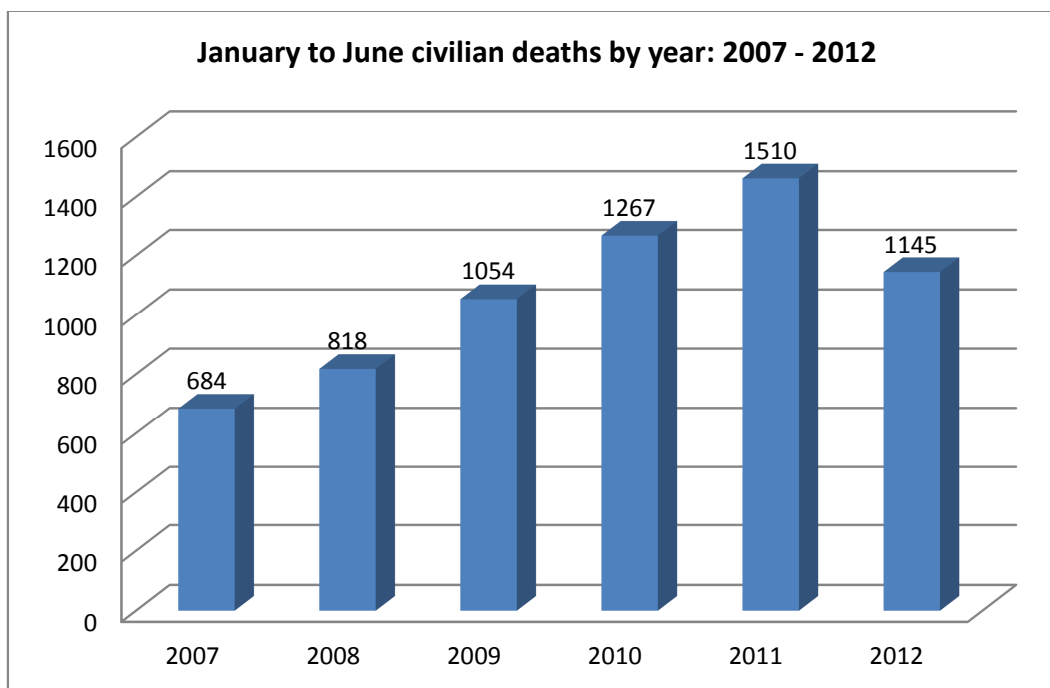
¹⁸ UNAMA interview in Herat hospital, Herat province, 11 April 2012. (UNAMA later confirmed that another of the witness's daughters later died in the hospital from her wounds).

¹⁹ UNAMA's previously published figures of 1462 civilians deaths in the first sixth months of 2011 did not include 48 civilian deaths resulting from aerial attacks in Ghaziabad district, Kunar province, 17 February 2011. See Aerial Attack section.

²⁰ UNAMA recorded 578 civilian casualties that were children (231 child deaths and 347 injuries) and 347 female civilian casualties (118 deaths and 229 injuries).

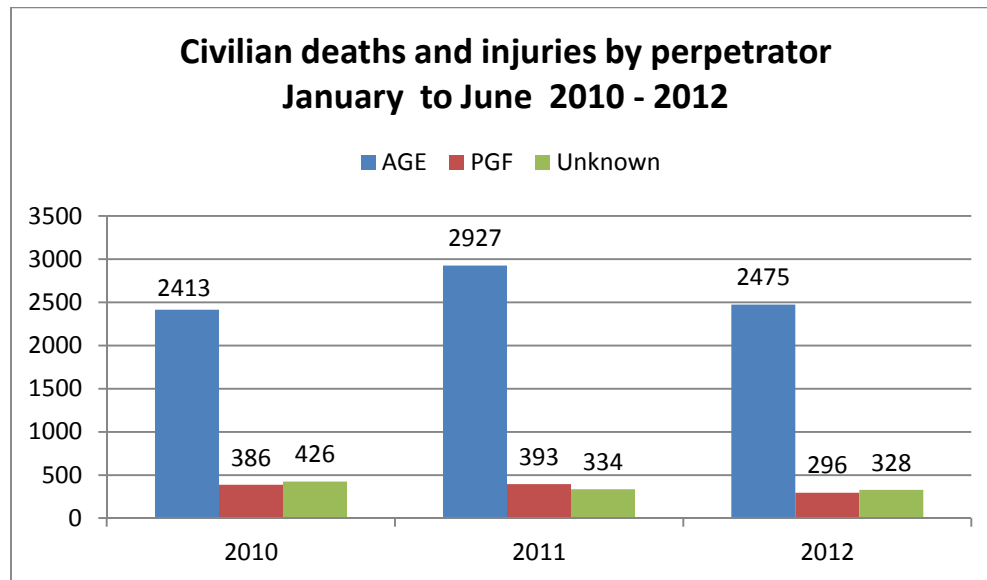
²¹ The 1,139 women and children casualties documented between July and December 2011, represented 29 percent of the total number of civilian casualties for that period which was 3,920.

Anti-Government Elements were responsible for 80 percent of all civilian casualties, while 10 percent were attributed to Pro-Government Forces. UNAMA was unable to attribute responsibility to any party to the conflict in 10 percent of cases.



UNAMA calls upon all parties to the conflict to comply fully with their legal obligations to minimize civilian loss of life and injury and harm to civilian communities. UNAMA condemns the indiscriminate use of improvised explosive devices (IEDs) by Anti-Government Elements, demands that such tactics, particular pressure-plate-IEDs, immediately be ceased. UNAMA further demands that Anti-Government Elements immediately cease the deliberate and targeted killing of civilians.

Despite extensive international commitments and significant progress over the past decade, Afghanistan's transition towards peace and stability remains far from complete. UNAMA calls upon the Government of Afghanistan, with the support of NATO/ISAF and the international community to increase its efforts to ensure that Afghan National Security Forces (ANSF) are sufficiently trained, resourced and supported to protect civilians effectively from the harms of conflict and to prevent violence and mitigate threat in communities impacted by conflict related violence. Additional measures must be taken to protect civilians and ensure protection of their fundamental human rights. Prior its release, UNAMA shared this report with the Government of Afghanistan who reiterated their commitment to protect civilians from the harm of conflict.



Anti-Government Elements and Protection of Civilians

Anti-Government Elements were responsible for 80 percent of civilian casualties, killing 882 civilians and injuring 1,593 others during the first six months of 2012, an overall reduction of fifteen percent²² compared to the same period in 2011 when UNAMA documented 1,167 deaths and 1,760 injuries. UNAMA reiterates its concern with the continued use of indiscriminate tactics by Anti-Government Elements and the toll such methods exact on civilians.

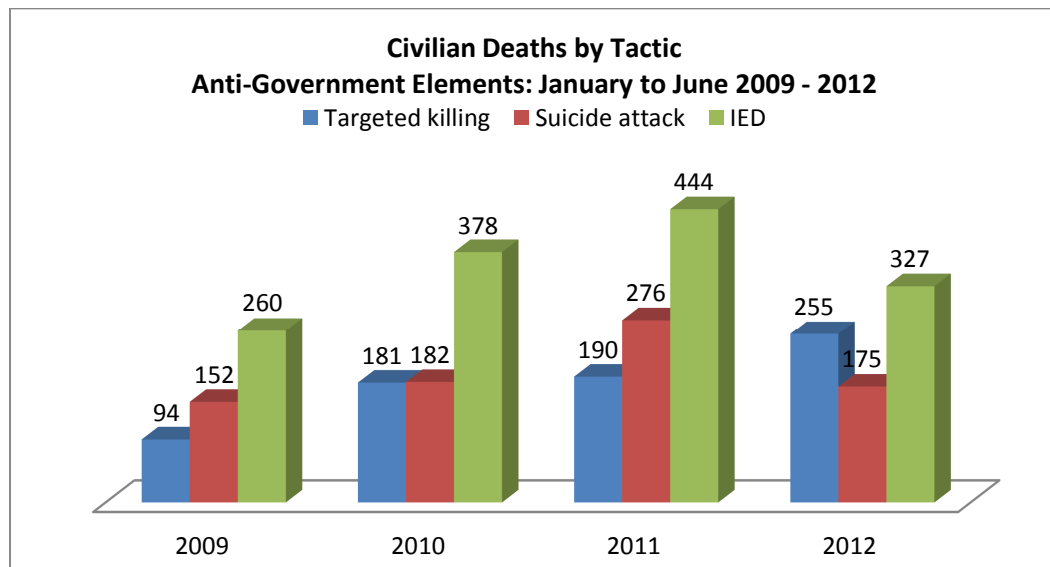
IEDs remain the biggest threat to civilians. Anti-Government Elements continue to use IEDs in an indiscriminate and unlawful manner. Between 1 January and 30 June 2012, IEDs alone caused 33 percent of all civilian casualties, killing 327 civilians and injuring 689. Taking into consideration tactic which use IEDS, such as suicide and complex attacks,²³ IEDs overall caused 53 percent of all civilian deaths and injuries in the first six months of 2012. UNAMA observed that most IEDs causing civilian casualties had not been directed at a specific military objective, but rather were placed routinely on civilian roadsides, resulting in indiscriminate deaths and injuries of civilians in violation of international humanitarian law. As a result, many IED incidents that resulted in civilian casualties could amount to war crimes.

Civilian casualties resulting from targeted killings of civilians by Anti-Government Elements increased by 53 percent in the first six months of 2012. Between 1 January and 30 June 2012, UNAMA documented the death of 255 civilians and wounding of 101 others in 237 separate incidents of targeted killings or attempts, compared with 190 civilian deaths and 43 injuries during the same period in 2011. Anti-Government Elements continue to target community leaders, governmental authorities and civilians that they suspect of supporting the government or military forces. These acts amount to

²² Twenty-four percent reduction in total civilian deaths and nine percent reduction in injuries

²³ 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.

violations of customary international humanitarian law, which explicitly states that attacks must not be directed against civilians.²⁴



Community perceptions: human rights in areas controlled by Anti-Government Elements

Given the changing security dynamics noted in this report and the ongoing transition of lead security responsibility from international military forces to Afghan National Security Forces, individual perceptions of security, governance and protection take on increasing relevance, particularly in communities where Anti-Government Elements have increasingly exerted influence or control. Such perceptions influence the extent to which people feel secure to exercise their rights to free movement, political participation, education and healthcare.

UNAMA consulted with communities from 99 conflict-impacted and/or remote districts²⁵ across Afghanistan to seek their views regarding the local influence of Anti-Government Elements and their related impact on human rights protection. UNAMA received consistent accounts that in areas where there was limited government control or presence, Anti-Government Elements were able to abuse human rights with impunity, including extra-judicial executions, amputations, abductions and beatings, and impeded the enjoyment of human rights such as freedom of movement, access to education, freedom of expression and the right to an effective remedy. These findings are reported with the full understanding that human rights violations occur routinely in areas of the country where government presence and rule of law institutions are weak or dysfunctional even where Anti-Government Elements are not active. UNAMA is concerned that Anti-Government Elements continue to carry out abuses with impunity, in violation of the fundamental human rights of Afghan citizens and the criminal laws of Afghanistan.

²⁴ Rule 1. Distinction between civilians and combatants. Customary International Humanitarian Law, Volume 1: Rules. Jean-Marie Henckaerts and Louise Doswald-Beck, ICRC, Cambridge, 2005.

²⁵ Eleven of the 99 districts had already completed the security transition process either in tranche one or two (July 2011 and November 2011 respectively), representing approximately 11 percent of all districts that UNAMA monitored.

Interference and Attacks against Education by Anti-Government Elements

In the first six months of 2012, UNAMA verified 34 cases of Anti-Government Elements launching attacks against education facilities, staff and students, and other incidents impacting education. These included the burning of schools, targeted killings of teachers and staff, armed attacks on education facilities, occupation of schools and intimidation and closure of schools, particularly girls' schools. This represents a substantial increase in such incidents compared to the same period last year when UNAMA documented 10 similar instances. Six of these 34 cases confirmed by UNAMA involved targeted killings of teachers, school guards or department of education officials by Anti-Government Elements.

As part of its consultations with 99 conflict-affected communities across Afghanistan, UNAMA found that the Taliban's influence on the education system in those areas is increasing. This has had consequences for children's access to education, particularly for girls. Anti-Government Elements have asserted their influence in many communities not only to incorporate changes to school curricula based on their ideological beliefs, but also as a basis to negotiate politically with local communities.

As of 26 April 2012, the Taliban were newly listed as a party²⁶ to the conflict responsible for specific grave violations against children in the Secretary General's Worldwide Report²⁷ on Children and Armed Conflict for 2011.²⁸ This report lists individuals or groups responsible specifically for attacks on schools and/or hospitals or threats to against such protected locations or individuals.²⁹

Pro-Government Forces and Protection of Civilians

In the first six months of 2012, UNAMA documented 165 civilian deaths and 131 civilians injured as result of operations and actions by Pro-Government Forces. This is a 25 percent reduction in total civilian casualties compared to the same period in 2011 when UNAMA documented 255 civilian deaths and 138 injured from the operations of Pro-Government Forces.

Aerial attacks have remained the tactic causing more civilian deaths and injuries than any other tactic used by Pro-Government Forces since UNAMA began documenting civilian casualties. Between 1 January and 30 June, UNAMA documented 83 civilian deaths and 46 injured as a result of aerial attacks by international military forces. This represents a 23 percent decrease in overall civilian casualties from aerial operations compared with 2011 when UNAMA documented 127 civilian deaths and 40 injuries.³⁰ In

²⁶ Security Council Resolution 1998 (2011), S/RES/1998 (2012) requests the Secretary-General to list in the annexes to his reports on children and armed conflict those parties that systematically attack schools and/or hospitals, or attack or threaten to attack protected persons in relations to schools and/or hospitals in situations of armed conflict.

²⁷ Paragraphs 7-18, Report of the Secretary-General on Children in Armed Conflict for the period covering from January to December 2011, dated 26 April 2012 (A/66/782 – S/2012/261)

²⁸ Report of the Secretary-General, Children and Armed Conflict (2005), A/59/695-S/2005/72.

²⁹ The listing referenced Taliban forces including the Tora Bora Front, the Jamat Sunat al-Dawa Salafia and the Latif Mansur Network.

³⁰ Although the UNAMA 2011 mid-year report documented 119 civilian casualties (79 deaths and 40 injuries) as a result of aerial attacks, this revised figure of 167 civilian casualties for the first half of 2011 includes civilian casualties from the 17 February 2011 aerial attacks in Ghaziabad district, Kunar province, which killed 48 civilians and injured nine. UNAMA's published civilian casualty figures for aerial attacks in 2011, did not include civilian deaths (but included the nine injured) from the Ghaziabad air strikes due to conflicting accounts of the number of civilian deaths which prevented timely verification.

2012, this tactic caused almost four times more civilian deaths than any other tactic used by Pro-Government Forces. In the first half of 2012, of the 129 civilian casualties caused by aerial attacks, 81 were women and children representing nearly two-thirds of the total number of civilian casualties caused by aerial attacks.³¹

In the first six months of the year, ground engagements by Pro-Government Forces resulted in the death of 21 civilians, a significant decrease from 2011 when UNAMA documented 66 civilian deaths during the same period.

Between 1 January and 30 June, UNAMA documented 20 civilian deaths and 12 injured from search and seizure operations by Pro-Government Forces, a decrease of 27 percent compared with the same period in 2011. This is consistent with the downward trends documented in the same periods in 2009, 2010 and 2011.

Civilian casualties as a result of ANSF and ISAF escalation of force incidents continued to decrease in 2012. In the first six months of 2012, UNAMA documented 25 civilian casualties (nine killed and 16 injured) in 19 separate incidents. Compared with the same period in 2011, this represents a 43 percent decrease in civilian casualties resulting from escalation of force incidents.

Although the decrease in civilian casualties as a result of aerial operations is welcomed, UNAMA reiterates its concern regarding aerial operations which resulted in loss of civilian life and injury. Although most incidents of civilian casualties occurred in the context of larger military operations against insurgents, some aerial operations causing civilian casualties appeared excessive *prima facie* in relation to the concrete and direct military advantage gained through the attack. For example, on 6 June 2012, in Baraki Barak district, Logar province, an operation targeting a gathering of Taliban commanders at a private residence killed 18 civilians and injured two women. Seven women and nine children died in the attack, including a 10 month old baby and five young girls. The operation commenced as a ground operation, an airstrike was called in after Anti-Government Elements engaged the military forces. Although the airstrike followed a series of escalation of force measures, the effects should have been anticipated. A tactical airstrike targeting a residential compound has a high potential to cause incidental loss of civilian life and harm to civilians which could be excessive in relation to the concrete and direct military advantage.

Customary international humanitarian law explicitly states that parties to the conflict must do everything feasible to assess whether the attack 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.³²

ISAF has taken steps to prevent the re-occurrence of civilian casualties resulting from aerial attacks. In his recent report on the situation in Afghanistan, the Secretary-General noted with appreciation that the Government and ISAF continue to review procedures with the aim of preventing civilian casualties more effectively, including during air

³¹ Aerial attacks by international military forces from January to June 2012 resulted in 30 women (16 deaths and 14 injuries) and 51 children (39 child deaths and 12 injuries) civilian casualties.

