

AFGHANISTAN

MIDYEAR REPORT 2015

PROTECTION OF CIVILIANS IN ARMED CONFLICT



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**United Nations Assistance Mission
in Afghanistan**



**United Nations Office of the High
Commissioner for Human Rights**

**Kabul, Afghanistan
August 2015**

AFGHANISTAN

PROVINCES: BALKH, FARJAB, SAMANGHAN, KUNDUZ, TAKHAR, BADKHASHIAN, PAKISTAN, GHOR, FARYAB, NIMROZ, HERAT, FARAH, HILMAND, KANDAHAR, ZABUL, PAKTIKA, PAKTYA KHOST, DAYKUNDI, WARDAK, PARWAZ, KABUL, NANGRAH, NURISTAN, PUNJSHIR, BAMIYAN, CHAGHCHARAN, QALAI-NOW, BADGHSIS, MAMAND, SHIBERGHAN, MAZAR-E-SHAHRIF, TALUQAN, AYBAK, KUNDUZ, GHAZNI, GHARZ, MAYDAN SHAHR, MEHTARLAM, JALALABAD, ASADABAD, PORUNS, BAZARGAN, MAHMUDI RAQI, CHAHARIKAR.

CITIES: Kabul, Herat, Kandahar, Mazar-e-Sharif, Taloqan, Aybak, Kunduz, Ghazni, Sharan, Matun, Qalat, Lashkar Gah, Farah, Zarang, Tirin Kot, Chaghcharan, Bamyan, Maydan Shahr, Mehtarlam, Jalalabad, Asadabad, Poruns, Bazargan, Mahmudi Raqi, Chaharikar, Mazar-e-Sharif, Shibergahan, Saripul, Maimana, Qala-i-Naw, Badghis, Nimroz, Farah, Herat, Kandahar, Zabul, Pakhtika, Paktya Khost, Daykundi, Wardak, Parwaz, Kabul, Nangrahar, Nuristan, Punjshir, Balkh, Faryab, Samangan, Kunduz, Takhar, Badkhashian.

LEGEND:

- Capital
- Provincial Center
- Main Road
- International Boundary
- Jammu and Kashmir
- Regional Boundary
- Provincial Boundary
- River

DISCLAIMER

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Dotted line represents approximately the line of Control in Jammu and Kashmir agreed upon by India and Pakistan. The final status of Jammu and Kashmir has not yet been agreed upon by the parties.

Geographic Coordinates: WGS 84
Production Date: January 2012

Scale: 0 50 100 200 300 Kilometers

GIS UNAMA

Source: UNAMA GIS January 2012

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Photo on Front Cover © 2015/Reuters. A man assists an injured child following a suicide attack launched by Anti-Government Elements on 18 April 2015, in Jalalabad city, Nangarhar province, which caused 158 civilian casualties (32 deaths and 126 injured, including five children).

Photo taken on 18 April 2015.

UNAMA documented a 78 per cent increase in civilian casualties attributed to Anti-Government Elements from complex and suicide attacks in the first half of 2015.

"The cold statistics of civilian casualties do not adequately capture the horror of violence in Afghanistan, the torn bodies of children, mothers and daughters, sons and fathers. The statistics in this report do not reveal the grieving families and the loss of shocked communities of ordinary Afghans. These are the real consequences of the conflict in Afghanistan."

Nicholas Haysom, United Nations Special Representative of the Secretary-General in Afghanistan, Kabul, August 2015.

"This is a devastating report, which lays bare the heart-rending, prolonged suffering of civilians in Afghanistan, who continue to bear the brunt of the armed conflict and live in insecurity and uncertainty over whether a trip to a bank, a tailoring class, to a court room or a wedding party, may be their last. Impunity for serious violations of international human rights and humanitarian law has been reigning for too long in Afghanistan, and fuelling the cycle of violence. There need to be urgent, concrete steps towards accountability, to break this venomous cycle."

Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, Geneva, August 2015.

Mandate

This midyear report on the Protection of Civilians in Armed Conflict in Afghanistan for 2015 was prepared by the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) and covers the period from 1 January to 30 June 2015.

The report is prepared pursuant to UNAMA mandate under United Nations Security Council resolution 2210 (2015) “to monitor the situation of civilians, to coordinate efforts to ensure their protection, to promote accountability, and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights.”

Security Council resolution 2210 (2015) recognizes the importance of ongoing monitoring and reporting to the Security Council on the situation of civilians in the armed conflict, particularly on civilian casualties.

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

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

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Methodology

UNAMA investigates reports of civilian casualties by conducting on-site investigations, wherever possible, and consulting a broad range of sources and types of information that are evaluated for their credibility and reliability. In undertaking investigation and analysis of each incident, UNAMA exercises due diligence to corroborate and cross-check information from as wide a range of sources as possible including accounts of witnesses, victims and directly-affected persons, military actors (including the Government of Afghanistan, Anti-Government Elements, and International Military Forces), local village/district and provincial authorities, religious and community leaders, and other interlocutors.

Information is obtained through direct site visits, physical examination of items and evidence gathered at the location of incidents, visits to hospitals and medical facilities, still and video images, reports of the United Nations Department of Safety and Security and other United Nations entities, secondary source accounts and information gathered by NGOs and other third parties.

For verification of each incident involving a civilian casualty, UNAMA requires at least three types of sources, i.e., victim, witness, medical practitioner, local authorities, confirmation by party to the conflict, community leader or other sources. Wherever possible, investigations are based on the primary accounts of victims and/or witnesses of the incident and on-site investigations. On some occasions, primarily due to security-related constraints affecting access, this form of investigation is not possible. In such instances, UNAMA relies on a range of techniques to gain information through reliable networks, again through as wide a range of sources as possible that are evaluated for credibility and reliability.

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

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

As multiple parties are engaged in the conflict, UNAMA makes every effort to identify as precisely as possible the party responsible for a particular civilian casualty, for example, Taliban or Afghan National Army. 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, it might not be possible to ascertain which specific military actor, security force or insurgent group was responsible for a particular civilian casualty. UNAMA attributes responsibility for each civilian casualty incident to either Pro-Government Forces or Anti-Government Elements.

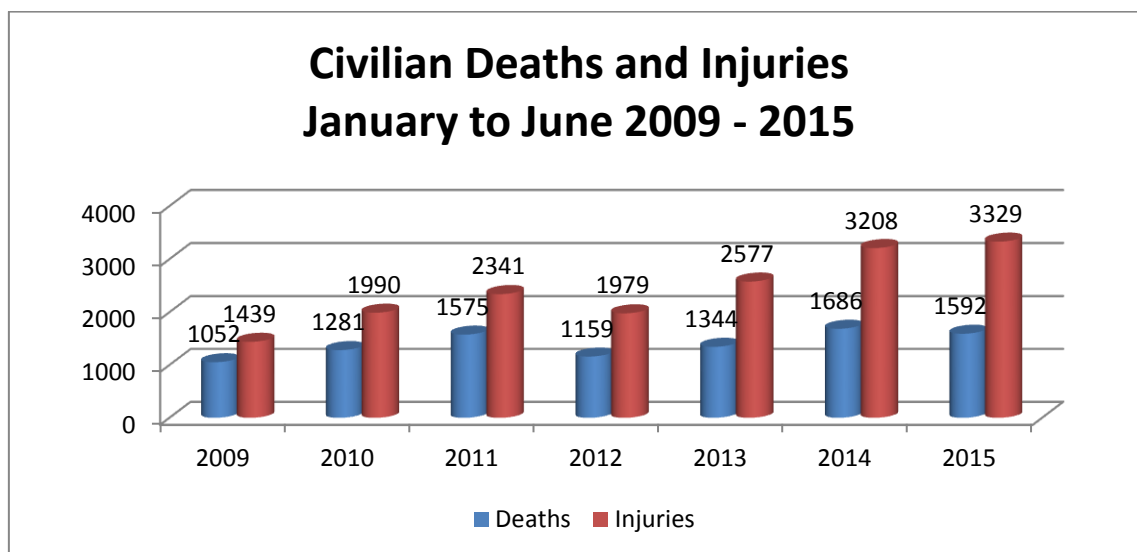
In cases of ground engagements between Pro-Government Forces and Anti-Government Elements in which a civilian casualty could not be attributed to one party, UNAMA attributes responsibility to both groups and records them in a separate category, entitled Pro-Government Forces and Anti-Government Elements. UNAMA does not claim that statistics presented in this report are complete and may be under-reporting civilian casualties given limitations inherent in the operating environment.

Executive Summary

"I was walking down the street when a suicide bomber attacked customers in lined up to enter the New Kabul Bank. I remember seeing the blast and the fire, and was knocked to the ground. I had wounds on my face and stomach and my legs were bleeding. When I tried to stand, I could not get up. That is when I noticed all the blood, the human limbs, the corpses, and the other wounded people all over the street. It was terrible. I have seven daughters and a son. Death does not frighten me, but if I die, what will happen to my children?"¹

-- A school teacher wounded in a suicide attack on 18 April 2015 in Jalalabad city, Nangarhar province, that caused 158 civilian casualties (32 deaths and 126 injured, including five children).

In the first six months of 2015, civilians increasingly suffered the consequences of the armed conflict in Afghanistan. Between 1 January and 30 June 2015,² UNAMA documented 4,921 civilian casualties (1,592 civilians deaths and 3,329 injured), marking a six per cent decrease in civilian deaths and four per cent increase in civilians injured. These figures amount to an overall one per cent increase in civilian casualties compared to the first six months of 2014,³ and the highest number of total civilian casualties compared to the same period in previous years. Between 1 January 2009 and 30 June 2015, UNAMA recorded 52,653 civilian casualties (19,368 deaths and 33,285 injured).



The thousands of civilians killed and injured from conflict-related violence in the first six month of 2015 demonstrate the continued failure of parties to the conflict to protect

¹ UNAMA interview with a victim in the Jalalabad Public Health Hospital on 26 April 2015, Jalalabad city, Nangarhar province.

² This 2015 Mid-Year Report on Protection of Civilians in Armed Conflict compares data from the first six months of 2015 with data from the first six months of 2014. The same six-month period in a given year is used to enable a more accurate comparative analysis of fighting seasons year on year.

³ Between 1 January and 30 June 2014, UNAMA documented 4,894 civilian casualties (1,686 deaths and 3,208 injured).

civilians from harm. UNAMA reiterates that international humanitarian law requires all parties to the conflict to take robust and meaningful measures to protect the civilian population. Ground engagements between parties to the conflict continued to cause the highest number of civilian casualties, followed by improvised explosive devices (IEDs), although UNAMA documented overall decreases in civilian casualties resulting from both incident types.

The rise in overall civilian casualties in the first six months of 2015 mainly stemmed from an increase in complex⁴ and suicide attacks and a rise in targeted and deliberate killings by Anti-Government Elements. Complex and suicide attacks – often in civilian-populated areas – nearly overtook IEDs as the second leading cause of civilian casualties. Despite being the fourth leading cause of total civilian casualties – deaths and injuries combined – targeted killings became the leading cause of civilian deaths in the first six months of 2015.

Attribution of Responsibility for Civilian Casualties

UNAMA attributed 70 per cent of all civilian casualties to Anti-Government Elements⁵ and 16 per cent to Pro-Government Forces⁶ (15 per cent to Afghan national security forces and pro-Government armed groups and one per cent to international military forces). Ten per cent of all civilian casualties resulted from ground engagements between Anti-Government Elements and Afghan national security forces in which the civilian casualties could not be attributed to a specific party. UNAMA attributed four per cent⁷ of civilian casualties to unattributed explosive remnants of war⁸.

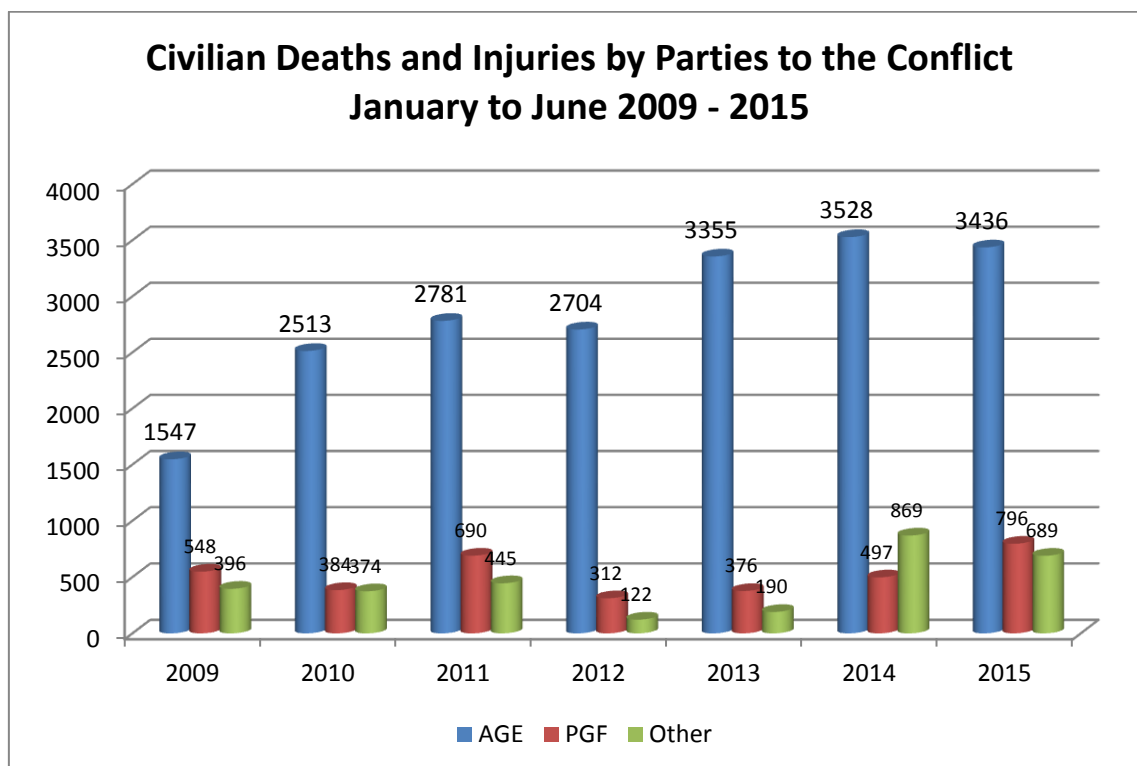
⁴ UNAMA definition of 'complex attack' refers to a deliberate and coordinated attack which includes a suicide device (i.e., BBIED, VBIED), more than one attacker and more than one type of device (i.e., BBIED AND mortars). All three elements must be present for an attack to be considered complex.