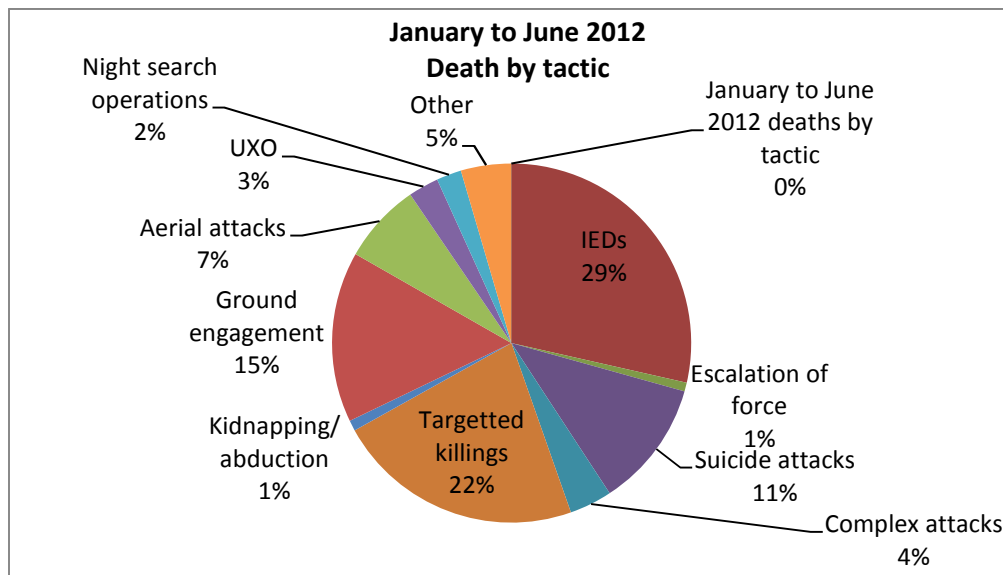
³² Rule 14 Proportionality in Attack and Rule 18 Precautions in Attack. Customary International Humanitarian Law, Volume 1: Rules. Jean-Marie Henckaerts and Louise Doswald-Beck, ICRC, Cambridge, 2005.

operations.³³ Following the incident in Logar province, ISAF implemented additional measures to reduce civilian casualties, including a new fragmentary order (FRAGO) amending the tactical directive on aerial operations, formalized in mid-June 2012. UNAMA reiterates its recommendation that all civilian casualty incidents be promptly investigated with appropriate remedial action and the publication of findings and actions taken. UNAMA encourages the ANSF to adopt ISAF's tactical directives which emphasize the imperative need to minimize and prevent civilian casualties throughout areas of their operations.

Afghan Local Police (ALP)

From January to June 2012, UNAMA consulted with government, police, community leaders, tribal elders and other relevant interlocutors from 51 districts, to seek their views regarding the implementation of the Afghan Local Police (ALP) program in their districts. UNAMA continued to receive mixed reviews regarding how the ALP respect and protect human rights. Many communities reported improvement in the security environment in areas with ALP presence and a reduced presence of Anti-Government Elements. Although local residents welcomed security gains in most areas, reiterated issues covered in previous UNAMA Protection of Civilians reports.³⁴ In first six months of 2012, UNAMA documented complaints in seven provinces against ALP. UNAMA continued to receive reports of inconsistencies in the ALP recruitment and vetting process, increasing infiltration of Anti-Government Elements into ALP ranks, the weakness in command and control by ANP of the ALP, weak and *ad-hoc* oversight, and lack of accountability for ALP members' past and ongoing human rights abuses.

During the first six months of 2012, UNAMA observed the continuation of other local defense initiatives, such as the Critical Infrastructure Program (CIP) in the north and northeastern regions.



³³ Report of the Secretary-General on the situation in Afghanistan and its implication for international peace and security. General Assembly, Sixty-sixth session, Security Council, Sixty-seventh year, Agenda item 38. A/66/855-S/2012/462, 20 June 2012.

³⁴ See Afghanistan Annual Report on Protection of Civilians in Conflict, 2011, Published February 2012.

Additional conflict-related incidents

Cross-Border Shelling

Similar to 2011, UNAMA received reports of incidents of cross-border shelling from Pakistan that impacted areas bordering Kunar province in eastern Afghanistan. In the first six months of 2012, UNAMA documented 16 Afghan civilian casualties (one killed and 15 injured) resulting from cross border shelling. The incidents in June resulted in the displacement of over five hundred families from and within Kunar, the closure of three schools, and public demonstrations against the shelling.

Decrease in civilian casualties January to June 2012: factors for consideration

A number of factors may have contributed to the reduction in civilian casualties. Some factors reflect improvements in the security environment while others indicate that Anti-Government Elements may be refocusing their efforts or holding ground in some areas.

United Nations analysis of the security situation in Afghanistan suggests that military operations against Anti-Government Elements – including commanders, weapons supplies financial sources or persons who facilitate insurgency operations indirectly -- appear to have weakened insurgent networks. Such tactics resulted in fewer attacks against Pro-Government Forces. This reduced the overall number of civilian casualties, particularly from insurgent initiated attacks against military forces and ground engagement between insurgents and ANA/ISAF. In this regard, UNAMA documented a decrease of approximately 42 percent in civilian deaths resulting from ground engagements between military forces and Anti-Government Elements. Moreover, the tactical shift from fewer ground engagements toward more targeted killings against civilians may be an indicator of a weakened insurgency.

The unseasonably harsh winter may have impeded the movement and operational capacity of insurgents in the first three months of the year, which likely reduced conflict-related violence. Other possible factors contributing to a weakened insurgency may be internal disputes amongst armed groups. These factors may have resulted in far fewer attacks in the first four months of 2012, particularly following the onset of the fighting season. Despite the Taliban's 2 May 2012 public announcement about the commencement of their spring operations and their vow to increase attacks, the Taliban did not achieve the momentum apparently desired by leadership, particularly in regard to spectacular attacks in Kabul Incident levels were comparable to May and June 2010.

Anti-Government Elements appear to be refocusing their efforts toward ANSF, with a particular focus on attacks against ANP. In 2012, the number of attacks against ANSF in the first six months remained roughly consistent with the numbers in the first six months of 2011 (2,311 attacks in 2012 compared to 2,335 in 2011).³⁵ This is in contrast to Anti-Government Elements' attacks against international military forces which have reportedly decreased by 10 percent in comparison to the same period of 2011.³⁶

UNAMA has observed that Anti-Government Elements seem to be holding ground in areas where government presence is minimal. This has had significant impact on the protection of human rights in these affected communities.

³⁵ Figures provided by UN Security in Afghanistan, 10 July 2012.

³⁶ ISAF Monthly Data, Trends through April 2012. Enemy-Initiated Attacks Nationwide Monthly Year-Over-Year Change (page 2). Published on 22 May 2012.

In addition to the decrease in attacks against international military forces – which in itself has contributed to the reduction in civilian casualties – UNAMA notes that a reduction in civilian casualties is also a result of consistent improvements in the operational practices of Pro-Government Forces, including more precise targeting. Overall, ANSF and ISAF continued to work towards minimizing civilian casualties. This has been particularly evident in the numbers of civilian casualties stemming from search and seizure operations and the reduction in escalation of force incidents. More efforts, however, need to be dedicated towards the prevention of civilian casualties during aerial operations.

Recommendations

UNAMA calls upon all parties to comply fully with their legal obligations to minimize civilian loss of life and injury and harm to civilian communities. UNAMA demands that the use of indiscriminate tactics by Anti-Government Elements, such as pressure-plate IEDs and suicide bombs, immediately be ceased. UNAMA calls upon the Government of Afghanistan, with the support of the international community, to take additional measures to protect civilian communities impacted by conflict related violence.

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

Anti-Government Elements

- Comply with international humanitarian law, uphold the principles of distinction, proportionality and precautionary measures, and apply a definition of 'civilian' that is consistent with international humanitarian law.
- In accordance with international law, stop targeting civilians and withdraw orders that permit attacks and killings of civilians, i.e. by using suicide bombing.
- Immediately cease the use of pressure-plate IEDs, and publicly commit to banning the use of these indiscriminate and illegal weapons.
- Prohibit judicial structures which impose unlawful punishments such as killing, amputation, mutilation and beatings. 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.
- Allow humanitarian organizations full access to communities, particularly those providing health care services, clinics and doctors. Make public commitments to support vaccination campaigns and allow vaccination teams to carry out safe vaccination campaigns throughout Afghanistan.

Government of Afghanistan

- Take further concrete steps to strengthen rule of law institutions, particularly police and judiciary, in order to ensure that criminal activity is increasingly dealt with in a lawful manner by government agencies. This includes investigation, prosecution and punishment of individuals carrying out unlawful punishments in parallel justice structures, particularly killings, as well as human rights abuses and other criminal acts carried out by Anti-Government Elements.
- Create a civilian casualty mitigation team in the Afghan National Army similar to the ISAF Civilian Casualty Mitigation Team to ensure transparent and timely investigations and accurate tracking of all incidents of civilian casualties caused by ANSF to improve civilian protection, compensation and accountability.
- Protect fully the right of all children, especially girls, to access education. Efforts should be made to ensure all schools remain open and safe, by protecting the civilian nature of schools and not involving education facilities in military activities. School curriculum must reflect the human rights standards protected by the laws of the Afghanistan and the content approved by the Ministry of Education.

- Prioritise the development and resourcing of sufficient ANSF capacity to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation.³⁷
- Ensure effective vetting, recruitment, oversight and accountability mechanisms of ALP members inter alia in order to prevent human rights abuses. Ensure lawful response to reported criminality by ALP and with the support of international military forces, ensure all other local defense forces are disbanded at the earliest opportunity.

International Military Forces

- Continue reviewing tactical directives and operational procedures, particularly those regulating the conduct of aerial attacks, with a view to further preventing incidental loss of civilian life and injury and damage to civilian objects and providing reparations to civilian victims of attacks. Continue to conduct post-operation reviews and investigations in cooperation with the Afghan Government in cases where civilian casualties have occurred.
- Promote transparency, accountability and better relations with affected Afghan civilians and communities through the prompt and public release of all ISAF findings on incidents involving civilian casualties, follow-up accountability and disciplinary measures and systematic provision of compensation and redress.
- Continue working with ANSF to enhance their civilian casualty mitigation, reporting and analysis capacity by supporting the establishment of a Civilian Casualty Mitigation Team within ANSF.
- Ensure that ANSF are sufficiently resourced, trained and equipped to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation.
- Ensure full handover and training of ANSF on tactical directives, procedures and best practices that have been found to increase civilian protection successfully.

³⁷ IED Exploitation is the identification, collection, processing and dissemination of information gathered at an IED incident site in order 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.

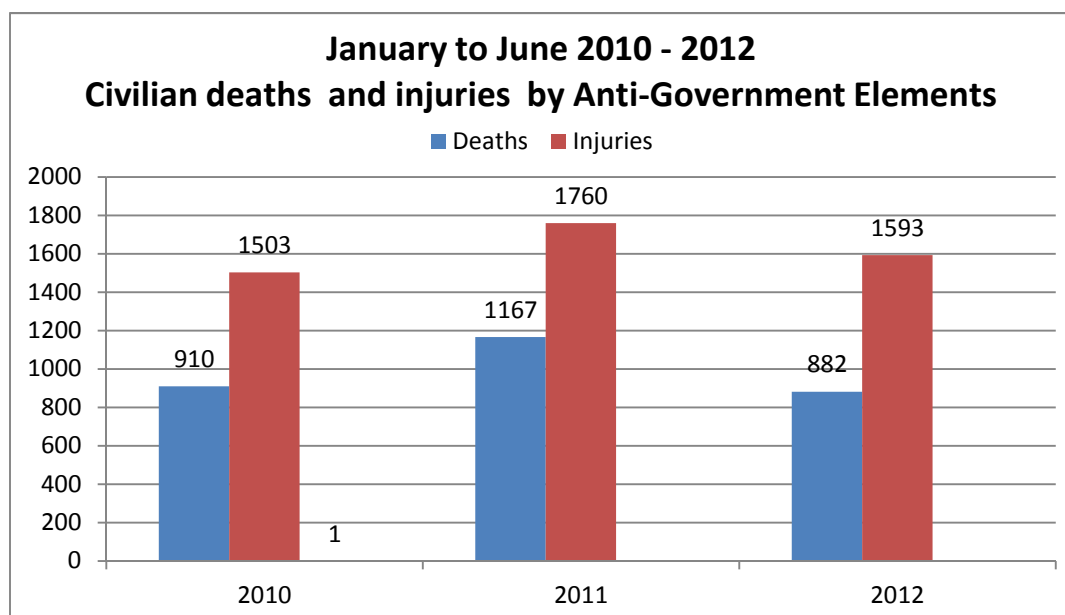
Anti-Government Elements and Protection of Civilians

I was with my uncle in the yard of the Spozmai hotel. It was around 11pm. He asked me to get the camera from the vehicle to record our social activities. I went to the car; it was then when I heard the shooting. I saw a gunman firing randomly at people and saw him firing at a group of young men – they were singing, enjoying their music. Some of them were not killed instantly; the wounded were crying for help and the gunman came back and shot them, targeting their heads. He killed them all. I also saw how they killed my uncle; they shot him in his head. His brain had come out. You know, he had just arrived from Iran to visit his elderly mum. They killed him. They just went around the hotel yard and inside the building to search for people to kill.³⁸

-- Survivor of 15 June complex attack at Spozmai Hotel, Qargha Lake, Kabul.

Overview

In the first six months of 2012, UNAMA documented 2,475 civilian casualties (882 deaths and 1,593 injuries) attributed to Anti-Government Elements compared with the same period in 2011, when UNAMA documented 2927 civilian casualties (1,167 deaths and 1,760 injuries). While the total number of civilian casualties resulting from their operations decreased, Anti-Government Elements bore responsibility for 80 percent of all civilian casualties during the first half of 2012. Overall, the ratio of civilian deaths caused by Anti-Government Elements reduced from 80 percent in 2011 to 77 percent from January to June 2012.



³⁸ UNAMA interview with survivor of attack, 28 June 2012, Kabul.

Improvised Explosive Devices (IEDs)

I lost three members of my family during this attack; my 20 year old son, my 18 year old nephew and my 63 year old brother. My son had passed his university entry exam this year and was hoping to study engineering. He was only 20 and had lots of dreams to make true. He never thought of dying as he was so young. The last time I saw him was the day before he was killed. He came from village to spend the night with us. He left at 10 am and was killed at 12.30 pm. There is nothing I can do to bring my son, my brother and my nephew back.³⁹

-- Father of a victim of IED attack in Qaisar district, Faryab province, 1 March 2012.

The indiscriminate and unlawful use of improvised explosive devices (IEDs) by Anti-Government Elements remains the biggest killer of civilians and accounts for the majority of civilian casualties. Between 1 January and 30 June 2012, UNAMA documented 1,016 civilian casualties (327 civilian deaths and 689 injuries) constituting 33 percent of all civilian deaths and injuries in the first half of the year, and 41% of all casualties attributed to Anti-Government Elements. Although the number of total civilian casualties from IEDs has decreased 19 percent compared with the first six months of 2011, civilian casualties from IED attacks are comparable to the levels recorded in 2010.

UNAMA observed that in most cases of civilian casualties caused by IEDs, the IEDs had not been directed at specific military objectives or were employed in such a way that their effects could not be limited, as required by international humanitarian law. For example, UNAMA documented numerous civilian casualty incidents resulting from pressure-plate IEDs (PPIEDs) which had been planted on roads routinely used by civilians.

Although civilian casualties from IED attacks decreased from the same period in 2011, the continued use of this indiscriminate tactic remains a concern. The majority of known IEDs used by Anti-Government Elements are victim operated IEDs (VOIEDs), with PPIEDs being most common. The prevalence of VOIEDs is highest in the provinces of Kandahar, Uruzgan, Zabul, Helmand and Nimroz, where they constitute the vast majority of IEDs employed.

UNAMA has stated that these IEDs function effectively as anti-personnel landmines and are indiscriminate as they cannot distinguish between a civilian and military objective, making their use illegal under international humanitarian law.

PPIEDs in Afghanistan are set to explode when they are walked on or driven over. The majority of PPIEDs in Afghanistan have approximately 20-25kg of explosive; more than twice the explosive content of a standard anti-tank mine yet they often have the trigger sensitivity of an anti-personnel mine. This means they effectively act as a massive anti-personnel landmine with the capability of destroying a tank; civilians who step or drive over these IEDs have no defense against them and little chance of survival. Additionally

³⁹ Interview with UNAMA by telephone, 11 March 2012.

a significant number of IEDs are encountered with explosive weight of approximately 2-4kg specifically designed to maim or kill individuals on foot.

In the first six months of 2012, IEDs detonated 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 and killed and injured civilians whether they were on foot, riding a bicycle, in buses, taxis or in private cars.

Although Anti-Governments Elements use remote-controlled IEDs (RCIEDs) targeting Pro-Government Forces, in some cases such tactics continue to disproportionately harm civilians, particularly when Anti-Government Elements target military objectives in civilian populated areas. For example, on 8 March, a RCIED detonated against an ANSF checkpoint in Jalalabad city, Nangarhar province, killing one child and wounding eleven civilians, including three children and one ANP traffic officer.

UNAMA also notes concern with the use of IEDs as a tactic of assassination. Although targeted killings of civilians are explicitly prohibited under international humanitarian law, the indiscriminate nature of IEDs combined with their disproportionate effects compound the gravity of this tactic. For example, on 14 June, a remote controlled IED detonated in front of the house of the provincial Head of Independent Election Commission (IEC) in Shiberghan city, Jawzjan province, wounding eleven civilians, including extremely serious injuries to two children and one woman.