⁵ Anti-Government Elements encompass all individuals and armed groups involved in armed conflict with or armed opposition against the Government of Afghanistan and/or international military forces. They include those who identify as 'Taliban' as well as individuals and non-State organised armed groups taking a direct part in hostilities and assuming a variety of labels including the Haqqani Network, Hezb-e-Islami, Islamic Movement of Uzbekistan, Islamic Jihad Union, Lashkari Tayyiba, Jaysh Muhammed, groups identified as 'Daesh' and other militia and armed groups pursuing political, ideological or economic objectives including armed criminal groups directly engaged in hostile acts on behalf of a party to the conflict.

⁶ The term "pro-government forces" includes Afghan Government's national security forces and other forces and groups that act in military or paramilitary counter-insurgency operations and are directly or indirectly under the control of the Government of Afghanistan. These forces include, but are not limited to, the Afghan National Army, Afghan National Police, Afghan Border Police, National Directorate of Security and Afghan Local Police which operate under Government legal structures, and Pro-Government local defense forces and militias which have no basis in Afghan law and do not operate under formal Government structures. This term also includes international military forces and other foreign intelligence and security forces. See the glossary section for further details.

⁷ UNAMA attributed less than half of one per cent to cross-border shelling from Pakistan into Afghanistan

⁸ Unattributed explosive remnants of war where the responsible party could not be determined or the UXO resulted from a previous conflict.



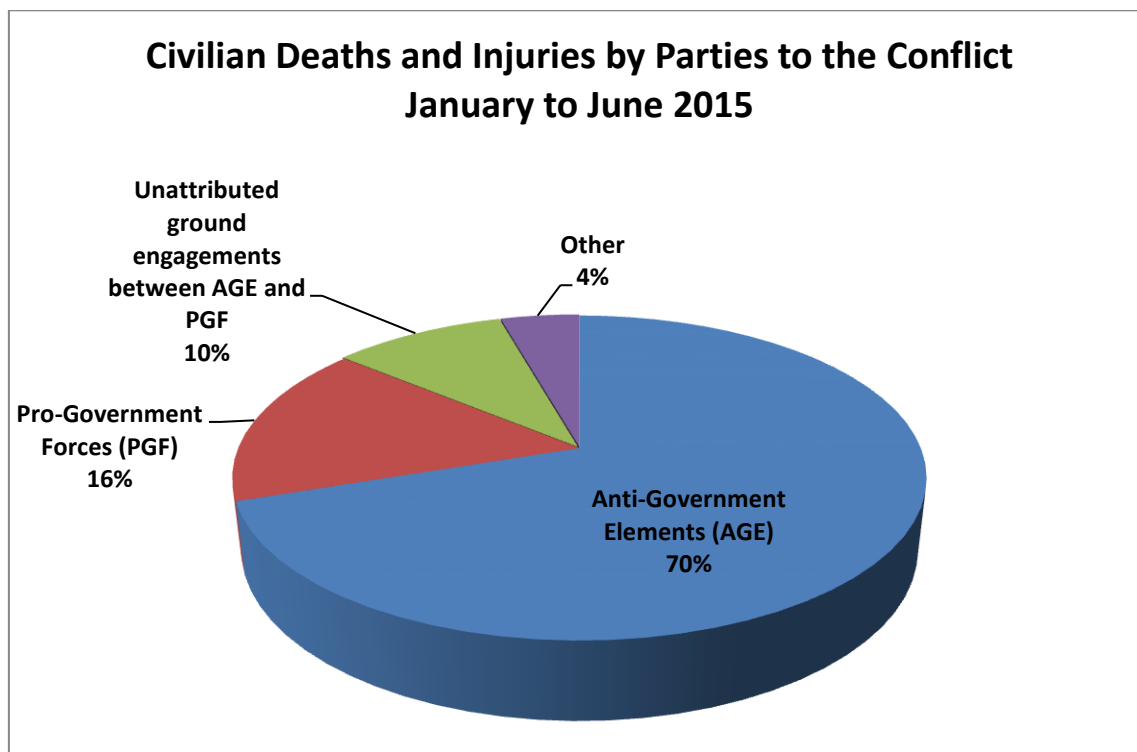
Between 1 January and 30 June, UNAMA documented 3,436 civilian casualties (1,213 deaths and 2,223 injured) from operations and attacks carried out by all Anti-Government Elements a three per cent decrease from the same period in 2014⁹. UNAMA documented a 78 per cent increase in civilian casualties attributed to Anti-Government Elements from complex and suicide attacks and a 57 per cent increase in civilian casualties from targeted killings. Targeted killings became the leading cause of civilian deaths in the first six months of 2015. UNAMA documented a 46 per cent reduction in civilian casualties attributed to Anti-Government Elements resulting from ground engagements and a 21 per cent decrease in civilian casualties from improvised explosive devices (IEDs). The decrease during this period may stem from the absence of attacks targeting the electoral process; during the same period in 2014, UNAMA documented high numbers of civilian casualties around the presidential and run-off elections carried out in April and June 2014.

Pro-Government Forces – in particular Afghan national security forces – continued to cause increasing numbers of civilian casualties in the first six months of 2015. UNAMA documented 796 civilian casualties (234 deaths and 562 injured) caused by Pro-Government Forces, a 60 per cent increase compared to the same period in 2014.¹⁰ The majority of civilian casualties caused by Pro-Government Forces occurred during ground

⁹ In the first six months of 2014, UNAMA attributed 3,528 civilian casualties (1,242 deaths and 2,286 injured) to all Anti-Government Elements groups.

¹⁰ Between 1 January and 30 June 2014, UNAMA documented 497 civilian casualties (206 deaths and 291 injured) caused by Pro-Government Forces.

engagements, primarily from the use of explosive weapons such as mortars, rockets, and grenades. In the first six months of 2015, Pro-Government Forces caused more civilian casualties than Anti-Government Elements during ground engagements.



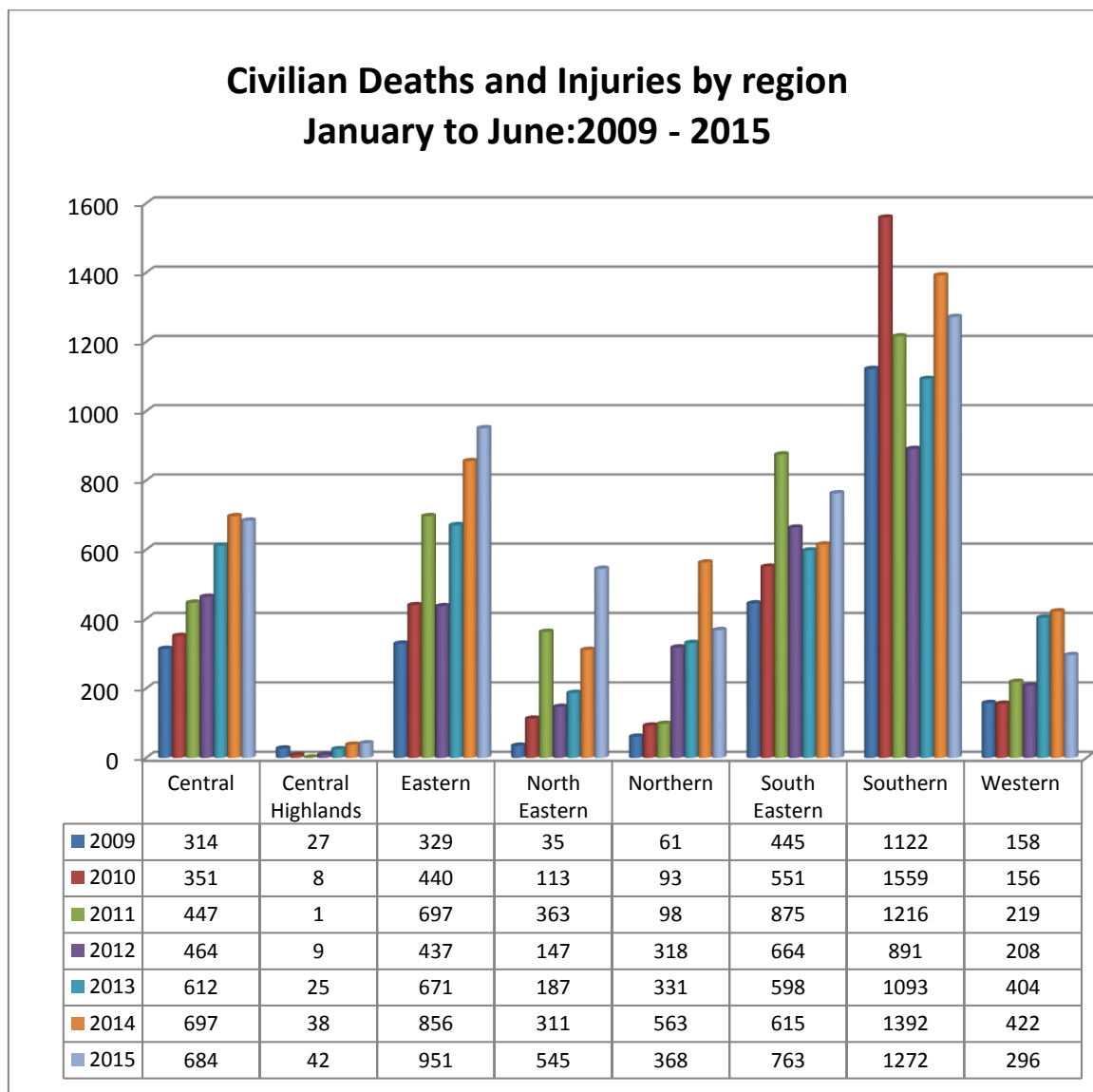
Civilian casualties resulting from attacks claimed by the Taliban

Of the 3,436 civilian casualties attributed to Anti-Government Elements, the Taliban claimed responsibility for 239 incidents that caused 1,002 civilian casualties (259 killed deaths and 743 injured). These casualties include only those civilian deaths and injuries resulting from attacks publicly claimed by the Taliban on their website or Twitter.¹¹ The 1,002 civilian casualties amount to a 105 per cent increase in civilian deaths and injuries from Taliban-claimed incidents compared to the same period in 2014.¹² Civilian casualties from incidents claimed by the Taliban accounted for 20 per cent of all civilian casualties. Of the 70 per cent of civilian casualties attributed to Anti-Government Elements, the civilian deaths and injuries resulting from incidents claimed by the Taliban accounted for 29 per cent of total civilian casualties.

¹¹ Those civilian casualties attributed by UNAMA to the Taliban, for which the Taliban made no claim of responsibility, are included under the umbrella term Anti-Government Elements.

¹² The 105 per cent increase in civilian casualties from incidents publicly claimed by the Taliban does not necessarily mean that civilian deaths and injuries caused by Taliban have more than doubled. The statistic reflects that more attacks causing civilian casualties were claimed by the Taliban. In the first six months of 2015, the Taliban publicly claimed responsibility for 239 attacks which resulted in civilian casualties; in the same period 2014, the Taliban publicly claimed 136 attacks with civilian casualties.

More than half of the civilian casualties in Taliban-claimed attacks resulted from complex and suicide attacks targeting civilian objects or military targets in civilian-populated areas. Taliban-claimed attacks also included the deliberate targeting of individual civilians, indiscriminate IED attacks, and civilians injured or killed during Taliban-launched attacks on Afghan security forces.



Women and Children

The conflict also took an increasingly abhorrent toll on women and children in the first six months of 2015. Although UNAMA recorded a one per cent increase in overall civilian casualties, the mission documented a 23 per cent increase in women casualties (559 women casualties, comprising 164 deaths and 395 injuries) and a 13 per cent increase in child casualties (1,270, comprising 320 deaths and 950 injuries).

Following trends documented in the UNAMA 2014 Midyear and Annual Reports on Protection of Civilians in Armed Conflict, women and child casualties continued to increase at a higher rate than the general population in the first half of 2015. Women casualties accounted for 11 per cent of all civilian casualties in the first half of the year, up from nine per cent in the same period of 2014, while children accounted for 26 per cent of all civilian casualties, up from 23 per cent in the first half of 2014.

Ground Engagements Leading Cause of Civilian Casualties in 2015

Between 1 January and 30 June 2015, UNAMA documented 1,577 civilian casualties (379 deaths and 1,198 injured) from ground engagements, a 19 per cent decrease compared to the same period in 2014. UNAMA notes with concern that in the first six months of 2015, Pro-Government Forces and Anti-Government Elements have caused an approximately equal number of civilian casualties during ground engagements.

The decrease during this period may stem from the absence of attacks targeting the electoral process; during the same period in 2014, UNAMA documented high numbers of civilian casualties around the presidential and run-off elections carried out in April and June 2014. UNAMA notes that during the first six months of 2014, ground engagements initiated by Anti-Government Elements targeting Independent Election Commission convoys, polling centres, and electoral candidates and their supporters during the election period resulted in 380 civilian casualties (74 deaths and 306 injured).¹³

Despite the decrease, ground engagements remained the leading cause of civilian casualties in the first half of the year, accounting for 32 per cent of all civilians killed and injured during this period.

In 2015, Afghan national security forces significantly increased the number of ground operations conducted in order to support the process of government formation and counter attacks launched by Anti-Government Elements. This resulted in a rise in civilian deaths and injuries attributed to Pro-Government Forces during ground engagements. In the first six months of 2015, Pro-Government Forces caused more civilian casualties than Anti-Government Elements in ground engagements: UNAMA documented 580 civilian casualties (143 deaths and 437 injured) from ground engagements attributed to Pro-Government Forces, an 85 per cent increase compared to the first six months of 2014 and accounting for 37 per cent of all civilian casualties resulting from ground engagements.

The increase in civilian casualties attributed to Pro-Government Forces resulted largely from their use of mortar, rockets, and grenades in civilian populated areas - UNAMA observed that 88 per cent of all civilian casualties caused by Pro-Government Forces

¹³ In the first six months of 2014, UNAMA documented 674 civilian casualties (173 deaths and 501 injured) resulting from attacks against the electoral process, from all incident types, the vast majority of which UNAMA attributed to Anti-Government Elements.

during ground engagements resulted from the use of indirect weapons¹⁴ during fighting, in particular, mortars which have a wide impact area. UNAMA documented instances where the use of indirect weapons in populated environments had an indiscriminate and severe humanitarian impact on civilians. The United Nations' Secretary-General has urged parties to conflict to refrain from using explosive weapons with a wide-area impact in densely populated areas.¹⁵

Anti-Government Elements caused 512 civilian casualties (137 deaths and 375 injured) during ground engagements, a decrease of 46 per cent, accounting for 32 per cent of all civilian casualties from ground engagements. As noted above, this decrease occurred following the completion of the electoral process in 2014.

In 30 per cent of civilian deaths and injuries from ground engagements – mainly cross fire incidents - UNAMA attributed casualties to both Anti-Government Elements and Pro-Government Forces.

The remaining one per cent of civilian casualties from ground engagements was attributed to cross-border shelling.

Decreased Civilian Casualties from Improvised Explosive Devices

For the first time since its 2012 Midyear Report on Protection of Civilians in Armed Conflict, UNAMA recorded a decrease in civilian casualties caused by IEDs. Between 1 January and 30 June 2015, the mission documented 1,108 civilian casualties (385 deaths and 723 injured) from IEDs, a 21 per cent decrease¹⁶ in total civilian casualties caused from IEDs compared to the same period in 2014.¹⁷ Despite the decrease, IEDs still caused the second highest number of civilian casualties (22 per cent) in the first six months of 2015.

UNAMA notes with concern that civilian deaths and injuries continued to increase from the use of illegal pressure plate IEDs¹⁸ during the first half of 2015.¹⁹ UNAMA

¹⁴ Indirect fire weapons, such as mortars, rockets and grenades are high explosive weapons systems which fire projectiles to a location without a direct line of visibility to the target. Mortars cannot be guided to hit a specific target and have a wide-area of impact; when used in civilian-populated areas the risk of civilian casualties is very high.

¹⁵ See United Nations Secretary-General Report on the Protection of Civilians in Armed Conflict, S/2012/376.

¹⁶ UNAMA notes that these figures do not include civilian casualties from IEDs used in complex and suicide attacks, which are recorded separately due to the distinct nature of complex and suicide attacks. Counted together, combined IED tactics accounted for 43 per cent of all civilian casualties in the first half of 2015: 2,130 civilian casualties (568 deaths and 1,562 injured) – an eight per cent increase compared to the same period in 2014.

¹⁷ Between 1 January and 30 June 2014, UNAMA documented 1,407 civilian casualties (477 deaths and 930 injured) from IEDs.

¹⁸ Afghanistan has ratified the 1997 *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* ('Ottawa Convention' or the Mine Ban Treaty). This treaty prohibits the use of factory-made anti-personnel mines and victim-activated IEDs, such as PP-IEDs. The definition of 'mine' in the Convention encompasses IEDs to the extent that they are designed to be placed under, or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or vehicle.

documented 506 civilian casualties (251 deaths and 255 injured) from the use of such devices by Anti-Government Elements, a 38 per cent increase compared to the same period in 2014. Pressure plate IEDs caused nearly half (46 per cent) of all civilian casualties from IEDs in the first half of 2015.

UNAMA notes that the reduction in civilian casualties from IEDs does not necessarily reflect that Anti-Government Elements are using less IEDs. Some of the reduction in casualties from IEDs may be attributed to the increasing ability of Afghan security forces to detect and make safe IEDs. Over 5,000 IEDs, with the potential to cause enormous harm to civilians, were cleared in the first six months of 2015.²⁰

Increased Civilian Casualties from Suicide and Complex Attacks

In the first six months of 2015, complex and suicide attacks nearly overtook IEDs as the second leading cause of civilian casualties, causing 21 per cent of all civilian casualties. Complex and suicide attacks launched by Anti-Government Elements caused 1,022 civilian casualties (183 deaths and 839 injured), a 78 per cent increase compared to the same period in 2014. The Taliban claimed responsibility for 27 of the 44 documented complex and suicide attacks, resulting in 542 civilian casualties (87 deaths and 455 injured), a 167 per cent increase in civilian casualties from Taliban-claimed complex and suicide attacks.²¹

Targeted Killings Cause more Afghan Civilian Deaths than any other Tactic

Civilian casualties from targeted killings increased by 57 per cent in the first six months of 2015, causing 699 civilian casualties (440 deaths and 259 injured) and accounting for 14 per cent of all civilian casualties in the first half of the year. Although ground engagements, IEDs, and complex and suicide attacks caused more overall civilian casualties (combined death and injuries) in the first half of 2015, targeted killings caused more deaths than any other tactic – 440 deaths, representing 28 per cent of all 1,592 documented civilian deaths. UNAMA attributed 94 per cent of all civilian casualties from targeted killings to Anti-Government Elements.

Increase in Civilian Abductions and Rising Killed and Injured Civilian Hostages

From 1 January to 30 June 2015, UNAMA documented 196 abduction incidents, almost all carried out by Anti-Government Elements, which resulted in 76 civilian casualties (62 deaths and 14 injured) marking a 37 per cent increase in the number of such incidents and a 117 per cent increase in casualties related to abductions compared to the same

¹⁹ Between 1 January and 31 December 2014, UNAMA documented 775 civilian casualties (417 deaths and 358 injured), a 39 per cent increase in civilian casualties from pressure plate IEDs compared to 2013. See, UNAMA 2014 Annual Report on Protection of Civilians in Armed Conflict, page 48.

²⁰ Email from NATO/ RS UNCLASSIFIED Re: UNAMA, Resolute Support Mission Response to UNAMA – Protection of Civilians in Armed Conflict, received 29 July 2015.

²¹ Between 1 January and 30 June 2014, the Taliban claimed responsibility for 20 suicide and complex attacks that caused 203 civilian casualties (76 deaths and 127 injured).

period in 2014.²² Anti-Government Elements perpetrated 190 of the 196 incidents of civilian abductions documented by UNAMA, causing 75 out of 76 civilian casualties. UNAMA attributed six incidents to Pro-Government Forces.

UNAMA documented abductions of civilians by Anti-Government Elements for financial gain, to intimidate the population or to extract concessions from other parties to the conflict, including exchange of hostages. Moreover, UNAMA documented a growing number of abductees killed by their captors because of failure to comply with demands, to maintain authority over other abductees, or because the aim of the abduction was to kill the victim.

Both the number of abductions and the number of resulting civilian casualties are the highest recorded by UNAMA since it started documenting such incidents systematically in 2009 and accounted for two per cent of all civilian casualties in the first six months of 2015.

Rising Civilian Casualties from Aerial Operations

From 1 January to 30 June 2015, UNAMA documented 77 civilian casualties (32 deaths and 45 injured) from aerial operations by both international military forces and Afghan national security forces, an 88 per cent increase compared to the same period in 2014. This reduces the trend of decrease consistently documented in previous years. Civilian casualties caused by aerial operations accounted for two per cent of all civilian casualties.

Of the 77 civilian casualties, UNAMA attributed 49 (27 deaths and 22 injured) to international military forces. While recognizing the ongoing measures taken by international security to reduce civilian casualties resulting from aerial operations, this represents a 23 per cent increase in civilian casualties caused by international military forces aerial operations,²³ most of them UAV strikes, reversing the downward trend previously documented by UNAMA.²⁴

Between 1 January and 30 June 2015, UNAMA documented 28 civilian casualties (five deaths and 23 injured) in 10 separate incidents of aerial operations carried out by the Afghan Air Force (AAF). The AAF, a branch of the ANA, took on primary responsibility for close air support and offensive aerial operations in support of Afghan national security forces in Afghanistan at the beginning of 2015.

Other Tactics Causing Harm to Civilians

Explosive remnants of war (ERW) which could not be attributed to a specific party to the conflict caused four per cent of total civilian casualties. ERW were disproportionately

²² Between 1 January and 30 June 2014, UNAMA documented 143 incidents of abduction resulting in 35 civilian casualties (27 deaths and eight injured).

²³ Between 1 January and 30 June 2014, UNAMA documented 40 civilian casualties (27 deaths and 13 injured) from international military forces aerial operations.

²⁴ See, UNAMA 2014 Midyear Report on Protection of Civilians in Armed Conflict, pages 59-60.

harmful to children - 83 per cent of ERW victims were Afghan children. The remaining three per cent of civilian casualties resulted from parallel justice structure summary executions by Anti-Government Elements, force protection incidents, and other killings and ill-treatment of civilians by parties to the conflict.

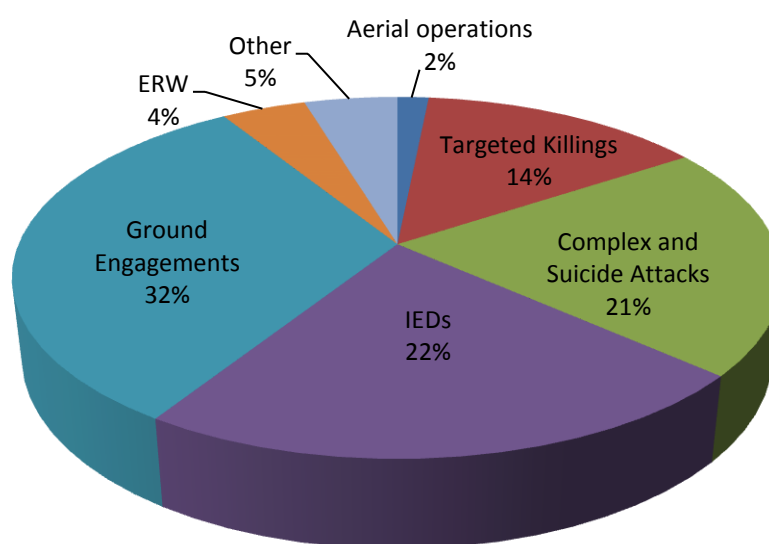
Human Rights Abuses by Pro-Government Armed Groups

Between 1 January and 30 June 2015, UNAMA continued to document increasing civilian casualties caused by pro-Government armed groups. UNAMA recorded 87 civilian casualties (31 deaths and 56 injured) from 69 separate incidents involving pro-Government armed groups, up 118 per cent from the same period in 2014. As a result of ground engagements, targeted killings, and beatings and ill-treatment, pro-Government armed groups caused two per cent of all civilian casualties in the first half of 2015.

Conflict-Related Displacement

Afghanistan's Task Force on Internally Displaced Persons (IDPs)²⁵ recorded approximately 103,000 civilians displaced by the armed conflict in the first six months of 2015 – a 44 per cent increase compared to the same period in 2014. As of 16 July 2015, the total number of IDPs in Afghanistan was estimated to exceed 945,600.²⁶

Civilian deaths and injuries by tactic and incident type January to June 2015



²⁵ The IDP Task Force is co-chaired by the United Nations High Commissioner for Refugees (UNHCR) and the Afghan Ministry of Refugees and Repatriation. It constitutes the primary mechanism through which conflict-related IDPs are profiled and provided with assistance. The most recent figures available at the time of this report cover the period from 1 January to 30 June 2015.

²⁶ Figures provided by UNHCR. Information received by email on 21 July 2015.

Observations

The first half of 2015 saw multiple trends converge, resulting in increasing harm to the civilian population. While civilian casualties from the two leading causes of civilian casualties – ground engagements and IEDs – decreased in the first half of the year, targeted killings became the leading cause of civilian deaths and civilians increasingly suffered from complex and suicide attacks launched by Anti-Government Elements. Despite the overall decrease in civilian casualties from ground engagements, Pro-Government Forces caused increasing numbers of civilian deaths and injuries during ground engagements and aerial operations. In addition, increased fighting between rival Anti-Government Elements groups and the emergence of new groups posed additional threats to the civilian population of Afghanistan.

The Taliban and other Anti-Government Elements continued to push for territorial gains and increasingly advanced toward major population centres, including district centres and one major city (Kunduz). While peace negotiations between the Government of Afghanistan and the Taliban gained some momentum, this bore little or no impact on Taliban efforts for increased control of territory: the Taliban and other Anti-Government Elements conducted an aggressive campaign during the first half of 2015. While UNAMA notes some precautions by Anti-Government Elements in the conduct of hostilities – UNAMA documented a reduction in civilian casualties from Anti-Government Elements during ground engagement – the Taliban and other groups continued to launch complex and suicide attacks and carry out targeted killings of civilians. These acts, presumably aimed at undermining Government authority ahead of any final settlement, caused extreme harm to the civilian population.

Although civilian casualties from IEDs decreased overall, Anti-Government Elements increasingly used illegal pressure-plate IEDs as a defensive weapon to slow or prevent the advancement of Afghan national security forces before, during, and after ground engagements, driving an increase in civilian casualties from this type of IED.

Between 1 January and 30 June, Afghan national security forces conducted most operations independently of international military forces and increasingly used close air support from the Afghan Air Force (AAF). Afghan national security forces continued to use indirect weapons (mortars, rockets, grenades, artillery) resulting in significant harm to civilians. The counter-offensives launched by Afghan national security forces relied on the use of mortars, rockets, grenades, artillery, and armed helicopters, often resulting in significant numbers of civilian casualties. UNAMA also observed the continued use of Pro-Government armed groups to support regular Afghan national security forces, particularly in the northeastern region. UNAMA observed that the Afghan national security forces caused fewer civilian casualties than Anti-Government Elements when they initiated pre-planned operations, such as *Operation Zulfikar* centred in Sangin district, Helmand province. By contrast, Afghan national security forces caused the majority of civilian casualties during operations to counter Taliban and Anti-Government Elements advances in Kunduz province.

Apparent dissention within and between Anti-Government Element groups, including over the peace process, contributed to the emergence of groups pledging allegiance to the terrorist organization known as 'Daesh'²⁷ (self-identified as Islamic State (IS)) and infighting between Anti-Government Element groups, notably in Nangarhar province. UNAMA also observed that the emergence of groups claiming to be affiliated with Daesh raises serious concerns for the civilian population. UNAMA documented instances of beheading and other executions of civilians by groups associated with Daesh in Nangarhar province. Fighting between rival Anti-Government Element groups, principally between Taliban fighters and those claiming allegiance to Daesh, also resulted in civilian casualties and population displacement. UNAMA is concerned that civilians in those areas are caught between multiple fighting parties and may suffer further as these groups attempt to emulate more extreme tactics employed by Daesh-affiliated groups in other countries.

In this context, UNAMA reinforces its call on all parties to the conflict to take concrete actions to prevent civilian casualties, in compliance with their obligations under international humanitarian law. Anti-Government Elements in particular must stop conducting complex and suicide attacks against civilian targets and conducting attacks in civilian-populated areas. Anti-Government Elements must immediately cease the targeted killing of civilians and stop using illegal, indiscriminate pressure plate IEDs.

All parties, including Afghan national security forces, must take all feasible precautions to prevent civilian casualties in their military operations, and cease the use of heavy and indirect fire weapons in civilian-populated areas. UNAMA once again calls upon all parties to the conflict to ensure accountability for those armed forces and individuals deliberately and indiscriminately killing and injuring civilians.

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

Recommendations

Anti-Government Elements

In compliance with obligations under international humanitarian law:

- Cease the deliberate targeting of civilians and civilian locations, including places of worship and culture, civilian Government offices and aid workers.
- Cease carrying out indiscriminate and disproportionate attacks.
- Cease firing mortars, rockets and grenades from and into civilian-populated

²⁷ Groups affiliated with the Islamic State are referred to by the Arabic acronym "Daesh" in Afghanistan, although in some parts of the country the term is used to refer to any foreign fighter regardless of their allegiance.

areas.