Other examples of such incidents in 2012:

- On 18 June 2012, a remote-controlled IED, targeting an ALP commander, detonated in weekly bazaar in Tagab district, Kapisa province. The attack killed four civilians and injured 21 other civilians.
- On 12 June, a remote-controlled IED, planted on a bicycle, detonated in the market centre of Chahar Bolak district, Balkh province, killing three civilians, including a 2-year old child, and wounding five others.
- On 24 May, a pressure-plate IED detonated under a private bus travelling in Qarabagh district, Ghazni province, killing 17 civilians and injuring 23 others.
- On 12 April 2012, a pressure-plate IED detonated against a civilian vehicle in Garamser district, Helmand province, killing two children and injuring four civilians, including two children.
- On 7 March, an IED planted on motorcycle detonated in Spin Boldak district, Kandahar province, killing four civilians including two children and a woman and wounding at least seven civilians.
- On 1 March, an IED targeting an influential tribal elder killed five civilians in Qaisar district, Faryab province. The target, an active member of the Qaisar district shurah and former District Governor, was killed in the incident, along with members of his family.

Most of the IED components transit into Afghanistan and are moved by criminal patronage networks and insurgents. All efforts must be made by the Government of

Afghanistan, with support from the international community, to prevent IEDs from being illegally trafficked into Afghanistan.

Suicide and complex attacks⁴⁰

When the police stopped the motorcyclist, he detonated himself. This was right next to the school and in the Chowni bazaar. The explosion wounded so many and people were lying on the ground, dead. The ambulance came and it was very busy and hectic. Everyone was running to the school fearing that their children had been killed and wounded. So many people were injured. If people had known something would take place, the school children would not have been allowed outside. People were thrown all over the place by the explosion. There was blood everywhere. Even those who were not wounded, their clothes were covered in the blood of their friends. We brought my relatives by ambulance to the hospital, we'll see what happens. We are happy they have not died. My relatives and others had different injuries – shrapnel was lodged in their arms, stomach and bodies.⁴¹

-- Relative of victims of 3 January suicide attack in a crowded public bazaar in Kandahar city, which killed five and wounded 18 civilians.

In the first six months of 2012, UNAMA documented 637 civilian casualties (175 killed and 462 injured) as a result of suicide and complex attacks, compared with 831 in 2011, a 23 percent reduction in civilian casualties compared with the first six months of 2011. While this is a positive trend, civilian deaths and injuries from this tactic remain at high levels comparable to the first six months of 2010 when UNAMA documented 663 civilian casualties (183 civilian deaths and 480 civilians injured) as a result of suicide and complex attacks.

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 large numbers of fighters.

Anti-Government Elements continued to use different types of suicide attacks that detonate with absolute disregard for public places. Civilian areas, serving no military purpose, continued to be targeted, including crowded markets, gatherings of tribal elders and civilian government offices. Such attacks are prohibited under international humanitarian law and can amount to war crimes.

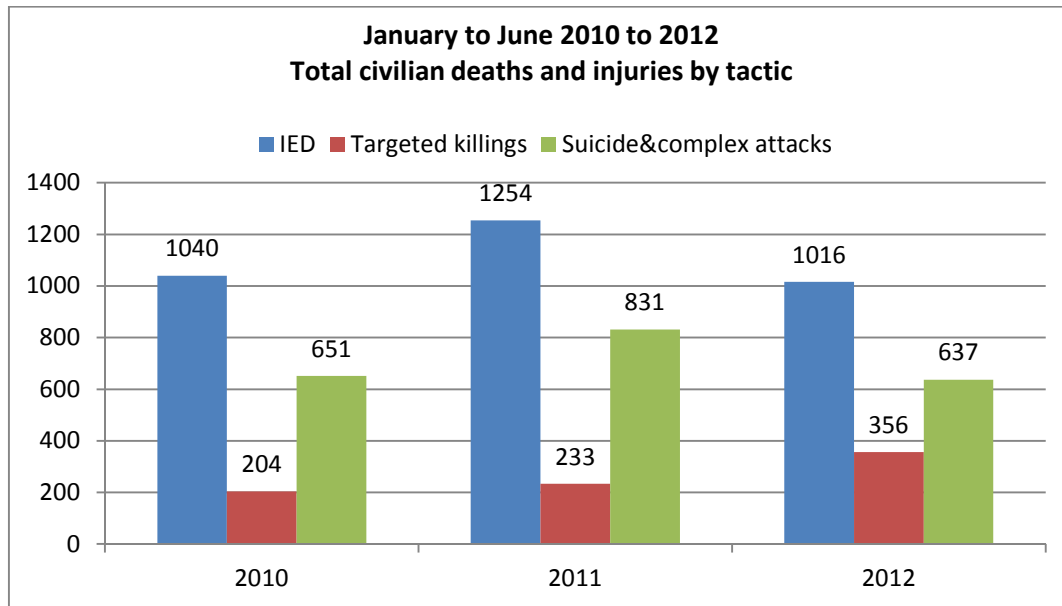
Representative incidents in the first six months of 2012 include:

- On 6 June, two consecutive suicide attacks carried out on the Kandahar-Spin Boldak highway outside the Supreme Company's warehouse, Kandahar province, killed 22 civilians and injured 50.

⁴⁰ 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.

⁴¹ Interview with UNAMA on 3 January 2012, Kandahar city, Kandahar province.

- On 18 June, a suicide attack targeting an ALP commander in Tagab district, Kapisa province killed six civilians and injured 26.
- On 10 April, a VBIED attack in the vicinity of the Guzara district headquarters compound, Herat province, killed 13 civilians and injured 57.
- On 19 May, a suicide attack targeting an ANP check point in Tere Zai district, Khost province, killed 10 civilians and injured nine.



Targeted Killings of Civilians

Anti-Government Elements increasingly targeted and killed civilians they perceived to support the Government of Afghanistan or international military forces. In the first half of 2012, there were 237 incidents of targeted killings which resulted in the death of 255 civilians and injuries to 101 more, a 53 percent increase compared with the same period in 2011 in which UNAMA documented 190 civilians killed and 43 others injured under such circumstances. Government employees, off duty police officers and civilian police, tribal elders, civilians accused of spying for Pro-Government Forces and government officials remained the primary focus of these anti-government attacks.

On 2 May 2012, the Taliban announced that their “Al-Farooq” Spring offensive would specifically aim to kill civilian targets, including high ranking government officials, members of Parliament, High Peace Council members, contractors and “all those people who work against the Mujahideen”.⁴² International humanitarian and human rights laws prohibit the deliberate and systematic targeting of civilians, which amount to war crimes and violations of the right to life. Such actions are meant not only to weaken the Government, through depriving them of their most capable public servants, but also to intimidate local communities. Many such incidents have occurred over the last six months:

⁴² Statement of Leadership Council of Islamic Emirate regarding the inception of Al-Farooq Spring operation, Leadership Council of Islamic Emirate of Afghanistan, 2 May 2012.

- On 15 May, Anti-Government Elements opened fire on a group of tribal elders who were en route to a community meeting in Shindand district, Herat province, killing three and wounding one.
- On 12 May, a group of Anti-Government Elements shot and killed a civilian in Alishing district, Laghman province, after the man allegedly threatened to inform ANSF about plans to plant IEDs near his home.
- On 15 March, Anti-Government Elements shot and killed an off duty ANP officer at his home in Garmser district, Helmand province. The victim was on holiday with his family.
- On 4 January in Sangin district, Helmand province, unknown gunmen shot and killed a prominent tribal elder and district council member.
- On 13 May in Kabul city, unknown gunmen shot and killed a prominent High Peace Council member.

Taliban response to UNAMA's 2011 Protection of Civilians report

On 5th February 2012, the Taliban reacted publicly to UNAMA's 2011 Annual Report on the Protection of Civilians in Armed Conflict, issuing a statement disputing UNAMA's findings on civilian casualties resulting from night search operations.⁴³ Arguing that UNAMA's reported figure of 63 civilian deaths caused by Pro-Government Forces in night search operations is not accurate, the Taliban statement noted 31 separate incidents which they claimed UNAMA had not accounted for in the 2011 Annual Report. These listed incidents included aerial attacks, ground engagements, shooting incidents and night search operations undertaken by Pro-Government Forces.

After carefully researching the incidents detailed in the Taliban statement, UNAMA prepared a detailed response which was later shared with the Taliban source that issued their public reaction. In 23 of the 31 incidents listed, UNAMA had verified and accounted for, the number of civilian deaths and injuries that had resulted in each case. UNAMA's figures of civilian casualties were consistent with the numbers stated by the Taliban or vary with either more or fewer civilian casualties having been confirmed. In the remaining eight cases, most of which were night search operations, UNAMA either did not have a record of the incident cited or had not classified the persons killed, injured, or captured as civilians.

UNAMA noted that the Taliban Statement conflated different types of military and police operations undertaken by Pro-Government Forces, including airstrikes, with 'night raids'. This may be because close air support missions - which may employ airstrikes - are sometimes used to support night search operations. UNAMA counts night search operations, aerial attacks and ground engagements as separate tactics.

See Annex 1 for more details.

⁴³ Statement of Islamic Emirate regarding the recent one-sided UNAMA report on civilian casualties, 05/02/2012. Available on-line, http://shahamat-english.com/index.php?option=com_content&view=article&id=14914:statement-of-islamic-emirate-regarding-the-recent-one-sided-unama-report-on-civilian-casualties&catid=4:statements&Itemid=4. Accessed 24 July 2012.

Community Perceptions:

Human Rights in Areas Controlled by Anti-Government Elements

For the people in our village, there is no choice. The government has less control and has little to no presence. This has caused the Taliban to act as the only authority to regain strength. The shadow government officials of the Taliban collect taxes. They also force the farmers by gunpoint to share with them a minimum 10 percent of their crops. The Taliban also calls young men into their movement's army of insurgents, and threatens to kill those who are unwilling to serve for their movement.⁴⁴

-- A village chief in a district of Balkh province who spoke to UNAMA on 29 May, 2012.

In the current context of transition and changing security dynamics, community views regarding civilian protection are of particular relevance. Individual perceptions of security and governance influence the actions of communities, especially whether people feel secure and free to exercise their fundamental human rights, such as the freedom of movement, or the rights to political participation, education and healthcare. An environment characterized by perceptions of insecurity, weak governance and absence of protection may impede development, participation and the overall well-being of people within a community. For example, a family's decision to send their daughters or sons to school is linked to their perception of security and whether their children can go to school safely.

As part of its mandate to monitor and report on the situation of civilians in conflict and the protection of human rights, UNAMA conducted a country-wide consultation with a spectrum of Afghan society to obtain their views on the extent to which their human rights are protected in areas where the government has limited presence and control. These consultations consisted of interviews with community members, community leaders, civil society groups, and local government officials in select locations of 99 districts in 27 provinces, considered to be under full or partial control by Anti-Government Elements.⁴⁵

Eleven of the 99 districts where consultations took place had already completed the transition process in either tranche one or two (July 2011 and November 2011 respectively), representing approximately 11 percent of all districts monitored. Thirty of the other districts covered in these consultations are set to transition in tranche three, starting in July 2012. UNAMA also consulted with communities from six districts in Nuristan province and six from Kunar province. Although not official transitioned, international military forces withdrew their bases from Nuristan and Kunar provinces in 2010 and 2011.

⁴⁴ UNAMA interview with a village chief from Balkh province, 29 May 2012, UNAMA Mazar-e-Sharif Office.

⁴⁵ The full list of districts and locations is not provided in this report due to the need to protect the communities who spoke with UNAMA.

UNAMA's discussions with Afghans in rural communities across the country reflected a common perception that Anti-Government elements exercise de facto control of areas or entire districts in many regions of Afghanistan. Despite the Government of Afghanistan control over the majority of the country, communities consistently expressed that Anti-Government Elements present themselves to the local population as an alternative to the Government. People informed UNAMA consistently that Anti-Government Elements abused human rights with impunity, including killings, amputations, abductions and beatings, which served to impede the enjoyment of human rights such as freedom of movement, access to education, freedom of expression and the right to effective remedy in areas where there was limited government control or presence.

As many of those areas have been under the partial control of Anti-Government Elements, including the Taliban, in recent years,⁴⁶ the human rights and protection issues reviewed in this section do not necessarily reflect new trends. Rather the views expressed may present a picture of the conditions under which those local communities interviewed have lived over an extended period.

The following is an assessment of current perceptions and concerns of local communities on human rights protection in those areas where Anti-Government Elements have substantial control or influence.

Government of Afghanistan Control

Many community members interviewed by UNAMA reported a direct correlation between insecurity and the absence of a government in their communities. Communities from the more insecure areas, particularly those under the effective control of Anti-Government Elements, reported a lack of Pro-Government Forces in their villages. In many districts, interviewees noted that the ANSF presence primarily focused on protecting district centers. In one discussion with UNAMA held on 28 May 2012, the son of a community elder from Faryab province emphasized to UNAMA:

The Government just has control on the highway, but both sides of the highway are insecure, and Taliban have access to come and do what they want. In the centre of the district, government have control and also in the villages where Arbakies are recruited as Afghan local Police (ALP).⁴⁷

⁴⁶ In the southern, southeast and eastern regions of Afghanistan, entire districts and in some cases, almost entire provinces are, to varying extents, controlled Anti-Government Elements. Local residents informed UNAMA that large portions of Paktika and Khost provinces in the south-east are considered by as being almost completely controlled by Anti-Government Elements, with the exception of the district and provincial capitals. In the northern provinces of Balkh, Sari Pul, Faryab and Jawzjan communities described pockets or areas within specific districts. A similar situation was noted in specific districts in the central region provinces of Kabul (only in Surobi district), Kapisa, Parwan and in large areas of Logar and Maidan Wardak. Communities in the western provinces of Herat, Badghis, Ghor and Farah reported that Anti-Government Elements maintain a presence in some areas outside of the district centres. Interlocutors reported the presence of Anti-Government Elements in the northeastern provinces of Baghlan, Badakhshan, Kunduz and Takhar. In the central highlands region, there are no areas under the control of Anti-Government Elements. Civilians living in border areas with other provinces, however, are impacted by the presence of Anti-Government Elements along those borders.

⁴⁷ UNAMA interview with the son of an influential Pashtun tribal leader in Faryab province. The interview was held on 28 May 2012 in the UNAMA Maimana Office.

As the presence of ANSF and government authorities in many places is limited to district centres, Anti-Government Elements continue to move within areas either in order to assume effective control of communities or to harass and intimidate local residents into supporting them. Many members of these affected communities also consistently voiced dissatisfaction with the Government and in some areas expressed ideological support to Anti-Government Elements groups who they viewed as an alternative to the government which they often characterized as corrupt.

Communities interviewed also noted that ISAF and ANSF often conduct operations in known Anti-Government Elements controlled areas, and then immediately withdraw back to district centres, thus allowing Anti-Government Elements to maintain a presence. UNAMA has received numerous reports of night patrols and mobile checkpoints set up by Anti-Government Elements on rural roads. UNAMA has also received reports that in some areas controlled by Anti-Government Elements, operations by Pro-Government Forces have decreased in the last six months, such as Jawand district of Badghis province. In Passaband district, Ghor province, the community reported that no international military or ANSF operations have taken place in the last six months, raising concerns within the community that the resulting security vacuum will eventually be exploited by Anti-Government Elements.

Anti-Government Elements influence and control

In areas or districts where the Taliban or other Anti-Government Elements groups exercised 'effective control', this often depended on their ability to either win or maintain the support of the local population. In areas where Anti-Government Elements received local support, shadow governors had in several cases been appointed from within the community, but reporting to a higher Taliban command network elsewhere. In Sharak district of Ghor province, for example, communities reported that the Taliban shadow governor and shadow officials are present. During an interview with UNAMA on 29 May, 2012, a village chief from a district in Balkh province explained to UNAMA the importance of local support to effective Taliban control:

There are some locals who ideologically support the Taliban and they are religiously influenced by the Taliban. These locals think the Taliban strictly follows the sharia principles in their ruling more than the government. These conservative locals even have an interest in joining the Taliban insurgency and they frequently prefer Taliban governance over the Afghan government.⁴⁸

In locations where the Taliban or other Anti-Government groups have been unable to win public support, harassment and punishment of local population has often followed. For example in Andar district of Ghazni province, following local communities' opposition to Taliban actions, on 20 and 23 June, 2012, Taliban forces burned down four local houses.

⁴⁸ UNAMA interview with a village chief in Balkh province in May 2012.

Human rights abuses in areas under the control of Anti-Government Elements

Parallel Judicial Structures⁴⁹

A boy beat his mother over an unknown dispute. When the Taliban heard about this, they immediately took the boy from his home to a hill. The Taliban also invited the community to come and watch the punishment. When people gathered, the Taliban covered the boy's eyes and shot and killed him with a gun. In a few seconds, the Taliban announced the case and punishment.⁵⁰

-- Head of a village who witnessed a public Taliban punishment in late 2011, Balkh province and interviewed by UNAMA on 27 May 2012, Balkh province.

Areas under the effective control of Anti-Government Elements often have very limited access to governmental justice mechanisms or services. Anti-Government Elements are taking advantage of this rule of law vacuum to enforce their own parallel judicial structures in many affected areas to take decisions in criminal cases, disputes and, in some cases, to try and/ or punish persons suspected of collaborating with Pro-Government Forces. These judicial structures are illegal and have no legitimacy under the laws of Afghanistan. The severe punishments meted out by these structures amount to criminal acts under the laws of Afghanistan, and in some circumstances, war crimes. Due to the inherent illegality of these mechanisms, UNAMA views the existence of these structures and resulting punishments as abuses of human rights. Thus UNAMA's analysis does not evaluate the procedural elements reported by communities according to recognized international human rights standards, for example, fair trial standards.