- Cease the use of IEDs, particularly in complex and suicide attacks, in all areas frequented by civilians, and stop using illegal pressure-plate IEDs.
- Apply a definition of 'civilian(s)' that is consistent with international humanitarian law, and comply with the principles of distinction, proportionality and precautions in all military operations.
- Enforce statements by the Taliban leadership that prohibit attacks against civilians and attacks in civilian-populated areas; implement directives ordering Taliban members to prevent and avoid civilian casualties and hold accountable those members who target, kill and injure civilians.
- Uphold statements by the Taliban leadership regarding the human rights of women and girls in areas under Taliban influence; cease attacks and threats against girls' education, teachers, and the education sector in general.
- Ensure that fighters do not use schools, hospitals, clinics, and other protected sites for military purposes.
- Cease attacks, threats, and disruption to polio vaccinators and polio vaccination campaigns.

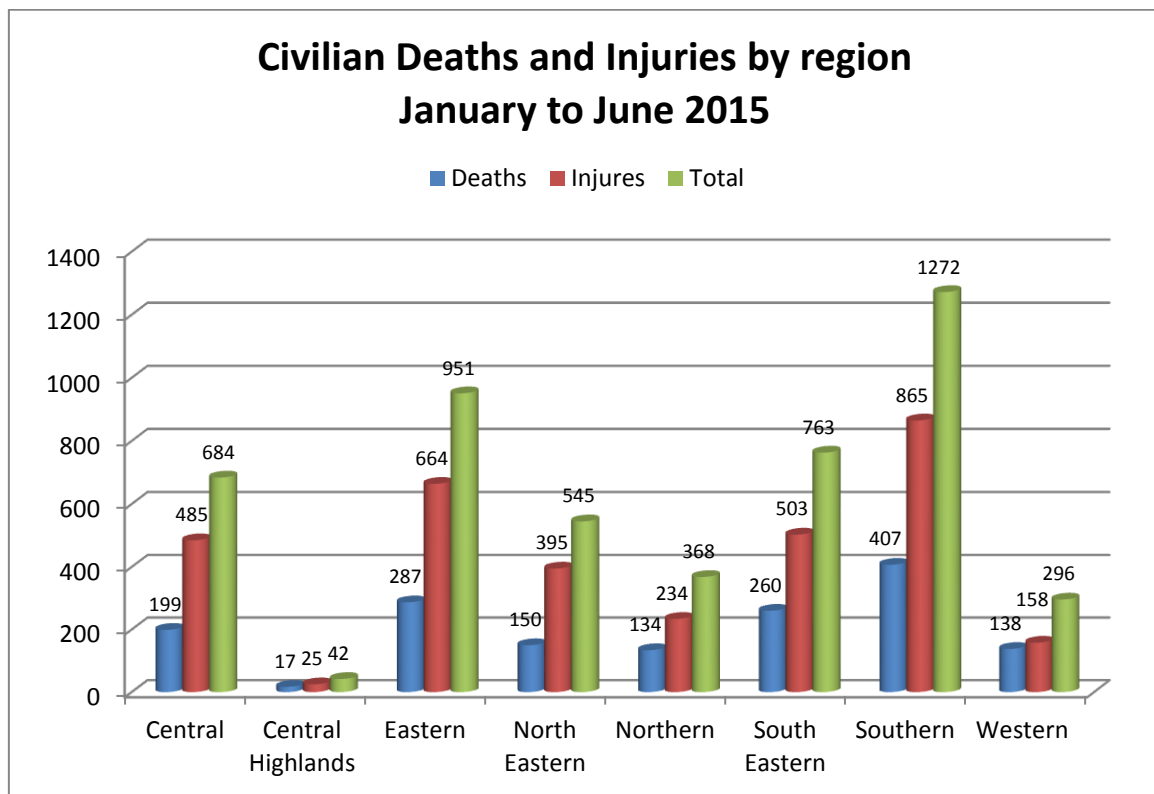
Government of Afghanistan

- Cease firing mortars, rockets and grenades into civilian-populated areas.
- Develop and approve a national policy on civilian casualty mitigation backed by an action plan with concrete objectives to prevent civilian casualties in the conduct of hostilities; enhance efforts to protect civilians from conflict-related harm by developing and implementing clear tactical directives, rules of engagement and other procedures, in particular in relation to the use of mortars, rockets, grenades, artillery, and armed aircraft, and by training and resourcing all Afghan national security forces on civilian protection measures, mitigation, accountability, and compensation for victims.
- Disband and disarm all armed groups and militias, and ensure accountability for those members of armed groups who are found to be responsible for human rights abuses.
- Prioritize the further capacity development of Afghan national security forces to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation. Dedicate all necessary resources to ensure the full implementation of the national counter-IED strategy.
- Develop policies and procedures to ensure the marking and clearance of unexploded ordnance from the battlefield following ground engagements.

- Investigate all allegations of violations of international humanitarian and human rights law and human rights abuses by Afghan national security forces and pro-Government armed groups; prosecute and punish those found responsible as required under Afghan and international law; ensure that victims of violations have effective remedy.
- Review and revise procedures in place for compensation to women and families of civilians killed and injured in conflict-related violence and raise public awareness of procedures to obtain compensation and access to basic services.
- Cease the use of schools, hospitals and clinics for military purposes, and ensure respect for medical facilities in particular as neutral facilities.
- Ensure that all parties respect the right of civilians to access to health services, and in particular ensure that all parties do not impair children's access to polio vaccination and other healthcare.

International Military Forces

- Support the Government of Afghanistan in the development of a national policy on civilian casualty mitigation and support the implementation of an action plan to prevent civilian casualties in the conduct of hostilities.
- Continue support from the NATO-led Resolute Support Mission to Afghan national security forces beyond 2015 at the policy, operational and tactical level, to ensure Afghan forces are sufficiently resourced, trained and equipped in the current operational context, noting in particular the need for appropriate protocols, training, and civilian casualty mitigation measures in relation to use of indirect fire weapons and armed aircraft by Afghan national security forces.
- Continue support to Afghan national security forces to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation, in 2015-17.
- Continue to take steps to ensure that all international military or foreign intelligence and security forces operating in Afghanistan, either independently or in support to Afghan national security forces, take all necessary measures to protect civilians during ground and aerial operations.
- Continue to ensure transparent post-operation reviews and investigations following allegations of civilian casualties on operations involving international security or intelligence forces, especially regarding UAV strikes; continue to take appropriate steps to ensure accountability, compensation and better operational practice.



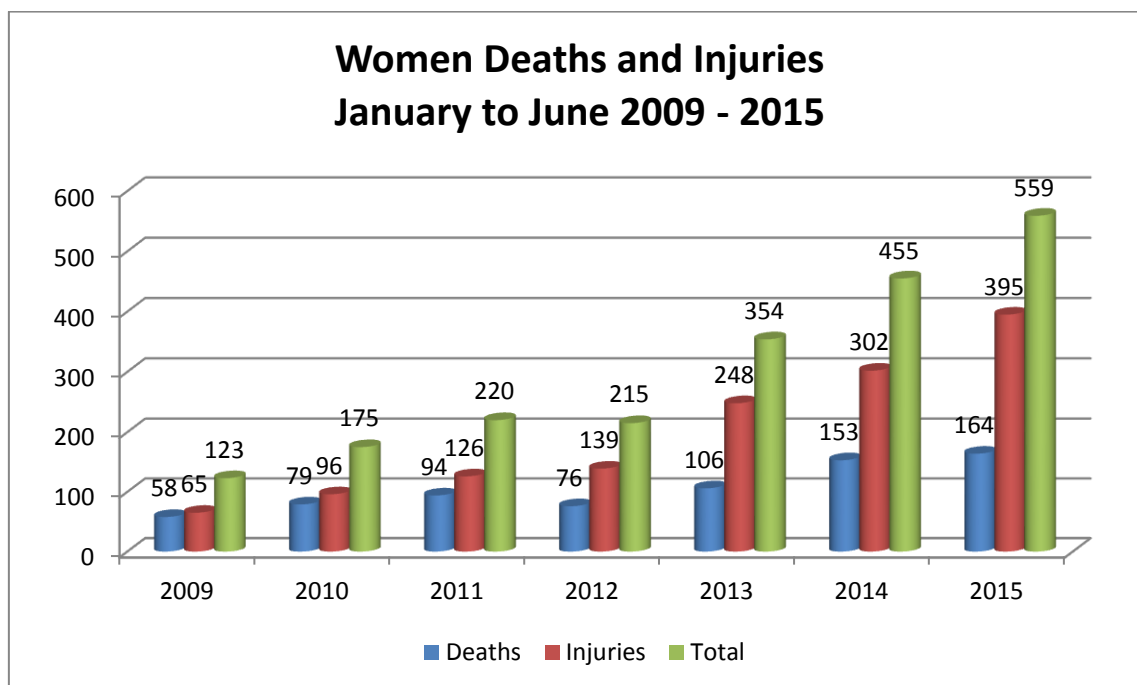
I. Human Rights Protection in Conflict Areas

Women and the Armed Conflict

“On that day, I was photographing during a tailoring course for women. I was standing by the door and took one photo. Just before I took the second, a huge blast tore the camera from my hands and knocked me to the floor. After a few minutes, I stood back up and checked myself – shrapnel and glass hit me on my head, hands, and feet, but I was okay. I saw a woman trapped under a big door and so many other women wounded and bleeding. It was the most painful thing I have ever seen.”²⁸

-- Employee of the Department of Women’s Affairs injured in a suicide vehicle borne-IED attack on the Provincial Council Office in Qalat, Zabul province, on 25 May 2015, that injured 79 civilians, including 30 women.

Between 1 January and 30 June 2015, UNAMA documented 559 women casualties (164 deaths and 395 injured), a 23 per cent increase compared to the first six months of 2014.²⁹ This increase follows trends documented in UNAMA’s Protection of Civilians in Armed Conflict 2014 Mid-year and Annual reports highlighting the rising impact of the conflict on women. In the first six months of 2015, 11 per cent of all casualties of the armed conflict were women, compared to nine per cent in the first six months of 2014. On average, more than 21 women were killed or injured in conflict-related violence each week so far in 2015.



²⁸ UNAMA telephone interview, 14 June 2015.

²⁹ Between 1 January and 30 June 2014, UNAMA documented 455 women casualties (153 deaths and 302 injured).

Ground engagements continued to cause the most women casualties. Between 1 January and 30 June 2015, UNAMA documented 273 women casualties (68 deaths and 205 injured) as a result of ground engagements, a five per cent increase compared to the same period in 2014.³⁰ Ground engagements caused just under half (49 per cent) of the total women casualties. The majority of these incidents involved women caught in cross-fire or stray munitions - particularly mortars³¹ - impacting their homes.

Complex and suicide attacks became the second leading cause of women casualties in the first six months of 2015, leading to 116 women casualties (19 deaths and 97 injured), tripling the number of women killed or injured by such tactics compared to the first six months of 2014.³² Suicide attacks targeting civilian locations had a particularly harmful impact on women and their families. For example, on 19 May, Taliban conducted a suicide attack against the Ministry of Justice in Kabul city, killing three women – all prosecutors – and injuring four women. Although the loss of any civilian life is terrible, the killing of women judicial authorities extends far beyond the immediate deaths and injuries. Indeed, women prosecutors – who represent only a small fraction of staff members in the justice sector – set an empowering example for girls and women [by achieving high academic and professional standing] and can contribute to the advancement of the rights of women and girls.

“My sister dedicated her life to law. Our father supported her decision to specialize in law and focus on her career. She worked for 20 years as a prosecutor, enduring regular threats and insults. This never discouraged her because she loved her job and believed in justice. My own son thought of her as a mother. She supported his entire family.

On that day, one of her colleagues called and told me I should contact her to make sure she was okay. There had been an attack on a shuttle bus for staff of the Attorney General’s Office. I called over and over, but she did not pick up. When I arrived at the hospital where they took most of the victims they told me she was dead. Someone brought me to the emergency unit where I saw her body. My sister was 47 years old.”³³

-- Brother of a victim of a suicide attack against a shuttle bus of the Attorney General’s Office on 10 May 2015 that killed five civilians and injured 10 others in Kabul city. The Taliban claimed responsibility for the attack.³⁴

Improvised explosive devices (IEDs) caused 101 women casualties (54 deaths and 47 injured), a 10 per cent decrease compared to the first six months of 2014.³⁵ It should be noted that this decrease is significantly lower than the 21 per cent decrease in total

³⁰ Between 1 January and 30 June 2014, UNAMA documented 261 women casualties (65 deaths and 196 injured) as a result of ground engagements.

³¹ Between 1 January and 30 June 2015, 66 per cent (181 casualties, 42 deaths and 139 injured) of women casualties resulting of ground engagements occurred in mortar, rocket and grenade incidents.

³² Between 1 January and 30 June 2014, UNAMA documented 29 women casualties (13 deaths and 16 injured) as a result of suicide and complex attacks.

³³ UNAMA interview with the brother of a victim of a suicide attack, 19 May 2015, Kabul city.

³⁴ See, Taliban Operations Reporting for 10 May 2015, at <http://justpaste.it/l1tg>, last accessed 15 July 2015.

³⁵ Between 1 January and 30 June 2014, UNAMA documented 112 women casualties (47 deaths and 65 injured) as a result of IEDs.

civilian casualties caused by IEDs documented by UNAMA (see chapter on Improvised Explosive Devices).

For example, in one incident on 20 June, a tractor carrying three families struck a pressure-plate IED in Marjah district, Helmand province. The families/victims were returning to their village which they had fled following a ground engagement between Anti-Government Elements and Afghan security forces. The detonation killed 16 civilians, including 11 women, three children, and two men, and injured seven, including four children and three men.

Anti-Government Elements caused more than half of all women's deaths and injuries (61 per cent), with Pro-Government Forces causing 26 per cent of all women casualties. The remaining casualties among women resulted from cross-fire incidents between Pro-Government Forces and Anti-Government Elements where UNAMA could not attribute responsibility to one party (11 per cent), cross-border shelling incidents (one per cent) and incidents with an unknown perpetrator (one per cent), mostly explosive remnants of war).

Women civilian casualties attributed to Pro-Government Forces increased by 71 per cent in 2015,³⁶ mostly due to the use of mortars in civilian-populated areas. For example, on 25 March, during a ground engagement between Afghan security forces and Anti-Government Elements in Charkh district, Logar province, ANA fired a mortar that hit a civilian home, injuring eight civilians, including three women, two girls, and three boys.

The increasing number of women casualties of the armed conflict reinforces the critical need for Afghan national security forces and Anti-Government Elements alike to ensure all precautions are taken to avoid civilian casualties, including in their use of indirect fire and other tactics involving explosive devices in civilian-populated areas.

Beyond the increasingly direct impact of the conflict on women, UNAMA recalls that women who are left as sole income-providers for their households after their husbands have been killed or injured in the conflict suffer long-term negative social and economic consequences and are particularly vulnerable to other forms of violence and abuse.³⁷ UNAMA reiterates the need for relevant Government institutions to take urgent action to meet the basic needs of women and children widowed by conflict-related violence.

³⁶ Between 1 January and 30 June 2014, Pro-Government Forces were responsible for 86 women casualties (30 deaths and 56 injured). Between 1 January and 30 June 2015, they caused 147 women casualties (31 deaths and 116 injured).

³⁷ See, UNAMA 2014 Annual Report on Protection of Civilians in Armed Conflict, pages 14-16.

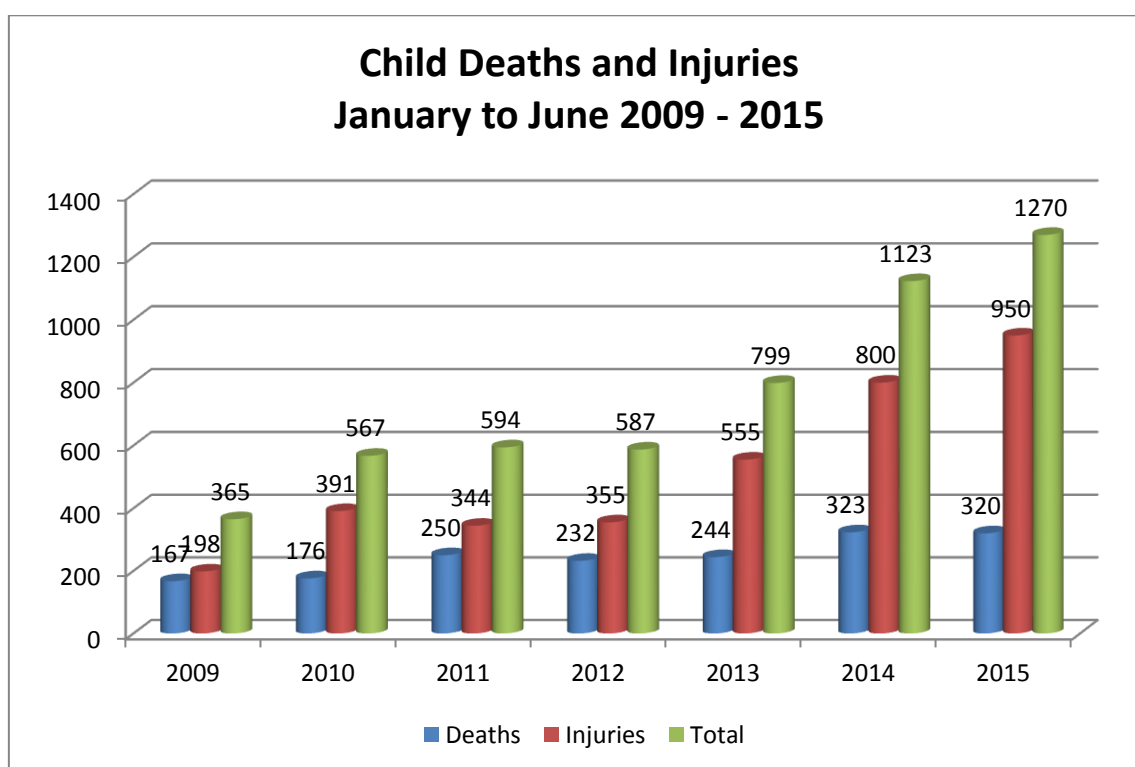
Children and Armed Conflict

"My family was invited to our cousin's wedding in another village. I was outside, playing with ten other children when three mortars landed in the area. One exploded very close to us. It was heavy and the sound was strong. I don't know what happened after that. When I woke up, I was in Ghazni hospital with some of the other boys."³⁸

-- An eight-year-old boy injured by an ANA mortar fired during a counter-insurgency operation in Ghazni district, Ghazni province, on 5 June 2015. The mortar attack killed eight boys and injured 10 civilians, including nine boys.

Killing and Maiming

In the first six months of 2015, the armed conflict resulted in increased harm to children. Between 1 January and 30 June, UNAMA documented 1,270 child casualties (320 deaths and 950 injured) resulting from conflict-related violence, a 13 per cent increase compared to the first six months of 2014³⁹. One in four civilian casualties of the conflict is a child.



³⁸ UNAMA interview with the victim, Kabul city, Kabul province, 8 June 2015

³⁹ Between 1 January and 30 June 2014, UNAMA documented 1123 children casualties (323 deaths and 800 injured).

Despite the overall decrease in civilian casualties resulting from ground engagements, child casualties from ground engagements increased by 17 per cent,⁴⁰ with UNAMA recording 637 child casualties (136 deaths and 501 injured). Ground engagements thus remained the leading cause of child casualties, accounting for half of the total child casualties (50 per cent).

UNAMA documented 251 child casualties (83 deaths and 168 injured) from IEDs in the first six months of 2015, an 11 per cent decrease compared to the same period in 2014.⁴¹ Yet IEDs remained the second most frequent cause of child casualties, accounting for 20 per cent of all children killed and maimed during the first half of 2015.

Explosive remnants of war (ERW) left behind from both previous and current conflicts continued to cause serious harm to children. ERW poses a particular risk to children due to their lack of understanding about the dangers of unexploded ordnance, children's innate curiosity and also because of poverty. Indeed UNAMA continued to document instances of children collecting scrap metal (which can be sold) and accidentally detonating UXO, with devastating consequences.

ERW caused 173 child casualties (39 deaths and 134 injured), a seven per cent increase from the same period in 2014.⁴² In the first six months of 2015, ERW killed an average of one child and injured five more every week in Afghanistan. ERW were the third leading cause of child casualties - after ground engagements and IEDs - with 14 per cent of the total.

Suicide and complex attacks in the first six months of 2015 killed and maimed more than twice as many children compared to the same period in 2014. UNAMA documented 96 child casualties (18 deaths and 78 injured) as a result of such attacks, a 140 per cent increase compared to the same period in 2014.⁴³

UNAMA also documented slight increases in children's casualties from abductions, targeted killings and aerial operations.

Explosive Remnants of War (ERW)

In the first six months of 2015, UNAMA documented 95 separate incidents of Explosive Remnants of War (ERW)⁴⁴ detonation resulting in 208 civilian casualties (47 deaths and 161 injured), a one per cent decrease⁴⁵ compared to the same period in 2014.⁴⁶ Of the

⁴⁰ Between 1 January and 30 June 2014, UNAMA documented 545 children casualties (123 deaths and 422 injured) as a result of ground engagements.

⁴¹ Between 1 January and 30 June 2014, UNAMA documented 282 children casualties (91 deaths and 191 injured) as a result of IEDs.

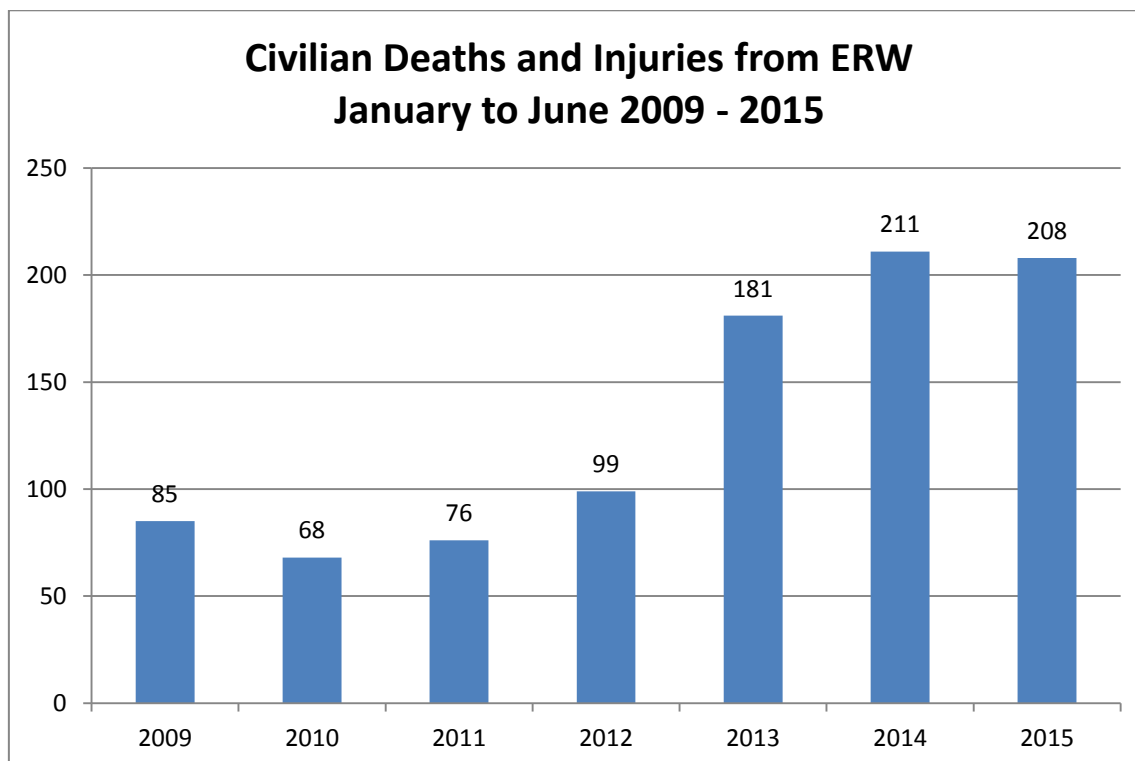
⁴² Between 1 January and 30 June 2014, UNAMA documented 161 children casualties (53 deaths and 108 injured) as a result of ERW.

⁴³ Between 1 January and 30 June 2014, UNAMA documented 40 children casualties (14 deaths and 26 injured) as a result of suicide and complex attacks.

⁴⁴ Explosive Remnants of War (ERW) refers to unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

⁴⁵ UNAMA and the Mine Action Coordination Centre of Afghanistan (MACCA) observed a reduction in civilian casualties resulting from the removal of ERW found at high explosive training ranges (HETR) utilized

208 civilian casualties from ERW, 173 – or 83 per cent – were children. After ground engagements and IEDs, ERW killed and injured more children than any other type of incident (see previous section – Children and Armed Conflict for further details).



Regarding the protection of civilians from conflict-related harm, UNAMA is particularly concerned with the especially harsh impact of ERW upon children. In almost half of the incidents documented, children detonated ERW after finding and playing with these devices.

The risk of killing and maiming from ERW remains in those communities where fighting has taken place involving weapons that produce UXO⁴⁷ and where parties to the conflict have failed to mark or clear unexploded ordnance from the battlefield. Children and adults also became casualties from ERW when collecting scrap metal, tending to livestock, or when engaged in farming activities.

Despite the overall decrease in civilian casualties caused by ERW in the first six months of 2015, child casualties from ERW still increased by seven per cent compared to the same period in 2014. For example, on 24 April, two boys tending cattle found an ERW in

by Coalition Forces and Afghan security forces. MACCA statistics demonstrate a trend of reduction, documenting 50 civilian casualties from high explosive ranges in 2013, 19 in 2014 to two during the first six months of 2015.

⁴⁶ Between 1 January and 30 June 2014, UNAMA documented 211 civilian casualties (71 deaths and 140 injured).

⁴⁷ Weapons system which produce dud ordnance include mortars, rockets, grenades, air-dropped munitions and other manufactured ordnance frequently used across Afghanistan

Hazrat Sultan district, Samangan province, and put the device into a fire. The ERW detonated, killing both boys. In another incident, on 7 January, a group of children found a UXO in Shah Wali Kot district, Kandahar province. It detonated as they were playing with it, injuring 10 boys, aged six to 17.

Ground Engagements and Rising Civilian Casualties from ERW

The UNAMA Protection of Civilians in Armed Conflict 2013 and 2014 Mid-year and Annual reports highlighted the correlation between the increase in ground engagements and the rising civilian casualties from ERW. In discussions with Afghan national security forces, officials did not identify procedures or protocols to record and mark locations of possible ERW resulting from ANSF operations involving weapons systems that may produce UXO.⁴⁸

In order to prevent further civilian casualties from ERW, UNAMA urges the Government of Afghanistan to develop appropriate policies and procedures that require security forces to ensure marking and clearance of ERW from battlefields.

Protocol V Explosive Remnants of War to the Convention on Certain Conventional Weapons

Given the continuing civilian casualties caused by UXO, child casualties in particular, UNAMA reiterates its recommendation that Afghanistan become a State party to *Protocol V on Explosive Remnants of War to the 1980 Convention on Certain Conventional Weapons*.⁴⁹ This Protocol recognizes the severe humanitarian consequences of ERW and directs measures to minimize the occurrence, effects and risks of explosive remnants of war.

By becoming a party to Protocol V, State parties assume the obligation to mark and clear, remove or destroy ERW in affected territories under their control, in order to protect civilians from the threat posed by ERW against their physical security and well-being. State parties to Protocol V are obliged to record and retain information on the use of explosive remnants of war, and to cooperate among themselves and with other States and organizations in the clearance, removal or destruction of explosive remnants of war.

Conflict-Related Violence Threatens a Polio-free⁵⁰ Future for Afghan Children

In the first half of 2015, the United Nations Country Task Force on Monitoring and Reporting documented 16 incidents targeting polio vaccination campaigns and workers.

⁴⁸ Meeting with Ministry of Defense officials in Kabul, 12 May and 4 June 2015.

⁴⁹ *Protocol on Explosive Remnants of War* (Protocol V to the 1980 Convention on Certain Conventional Weapons), 28 November 2003. Available at: [http://www.onug.ch/80256EE600585943/\(httpPages\)/C7DDB8CCD5DD3BB7C12571D8004247FA?OpenDocument](http://www.onug.ch/80256EE600585943/(httpPages)/C7DDB8CCD5DD3BB7C12571D8004247FA?OpenDocument) last accessed 18 July 2015.

⁵⁰ Polio (poliomyelitis) is a highly infectious, viral disease that attacks the nervous system. Frequently, its victims display no symptoms, but about one in 200 infected children suffers from paralysis and sometimes death. Anyone can contract the disease, but children under five years of age are the most vulnerable. Timely immunization with the oral polio vaccine is the most effective way to prevent infection." UNICEF, *Eradicating polio*, available at: <http://www.unicef.org/immunization/polio/> last accessed 19 July 2015.

Seven incidents involved denials of access for polio workers to areas under the influence of Anti-Government Elements. In four incidents, Anti-Government Elements attacked and killed or injured polio workers. Three incidents involved abductions of polio workers and two incidents involved threats and intimidation.