UNAMA has documented many cases of Anti-Government Elements murdering or mutilating persons suspected of collaborating with Pro-Government Forces after carrying out a 'public hearing'.⁵¹ Compounding the absence of functioning and transparent lawful judicial proceedings is the absence of government redress mechanisms for victims of human rights abuses carried out by parallel judicial structures run by Anti-Government Elements.

Government-appointed judges and prosecutors are often unable to remain in communities described by local residents as under the effective control of the Taliban,

⁴⁹ The use of terminology "Parallel Judicial Structures" in this report should not be understood to imply that UNAMA considers the parallel administration of law systems operated by Taliban/Anti-Government Elements to be legitimate. This terminology is being used solely for the purpose of distinguishing between practices committed as a "law and order" measure (such as a killing following a parallel judicial structure trial) by Anti-Government Elements, and those committed as part of insurgency activity, such as targeted killings and attacks. UNAMA uses the term "parallel judicial structures" rather than "parallel justice system" because these mechanisms inherently are neither "just" nor part of a uniform, regulated system.

⁵⁰ UNAMA interview with a village chief in one of Balkh province's districts. The interview was held on 27 May 2012 in the UNAMA Mazar-e-Sharif Office.

⁵¹ Although slightly different in all circumstances documented by UNAMA, 'public hearings' usually consisted of an Anti-Government Element accusing one or more civilians of a particular crime in a public location, announcing the guilt and corresponding punishment and carrying out the punishment publicly immediately following the 'hearing'.

due to insecurity. Such officials are at a particular risk of being assassinated by Anti-Government Elements.⁵² For example in the eastern region, UNAMA documented targeted killings of judges in Bishud district of Nangarhar province and Qarghayi district of Laghman province and the abduction of a district prosecutor in Dara-i-Pech, Kunar province. In many districts in Uruzgan province, there are currently no officially appointed judges and prosecutors present in their districts largely due to insecurity and threats.⁵³ Targeted killings, abduction and intimidations have created a climate of fear among officials and deter them from taking up positions and working in these areas.

Access to justice is further impeded by large gaps in the rule of law. Anti-Government Elements have been able to exert influence most readily in remote areas of districts where communities are not able to easily access the official justice institutions in the district centres.⁵⁴ Many community members interviewed by UNAMA also expressed reservations about the ability of the official justice system to resolve cases in a fair, timely or transparent manner, citing corruption and incompetence as key factors for their doubts. Moreover, many interviewees reported that Anti-Government Elements exert significant pressure and intimidation on local populations to force them to comply with their parallel judicial structures.

Parallel judicial structures are unconstitutional. Punishments such as executions and mutilations carried out by these structures are criminal acts under the laws of Afghanistan. The Government's inability to hold perpetrators accountable for such crimes may amount to a violation of human rights, under the principle of due diligence.⁵⁵ Moreover, acts such as executions, amputations and mutilation are considered to be grave breaches of the Geneva Conventions and amount to war crimes. Common Article 3 of the Geneva Conventions explicitly prohibits the punishments carried out by such 'judicial' systems. Specifically, Common Article 3 prohibits(a) "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" and prohibits (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".

Organizational elements of parallel judicial structures

UNAMA has reviewed the proceedings from several hearings and observed a few common factors. Whereas some judicial mechanisms are convened on an ad hoc basis when members of the Taliban attend local *shurah* and *jirga* meetings and intervene in those proceedings, other structures are more regular and functional.⁵⁶ Even when a

⁵²In Sagha district, Ghor province the officially appointed judge has been transferred to the provincial centre due to security concerns.

⁵³In some cases judicial staff are absent in these areas due to poor salaries, lack of transportation, accommodation and offices.

⁵⁴This is the case throughout peripheral areas in Afghanistan and is not unique to areas controlled by Anti-Government Elements. In these areas however, there are even more challenges in reaching district centres owing to the presence of IEDs and Anti-Government Elements.

⁵⁵ The due diligence standard states the following: "Although an illegal act which violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it". Inter-American Court of Human Rights, 1988 judgment in the Velasquez-Rodriguez case (a series of disappearances committed by non-state actors).

⁵⁶ Throughout Afghanistan, local Mullahs and tribal leaders operate informal judicial mechanisms (*Jirgas*) which include resolution of disputes and adjudication of criminal matters. The main distinction between these

more regular parallel structure is in place, however, it is usually mobile. In some areas, communities reported that more serious criminal cases are handled by a Taliban operated court in Quetta, Pakistan. For example, community members in Ghazni province reported that the local Taliban judicial commissions deal with smaller criminal cases, but refer more serious cases (that involve death penalties) to Quetta. Similarly, in Uruzgan province, a local primary court judge and a Provincial Council member reported that a Taliban judicial structure is in place and adjudicates criminal cases locally, while serious cases are referred to a Taliban court in Quetta.⁵⁷

In practice, parallel judicial structures sometimes operate in a 'complementary' manner to local informal judicial mechanisms led by tribal elders and local *shurahs*. Communities in certain parts of Jawzjan province reported that the Taliban allows the local informal judicial mechanisms to resolve social and family disputes, but reserves the right to resolve criminal cases through their own courts. In other areas, Anti-Government Elements appoint shadow prosecutors and judges to deal with criminal cases. These shadow officials maintain a regular presence, adjudicate cases and pass verdicts. For example, in Tirin Kot district of Uruzgan province, ANP and NDS sources confirmed that a Taliban shadow judge actively adjudicates cases.

UNAMA documented procedural details of a Taliban parallel judicial structure in Paktika province, following the arrest of a suspected Taliban judge by ANSF and International Military on 8 March, 2012. The ANSF investigation and subsequent NDS indictment indicated that the suspect had been appointed by the Taliban to lead a local Taliban judicial commission.⁵⁸ The commission was composed of five persons led by the suspect, with criminal and civil proceeding being adjudicated in a village madrassa. The suspect was accused of murdering four persons, through sentencing them to death, including a past governor of Ghazni province.⁵⁹

Punishments

One day, one of the guards communicated with his partner through a radio. From the cave they brought me to a farm and decided to play a game with me. I saw 50/60 armed people. They blindfolded me again. They wanted to behead me and someone put a knife on my throat. Then another person intervened and told them that I was old and ordered them not to behead me but just to cut my hand. Then they took me by force and asked a person to tie my right arm. He tied my biceps and my forearm with two tourniquets. Then, with a knife they amputated my hand by first cutting above the wrist and then below. The hand was then forcibly detached from the wrist bone. When they cut the part below it

informal judicial mechanisms and Taliban parallel judicial structures is in the specific appointment of Taliban shadow judges, commissions and courts for this purpose, and perhaps also in the law that is used in the proceedings. UNAMA could not confirm the exact body of law that is used in parallel judicial structures, as it varies across regions and ethnic groups.

⁵⁷ UNAMA could not confirm what body of law – if any – is used during these proceedings.

⁵⁸ The parallel judicial structure was referred to as Taliban Judicial Commission both by the indictment and by the suspect when interviewed with UNAMA on 6 June 2012 in Paktika main prison.

⁵⁹ The suspect was accused of murder in relation to his 'court' decisions which led to the execution of the ex-governor of Ghazni, two construction company workers who were murdered for allegedly supporting the US, and one murder of an ANA soldier who was abducted by Taliban, and accused of supporting the government. The suspect was acquitted by the primary court. Following an appeal filed by the NDS prosecutor, the case is currently with the Paktika Appeal court.

*was very painful but I did not cry and I did not scream because I am a man.*⁶⁰

-- A victim whose arm was amputated by the Taliban in April 2012.⁶¹

Punishments ordered and carried out according to parallel judicial structures' decisions included executions, amputations of limbs, mutilations, beatings, lashings and detentions.⁶² In 2012, UNAMA documented several incidents in which Taliban officials carried out punishments in violation of Afghan and international human rights law.⁶³ The following are a few examples:

- On 22 June 2012, in Parwan province, the Taliban district shadow governor ordered the murder of a 37 year old woman who was accused of immoral behavior. The victim's husband, a Taliban member himself, reportedly performed the execution. The video was broadcast widely through a wide variety of sources. Afghan Government sources estimated that at least 50 people observed the murder in the community where it was carried out.
- On 17 May 2012, in Badghis province, the Taliban held a trial of a man and woman who were accused of adultery, and publicly executed both.
- On 1 February 2012, in Badghis province, a Taliban court convicted a local teenager on charges of spying for ANSF and cut his ear off in punishment.
- In February 2012, in Ghor province, a Taliban court convicted a man on charges of robbery and sentenced him to 15 days imprisonment in the private house of an Anti-Government Element member (which possibly acted as an informal detention facility).
- In February 2012, in Ghor province, a Taliban court convicted a man and woman of adultery (Zina) and lashed both as punishment. When compared with other examples noted above, this shows arbitrariness in how the Taliban weigh and exercise punishment.
- In February 2012 in an Afghan province⁶⁴, the Taliban abducted a man and amputated his right hand reportedly due to suspicions that members of his family worked for ANSF. The victim reported that no Taliban court process

⁶⁰UNAMA interview held by in a UNAMA office in April 2012. Due to concern of victim identification and security of person, details of this interview and case cannot be disclosed in this report.

⁶¹ Interviewed by UNAMA in April 2012. Province withheld at request of victim.

⁶² The term 'Parallel punishments' refers to the deliberate killing and or punishment of persons by Anti-Government Elements following a parallel judicial structure proceeding that results in the trial, conviction and execution of a person suspected of a crime, based on the notions of crimes as defined by the Taliban or other anti-government groups, including the crime of "collaboration with or spying for Pro-Government Forces or the Government of Afghanistan."

⁶³ It was understood by UNAMA, based on its interviews with community members and from other human rights monitoring and sources of information that many more incidents of Taliban parallel judicial structures issue punishments occur and are underreported.

⁶⁴ The specific province and region are not disclosed in order to protect the victim's identity.

took place before the punishment. Other sources confirmed however that a Taliban court had ordered the amputation.⁶⁵

- In December 2011, in Kapisa province, a Taliban court convicted a man on charges of spying for international military forces and executed him.
- In September 2011, in Nangarhar province, Anti-Government Elements executed a civilian male after suspecting that he delivered fuel to Pro-Government Forces. Reports indicated that the victim's eyes had been removed post-mortem.

UNAMA reiterates its concern that the limited authority of government in these areas, enabled Anti-Government Elements to carry out serious human rights abuses with impunity. UNAMA is aware of only one instance in which authorities have arrested Anti-Government Elements for declaring or carrying out punishments amounting to serious criminal acts under the laws of Afghanistan and, in some cases, international humanitarian and criminal law.⁶⁶

Freedom of Movement

Anti-Government Elements routinely limit the freedom of movement of civilians in areas they operate and effectively control, either through controlling mobile or permanent checkpoints, enforcing explicit restrictions on movement, or imposing taxes on travelers. Additionally, many community members expressed that they do not move freely due to fears of being targeted or attacked by Anti-Government Elements operating along public roads or due to the prominent planting of IEDs on access roads. Individuals interviewed from most regions complained of harassment at ad hoc checkpoints by groups of armed men stopping vehicles, interrogating passengers, confiscating property and in some cases checking mobile phones⁶⁷ in order to find evidence of links with Pro-Government Forces.⁶⁸

Since very often the roads controlled by Anti-Government Elements are the only means to access district centres, the existence of mobile or permanent checkpoints infringes the right to freedom of movement, considerably impacting on civilian livelihoods and their right to employment. This impacts farmers in particular when they cannot travel to the district centres to sell their produce. For example, in a district in Balkh province, community members reported that due to the existence of Taliban checkpoints and insecurity on the roads to the district capital, many farmers have been forced to sell their produce in the local villages. This has resulted in loss of income and rise in poverty especially among farmers. A village council member in Balkh province emphasized the impact on livelihoods during a discussion with UNAMA on 29 May, 2012:

⁶⁵ The quote presented in the beginning of this sub-section (punishments), refers to this case.

⁶⁶ Reference detailed in the sub-section *Organizational elements of parallel judicial structures*. The case involved the arrest of a suspected Taliban shadow judge in Paktika province and a subsequent NDS indictment charging him with the murders of four persons, who were executed following a Taliban court's decisions.

⁶⁷ Communities reported confiscation of music cassettes and checking of mobile phone messages in several areas throughout the eastern region.

⁶⁸ In Kunar province, communities reported that mobile checkpoints comprise between five and ten armed men blocking the road for a period between 30 minutes and two hours depending on the capacity of ANSF to respond to the threat. During this time, they stop and question civilians, and look at messages in their phones.

Land mines and closure of roads by Taliban restrict many of our villagers in their movement. As a result, villagers had to sell their cultivations inside the village and not to export them to the district/provincial markets. These villagers are now among the poorest households.⁶⁹

Illegal taxation

UNAMA received reports of Anti-Government Elements imposing illegal taxes in almost all areas under their partial or full control. Most commonly, Anti-Government Elements operated checkpoints to extort money from civilian travelers. Many interviewees throughout the country told UNAMA that Anti-Government Elements justified the taxes as necessary to apply and pay for permits to travel out of the region. UNAMA also received reports in some areas that Anti-Government Elements imposed taxes on teachers in local schools.

In some parts of the eastern region, Anti-Government Elements extort ushar (10 percent on agriculture produce) and Zakat (2.5 percent on savings) from community members.⁷⁰ In the eastern region, these taxes are largely collected in practice through the village Imam, who acts as a proxy for the Taliban for these purposes.

UNAMA also received reports, particularly from areas where the local population relies on poppy cultivation, that Anti-Government Elements specifically imposed taxes on poppy farmers, sometimes in exchange for protection services against drug eradication campaigns. This was reported to be the case in Shindand district of Herat province and with poppy farmers in eastern Afghanistan.

The ability of Anti-Government Elements to freely extort taxes from local populations reflects the limited degree of governance over these areas. Contrary to the aims of a government run system of tax collection, however, these illegal taxes are not intended to fund public services or other forms of benefit to local communities, and are most likely used to support self-sustainability of Anti-Government Elements and insurgency operations.

Impact of Anti-Government Elements mobile deployment on protection of civilians

Some community residents interviewed indicated that Anti-Government Elements expect them to house fighters or to allow them to use their property for their operations. Housing fighters can extend to providing either accommodation for a few nights or shelter from Pro-Government Forces during clearing or search operations. In areas of Baghlan province controlled by Anti-Government Elements, locals received night letters ordering them to keep the doors to their houses open at night to accommodate members of the Taliban. In some areas of Nangarhar province, Anti-Government Elements used local farm lands as hiding places or bases to launch attacks against Pro-Government Forces. Communities in Faryab province reported to UNAMA that during the day, Anti-Government Elements confiscate motorcycles from the communities, using them to

⁶⁹ UNAMA interview with a member of a village council in one of the districts of Balkh province. The interview was held on 29 May, 2012, in the UNAMA Mazar-e-Shariff office.

⁷⁰ UNAMA has also documented reports of militias and Illegally Armed Groups also imposing coerced tax collection on local residents in many areas, in addition to some incidents involving ALP members.

'patrol' the area, and often hide inside local houses for protection from Afghan National Security Forces.

Use of civilian houses and farms for protection of Anti-Government Elements, or as staging grounds for their attacks, heightens the vulnerability of civilians and clearly risks implicating them in anti-government activities in the eyes of international military forces and Afghan National Security Forces. Contrary to international humanitarian law, which explicitly prohibits the use of civilians as human shields, such actions are intended to blur the distinction between combatants and non-combatants, broadening the scope for civilian casualties.

Freedom of Expression

*The local population cannot say anything against Taliban, or to the benefit of the government since they are always scared of being executed by Taliban in accusation of spying for the government.*⁷¹

-- A community elder from Baghlan province who spoke to UNAMA on 4 June, 2012.

In all areas controlled by Anti-Government Elements, community members informed UNAMA that they cannot freely express their opinions for fear of retaliation by Anti-Government Elements. Anti-Government Elements have used public meetings, video-recordings and other forms of communication to push their rhetoric and agenda on local communities. This has included the recruitment of opposition fighters, including children. For example a source from Jawzjan province reported that the Taliban often hold public gatherings in mosques, religious schools and public areas. During these meetings, they preach to the communities and encourage community members, particularly youth, to join the Taliban. A 15 year old boy was documented in video, expressing his acceptance of martyrdom during a public Taliban organized gathering at a mosque in Jawzjan province:

*Mother! I am going to a battle, please pray for me that I should be martyred in the battle. I would be more than happy if I am killed in a battle against enemies of Islam.*⁷²

Anti-Government elements have long used night letters as a tool to threaten, harass or warn local residents against supporting or working with the Government or international military forces. In several areas in eastern Afghanistan, communities reported that Anti-Government Elements use local radio and night letters to warn people against supporting the government. In some districts of Laghman province, communities told

⁷¹ UNAMA interview with a community elder from Baghlan province. The interview was held on 4 June, 2012 in UNAMA Pul-e-Khumri office.

⁷² UNAMA interview with a police department official in Jawzjan province on 20 May, 2012. The interview was held at the UNAMA office in Jawzjan province. UNAMA was shown a video film of a gathering that was organized by Taliban in a district of Jawzjan province.

UNAMA that due to Taliban threats, a telecommunication company has been forced to switch off its signal during night time hours.⁷³

Intimidation and attacks with regards to enforcing a moral code

Several sources reported that Anti-Government Elements have killed harmed or harassed people when they are in violation of the Taliban's interpretation of rules of morality. On 7 June in a village in Balkh province, a group of 11 Anti-Government Elements attacked a local house where music was playing as part of a wedding ceremony and opened fire on the people inside. As a result, two people were killed and three others were wounded. A local man who witnessed this attack spoke to UNAMA on 17 May 2012:

It was a male wedding party and I was watching the people dancing. Suddenly I heard some gunshots, apparently some armed groups attacked at this time shooting first in the air. They screamed loudly "Allah Akbar!" [God is Great] once and continued shooting. They first shot to death the two men who were dancing. They injured three others, including two of my school mates, 15-16 year old boys. The attackers however didn't say who they were but we know they were the Taliban because they are the only ones who hate music.⁷⁴

Attacks aimed at enforcing a moral code also took place in areas not controlled by Anti-Government Elements. On 21 June, Taliban forces attacked the Spozmai Restaurant at Qargha Lake in Kabul province. Reports indicate that the attackers opened fire on guests and individual civilians at close-range, killing 21 civilians, including three private security guards, three ANP officers and 15 other people, and wounding seven civilians, including two women. Taliban claimed responsibility for this attack, stating that the restaurant was used as a venue for non-moral behavior which is against Islamic principles, norms and values.

Community members reported to UNAMA that Anti-Government Elements harass and threaten locals especially with regard to clothing and appearance. On June 1, in Paktika province a night letter was distributed forbidding people from wearing revealing sportswear. In one area of Nangarhar province, the Taliban threatened people playing cricket, stating that their interpretation of Islam does not allow it.

Access to Health

According to residents in most areas, Anti-Government Elements do not target healthcare facilities or activities directly in their attacks. According to humanitarian health workers, most incidents of harassment or hindrance to their work, especially during community visits resulted from a lack of communication or some degree of miscommunication with Anti-Government Elements inside those communities. Anti-Government Elements have usually refrained from harming health workers, although

⁷³ Communities reported that the main reason for shutting down communications by mobile phones is to prevent civilians from informing Pro-Government Forces on Anti-Government Elements' activities, including planting of IEDs at night time.

⁷⁴ UNAMA interview with an eyewitness of the incident. The witness was interviewed by phone from UNAMA Mazar-e-Shariff office, on 17 May, 2012.

incidents have occurred in which health workers have been held, threatened, harassed or sustained minor injuries during questioning. Communities reported that in a few incidents where healthcare staff or facilities were attacked or harassed, this appeared to have been motivated by a wider goal of deterring community members from working for or supporting government run facilities.

In the eastern region, Anti-Government Elements allowed to a certain extent doctors employed by the Ministry of Health to travel to those areas under their influence. Community members interviewed by UNAMA reasoned that this was due to the lack of doctors available locally to meet the healthcare needs of the population. While Anti-Government Elements have been deferential to health workers in many areas, in some places, they have sent contradictory messages. For example, in early 2012, Anti-Government Elements in Paktika province issued night letters threatening healthcare workers. A few months later, health care workers were exempted in a night letter forbidding the population from working for government institutions. UNAMA received reports that Anti-Government Elements in Khost province explicitly opposed the building of a hospital due to its planned location in a government controlled area that would be inaccessible to them.⁷⁵

UNAMA received reports that in some areas, Anti-Government Elements restricted which organizations or individuals could offer health care services. In a province in the eastern region, Anti-Government Elements permitted only one international NGO to offer healthcare services to local communities. In other areas, the Taliban imposed restrictions on the employment of unmarried women and allowed only older women to work as midwives. Anti-Government Elements have also engaged in the harassment of doctors and healthcare personnel at their checkpoints.

Anti-Government Elements have been generally supportive of polio vaccination campaigns, viewing them as a “neutral intervention” given that most of the volunteers and service providers are selected by the polio campaign implementers, from within the communities. According to polio campaign reports from WHO and UNICEF, the access of health workers to various communities for vaccination has improved in Helmand and Uruzgan provinces, and the number of incidents affecting vaccination teams has gone down. Polio campaign access has been limited in a few districts of Kandahar province such as Sha-wali-kot, Mianashin, Maiwand/ Zahrai and Panjwai, mainly due to the armed conflict. Additionally, community members reported two instances of Anti-Government Elements impeding humanitarian workers from delivering vaccinations. In Sarkani, Marawara, Kuzkunar and Watapour districts of Kunar province and Kamdesh district of Nuristan of the eastern region, Anti-Government Elements prevented the implementation of a house to house polio vaccination campaign. As a result, some 15,000 children have not been vaccinated.⁷⁶

In some areas, Anti-Government Elements broadcasted anti-vaccination messages on radio including linking vaccination to infertility. UNAMA received reports that in one area, Anti-Government Elements informed the local communities via radio that “the vaccination is a Zionist tactic to impair the fertility of Muslims”. Similarly, in some districts

⁷⁵ According to the polio campaign reports produced by WHO and UNICEF, in some areas vaccination teams are unable to conduct house to house vaccination due to concern of the presence of mines in these areas.

⁷⁶ WHO polio campaign reports September 2011 through April 2012.

of Kandahar province, the polio vaccination program was delayed, reportedly due to security concerns including active fighting.

Failure to deliver poliomyelitis vaccinations has serious consequences for children's health and a direct effect on the efforts to eradicate poliomyelitis in Afghanistan.⁷⁷ Cases of polio in Afghanistan tripled in 2011, creating concern of a reversal of several years of decline.⁷⁸ The Taliban expressed its support for polio vaccinations in a statement made to CNN in January 2012, but noted that the vaccination campaigns must not use government resources, including protection by ANSF.⁷⁹ Since then improvements in access have been noted.⁸⁰

A majority of Afghanistan's high-risk districts for polio are areas considered to be controlled by Anti-Government Elements, either partially or fully. Hindrances to accessing these vulnerable communities either due to anti-government groups' restrictions of movement or due to conflict-related insecurity, have a considerable impact on the reach and success of vaccination campaigns, including polio eradication in Afghanistan.⁸¹

Access to Education

Communities reported to UNAMA that Anti-Government Elements have exerted effective control over many schools and education content in areas where they operate. In some cases, a specific Anti-Government/Taliban representative is tasked both with monitoring the conduct of teachers, and with influencing the curriculum used in schools in some areas. Anti-Government officials have opened new schools, closed schools and/or restricted the attendance of girls' access to schools, either at the secondary level or altogether. UNAMA has also documented several incidents of attacks against schools.

⁷⁷ Afghanistan has been noted in the Global Polio Eradication Report as one of six persistently affected countries, and one of four countries with an increase in reported cases. By the end of 2011, 80 cases of polio were reported; more than a three-fold increase compared 25 cases reported in 2011. Most of the cases were reported in the Kandahar, Helmand and Uruzgan provinces of the southern region and Farah province in the western region. Report of the Independent Monitoring Board of the Global Polio Eradication Initiative, February 2012:

http://www.polioeradication.org/portals/0/document/aboutus/governance/imb/5imbmeeting/imbreport_january2012.pdf

⁷⁸ The Afghan Ministry of Public Health reported that cases of polio declined steadily in the last few years and documented only 25 polio cases in 2010. In 2011, the figure tripled to 80. Nordland, Rod, 'After Years of Decline, Polio Cases in Afghanistan Triple in a Year', New York Times. Available on-line: <http://www.nytimes.com/2012/01/18/world/asia/after-years-of-decline-polio-cases-in-afghanistan-rise.html>, accessed 5 July 2012.

⁷⁹ http://articles.cnn.com/2012-01-17/asia/world_asia_taliban-polio-vaccinations_1_polio-vaccination-vaccination-teams-nigeria-and-pakistan?_s=PM:ASIA

⁸⁰ It should be noted that some vaccination teams were prevented from carrying out vaccinations due to a variety of other reasons including technical issues.

⁸¹ Of the 13 high risk districts noted in the report, the following districts were noted for having more than 60% of children missing vaccination: Shahid I Hassas (Uruzgan), Maywand (Kandahar), Shah Wall Kot (Kandahar), Nad Ali (Helmand), Panjwayi (Kandahar), Dihrawud (Uruzgan), Tirin Kot (Uruzgan) and Spin Boldak (Helmand) in at least one campaign in the last 6 months.

Interference and attacks against Education

Conflict related violence continues to impact directly the provision of education. In the first six months of 2012, UNAMA verified 34 incidents of attacks against educational facilities, staff and students and incidents impacting education, including armed attacks on, occupation and burning of schools, targeted killings and intimidation of teachers and staff, and closure of schools, particularly girls' schools. These 34 incidents documented thus far represent a substantial increase compared to the same period in 2011 when UNAMA documented 10 incidents.

In addition to these 34 incidents, UNAMA has noted an increase in allegations of schools poisonings, either by contamination of drinking water or by the release of unknown substances into the air. Medical officials have received hundreds of affected students and education staff complaining of various symptoms, including nausea and unconsciousness. In the first six months of 2012, UNAMA received reports of 17 alleged poisoning incidents, in particular at girls' schools.⁸² In all cases reviewed, however, no evidence was found to suggest deliberate acts of harm. Toxicological testing of the contaminated water conducted by ISAF, WHO, departments of public health and other actors, concluded that the water did not contain toxic substances.⁸³ Forensic testing of other potential sources of poison has either been negative or inconclusive.

Confirmed Attacks

UNAMA's investigation of some attacks against education by Anti-Government Elements suggests that the acts were linked to the wider political objectives of the insurgency in these areas. On 8 May, in Khogyani district of Nangarhar province, Anti-Government Elements set fire to a girls' secondary school in Wazir village, destroying two school buildings and some school equipment. Reportedly, this attack occurred after a series of events in which Anti-Government Elements' closed several schools in that area to protest the arrest of several suspected Anti-Government Elements during a night search operation. In this case, Anti-Government Elements had issued specific threats against the reopening of schools and attacked after local authorities reopened this particular school. Anti-Government Elements had not necessarily closed these schools or launched the subsequent attack as part of a targeted campaign against the educational curriculum or government run schools.

Similarly, in several districts of Ghazni province, since April 2012, Anti-Government Elements forced the closure of schools following the government's ban on the use of unlicensed motorcycles. Following the school closures, on 26 May, in Andar district, Ghazni province, a firefight took place between local villagers and a Taliban group that had entered the village. Reportedly, the clash stemmed from local residents protesting against the closure of their schools to force the Taliban to reopen them. At the time of

⁸² According to data verified by the Country Task Force on Children and Armed Conflict (MRMCTF).

⁸³ According to public health experts interviewed by UNAMA, the substances presented as potential poisoning sources could not account for the symptoms displayed by the affected students. This may indicate the incidents were not deliberate acts of harm by Anti-Government Elements. In late May 2012, the Taliban issued a statement addressing reported school poisonings, and denied allegations that they were behind these alleged attacks.⁷⁹ Although toxicological testing suggest otherwise, some communities and government authorities have expressed their opinions that Anti-Government Elements or their sympathizers might have been responsible for these incidents. Several people have also been arrested in connection with these incidents.

this report's publication, many of the schools have reopened following strong opposition of communities to the closures and the Taliban's fear of losing support.⁸⁴

UNAMA documented numerous reports throughout areas controlled by Anti-Government Elements of school closures, harassment and threats against teachers, and distribution of night letters to communities. The prevalence of these incidents, particularly in areas that are fully or partially controlled by Anti-Government Elements, particularly Taliban, suggests that insurgents may be using education as a means to increase their influence in communities. Furthermore, in many areas controlled by Anti-Government Elements, restrictions are in place against female education. In two districts of Kapisa province, all girls' schools are closed, although this includes both areas controlled by government and areas partially controlled by Anti-Government Elements. This example illustrates that the restriction and prohibition of education for girls may stem from a variety of reasons, including conservative community sentiments.

Taliban public statements have emphasized their support of education, and denied being responsible for attacks against schools. In a statement issued on 7 March, 2012 the Taliban declared that promotion of education inside the country is one of their main objectives, and that they consider education to be "a need of the new generation".⁸⁵ Taliban public statements, condemning attacks against education appear to be consistent with UNAMA's analysis that localized political agendas and circumstances are often underlying causes for many of these attacks. For example, in some areas, Anti-Government Elements have facilitated the reopening of schools and resumption of education, albeit while interfering in or attempting to control the curriculum.

Targeted killings and education

In the first six months of 2012 UNAMA documented six incidents of targeted killings of teachers, school guards and department of education officials by Anti-Government Elements, an increase over the same period in 2011, when UNAMA documented three such incidents. These targeted killings in 2012 took place in Khost, Paktya, Ghazni, Uruzgan and Logar provinces. In these six incidents, Anti-Government Elements reportedly aimed to deter communities from supporting and working for government-run schools.

Occupation of Schools by Parties to the Conflict

According to verified data by the UN-led Country Task Force on Children and Armed Conflict (CAAC), parties to the conflict have occupied schools in 10 separate incidents, since January 2012. The majority of these occupations were by Pro-Government Forces, but some cases of Anti-Government Elements were also documented. In the majority of these incidents, combatants used schools as bases of operations, sometimes temporarily. In some instances children continued studying in the presence of combatants, while in other cases, children did not go to school when the school was occupied. This has resulted in a reduced number of children being able to access

⁸⁴ For example, three schools reopened in Andar district, three reopened in Dih Yak district, all schools were re-opened in Giro and Gelan districts, and schools in Ghazni centre (which had been intermittently closed and open) were reopened (June 2012).

⁸⁵ Statement of the Leadership Council of the Taliban titled: "Promotion of education inside the country is one of the main objectives of the Islamic Emirate", 7 March, 2012, http://shahamat-english.com/index.php?option=com_content&view=article&id=15606:promotion-of-education-inside-the-country-is-one-of-the-main-objectives-of-the-islamic-emirate&catid=2:comments&Itemid=3

continuous education and in effectively positioning children as targets. The UN Country Task Force advocated successfully with local authorities in a number of cases resulting in combatants withdrawing from the occupied schools. Use of schools in this manner essentially converts schools from protected civilian buildings into legitimate military targets and has a serious impact on children's safety, security and access to education.⁸⁶

Influence over Education

Many schools remain closed in Afghanistan due to the prevailing local security conditions, the inability of local departments of education to access certain communities, and the inability of the government to provide education materials to many schools, including text books and writing materials. According to the Ministry of Education in May 2012, there were over 590 schools currently closed in vulnerable areas of Afghanistan⁸⁷, a decline from the approximately 1,200 schools that the Ministry stated were closed as of three years ago.⁸⁸ UNAMA concluded that the circumstances for recent or continuous closures are varied, and do not point to a unified strategy of closing schools by a specific group, in order to limit the right to education. Nonetheless, many such schools are located in areas that are under partial or full control of Anti-Government Elements.

In June 2012, UNAMA received a Taliban directive on school curriculum from a provincial Department of Education office in central Afghanistan. This same directive has also been distributed in at least one other province⁸⁹, but UNAMA believes that the Taliban have disseminated it in other provinces in late April or early May 2012.⁹⁰ Specifically, the Taliban demand in the directive that changes be made to the existing educational curriculum for all age groups, offering a detailed critique of specific content in school text books (both in Dari and Pashto versions). Their recommended edits included assertions that music classes should be removed, the right to women's education is not absolute,⁹¹ there is difference between regular war and holy war (Jihad), the right to life should differentiate between suicide and martyrdom, and religions are not equal.⁹² This directive was brought to UNAMA's attention in June 2012, and UNAMA has not yet confirmed the extent to which it has been implemented.

Distribution of this directive is in line with Taliban public statements specifying the need for school curriculum to be revised to reflect their ideals. On 7 March 2012, the Taliban issued a statement on education, explicitly stating that

"...undeniably a curriculum which manifests our Islamic and national ideals and reflects the vital needs of the nation is also a thing to be wished and strived for. The Islamic Emirate considers the support and

⁸⁶ IHL generally specifies the need for distinction between civilian and military targets and the prohibition of attacks against civilian targets. Occupation of schools is not mentioned explicitly in this context. However, schools fall under the protection of civilian buildings, and their occupation by fighting forces essentially transfers them into military targets and legitimizes them for attack. These attacks would violate the principle of distinction, place civilians (staff and students) at risk, and thus be unlawful under IHL.

⁸⁷ The majority being in Helmand, Zabul and Kandahar provinces.

⁸⁸ The Ministry of Education noted on 12 May 2012 that over 650 schools had been reopened in the last three years.

⁸⁹ Name of province withheld at the request of the source.

⁹⁰ This was not confirmed however, by any other provincial Departments of Education.

⁹¹ Girls should be educated during childhood and not after that.

⁹² This list is not exhaustive, and rather represents selected examples from the Directive.

*implementation of such a curriculum, as its national obligation”.*⁹³

In some areas, a degree of ‘coordination’ was reported between government officials and Anti-Government Elements/Taliban regarding the provision and supervision over education. During informal meetings with officials from Departments of Education in the eastern Region, educators informed UNAMA of an ongoing informal dialogue with Anti-Government Elements regarding education. In many instances, officials reported that they felt compelled to accommodate some of the requests made by the Anti-Government Elements, particularly regarding the teaching of religious matters, to prevent attacks and closures of schools. In several regions of Afghanistan, UNAMA documented information that Anti-Government Elements have appointed ‘controllers’ in schools, who have monitored school curricula (based on Taliban approved criteria) and attendance.

At the time of writing, there were no documented episodes of violent reactions by the Taliban in case of refusal by the educational officials to discuss the curriculum. It is evident, however, that in many cases, departments of education and teachers consider the demands of the Taliban out of fear for their own security and that of the children. Should the Taliban decide to continue to impose their strict interpretation of Sharia law, local institutions may face no other choice than to complying under threat or forced closure of schools. This is a serious cause for concern that will directly affect the right to and quality of education of Afghan children.