Most of these incidents occurred in the eastern region, with the southern region being second in the number of incidents. Southeastern and western regions also witnesses incidents against polio campaigns. Anti-Government Elements⁵¹ caused 13 out of the 16 incidents. In two incidents, UNAMA could not identify the perpetrator, while the ANA caused one incident.

Although in the past the Taliban issued public statements in support of polio vaccination campaigns with certain caveats,⁵² UNAMA observed that certain Taliban commanders, as well as other Anti-Government Elements, operating in Kunar and Nangarhar provinces (eastern Afghanistan), obstructed polio vaccination efforts. In the southern region, Anti-Government Elements imposed bans on polio vaccination campaigns in Helmand province twice: for eight months between January and August 2014 and again for two months between December 2014 and January 2015. UNAMA is particularly concerned that the current ban on vaccinations in Kandahar province began in May 2015 in parts of the province and expanded to the entire province in June 2015 remains in effect as of the writing of this report, and the province remains a main reservoir of the polio virus in Afghanistan. All bans by Anti-Government Elements have been imposed for political reasons unrelated to the polio program. During the last polio vaccination campaign in June, only half of children in the southern region were vaccinated due to restrictions and bans imposed by Anti-Government Elements.

In some instances, local elders and humanitarian organizations managed to persuade Anti-Government Elements to allow vaccination campaigns to proceed in the territory they controlled. However, such negotiations caused unnecessary delays and obstructed the ability of polio workers to unconditionally access to the civilian population.

The United Nations Country Task Force on Monitoring and Reporting noted severe consequences resulting from the decision and actions of Anti-Government Elements, in particular the Taliban, to implement polio vaccination bans. According to UNICEF's estimations, as of the end of June in 2015, at least 491,832 Afghan children have missed

⁵¹ Seven incidents were caused by the Taliban, four by undetermined Anti-Government Elements and two by groups claiming to be affiliated with the so-called Islamic State.

⁵² See UNAMA 2013 Annual Report on Protection of Civilians in Armed Conflict, at pages 63-64, and footnote 268, "The Taliban issued a statement on 13 May 2013 declaring their support of polio vaccination campaigns, if such campaigns were led by Afghan personnel, and conducted in harmony with Islamic values. Taliban statement: "Declaration of the Islamic Emirate of Afghanistan regarding the Polio Vaccination," 13 May 2013, at

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

their polio vaccination as a result of direct attacks, anti-vaccination bans imposed by Anti-Government Elements and general insecurity in the country.⁵³

The following are only a few examples of incidents against polio workers and campaigns:

- On 15 June, the Taliban stopped a vehicle in Pul-e Alam district, Logar province, and shot and killed a polio vaccinator who on his way to work.
- On 16 April, the Taliban raided the house of a polio vaccinator in Panjwai district of Kandahar province. They assaulted and injured the vaccinator, who had been previously threatened repeatedly to quit his job.
- On 23 April, a polio worker was abducted on his way to a clinic and kept in captivity until 28 April in a Taliban-controlled area of Chaghcharan district, in Ghor province. He was released after the mediation of tribal elders.
- On 15 March, ANA shot and killed a polio worker after he left a house in Ghazni city, Ghazni province, where he had vaccinated children. Allegedly, the ANA thought that the vaccinator was an Anti-Government Element. No ANA member has been held accountable for the incident.

UNAMA strongly condemns attacks against polio workers and attempts to forcibly stop polio vaccination campaigns. These bans and attacks not only put the life and physical integrity of committed humanitarian workers at risk, but result in the denial of access for hundreds of thousands of children to a vaccine that is crucial for their survival and healthy development.

UNAMA reminds that the Government of Afghanistan is obliged to ensure that all persons on its territory have access to health-related services⁵⁴ and that third parties do not obstruct such access.

It should be noted that Afghanistan is one of three countries in the world where since 2012 has been polio-endemic.⁵⁵ So far in 2015, only Pakistan and Afghanistan have recorded the active transmission of the polio virus.⁵⁶

Conflict-Related Displacement of Civilians: Internally Displaced Persons (IDPs)

As of 16 July 2015, the total number of IDPs in Afghanistan was estimated to exceed 945,600. Afghanistan's Task Force on Internally Displaced Persons recorded approximately 103,000 civilians displaced by the armed conflict in the first six months of 2015.⁵⁷ This represents a 43 per cent increase compared to the first six months of 2014,

⁵³ Email exchange and discussions between UNICEF Afghanistan and UNAMA, July 2015.

⁵⁴ Committee on Economic, Social and Cultural Rights, *General Comment 14 on the right to the highest attainable standard of health*, paragraph 35, available at: <http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx> last accessed 19 July 2015.

⁵⁵ Nigeria and Pakistan are the other countries affected.

⁵⁶ Email exchange between UNICEF Afghanistan and UNAMA, July 2015.

⁵⁷ The IDP Task Force is co-chaired by UNCHR and the Afghan Ministry of Refugees and Repatriation. It constitutes the primary mechanism through which conflict-related IDPs are profiled and provided with

when the conflict displaced 71,800 persons.⁵⁸ The most commonly reported causes of displacement continued to be ground engagements between Pro-Government Forces and Anti-Government Elements (including both large-scale operations and sporadic low-level clashes) in the vicinity of civilian communities, intimidation and threats by Anti-Government Elements, and conflicts between armed groups.

IDP movements remained largely localized, with IDPs moving from rural areas to district centres or provincial capitals or to nearby provinces within the same region.

Following the Anti-Government Elements offensives in Kunduz and Badakhshan provinces and counter-offensives launched by the Afghan national security forces, Afghanistan's north eastern region saw the highest levels of displacement in the first six months of 2015. In the southern region, Afghan national security forces' Operation Zulfiqar, centred on Sangin district in northern Helmand, also caused large-scale displacement. Humanitarian actors further reported significant displacement had taken place in non-accessible areas in Kunduz, Badakhshan and Helmand provinces.⁵⁹

Faryab province in the northern region continued to record significant levels of conflict-related displacement due to the activities of pro-Government armed groups in the first half of 2015. In the central, eastern, and southern regions displacement occurred continuously as a result of localised clashes and targeted attacks, especially in Kapisa, Maidan Wardak, Kabul, Kunar, Nangarhar, Helmand and Kandahar provinces.⁶⁰

Cross-Border Engagement

Between 1 January and 30 June 2015, UNAMA documented three incidents of cross-border shelling from Pakistan into Afghanistan that caused 15 civilian casualties (six deaths and nine injured), a 61 per cent reduction compared to the same period in 2014.⁶¹

UNAMA documented civilian casualties from cross border shelling in Kunar, Khost and Nangarhar provinces. For example, on 26 March, the Pakistani military fired 15 mortar rounds into Tere Zayi district, Khost province, impacting three civilian homes, killing three civilians (two women and one girl) and injuring eight, including two women and three children.

UNAMA documented two other incidents in Dangam district, Kunar province that did not harm civilians but destroyed livestock and civilian property.

assistance. The most recent figures available at the time of this report cover the period 1 January to 30 June 2015.

⁵⁸ Figures provided by UNHCR, chair of IDP Task Force. Information received by email 21 July 2015.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Between 1 January and 30 June 2014, UNAMA documented 38 civilian casualties (three deaths and 35 injured) as a result of cross-border shelling from Pakistan into Afghanistan, all in Kunar province.

II. Ground Engagements⁶² between Parties to the Conflict: Civilians Caught in Crossfire

Civilian Casualties from Ground Engagements: Main Trends in 2015

In the first six months of 2015, ground engagements caused 1,577 civilian casualties (379 deaths and 1,198 injured), 366 fewer civilian casualties than in the same period in 2014, resulting in a 19 per cent decrease.⁶³ UNAMA notes with concern that in the first six months of 2015, Pro-Government Forces and Anti-Government Elements have caused an approximately equal number of civilian casualties during ground engagements.

UNAMA notes that, during the first six months of 2014, ground engagements initiated by Anti-Government Elements targeting Independent Election Commission convoys, polling centres, and electoral candidates and their supporters during the election period caused 380 civilian casualties (74 deaths and 306 injured), with the majority of the casualties occurring on 5 April 2014⁶⁴ and 14 June 2014⁶⁵. The decrease in civilian casualties from ground engagements documented in the first six months of 2015 may be partially attributed to the completion of the elections in 2014 and absence of attacks targeting the electoral process. In the first six months of 2014, Anti-Government Elements had actively and deliberately targeted the electoral process.

Despite the decrease in civilian casualties, ground fighting between Anti-Government Elements and Pro-Government Forces remained the leading cause of civilian casualties, causing 32 per cent of all civilian deaths and injuries. Civilians continued to be caught in the crossfire between Anti-Government Elements and Pro-Government Forces during fighting in and around civilian populated areas. As previously noted, women and children accounted for more than half of the civilian casualties from ground engagements.

UNAMA attributed⁶⁶ 37 per cent of all civilian casualties from ground engagements to Pro-Government Forces, 32 per cent to Anti-Government Elements and 30 per cent to ground engagements between Anti-Government Elements and Pro-Government Forces in which civilian deaths and injuries – mainly crossfire – could not be attributed to a specific party. The remaining civilian casualties from ground engagements resulted from cross-border engagement.

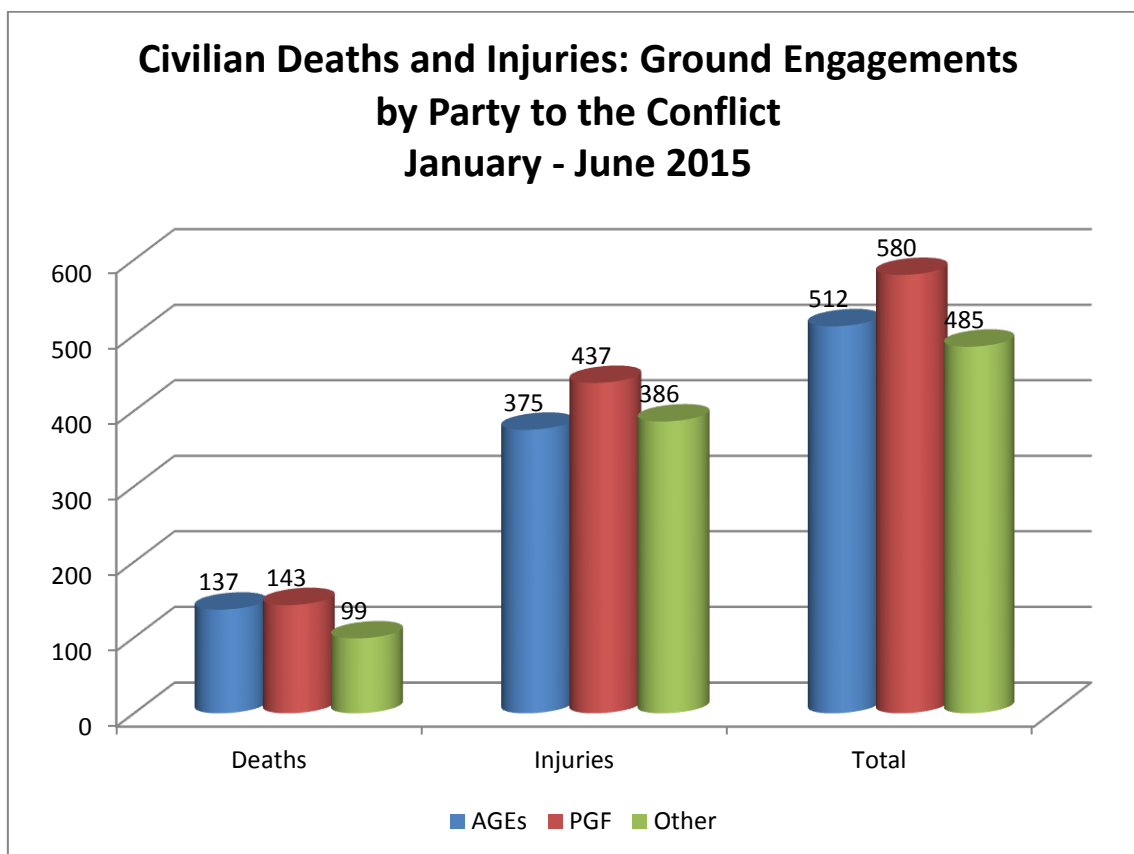
⁶² Ground engagements include kinetic ground operations, stand-off attacks, crossfire and armed clashes between parties to the conflict encompassing attacks or operations in which small arms, heavy weapons and/or area weapons systems, i.e. mortars and rockets are fired.

⁶³ Between 1 January and 30 June 2014, UNAMA documented 1,943 civilian casualties (536 deaths and 1,407 injured) from ground engagements.

⁶⁴ Polling day for Presidential and Provincial Council Elections

⁶⁵ Run-off Presidential elections

⁶⁶ To verify attribution of a specific party for civilian deaths and injuries resulting from ground engagements, UNAMA used its three-source type verification procedure for incidents of civilian casualties. In cases where attribution was not possible – in particular cross-fire – UNAMA attributed the civilian casualty to both Pro-Government Forces and Anti-Government Elements in a separate category for cross-fire incidents attributed to 'Anti-Government Elements/Pro-Government Forces.'