UNAMA has noted throughout this period that schools are increasingly being used as pawns in the conflict to achieve political objectives. Although Taliban released various statements in 2012 indicating their overall support of education, UNAMA noted substantial variance in geographical and political motivations regarding actual attacks. UNAMA is concerned over the narrative emerging from the Taliban directive on curriculum changes and its potential impact on access to education, particularly by girls.

⁹³ Statement of the Leadership Council of the Taliban titled: “Promotion of education inside the country is one of the main objectives of the Islamic Emirate”, 7 March, 2012

Pro-Government Forces and Protection of Civilians

We saw helicopters approaching the village at around 11pm. Some villagers came out from their homes to see what was happening. The helicopters shot them from the air, injuring some of them. The rest of the people stayed in their homes. The helicopters landed and ANA and international military got out and started searching houses. We live in a big village with 550 people and this went on throughout the night. At around 7.30am the following morning some Taliban came from a neighboring village and fired towards the soldiers, taking them by surprise and injuring three or four of them. The ANA and international forces fired back towards the Taliban but there were people's homes in the way. This was when most of the civilians were killed and injured. The soldiers also asked jets to come and bomb the area where the Taliban were and this killed and injured civilians as well.⁹⁴

-- Village elder, describing night search operation, ground engagement and aerial attack in Ghormach district, Faryab province on 4 May, which killed six civilians and injured five.

From January to June 2012, UNAMA documented 165 civilian deaths and 131 civilians injured as result of the operations and actions of Pro-Government Forces. This is a 25 percent reduction in total civilian casualties compared to the same period in 2011 when UNAMA documented 255 civilian deaths and 138 injured from Pro-Government Forces. It represents the continuation of a trend of a reduction in civilian casualties caused by international military forces and Afghan National Security Forces documented in UNAMA's Annual Report on the Protection of Civilians in Armed Conflict for 2011 in comparison with 2010.⁹⁵

Overall, civilian casualties as a result of aerial attacks decreased 23 percent from the same period in 2011, when aerial attacks caused 167 civilian casualties (127 deaths and 49 injured).⁹⁶

Between 1 January and 30 June, UNAMA documented 20 civilian deaths and 12 injuries as a result of Pro-Government Forces' search and seizure operations, compared with 30 deaths and 14 injuries in the same period in 2011, a 27 percent decrease. This is consistent with the downward trend of reducing civilian casualties resulting from these operations documented over the past three years.

Civilian casualties as a result of ANSF and ISAF escalation of force incidents continued to decrease in 2012 with nine civilian deaths and 16 injuries in the first six months of the

⁹⁴ Interview with UNAMA, Maimana city, Faryab province, 9 May 2012.

⁹⁵ In 2011, civilian casualties caused by ISAF declined by four percent in comparison with 2010.

⁹⁶ Although the UNAMA 2011 mid-year report documented 119 civilian casualties (79 deaths and 40 injuries) as a result of aerial attacks, this revised figure of 167 civilian casualties for the first half of 2011 includes civilian casualties from the 17 February 2011 aerial attacks in Ghaziabad district, Kunar province, which killed 48 civilians and injured nine. UNAMA's published civilian casualty figures for aerial attacks in 2011, did not include civilian deaths from the Ghaziabad air strikes due to conflicting accounts of the number of civilian deaths which prevented timely verification.

year. This represents a 43 percent decrease in civilian casualties resulting from escalation of force incidents when compared with January to June 2011.

ISAF Statements and Tactical Directives

UNAMA welcomes efforts by Afghan and international military forces to reduce and prevent civilian casualties, particularly in the context of ongoing military operations throughout Afghanistan. In late 2011, ISAF Commander General John R. Allen issued two public tactical directives that concerned civilian casualties (30 November 2011) and the conduct of night search operations on 1 December 2011. Since the issuance of these tactical directives UNAMA has observed a reduction in civilian casualties in all tactics used by Pro-Government Forces. This is particularly evident in search operations which remain a core tactic used by military forces yet the numbers of civilian casualties from such operations continue to decrease.

On 10 February 2012, ISAF adopted Edition 3 of SOP 307, ISAF Civilian Casualty Handling Procedures which strengthens current procedures for responding to and preventing civilian casualty incidents. ISAF's Deputy Commander chairs the CIVCAS Avoidance and Mitigation Board, which oversees all other Working Groups and initiatives related to civilian casualties. ISAF's SOP improves the formats for reporting CIVCAS events and the process has been strengthened to involve the units on the ground through the entire chain of command. This format ensures that Commanders on every level review, comment and take action in order to avoid CIVCAS incidents, thus ensuring accountability throughout the chain of command.⁹⁷

In an incident outside of ISAF operations, on 11 March, a US soldier left his base in Panjwayi district, Kandahar province and opened fire against civilians, killing 17, including three women and nine children. On 23 March, a US court charged him with 17 counts of murder.

Aerial Attacks

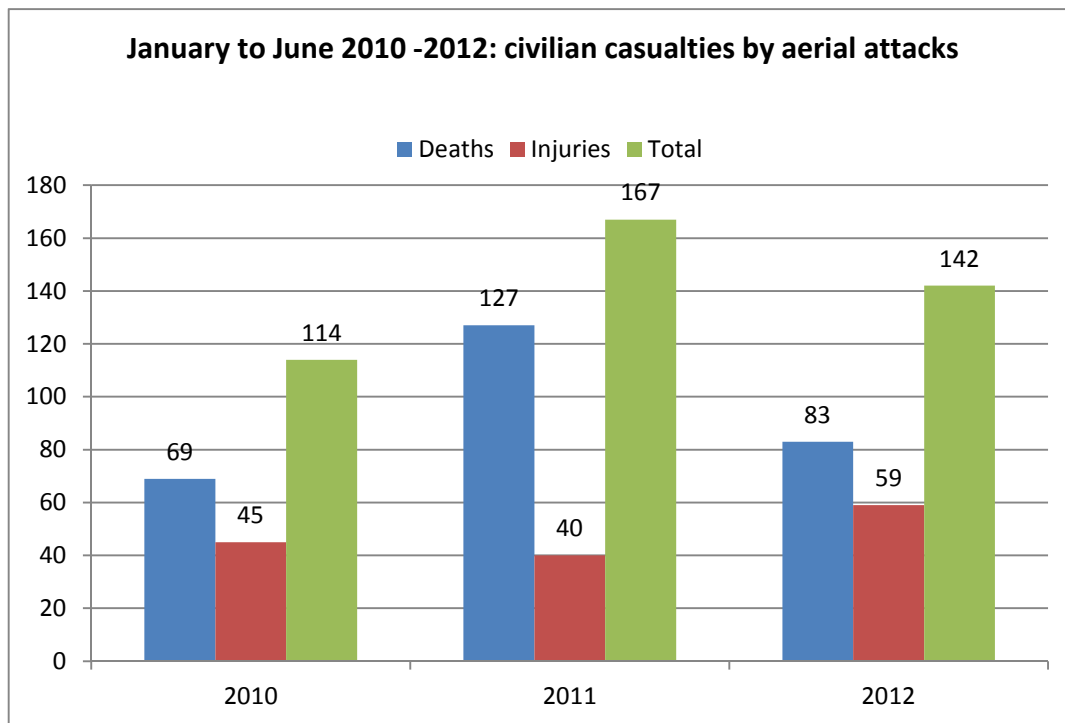
At around 1.00 am, I heard the noises of warplanes and helicopters and then numerous explosions within the village. After the planes and helicopters left the area, I came out of the house and saw that my cousin's house was completely destroyed. I ran screaming and shouting towards the house and searched for survivors. In the second room I saw blood on the bricks and found Zarghona in the rubble, the four year old daughter of my cousin. She was dead. All the villagers came to help search for survivors. In the rubble of the third room we found the nine year old son of my cousin. The explosion severed his head from his body. All people were shouting and screaming. We then found the dead body of his mother next to him, her face was completely destroyed. I could not continue.⁹⁸

-- Relative of 18 civilians killed in 6 June airstrike, Baraki Barak district, Logar province.

⁹⁷ Email exchange between UNAMA and ISAF, 15 June 2012.

⁹⁸ Interview with UNAMA, 12 June 2012.

Although the number of civilian casualties from aerial operations has reduced, airstrikes continued to result in more civilian casualties than any other tactic used by Pro-Government Forces. In the first six months of 2012, aerial attacks by international military forces killed 83 and injured 46 (129 civilian casualties), causing 50 percent of all deaths attributed to Pro-Government Forces and seven percent of the total civilian deaths. Of the 129 civilian casualties caused by aerial attacks, 81 were women and children representing nearly two-thirds of the total number of civilian casualties caused by aerial attacks.



Reductions in civilian casualties from aerial operations may be attributed to factors such as the implementation of measures designed to prevent civilian casualties, as well as fewer attacks directed against international military forces, resulting in fewer engagements requiring close air support. According to ISAF monthly trend reports, between January and May 2012 period compared with the same period in 2011 'enemy initiated attacks' reduced by six percent.⁹⁹ According to the Combined Forces Air Component Commander 2007-2012 Airpower statistics, between 1 January and 31 May 2012, 1,166 weapons were released during Close Air Support (CAS) missions, a 37 percent reduction compared with the same period in 2011 when 1,848 weapons were released.¹⁰⁰

Although the decrease in civilian casualties as a result of aerial operations is a welcome development, UNAMA reiterates its concern regarding aerial attacks which continued to

⁹⁹ ISAF Monthly Data Trends through May 2012, published 23 June.
http://www.isaf.nato.int/images/media/PDFs/20120623_niu_isaf_monthly_data-release-final.pdf, accessed 2 July 2012.

¹⁰⁰ United States Air Forces Central Combined Air and Space Operations statistics, Operation Enduring Freedom Weapons Releases statistics, 7 June 2012 (1-06-12).

cause disproportionate loss of civilian life and injury. Particularly concerning are those cases which appeared excessive in relation to the concrete and direct military advantage gained through such attacks. For example, on 6 June 2012, in Baraki Barak district, Logar province, an operation targeting a gathering of Taliban commanders at a private residence killed 18 civilians and injured two women. Seven women and nine children died in the attack, including a 10 month old baby and five young girls. The operation commenced as a ground operation, an airstrike was called in after Anti-Government Elements engaged the military forces. Although the airstrike followed a series of escalation of force measures, the effects should have been anticipated. A tactical airstrike targeting a residential compound has a high potential to cause incidental loss of civilian life and harm to civilians which could be excessive in relation to the concrete and direct military advantage.¹⁰¹

Other examples of aerial attacks resulting in civilian deaths include:

- On 26 May, ISAF conducted an airstrike targeting insurgents in Shawak district, Paktya province. The operation resulted in the death of seven members of one family, including a man, woman and five children, and the injuries of two other children.
- On 6 May, in Bala Murghab district of Bagdhis province, an aerial attack by ISAF targeting Anti-Government Elements missed its target and hit a Kuchi tent instead. The operation resulted in the deaths of eight civilians and wounding of ten others. Local authorities reported that this aerial attack was not coordinated with ANSF.
- On 4 May, in Sangin district, Helmand province, following several complex attacks by Anti-Government Elements on Pro-Government Forces' check posts, ISAF responded with an airstrike targeting Anti-Government Elements. Some rounds impacted a civilian residence, resulting in the deaths of six civilians including three women and two children.
- On 8 February, an ISAF airstrike in Nijrab district, Kapisa province resulted in the death of seven children (between the ages of seven and 13 years old), and one male adult who were resting in an open space.

ISAF has taken steps, including measures following the 6 June airstrike in Logar province, to prevent the re-occurrence of civilian casualties resulting from aerial attacks. ISAF's updated guidance on the use of air munitions against civilian dwellings includes a new fragmentary order (FRAGO) amending the tactical directive on aerial operations, formalized in mid-June 2012. This FRAGO limits the use of aerial-delivered munitions on civilian dwellings to situations involving the right of self-defence. ISAF may engage a civilian dwelling with aerial munitions only as a last resort and when ISAF/ANSF lives are directly threatened.¹⁰²

¹⁰¹ Rule 14 Proportionality in Attack and Rule 18 Precautions in Attack. Customary International Humanitarian Law, Volume 1: Rules. Jean-Marie Henckaerts and Louise Doswald-Beck, ICRC, Cambridge, 2005.

¹⁰² Email exchange between ISAF and UNAMA 15 June 2012. Quote LTG Scaparrotti from Stars and Stripes 12 June 2012: "We will not employ aerial-delivered munitions on a civilian dwelling unless, of course, it is the last resort and it is in fact to ensure the defense of our soldiers." A FRAGO has been released that prohibits "aerial-delivered munitions on civilian dwellings".

Search operations

*My in-laws were celebrating a wedding in Pashtunkot district. It was almost 10.00pm when two helicopters brought Afghan and foreign soldiers to our village. They came straight for the wedding party and shot at our guests. My two and half year old son was killed and my wife was injured in the shooting. The helicopters took my wife to Maimana for treatment. First, they took her to their hospital, but this morning they brought her to the Maimana Public Hospital. She is in a coma. I don't know whether she will survive or not. I don't know who else was killed as I left the village with my wife and haven't even been back. I haven't even been able to bury my son.*¹⁰³

-- Husband/father of casualties from a search operation Pashtunkot district, Faryab province.

Between 1 January and 30 June 2012, UNAMA documented 20 civilian deaths and 12 injured from search and seizure operations by Pro-Government Forces, a decrease of 27 percent compared with the same period in 2011. This is consistent with the downward trends documented in the same periods in 2009, 2010 and 2011.

The vast majority of search operations do not appear to result in civilian casualties. Accurate data on numbers of night search operations and civilian casualties from search operations, however, is difficult to obtain due to military classification.¹⁰⁴ Data on the total numbers of night operations carried out by a range of Afghan and international military forces - including Special Forces and 'other government agencies' - jointly and independently and any civilian casualties resulting from them is not publicly available. To the extent possible, UNAMA proactively monitors the conduct of military operations with a view to identifying civilian casualties and other harm to civilian communities. Additionally, UNAMA investigates all allegations of civilian casualties from night search operations. Given both the limitations associated with the operating environment and limited access to information, UNAMA may be under-reporting the number of civilian casualties from night search operations.

- On 4 May, a night search operation targeting a Taliban commander in Ghormach district, Faryab province, resulted in the death of six civilians including three children and injured five, including three children and one woman.
- On 15 February, an operation by international and Afghan security forces in Khan Abad district, Kunduz province resulted in the death of four civilians.

On 8 April, a Memorandum of Understanding (MoU) relating to Night Operations and Special Operations was signed by COMISAF General John Allen (U.S.) and the Afghan Minister of Defence Rahim Wardak, on behalf of the U.S. and Afghanistan. According to the MOU, Night Operations must be approved through an Afghan Operational Coordination Group (OCG) and conducted by Afghan Forces with support from U.S.

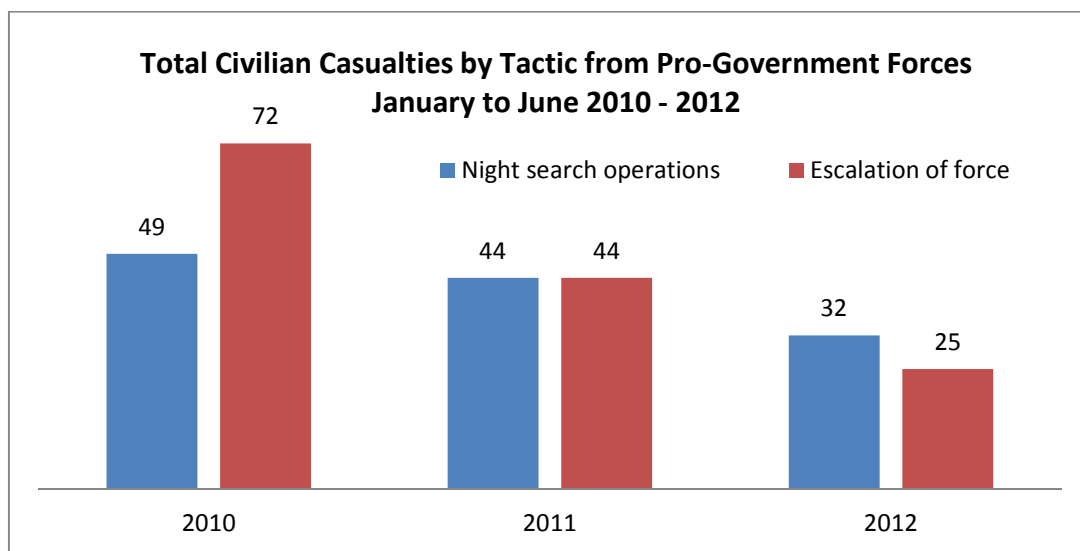
¹⁰³ UNAMA interview, 17 March 2012, Maimana city, Faryab province.

¹⁰⁴ UNAMA requested this information verbally and by email on several occasions in 2012 and did not receive a response.

Forces, in accordance with Afghan Law. These operations include those expected to result in detention, or the search of a residential house, or private compound. These premises are to be searched only if necessary and only by Afghan Forces, except when U.S. Forces are 'required or requested' to do so.

Escalation of Force

Civilian casualties as a result of ANSF and ISAF escalation of force¹⁰⁵ incidents continued to decrease in 2012. In the first six months of 2012, UNAMA documented 25 civilian casualties (nine killed and 16 injured) in 19 separate incidents. Compared with the same period in 2011, when UNAMA documented 30 killed and 14 injured, this represents a 43 percent decrease in civilian casualties resulting from escalation of force incidents. This is an important development because it reflects an ongoing commitment by Pro-Government Forces to distinguish civilians from genuine threats toward security force checkpoints and convoys and the use of non-lethal alternatives.



Afghan National Security Forces and Protection of Civilians

I was in my village. The Taliban fired heavy artillery toward the district administration centre (DAC) from the mountain. The National Army retaliated and fired three mortar rounds toward the locations of the Taliban. One of the rounds impacted in the vicinity of children who were collecting grass for animals in the mountains. I rushed towards the location. I saw two children, one dead and one seriously wounded. Their bodies were badly destroyed. I put the wounded child on one side of my shoulders and the deceased child on the other. I called some villagers for help and then I carried the wounded girl out of the forest to the road. There the villagers brought a vehicle and I took the wounded girl to a

¹⁰⁵ 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.

*local clinic.*¹⁰⁶

-- Eyewitness of ground engagement incident in Kunar province Dari-Pech district, on 25 April 2012.

During the first half of the 2012, UNAMA noted a significant decrease in civilian casualties attributed to the Afghan National Security Forces. In this time period, UNAMA recorded 46 civilian casualties; 12 deaths and 34 injuries, caused by ANSF actions. This is a substantial decrease compared to the last six months of 2011 (July-December) when UNAMA documented 174 civilian casualties, consisting of 41 civilian deaths and 133 injuries. This decrease follows proactive steps taken by Pro-Government Forces to prevent civilian casualties, such as calling out on a loud-speaker prior to engaging and practicing restraint when Anti-Government Elements are known to seek cover in civilian areas. These measures have been more widely adopted by the ANSF in ground engagements.

Notwithstanding the decrease in casualties, the use of ground engagements tactic remained the leading cause of civilian casualties (three killed and 16 wounded) in the five incidents documented by UNAMA in the first half of 2012. This is followed by escalation of force incidents, which killed four civilians and injured 11 others. These tactics, thus, require the attention of Pro-Government Forces in scrutinizing their impact, in particular when lethal force is used at check points.

Currently, both the Ministry of Defense and Interior have mechanisms in place to investigate allegations of civilian casualties. The Ministry of Defense Operations Directorate receives daily security incidents reports from ANA regional Corps. The incidents involving civilian casualties are referred to the Director of the Legal Division, who determines which incidents require investigation. The Legal Division sends those incidents requiring investigation to the regional ANA corps, which investigates the cases through the Military Prosecutor. If the allegations are substantiated, the Military Prosecutor refers the cases to the Military Court for prosecution. The Ministry of Interior also uses a similar procedure for allegations of ANP, ANBP, ANCOP and ALP involvement in civilian casualties. Although these mechanisms function, the focus is upon accountability of the individual accused, rather than mitigation and prevention of civilian casualties.

UNAMA reiterates its recommendation for ANSF to establish permanent oversight and accountability mechanisms within the ANSF structure, in particular within the ANA, who are increasingly leading military operations independent from the international military. UNAMA is aware that the Ministry of Defence formed several ad hoc teams for this purpose, in particular, to follow up high profile civilian casualty incidents and they also appointed the Ministry of Defence's Legal Director as their focal point for civilian casualties. It is important, however, to establish a permanent and inclusive team of security officials, representing all ANSF institutions, in view of the ongoing transition of security responsibilities to Afghan control, envisioned to be completed by 2014.¹⁰⁷

¹⁰⁶ UNAMA interview with eyewitness via mobile phone, Dari-pech, Kunar province, 26 April 2012

¹⁰⁷ UNAMA continues to advocate with the Ministry of Defense through the Legal Chief to establish a Civilian Mitigation Team (CMT) to track down and independently investigate civilian casualties, which, although the Ministry of Defense agreed in principle in May 2012, has not yet implemented.

UNAMA has continued to share reports of civilian casualties allegedly perpetrated by the ANSF with the Legal Director of the Ministry of Defense. This information exchange, however, has not led to UNAMA being alerted to the initiation, conduct and results of these investigations. For example, UNAMA did not receive a response from the ANA regarding its investigation into the following incidents:¹⁰⁸

- On 7 January, in Khost province, Bak district, Nar village area, the ANA shot and injured a private car driver when he allegedly failed to stop his car against the ANA signal at an ANA check point.
- On 14 January, in Kunar province, Bar Kunar district, Shangar area, the ANA shot and killed a 45-year-old civilian male who was collecting firewood in a mountainous area frequently used by Anti-Government Elements to launch attacks on Pro-Government Forces.
- On 9 March, in Kandahar province, Kandahar city, district 8, the ANP shot and killed a civilian driving a motorbike, when he allegedly did not stop at a police check post after the police signaled him to stop
- On 13 June, in Farah province, Khak-e-Safid district, the ANA shot and killed three civilians and wounded one another as a reaction to an IED explosion that hit their vehicle.

Counter-IED and IED-exploitation, clearance and disposal

In 2012, the use of IEDs, including in suicide and complex attacks, caused the majority of civilian casualties.¹⁰⁹ In the first six months of 2012, IEDs and IED tactics accounted for 53 percent of all civilian casualties. Given that IEDs are a relatively inexpensive weapon to make, it is foreseeable that Anti-Government Elements will continue to produce and use them resulting in further deaths and injuries to civilians.

Detection, removal and disposal of IEDs is a critical service in bolstering civilian protection that has been led, to date, by International military forces. It is essential that ISAF, as part of the transition, ensure that Afghan National Security Forces develop and maintain this service once the international military presence has withdrawn. Although ISAF has provided Afghan security forces with training, resources and support to build counter-IED capacity, at present, ANSF has not yet been sufficiently trained or resourced to address the IED threat effectively and independently. For example, although ANSF capacity to remove or defuse IEDs has improved, ANSF's ability to collect information and evidence that can support counter-insurgency operations, criminal investigations and prosecutions of individuals involved in making IEDs (IED exploitation), remains weak.¹¹⁰

¹⁰⁸ UNAMA met with Ministry of Defense legal Chief on March 26 and 8 May 2012 and submitted two lists containing seven ANA related civilian casualties' incidents. On 20th June UNAMA provided an updated de-confliction list.

¹⁰⁹ Complex and suicide attacks involve the use of IEDs. A '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.

¹¹⁰ Site Exploitation, ATTP 3-90.15 (FM 3-90.15), Army Tactics, Techniques, and Procedures, No. 3-90.15. Headquarters, Department of the Army, Washington, DC, 8 July 2010.

Effective inter-agency cooperation between ANA, ANP and NDS will be critical to ensuring that Afghan National Security Forces are capable of conducting counter-IED operations in an effective and holistic manner after transition is completed in 2014. On 24 June 2012, the National Security Council of Afghanistan¹¹¹ passed a national Counter-IED strategy designed to coordinate relevant national security entities in conducting such operations. Implementation of this strategy will require continuous, long-term support to the Government of Afghanistan. NATO/ISAF, particularly signatory states to Amended Protocol II of the Convention on Certain Conventional Weapons (CCW APII),¹¹² should dedicate additional resources to ensure effective, centralized management of counter-IED and IED disposal operations.¹¹³ Successful implementation of the Counter-IED strategy and the development of the full capacity of Afghan security forces and rule of law institutions to track, identify and prosecute IED production and planting networks will be crucial to transition and the improvement of civilian protection.

¹¹¹ Chaired by President Karzai.

¹¹² Forty one out of 50 NATO/ISAF member states have ratified Amended CCW APII. Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Jordan, Latvia, Lithuania, Luxembourg, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom, United States.

¹¹³ NATO/ISAF contributions by country, <http://www.isaf.nato.int/troop-numbers-and-contributions/index.php>

Afghan Local Police and Protection of Civilians

Overview

From January – June 2012, UNAMA consulted with government, police, community leaders, tribal elders and other relevant interlocutors from 51 districts, to seek their views regarding the implementation of the Afghan Local Police (ALP) program in their districts.¹¹⁴ Many communities and local government officials consistently reported security gains through the ALP program, stating that the ALP presence has largely helped to improve security in areas where they are deployed. Although communities welcomed the ALP presence in many districts, UNAMA continued to receive mixed reviews regarding the ALP's respect for human rights.¹¹⁵

In Kunar, Maidan Wardak and Kapisa provinces, local authorities and communities praised the ALP for ensuring freedom of movement along the highways. They also expressed concern over the future of the ALP program, in particular post- 2014. Community members consistently suggested that the ALP should be incorporated into the Afghan National Security Forces to help institutionalize security gains, promote the rule of law and ensure broader oversight.

Many community residents reported their concerns with inconsistencies in ALP recruitment and vetting processes, the perceived infiltration of Anti-Government Elements into ALP ranks, weaknesses in the command and control of ALP by Afghan National Police, weak oversight mechanisms, and the lack of accountability for ALP officers for past and ongoing human rights abuses. Failures to investigate and prosecute ALP members suspected of abuses - past and present - has contributed to impunity in some areas. For example, UNAMA received reports from Kunduz, Pul-e-Khumri, Chora, Khas Uruzgan, Khair Kot and Shah Wali Kot districts, that the ANP had failed to act in cases of criminal conduct or human rights violations committed by ALP to ensure that perpetrators were investigated or punished.

A further concern has been the continuation of other local defense initiatives, such as the Critical Infrastructure Program (CIP) in the north and northeastern regions, despite President Karzai's order for its disbandment in December 2011. UNAMA reiterates its concerns with the CIP program, as stated in the UNAMA Annual Report 2011 on Protection of Civilians in Armed Conflict.

The limited command and control of ANP over ALP, remains a concern in some districts. UNAMA received reports of weak cooperation and coordination between the provincial authorities (ANP and NDS in particular) and ALP commanders. UNAMA also received accounts of interference by local power brokers in the vetting and recruitment process of ALP despite strong United States Special Operations Forces (USSOF) involvement in that process. ANP and NDS seemed to have a relatively limited involvement in vetting and recruitment by comparison. UNAMA also observed many instances in which ANP lacked of a full understanding of ALP's mandate and reporting lines, raising concerns about weak managerial skills on the part of local ANP leadership.

¹¹⁴ This includes consultation with communities from Bargimatal and Kamdesh districts, Nuristan province, regarding "unilateral ALP".

¹¹⁵ As of 22 June 2012, 15,000 ALPs are operating in 70 districts across Afghanistan. The program is expected to achieve 30,000 members by the end of 2014. [UNAMA meeting with ISAF HQ and USA CFSOCC-A DCO, 22 June and 1 August 2012]. By the end of 2014, the ALP program is supposed to have 30,000 recruits in active service.

UNAMA reiterates its concerns with issues regarding impunity and the ALP oversight and accountability mechanisms currently in place, as documented in the 2011 UNAMA Protection of Civilians report.¹¹⁶ Between January and June 2012, UNAMA continued to receive reports that the ALP operates relatively independently and with full impunity for alleged abuses.

UNAMA acknowledges steps taken in 2012 by the Ministry of Interior's Afghan Local Police Directorate, ANP and ISAF towards ensuring a broader oversight over the ALP program. These efforts include: field missions by the Ministry of Interior ALP Directorate to ALP sites, regular meetings between provincial ANP chiefs, ANP-ALP focal points, and ALP commanders and visits to the ALP sites and outreach meetings with local elders. In addition, ISAF noted efforts to build sustainable mechanisms to strengthen ALP, such as embedding Afghan Special Forces within the ALP to provide ongoing training, which has begun in some districts. Efforts also include a reported plan of the Ministry of Interior to form a unit within the Ministry of Interior's ALP Directorate to investigate claims of gross human rights abuses committed by ALP. This unit would act as a referral mechanism ostensibly for sending substantiated claims of human rights abuse to judicial organs for adjudication. Accordingly, this special unit will be supported by provincial ANP chiefs, Criminal Investigation Divisions, NDS representatives and local shurahs and will undertake field missions to investigate reports of ALP abuses.¹¹⁷ In 2012, however, UNAMA continued to receive reports from communities that the ANP in most cases did not investigate and arrest ALP members suspected of committing human rights violations.

UNAMA continued to receive reports of inconsistencies in the application of ALP recruitment and vetting procedures. For example, in Khake Safid district of Farah province, local elders reported that the district *shurah* had not been consulted on the recruitment of 18 ALP members. Failure to comply with the recruitment and vetting procedures further promotes impunity since it contributes to recruitment of poor quality candidates and, potentially, human rights abusers leading to mistrust between ALP and the communities they serve.¹¹⁸ Deficient vetting and recruitment also serves to weaken command and control by the ANP over ALP units. Moreover, weak vetting could potentially result in the infiltration of Anti-Government Elements into ALP ranks which in turn poses serious security risks for ALP members themselves, and their communities.¹¹⁹

While local elders recognized the importance of training of ALP, they stated to UNAMA that the 21-day basic training package the ALP currently receives is not sufficient. Recently, human rights content has been inserted into the training curriculum for new ALP recruits, including basic human rights concepts within the Afghan Constitution, in order to help ALP units better understand how human rights is part of their core protection function in practice.¹²⁰ Given that the ALP training package is predominately focused on teaching recruits military-style tactics - with very limited participation by ANP

¹¹⁶ UNAMA Protection of Civilians in Conflict 2011 report, page 35-36, February 2012.

¹¹⁷ UNAMA meetings with the Ministry of Interior ALP Directorate Chief General Ali Sha Ahmad Zai on 10 June 2012.

¹¹⁸ Mistrust and tensions between communities and ALP can result in violence. Tensions between the Tajik dominated ANP and Pashtun dominated ALP and Tajik and Pashtun local leaders still exist in Pule-Khumri district of Baghlan province, allegedly due to the unilateral recruitment of the ALP by the US SOF in the second half of the 2010 without consultation and involvement of the ANP and other provincial authorities.

¹¹⁹ See the 'ALP and Armed Opposition Groups' sub-section of this report for detail.

¹²⁰ UNAMA meeting with ISAF HQ and USA CFSOCC-A DCO on 22 June 2012.

- it is unclear whether human rights training will make a practical difference in the performance of ALP or their respect for human rights on the ground.¹²¹

Impunity over ALP human rights abuses

UNAMA welcomes recent investigations, arrests and prosecutions of some ALP members by the ANP and judicial structures, but reiterates concern regarding impunity for the past and ongoing ALP abuses.¹²² In first six month of 2012, UNAMA documented complaints against ALP in seven provinces. Reports that ALP officers have been directly involved in practices of *baad* (“giving away” girls and women as compensation for criminal acts, such as rape and murder, with impunity) are a clear indication that ALP accountability for serious crimes and human rights violations is lacking. Examples of cases of ALP impunity documented by UNAMA in 2012 include:

- On 17 May 2012, in Kunduz district, Kunduz province, an ALP commander, gave an 18 year old girl in *baad* to one of his ALP members and facilitated their forced marriage, allegedly to prevent a potential dispute between two ALP members’ families over a recent marriage. The girl was reportedly raped during the five days spent with one of the perpetrators. The ANP arrested the ALP member who had received the girl in *baad* on suspicion of rape and many days later arrested his brother who was also an ALP member. On 22 June, one month after the incident, following national level intervention, ANP arrested the ALP commander, who facilitated the *baad*, and one more ALP member. The police have not yet arrested one other ALP member who also facilitated the *baad*.
- On 12 May 2012, in Khair Kot district (Zarghun Shahr) of Paktika province, an ALP commander and four ALP members shot and killed a man during a land dispute. The issue was addressed through a *Jirga* which took the decision to “give” the ALP commander’s seven year old daughter in *baad* to the deceased’s family. The ANP did not investigate and arrest the ALP commander and his men for the crimes of murder or *baad*.
- On 5 March 2012, in Chora district of Uruzgan province, ALP units entered and searched several houses, arresting two men. ALP have no lawful authority to conduct police-style searches of private residences or to make arrests in this manner. During the incident, the ALP reportedly killed a girl and an elderly man. One of the arrested men was later found dead, while the second remains missing. Despite many complaints, communities told UNAMA that the ANP did not investigate or arrest the alleged ALP members for the killing of the civilians, and failed to locate the individual arrested and detained by the ALP.
- In January 2012, more than one hundred families were displaced from Khas Uruzgan district of Uruzgan province to Tirin Kot in Uruzgan province and Spin Boldak in Kandahar province, reportedly as a result of ongoing ALP human rights abuses in the district. UNAMA received reports from communities and local

¹²¹ In accordance with the principle of “Afghans train Afghans”, ANA Special Forces train ALP in at least eight ALP sites at the moment. Although the training strengthens ALP competence, the ANP still does not take part in training of ALP. ISAF noted that the future plans should ultimately entail stronger ANP involvement in the substantive and technical components of the ALP program, not only on its administrative aspect (UNAMA meeting with ISAF HQ and USA CFSOCC-A DCO on 22 June 2012).

¹²² On 10 June and 2 July, ALP Directorate Chief Ali Shah Ahmad Zai informed UNAMA that 42 ALP members have thus far been investigated, arrested and referred to prosecution since August 2011.

authorities that an ALP commander and his group had murdered 15 locals over the past year in Khas Uruzgan district. The ANP Prosecutor informed UNAMA that he had documented nine murder cases in this regard.¹²³ Despite attempts to do so, local authorities failed to arrest the ALP commander. UNAMA raised these allegations with the USSOF, and was notified that there was “no concrete evidence against the ALP commander” and that the allegations stemmed from ethnic tensions. Although ANP arrested the ALP commander in January 2012, he was subsequently released. The circumstances of the release are unclear. Whilst this individual no longer holds an ALP position, ANP have so far failed to re-arrest him for his past crimes.