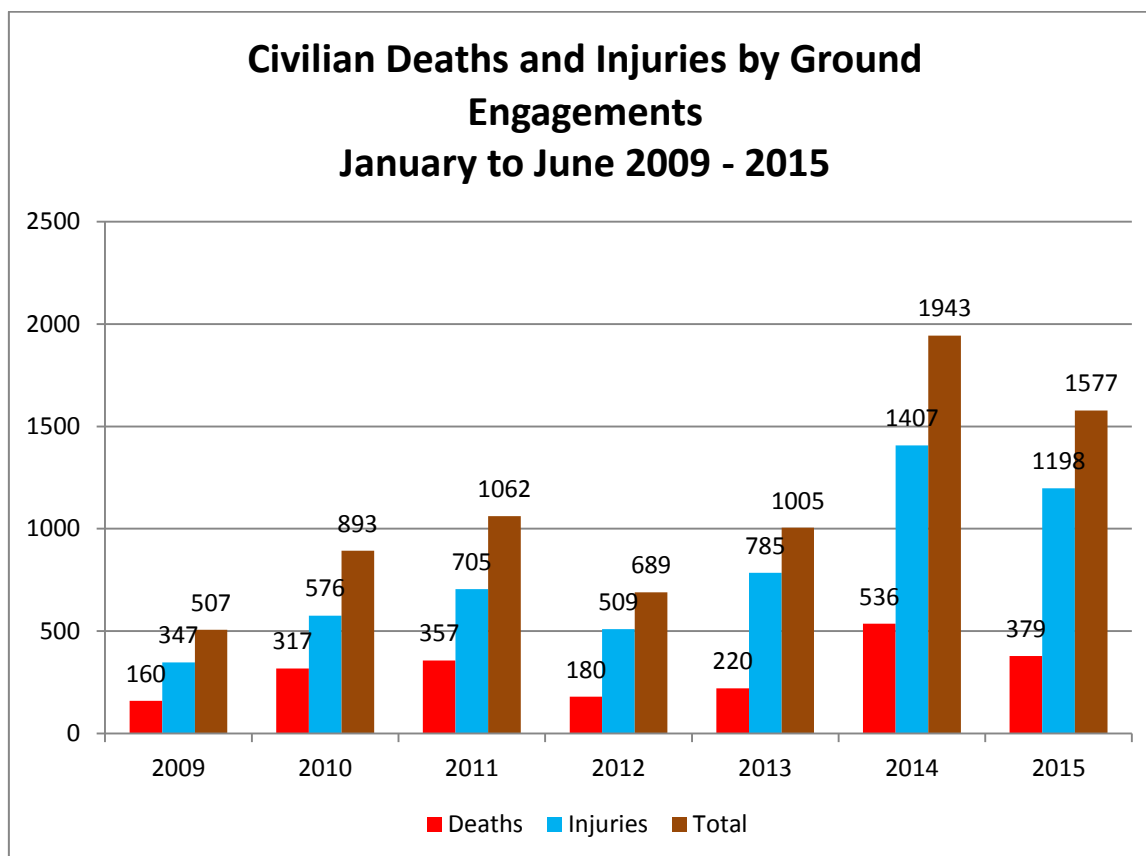


Following trends documented by UNAMA in 2014, in the first six months of 2015, UNAMA observed a significant increase in civilian casualties from ground engagements resulting from operations and attacks carried out by Pro-Government Forces. UNAMA attributed 580 civilian casualties (143 deaths and 437 injured) to Pro-Government Forces during ground engagements between 1 January and 30 June 2015, an 85 per cent increase from the same period in 2014.⁶⁷ The increase may be attributed to the increase in ground operations conducted by Afghan national security forces in 2015 to support the process of government formation and counter attacks launched by Anti-Government Elements.

Between 1 January and 30 June 2015, UNAMA attributed 512 civilian casualties (137 deaths and 375 injured) to Anti-Government Elements during their ground operations and attacks, a 46 per cent decrease compared to the same period in 2014.⁶⁸ The decrease largely results from the completion of the electoral process as noted above, but is also linked to an overall decrease in civilian deaths and injuries from mortars, rockets, and grenades by Anti-Government Elements during ground engagements.

⁶⁷ Between 1 January and 30 June 2014, UNAMA attributed 313 civilian casualties (107 deaths and 206 injured) to Pro-Government Forces as a result of ground engagements.

⁶⁸ Between 1 January and 30 June 2014, UNAMA attributed 940 civilian casualties (252 deaths and 688 injured) to Anti-Government Elements in ground engagements.



Increasing Women and Child Casualties from Ground Engagements

Following trends documented in the UNAMA *2014 Annual Report on Protection of Civilians in Armed Conflict*, ground engagements increasingly killed and injured women and children, with UNAMA recording more women and child casualties from ground engagements than in any previous six-month period. Such casualties resulted mostly from mortar rounds or other munitions impacting homes or through crossfire.

Ground engagements caused more women casualties than any other tactic (273 women casualties, comprising 68 deaths and 205 injured), a five per cent increase from the same period in 2014⁶⁹ - and accounted for 49 per cent of all civilian women casualties.

More than any other tactic, ground engagements once again caused the most child casualties (637 child casualties including 136 deaths and 501 injured), a 17 per cent increase from the first six months of 2014,⁷⁰ and amounting to 50 per cent of children civilian casualties in the first six months of 2015.

⁶⁹ Between 1 January and 30 June 2014, UNAMA documented 261 women casualties (65 deaths and 196 injured) from ground engagements.

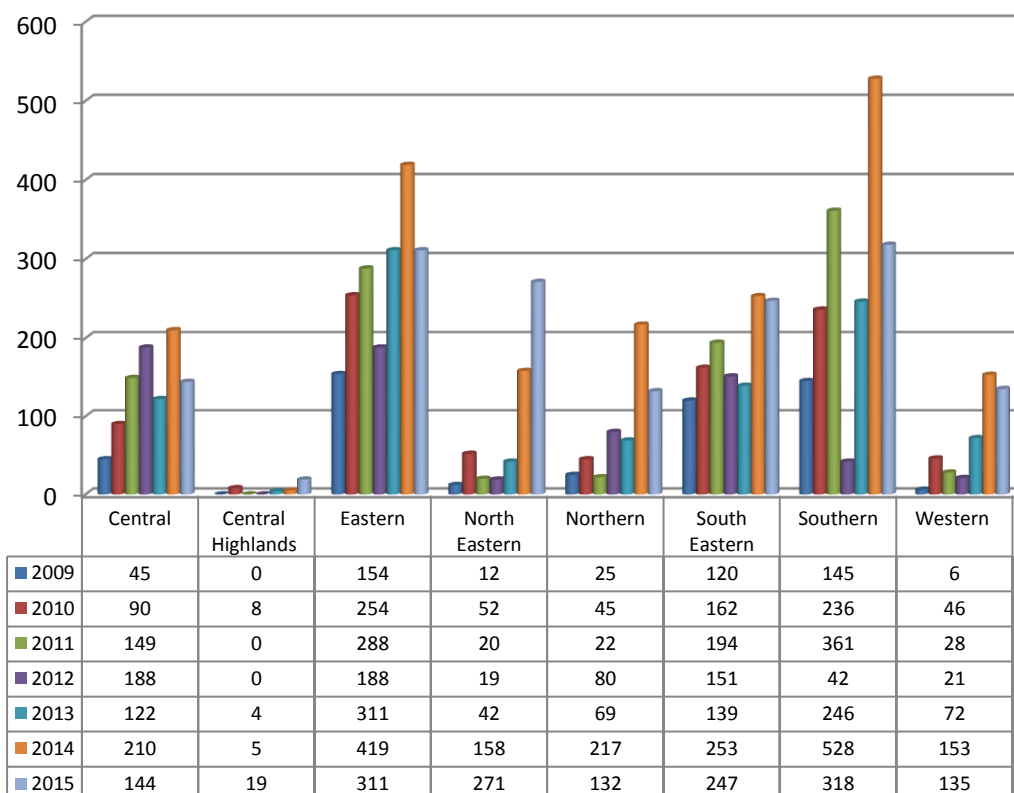
⁷⁰ Between 1 January and 30 June 2014, UNAMA documented 545 children casualties (123 deaths and 422 injured) from ground engagements.

Regional Breakdown of Civilian Casualties from Ground Engagements: 2009 through 2015

The southern region experienced the highest number of civilian casualties from ground engagements with 318 civilian casualties (62 deaths and 256 injured), followed by the eastern region with 311 civilian casualties (64 deaths and 247 injured), and the northeastern region with 271 civilian casualties (71 deaths and 200 injured).

Following a breakdown by province, UNAMA recorded the highest number of civilian casualties from ground engagements in Kunduz province, in the northeast region, with 214 civilian casualties (52 deaths and 162 injured), followed by Nangarhar province, eastern region, with 150 civilian casualties (30 deaths and 120 injured), Ghazni province, south-eastern region, with 144 civilian casualties (38 deaths and 106 injured), and Helmand province, southern region, with 136 civilian casualties (28 deaths and 108 injured).

Civilian Deaths and Injuries: Ground Engagements by region January to June 2009 - 2015



The high number of civilian casualties killed and injured during ground engagements in Kunduz province in particular resulted from the Taliban offensive beginning in April 2015 and the subsequent Afghan security forces counter-offensive.

Taliban Offensive in Kunduz Province: April to June 2015

Between 24 April and 13 May and again between 20 and 30 June, the Taliban and Pro-Government Forces engaged in heavy fighting in Kunduz province after Taliban fighters launched an offensive to advance toward Kunduz city, the provincial capital. Throughout the offensives in Kunduz, UNAMA documented fighting in and near civilian population centres, including the use of mortars and other indirect weapons by Afghan security forces, aerial attacks by ANA, the planting of pressure plate-IEDs by Anti-Government Elements, as well as damage to civilian infrastructure and schools by all parties to the conflict.

Fighting in civilian populated area, with both sides using indirect and indiscriminate weapons systems had serious consequences for civilians: UNAMA documented 176 civilian casualties (36 deaths and 140 injured) during these two periods of fighting. In addition, the fighting in Kunduz displaced approximately 30,000 individuals.

Pro-Government Forces caused 64 per cent of civilian casualties (113 civilian casualties, 24 deaths and 89 injured) and Anti-Government Elements caused 21 per cent of casualties (36 civilian casualties, eight deaths and 28 injured), while UNAMA attributed 15 per cent (27 civilian casualties, four deaths and 23 injured) to crossfire.

The majority of civilian casualties attributed to Pro-Government Forces resulted from the use of indirect weapons systems⁷¹, mainly mortars, rockets, and grenades. UNAMA reiterates past calls for all parties to the conflict to cease using indirect weapons in civilian-populated areas.

Afghan security forces occupied at least four school buildings in Kunduz city and one in Imam Saheb district for military purposes during this period. UNAMA confirmed that fighting damaged at least two schools. The school occupations denied children access to education for periods between 15 and 20 days, and at least one school remained occupied in Kunduz city at the time of writing this report. The use of schools as military installations by parties to the conflict and the long-term effects of war damage to such institutions severely affect the right of Afghan children to education. UNAMA calls on parties to the conflict to cease the use of schools, clinics, and other civilian locations for military purposes.

UNAMA observed that between 1 January and 15 June 2015, pressure-plate IEDs did not cause any civilian deaths or injuries in Kunduz province in 2015. Between 15 and 30 June - following the ground fighting – UNAMA documented six civilian casualties (two

⁷¹ Indirect fire weapons, such as mortars, rockets and grenades are high explosive weapons systems which fire projectiles to a location without a direct line of visibility to the target. Mortars cannot be guided to hit a specific target and have a wide-area of impact; when used in civilian-populated areas the risk of civilian casualties is very high.

deaths and four injured) from pressure-plate IEDs, planted by Anti-Government Elements to inhibit the movement of Pro-Government Forces.

Afghan National Security Forces: Civilian Casualties from Ground Engagements

*"Please don't tell her that her mother is dead."*⁷²

-- Relative of a 10-year-old girl gravely injured by an ANA mortar that hit her house, in Lija Ahmad Khel district, Paktya province, on 12 April 2015. The incident killed one woman and one child and injured eight children.

In the first six months of 2015, Pro-Government Forces caused the most civilian casualties during ground engagements. Civilian casualties from ground engagements attributed to Pro-Government Forces increased by 85 per cent in the first six months of 2015, with 580 civilian casualties (143 deaths and 437 injured).⁷³

Civilian casualties caused by Pro-Government Forces - mainly Afghan national security forces - accounted for 37 per cent of all civilian casualties from ground engagements.

Of particular concern, UNAMA documented 352 civilian casualties (91 deaths and 261 injured) attributed to ANA in ground engagements, more than doubling ANA-caused civilian casualties from ground engagements in the first half of 2014.⁷⁴ Ninety-four per cent of ANA-attributed civilian casualties in ground engagements resulted from the use of indirect fire weapons including mortars, rockets, and grenades. In the first six months of 2015, UNAMA documented 330 civilian casualties (82 deaths and 248 injured) as a result of indirect fire by ANA, a 139 per cent increase compared to the same period in 2014.⁷⁵ UNAMA recommends that Pro-Government Forces initiate additional measures to prevent civilian casualties during ground engagements. Such measures could include the development of more effective fire coordination and clearance measures to prevent civilian casualties when engaging Anti-Government Elements.

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

- One hundred five incidents attributed solely to ANA causing 352 civilian casualties (91 deaths and 261 injured).
- Sixteen incidents attributed solely to pro-Government armed groups resulting in 48 civilian casualties (7 deaths and 41 injured).

⁷² UNAMA interview with a relative of a victim at the Gardez Public Hospital, Gardez city, Paktya province, 12 April 2015.

⁷³ Between 1 January and 30 June 2014, UNAMA documented 310 civilian casualties (107 deaths and 203 injured) attributed to ground operations carried out by Pro-Government Forces.

⁷⁴ Between 1 January and 30 June 2014, UNAMA documented 154 civilian casualties (49 deaths and 105 injured) attributed to ANA.

⁷⁵ Between 1 January and 30 June 2014, UNAMA documented 138 civilian casualties (40 deaths and 98 injured) attributed to indirect fire by ANA.

- Ten incidents attributed solely to ANP causing 18 civilian casualties (four deaths and 14 injured).
- Three incidents attributed solely to ALP causing eight civilian casualties (two deaths and six injured).

The remaining incidents and casualties occurred during joint operations of Afghan national security forces, including operations partnered with pro-Government armed groups.

Examples of civilian casualties from ground operations by Afghan national security forces:

- On 12 April, Anti-Government Elements ambushed an ANA convoy in Tagab district, Kapisa province. During the engagement, ANA fired an artillery round from a nearby base which impacted a civilian home, causing 17 civilian casualties (seven killed: three women and four children and 10 injured, including three toddlers).
- On 23 March, ANA relocated a number of checkpoints near a village in Bala Murghab district, Badghis province. Anti-Government Elements occupied their former checkpoints and launched an attack against ANA. During the subsequent ground engagement, the ANA fired several mortars, causing nine civilian casualties (three killed, including one woman, and six injured, including three women and one boy).

Anti-Government Elements: Civilian Casualties from Ground Engagements

*"It was 8:45 in the morning and I was walking towards my home. I saw Taliban fighters fire a mortar from the mountains presumably towards the ANA checkpoint. The mortar hit my neighbour's house in the village instead. After a while, other villagers and I went to his house, where we saw the dead bodies of two of his children; two boys aged seven and 11. The explosion also wounded four of his daughters and his other son. The mortar hit when all of the children were in the house. My neighbour and his wife were out working in the fields. Otherwise the whole family would be gone."*⁷⁶

-- Witness of a Taliban mortar attack on an ANA checkpoint that killed two children and injured five on 20 March in Wata Pur district, Kunar province. The Taliban claimed responsibility for launching the attack on their website.⁷⁷

Between 1 January and 30 June 2015, UNAMA attributed 512 civilian casualties (137 deaths and 375 injured) to Anti-Government Elements during their ground operations

⁷⁶ UNAMA interview, Jalalabad city, Nangarhar province, 2 June 2015.

⁷⁷ See, <http://shahamat-english.com/index.php/news/53517-enemy-posts-come-under-attack-2-injured-in-eastern-kunar>, last accessed 22 March 2015.

and attacks, a 46 per cent decrease compared to the same period in 2014.⁷⁸ As noted in previous sections, this decrease compares to a significant wave of attacks against the electoral process by Anti-Government Elements in 2014.