Anti-Government Element Attacks against ALP

While acknowledging the important role being played by the ALP to secure communities in remote locations, UNAMA is concerned with the protection of civilians in the areas where ALP are increasingly being targeted by Anti-Government Elements.¹²⁴ Attacks by Anti-Government Elements against ALP using indiscriminate tactics, such as IEDs and suicide attacks have caused significant civilian casualties. From January to June 2012, UNAMA documented 72 civilian casualties, 14 civilians killed and 58 others injured, in 23 separate incidents where Anti-Government Elements attacked ALP. UNAMA documented 13 IEDs attacks targeting ALP, which resulted in 12 civilian deaths and 41 civilians wounded. Since the onset of the ALP program in August 2010 until June 2012, 224 ALP members were killed and 234 members were injured across the country in attacks by Anti-Government Elements.¹²⁵

Afghan Local Police and ‘Self-proclaimed’ ALP¹²⁶

UNAMA continued to receive reports of illegally armed groupscalling themselves “Afghan Local Police” which contributed to the difficulties that some local communities and human rights groups have faced in distinguishing between legitimate ALP and Pro-Government militia.¹²⁷ For example, the Pro-Government militia groups in Khwaja Ghar and Darqad districts in Takhar province had been pronouncing themselves as ALP since March 2011 when the districts received an ALP tashkil. This was the case even though their formal absorption into ALP began only in March 2012. Between March 2011 and March 2012, these ALP groups had not been recruited or trained by USSOF or endorsed by the Ministry of Interior, although the groups themselves and the provincial authorities had been referring to them as ALP.

Similarly, in Bargimatal and Kamdesh districts, Nuristan province, provincial authorities unilaterally recruited and deployed 250 ‘ALP’ in each of the districts, without the endorsement of the Ministry of Interior and without any training by the USSOF. They

¹²³ UNAMA interview with ANP Prosecutor on 13 May 2012, Tirin Kot, Uruzgan province.

¹²⁴ Anti-Government Elements continue to target ALP units, which may indicate that the ALP have been successful in disrupting or deterring insurgent operation in those areas where they operate.

¹²⁵ UNAMA meeting with the Ministry of Interior’s ALP Directorate Chief, General Ali Shah Ahmad Zai on 10 June 2012.

¹²⁶ The term “‘self-proclaimed’ ALP” refers to pro-Government militia groups which have been unilaterally recruited either by the provincial authorities, local power-brokers or by USSOF without the endorsement of the Ministry of Interior as stipulated in the Ministry of Interior’s Rules governing the recruitment and operations of the Afghan Local Police.

¹²⁷ “Police-e-mahali” in Dari and “seema-eez police” in Pashtu have been terms used that were related to UNAMA by interviewees. This misuse of the ALP label was noted in UNAMA’s 2011 annual report on the Protection of Civilians in Armed Conflict

have been operating in the districts since the first half of the 2011. UNAMA documented another example in Chahar Dara district of Kunduz province in August 2010, where 300 'ALP' were unilaterally recruited by the Provincial Chief of Police. The group was later on converted into CIP and now the majority of them have been converted to ALP.

The appropriation of the title 'ALP' by non-ALP groups compromises the integrity of the ALP program. UNAMA documented some allegations of human rights abuses which had been falsely attributed to ALP and had been actually committed by Pro-Government militia groups who call themselves ALP. In these cases, it is a challenge for victims to identify perpetrators of human rights abuses and the institution responsible for overseeing the conduct of those perpetrators. This serves to further the entrenchment of impunity for human rights violations committed by ALP.

Other actions taken to improve ALP conduct and performance

In 2012, UNAMA observed concerted efforts by the Government of Afghanistan and ISAF to address issues of human rights abuses and command and control. UNAMA received reports of improvements in ANP command and control over the ALP, for example, in Pul-e-Khumri district of Baghlan province and Shindand district of Herat province, resulting in fewer reports of ALP abuses compared to the past.

In Maidan Wardak province, 258 of the 770 ALP members were demobilized by USSOF in March 2012. Allegations of human rights abuses and misconduct contributed to the decision to disband some members of this ALP force. In addition, the demobilized ALP members had previously been part of AP3, a local security initiative which predated the ALP program, and did not originate from the locality where they were serving, which is contrary to Ministry of Interior ALP regulations. Some of the disarmed members were later absorbed into ANP and ANA, and others reinstated into ALP.

Impact of the Armed Conflict on Vulnerable Persons

Impact of the Armed Conflict on Women and Children

Women and children continued to suffer the effects of armed conflict in Afghanistan. In the first six months of 2012, UNAMA documented a total of 925 women and children killed or wounded, of which 578 were children (231 deaths and 347 injuries) and 347 were women (118 deaths and 229 injuries). This represented 30 percent of the total number of civilian casualties for the first six months of 2012.¹²⁸

Improvised explosive devices remained a leading cause of conflict-related casualties of women and children along with ground engagements. 58 women and 144 children were casualties of IEDs; representing 22 percent of the total number of women and children casualties. A further 150 women and 166 children were killed or injured due to ground engagement, representing 34 percent of the total of women and children casualties.

In the first half of 2012, of the 129 civilian casualties caused by aerial attacks, 81 were women and children representing nearly two-thirds of the total number of civilian casualties caused by aerial attacks¹²⁹ and 10 percent of the total number of women and children killed or wounded.

Conflict-related Displacement of Civilians

In 2012 civilians continued to be displaced as a result of the armed conflict. As of the end of June 2012, the United Nations High Commissioner for Refugees (UNHCR) reported a total of 114,900 people had been displaced in Afghanistan as a result of the conflict of which 17,079 were newly displaced this year. Conflict-induced displacement in 2012 is 14 percent higher than in the same period last year. UNHCR analysis indicates that the majority of conflict-induced displacement resulted from the armed conflict and a general deterioration of security. In 2012, the most commonly cited reasons for conflict-induced displacement was armed conflict, including cross border shelling, disputes over graze lands and military operations.

Over time, the largest numbers of Internally Displaced Persons (IDPs) were reported in southern Afghanistan, followed by the western and eastern regions. The southern region saw a high increase in the number of IDPs, with 8,441 more internally displaced people. UNAMA documented incidents of displacement as a result of human rights abuses by ALP, particularly from Khas Uruzgan district, Uruzgan province. Western Afghanistan had the second largest increase in conflict-induced displacement with 4,062 newly displaced, due to insecurity, threats, intimidation (such as illegal taxation), and forced recruitment.¹³⁰

¹²⁸ The 1,139 women and children casualties documented between July and December 2011, represented 29 percent of the total number of civilian casualties for that period which was 3,920.

¹²⁹ Aerial attacks by international military forces from January to June 2012 resulted in 30 women (16 deaths and 14 injuries) and 64 children (39 child deaths and 25 injuries) civilian casualties.

¹³⁰ UNHCR, Conflict Induced Internal Displacement Update, May, 2012.

Additional Conflict-related Incidents

Cross-Border Shelling from Pakistan

Similar to 2011, UNAMA received reports of incidents of cross-border shelling from Pakistan that impacted areas bordering Kunar province in eastern Afghanistan. In the first six months of 2012, UNAMA documented 16 Afghan civilian casualties (one civilian death and 15 civilians injured) resulting from cross-border shelling.

In May and June 2012, UNAMA documented 35 incidents, 10 of which resulted in civilian casualties. In June alone, over five hundred families from and within Kunar fled their homes, three schools in the affected areas closed, and public demonstrations against the shelling occurred.

ANNEX 1: Protection of Civilians Incidents from Taliban 5 February 2012 Statement

Comparison with UNAMA Database and Figures

	INCIDENT FROM TALIBAN STATEMENT	UNAMA FINDINGS
1	On February 20 th , news was published in which the governor of Kunar province (Fazlullah Wahidi) was quoted as saying that in Adra Gul, Sokie and Eigal areas of Ghaziabad district, 64 civilians were killed which includes twenty women and twenty nine children during bombardment by American forces.	UNAMA investigation verified 48 killed and nine wounded compared with 64 alleged civilian casualties.
2	On the 1 st of March in Nanglam Tangi area of Manogi district (Kunar), media reported the deaths of nine children due to American airstrikes.	UNAMA investigation indicated that nine children killed, one injured.
3	A report published on 8 th of March stated that fifty eight civilians have been martyred by the invading troops in Sangin (Helmand) during the first week of March.	UNAMA verified 7 killed and 5 injured but not clear if this was one of the airstrike cases removed from mid-year numbers.
4	During a raid by American troops on Lahori village, La Hussain area, Shigal district (Kunar) on 19 th March, ten civilians including women and children were martyred and five others wounded.	UNAMA investigated this incident and confirmed one civilian casualty but attributed responsibility to Anti-Government Elements (AGE).
5	Thirteen innocent countrymen were killed and several wounded on 12 th April when American forces raided their homes in Taz Nawa area, Ghormach district (Badghis).	UNAMA's findings indicate that ANSF and IM forces on 12 April, in which 14 civilians died, including two women and two children.
6	Also on 12 April during another incident in Gulab Khel village of Tangi Dara, Sayedabad district (Maidan Wardag), American forces killed and wounded 12 civilians on the main road.	UNAMA confirmed one (unattributed) civilian casualty.
7	During protests in Afghanistan on the 13 th and 14 th April against the burning of Quran by the fanatic and barbaric priest (Terry Jones) in Florida, sixteen civilians were martyred and more than one hundred wounded by the puppet national army in Kandahar city and various districts.	This case is not a Protection of Civilians case (not part of the armed conflict), but is a rule of law incident involving civilian police response to popular unrest: UNAMA monitored and verified demonstrators killed in this incident and also in other areas.
8	Airstrikes were carried out by the invading forces in Saa Bandi area of Angam district (Kunar) on the 20 th April from which nine civilians (2 women and 2 children) were martyred.	UNAMA investigated this case and confirmed civilian casualties: death of one child and two women.
9	On the 21 st April, eight innocent civilians were martyred by American forces in Kushk Kohna district's Zaman Karez area (Herat).	UNAMA verified civilian casualties as a result of this incident (two killed, six wounded)
10	On the 2 nd of June in Omarzo village, Sang Aatish district (Badghis), invaders killed a tribal elder and detained two others.	No record of this incident. Other reports in database of IEDs which killed civilians.
11	A famous tribal elder (Haji Sakhi Daad) from Darboom area, Maqur district (Badghis) was arrested while a famous spiritual leader (Sayad Haji Gul Jaan Agha) who had thousands of followers was taken out of his monastery and then martyred on 6 th of May.	UNAMA investigated this case and found no civilian casualties.
12	On the night of 18 th May, invading forces martyred five civilians including women in Ahan Dara area. A large scale protest was organized after the incident demanding the release of detainees however one hundred and thirty five civilians were martyred and wounded by the police who indiscriminately shot into the crowd under the shade of democracy.	UNAMA documented two civilian casualties in this incident, one child and one woman killed (but noted an additional two killed but not considered to be civilians).
13	Initial reports on 25 th of May indicated the thirty civilians were martyred when the invading forces carried out airstrikes on Do Aab district (Nooristan) after it was captured by Mujahideen. It was said that there were up to a hundred casualties but during the national Jirga, a representative of Nooristan said: three hundred civilians were killed and wounded in those airstrikes.	UNAMA is well aware of this incident and investigated but could not confirm civilian casualties because of problems with access to Nuristan. UNAMA assess that it is likely that airstrikes and ground fighting caused civilian casualties. Documented as 'likely civilian casualties'.
14	After a 4 day battle between Mujahideen and American troops in the adjacent areas of Watapur district (Kunar), large scale bombardment was carried out by the invaders while retreating from the area during 28 th -30 th June from which a few Mujahideen and twenty three civilians were martyred while several other civilians were left wounded.	This incident recorded by UNAMA – verified one civilian death and three injured.
15	According to media reports quoting locals from Nawzad district (Helmand), at least twenty six civilians were martyred when the invaders bombed the residents of this district on 22 nd of May. This incident was also confirmed by the invaders who asserted that six opposition (Mujahideen) were killed, a claim repeatedly rejected by the locals. Fourteen more civilians were also martyred in the same district by the invaders later on about which a spectacle was also put on by the head of Kabul administration.	UNAMA verified an incident which took place on 28 May and assesses that these are the same cases: On 28 May 2011 at least 4 children were injured and another adult female killed while their residence was hit by an air strike in Noorzai village Nahrisraj district Helmand province.

Afghanistan Mid-year Report on Protection of Civilians in Armed Conflict: 2012

16	On 6 th July, the occupational forces bombed a house in Samji area of Mando district (Khost) in which thirteen civilians were martyred. The police chief of this district also confirms this account and attributes the resultant bombardment on false information in which eight children, two women and three men of the same family become martyrs.	UNAMA confirmed 11 killed.
17	Sixteen civilians most of which were children were martyred on 12 th of May from airstrikes on Azra district's Tanga Dara area (Logar). The spokesman of this district Deen Muhammad Darwaish and the provincial council member Doctor Abdul Wali Wakeel also confirm civilians were killed.	No information on this case and no complaints received alleging civilian casualties.
18	After a bomb which blew apart the armored vehicle of foreign invaders on the main road in Shniz Dara area of Sayedabad district (Maidan Wardag) on 23 rd of July, the invading forces shot into the civilians, martyring Doctor 'Aqila Hikmat, her son and a member of her in-laws while 2 other family members were wounded.	UNAMA confirmed civilian casualties in two incidents around this time – not clear if either of the incidents relate to the allegations in the Taliban statement.
19	Hundreds of people took to the streets in Ahmad Khel and Zazi Aryub districts of Paktia province against the invaders on 4 th of August after the invaders had martyred and wounded thirteen civilians in a rocket attack.	UNAMA has a similar incident in the database but with one civilian death and three injured.
20	A report published by the media on 8 th of August said that nine members of a family were martyred when the invaders bombed their house the previous day, quoting locals from Nad Ali district (Helmand). Nad Ali's Habibullah Samalani also confirmed this account during an interview with Radio Azadi.	Confirmed but UNAMA confirmed eight, not nine, as per TB's reference to media.
21	Also on 8 th August, a similar attack by the foreign troops in Sarwan Kala's Popalzo area, Sangin district (Helmand) left four men and a woman martyred.	No information on this case and no complaints received alleging civilian casualties.
22	In Angoor Bagh area of Jalalabad city, foreign invaders raided the home of a former Mujahideen commander (Haji Sabar Laal) on 3 rd of September, searched his house before martyring him and two others.	No information on this case and no complaints received alleging civilian casualties
23	On 4 th of September, bombing was carried out by the invaders in Azan Nawa area of Zamindawar district (Helmand) from which three civilians were martyred.	No information on this case and no complaints received alleging civilian casualties.
24	On the 8 th of September, Kanjkal village of Sarkano district (Kunar) was bombed before the enemy troops entered by foot from which twelve civilians were martyred while eight others were arrested and taken away.	UNAMA does not have a record of this incident, but there may be confusion with another incident that took place in a separate district on the same date, with confirmed civilian casualties.
25	According to tribal elders of Nooristan and Kunar, ten civilians including women, children and a tribal elder (Haji Jumma Gul) were martyred when the invaders carried out an operation on 19 th -21 st of September in Wanat Waygel district (Nooristan).	UNAMA confirmed that PGF conducted an operation in the area that resulted in 17 civilians killed, including seven children and four women, and four wounded, including three children and one woman.
26	On the 28 th of September during night raids by the foreign troops in Spin Ghar district (Nangarhar), ten civilians were martyred in Mohmand Dara area while six others were arrested and taken away.	UNAMA investigated this case and concluded that one civilian injured, 10 fighters killed. Incident took place in Achin district.
27	A raid was again carried out on locals in Gerishk district's Hayderabad area (Helmand) on 29 th of September, a defenseless countryman was martyred while a father and four of his sons were detained.	No information on this case and no complaints received alleging civilian casualties.
28	A teacher (Ma'lim Noor Agha) in Mamdo village of Gerdan Masjid area, Chak district (Maidan Wardag) and two of his sisters were martyred while two other civilians were arrested by the foreign troops after raiding the village on 16 th of October.	UNAMA confirmed three injured (2 women and 2 children).
29	A report was published in the media on 22 nd of October which said: Thirteen civilians have been wounded in Kunar province's Ghaziabad district after the occupying forces carried out airstrikes. The provincial governor, Fazlullah Wahidi also confirmed this incident and added; eleven civilians which include women, children and men have been wounded during bombardment by foreign troops.	UNAMA confirmed that 14 civilians, including seven male children, two female children and three women, were wounded in this incident.
30 a	An investigative unit was sent by the administration of Kabul in December to inspect the civilians casualties caused in the operations of foreign troops in Kapisa, Kandahar and Paktia provinces. The unit was headed by Muhammad Tahir Safi who addressed the media on the 24 th December after concluding his investigation; all the casualties in Kandahar, Kapisa and Paktia caused by bombardment of foreign troops were civilians. According to his report, seven civilians were martyred and 2 wounded during airstrikes by NATO in Zhiri district of Kandahar province whereas two more civilians have also been martyred in the province's Maiwand district. In Bahardar Khel village of Tagab district, Kapisa, seven civilians have also been martyred while two others wounded.	UNAMA confirmed both incidents. <u>30 a) Zhari district, Kandahar</u> On 22 November, at least seven children and one civilian died when an ISAF air strike hit civilian houses in Saechoy area Zhari district, Kandahar province. <u>30 b) Tagab district, Kapisa</u> On 1st Oct 2011, around 2000 hrs a small explosion took place in Jakilan village, Muhib Khil area, Tagab district of Kapisa province. The incident wounded eight.
30 b		