Throughout 2015, UNAMA observed that attacks carried out by Anti-Government Elements against Pro-Government Forces conducting patrols or operating check-posts in the vicinity of civilian-populated areas frequently killed and injured civilians. UNAMA also documented multiple instances of civilian deaths and injuries from attacks against civilian administrative centres in the districts. Although the majority of ground operations and attacks by Anti-Government Elements targeted security forces, UNAMA also documented incidents of Anti-Government Elements deliberately targeting civilians in ground engagements, including in civilian Government offices and buildings, and other civilian locations during ground engagements.⁷⁹

Examples of civilian casualties from ground operations by Anti-Government Elements:

- On 4 April, the Taliban attacked Afghan national security forces checkpoints in civilian-populated areas of Pusht Rod district, Farah province, with mortars, rockets and heavy machine guns. The attack killed four civilians, including two women and one girl, and injured two girls and one woman. The Taliban claimed responsibility for the attack, but attributed the civilian casualties to an ANA helicopter attack.⁸⁰
- On 10 June, the Taliban attacked Afghan national security forces checkpoints in the Hesarak district administrative centre in Nangarhar province, reportedly firing 80-100 mortars. Several mortars impacted in residential areas of the district centre, killing two civilians (a husband and wife) and injuring 23 others, including eight children. The Taliban claimed responsibility for the attack on their website.

⁷⁸ Between 1 January and 30 June 2014, UNAMA attributed 940 civilian casualties (252 deaths and 688 injured) to Anti-Government Elements in ground engagements.

⁷⁹ See the section on War Crime of Murder: Targeted Killings of Civilians which covers attacks against civilians. Incidents of attacks against civilians during ground engagements are included in this section on ground engagements.

⁸⁰ UNAMA confirmed civilian casualties from the ANA aerial operation as a separate incident. See Chapter on Afghan national security forces Aerial Operations.

Ground fighting between Anti-Government Elements and Pro-Government Forces where attribution to a specific party was not possible⁸¹

"I was in physics class the morning when I heard gunfire. It's rare to hear gunshots at school, and never so close, so we moved to the corridor. The students were crying and so were some of the teachers. A bullet hit my leg and I collapsed. I do not remember anything after that. It probably came through a window. A bullet hit another girl after me. The school did not close though and students went to class that same afternoon."⁸²

-- Eighteen-year old female student and victim of crossfire between ANP and Anti-Government Elements that wounded two students on 15 April in Shiberghan city, Jawzjan province. Anti-Government Elements ambushed a passing fuel convoy near the school and ANP responded.

In the first six months of 2015, fighting in and near civilian communities continued to harm civilians caught in the crossfire. Between 1 January and 30 June 2015, UNAMA documented 470 civilian casualties (93 deaths and 377 injured) from ground engagements between Anti-Government Elements and Pro-Government Forces, where attribution to a specific party was not possible. This represents a 28 per cent decrease from the first six months of 2014⁸³, in line with the overall decrease in civilian casualties from ground engagements.

Examples of civilian casualties from ground-fighting between Anti-Government Elements and Pro-Government Forces where attribution to a specific party was not possible:

- On 11 May, the Taliban attacked a partnered operation of Afghan national security forces, including ANA Special Forces, ANP, NDS, and pro-Government armed groups, who were conducting a clearing operation in Aqcha district, Jawzjan province. Both sides used small arms and heavy weapons, including mortars, which caused 12 civilian casualties (one child death and 11 civilians injured, including two women and three children). Due to the intensity of the clash, sources could not determine which side caused the casualties.
- On 24 May, Anti-Government Elements attacked Afghan national security forces checkpoints in a civilian-populated area Khogyani district, Ghazni province, with small arms, rocket propelled grenades, and mortars. The exchange of fire injured

⁸¹ Attribution of responsibility, particularly for those civilian deaths and injuries occurring during prolonged and heavy fighting between Anti-Government Elements and Pro-Government Forces presents specific challenges. UNAMA takes special care to investigate such incidents and normally consults an even greater number of eye-witnesses, victims, and other sources to determine how each civilian caught in the conflict was injured or killed, as well as to determine to the greatest extent possible the civilian status of the victims. When attribution for casualties of civilians caught in crossfire is not possible, UNAMA attributes the incident to both Pro-Government Forces and Anti-Government Elements in one category 'Anti-Government Elements/Pro-Government Forces'.

⁸² UNAMA interview, Shiberghan city, Jawzjan province, 21 April 2015.

⁸³ Between 1 January and 30 June 2014, UNAMA documented 652 civilian casualties (174 deaths and 478 injured) from incidents of ground fighting between Anti-Government Elements and Pro-Government Forces where attribution to a specific party was not possible.

12 civilians, including six women and three children. Due to the intensity of the clash, sources could not determine which side caused the casualties.

Mortar and Rocket Attacks in Civilian-Populated Areas

Mortar round kills eight children attending a wedding party, Ghazni city

On 5 June, during a joint Afghan security forces operation, ANA fired approximately 10 mortars near Ghazni city, Ghazni province. At least one mortar impacted near a civilian home in a village on the outskirts of the city during a wedding party. The detonation killed eight boys between eight and 14-years old and injured 10 people, including nine boys.

Afghan security forces and the Government provided multiple, contradictory explanations for the incident. The Provincial Governor and his spokesman were quoted widely in media blaming the incident on an IED that allegedly struck two vehicles returning from a wedding party.⁸⁴ In discussions with UNAMA, Afghan security forces, provided contradictory explanations, blaming the incident on an IED that detonated against a vehicle carrying children and also stating that an IED hidden in the house detonated when accidentally touched by one of the wedding guests, causing the casualties.⁸⁵ Multiple community sources reported to UNAMA that an ANA commander visited the area and accepted that mortar fire, not an IED, had caused the incident⁸⁶. In addition, UNAMA consulted a wide range of sources, including government officials, Afghan security forces, witnesses and independent community sources, and concluded that an IED hidden in the house could not have caused the incident.

In the first six months of 2015, the use of mortars, rockets and grenades continued to take a heavy toll on the civilian population. UNAMA documented 862 civilian casualties (188 deaths and 674 injured) from the use of such weapons by parties to the conflict. While this represents a four per cent decrease compared to the same period in 2014,⁸⁷ mortars, rockets, and grenades caused 18 per cent of all civilian casualties in Afghanistan in the first six months of 2015.

UNAMA attributed 59 per cent of civilian casualties (510 civilian casualties overall, including 118 deaths and 392 injured) from mortars, rockets and grenades to Pro-Government Forces;⁸⁸ 34 per cent (295 - 59 deaths and 236 injured) to Anti-Government

⁸⁴ See, Adeel, Mirwais, *7 killed as explosion targets vehicle of wedding guests in Ghazni*, Khaama Press, 5 June 2015, available at <http://www.khaama.com/7-killed-as-explosion-targets-vehicle-of-wedding-guests-in-ghazni-1173>, last accessed on 16 July 2015, and *7 wedding guests killed in Ghazni roadside blast*, Pajhwok Afghan News, 5 June 2015, available at <http://www.pajhwok.com/en/2015/06/05/7-wedding-guests-killed-ghazni-roadside-blast>, last accessed on 16 July 2015.

⁸⁵ UNAMA telephone interviews with ANP, ANA, and ANBP, between 6 and 8 June 2015.

⁸⁶ Ibid.

⁸⁷ Between 1 January and 30 June 2014, UNAMA documented 898 civilian casualties (204 deaths and 694 injured) from the use of mortars, rockets, and grenades by all parties to the conflict.

⁸⁸ Of the 123 incidents attributed to Pro-Government Forces from mortars, grenades and rockets causing civilian casualties, UNAMA attributed 117 incidents to Afghan national security forces (including operations with the presence of pro-Government armed groups or international forces) and six incidents to pro-Government armed groups.

Elements; five per cent (42 - five deaths and 37 injured) could not be attributed; and the remaining two per cent (15 civilian casualties - six deaths and nine injured) to cross-border engagement.⁸⁹

The UNAMA Protection of Civilians in Armed Conflict 2014 Mid-year and Annual reports highlighted the potential contamination of areas with unexploded ordnance (UXO) resulting from the use of mortars, rockets, and grenade during ground engagements between Afghan national security forces and Anti-Government Elements. UNAMA reiterates the growing concern that Afghan security forces still appear not to have policy or operational measures in place requiring them to track, mark, and clear UXO from areas where ground engagements have taken place.⁹⁰

International humanitarian law stipulates that in the conduct of military operations, every effort should be made to spare civilian populations from the ravages of war, and all necessary precautions should be taken to avoid injury, loss or damage to civilian populations.⁹¹ UNAMA urges that Anti-Government Elements, including the Taliban, adopt measures to track and mark locations of possible UXO contamination.

UNAMA notes that neither Afghan national security forces nor any Anti-Government Element groups, including the Taliban, can demonstrate a single instance of accountability for instances where civilians were directly targeted, harmed by an indiscriminate attack or where forces had failed to take sufficient precautions to prevent harm to civilians by the use of indirect fire.

Lack of accountability for ANA mortar attack that caused 83 civilian casualties – 29 women and children killed and 53 civilians injured – in Sangin district, Helmand province, on 31 December 2014

Following the ANA mortar attack that impacted a wedding party in Sangin district, Helmand province, on 31 December 2014, and killed 20 children and nine women and injured 37 children, nine women, and eight men, ANA reportedly arrested two of its personnel from the check post which fired the mortars and launched an investigation.

Subsequently, a delegation composed of personnel from the Ministry of Defence, the Ministry of Interior, and NDS visited the area to investigate the incident. They concluded that a powerful vehicle borne-IED had exploded prematurely at the house during the wedding ceremony. They reportedly recommended the transfer of certain ANA commanders and personnel, but refused to acknowledge any responsibility for the incident. Their recommendation was allegedly based on the need to rotate long-serving ANA personnel in the district and to satisfy the local community's demands. Reportedly,

⁸⁹ See Chapter on Cross-Border Engagement.

⁹⁰ Meeting with Ministry of Defense officials in Kabul, 12 May 2015.

⁹¹ See Article 13, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.

ANA then released its two personnel detained in connection with the investigation. The results of the investigation have not been public.⁹²

UNAMA confirmed that ANA mortar fire caused the civilian casualties, during interviews with witnesses, Afghan security forces, and community and tribal elders, immediately following the incident. No sources alleged that the incident caused a single Anti-Government Element casualty. Furthermore, UNAMA recalls that at the time of the incident, ANA admitted that they had fired the mortars that hit the wedding party, but claimed that armed clashes were taking place in the area at the time.⁹³

In light of the above, UNAMA calls on the Afghan authorities to launch a new, comprehensive, and fully transparent investigation into the incident and to ensure accountability for those responsible, if violations of international human rights law or international humanitarian law are confirmed.

UNAMA calls on all parties to the conflict to ensure that any use of indirect fire weapons that causes civilian casualties is investigated promptly, thoroughly and impartially. Such investigations must ensure that appropriate follow-up action is taken, either through the application of lessons learned to the development of improved policies, procedures, or rules of engagement, or disciplinary or criminal action, if warranted.

International humanitarian law requires parties to the conflict, including Afghan national security forces and the Taliban, to take all feasible precautions to protect the civilian population and civilian objects against the effects of attacks. Such precautions may include advance warnings to civilians, choosing appropriate methods of warfare, and avoiding locating military targets next to civilian areas.⁹⁴

UNAMA reiterates once again its call to all parties to the conflict to cease firing mortars and grenades into civilian-populated areas, and urges them to review procedures and rules of engagement on the use of indirect fire weapons. Pursuant to their obligations under international humanitarian law, prior to firing indirect weapons such as mortars, rockets and grenades, parties to the conflict are obliged to assess the following in an effort to minimize civilian harm: the effects of the weapons in battle; the military task the weapon is required to perform; and the proportionality between these two factors.⁹⁵

⁹² Meeting with Ministry of Defence officials in the *Tawheed*, formerly the Presidential Information Coordination Centre (PICC), Kabul city, Kabul province 17 June 2015. See UNAMA 2013 Annual Report on Protection of Civilians in Armed Conflict, pages 8-9 for background on the PICC.

⁹³ See, UNAMA 2014 Annual Report on Protection of Civilians in Armed Conflict, pages 36-37, for further details on the incident.

⁹⁴ Rule 22, 23 and 24, Precautions against the Effects of Attacks. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

⁹⁵ See sections 6.2., 6.2.1 of the Application of the Guiding Principles, Weapons, *The Manual of the Law of Armed Conflict*. UK Ministry of Defence, Oxford University Press, Oxford, 2004.

Operation Zulfikar

On 9 February, Afghan national security forces launched Operation Zulfikar in northern Helmand province, independently leading a large scale military operation for the first time in post-2001 Afghanistan. The operation focused on Sangin district and lasted until 8 April.⁹⁶

UNAMA documented 65 civilian casualties (16 deaths and 49 injured) in Sangin district within the timeframe of the operation, attributing 48 per cent of these to Anti-Government Elements, 37 per cent to Pro-Government Forces and the remaining 15 per cent to crossfire between the parties to the conflict. Most civilian casualties resulted from the use of mortars and other heavy weapons, although UNAMA also documented civilian casualties from IEDs and asymmetric attacks by Anti-Government Elements. During meetings with UNAMA in the first half of 2015, Afghan national security forces reported that Pro-Government Forces did not cause any civilian casualties during Operation Zulfikar.⁹⁷

UNAMA confirmed that Afghan national security forces demolished or partially destroyed at least 50 civilian residences occupied at the time of demolition. No interlocutors could identify the legal basis upon which Afghan national security forces destroyed the properties.⁹⁸ Local authorities⁹⁹ and the civilian population¹⁰⁰ complained there were no compensation mechanisms available to recoup the losses of property destruction.

As the first major military offensive independently planned and executed by Afghan national security forces,¹⁰¹ Operation Zulfikar presented Afghan security forces with the opportunity to develop and strengthen their internal civilian harm mitigation measures through constructive assessment of the impact of their operations on the civilian population. Although UNAMA confirmed that Anti-Government Elements were the party causing more civilian casualties during *Operation Zulfikar*, Afghan security forces did not

⁹⁶ UNAMA meeting with Ministry of Interior Officials, Kabul city 14 April 2015.

⁹⁷ Meeting with Ministry of Interior officials, Kabul city, 7 April 2015 and 21 May 2015 and Ministry of Defense officials, Kabul city, 17 June 2015.

⁹⁸ UNAMA meeting with Deputy Provincial Governor of Helmand province, Lashkar Gah city, 6 April 2015, UNAMA meeting with Senior Deputy Minister of Interior, Kabul city, 7 April 2015, UNAMA meeting with Chief of Operations of the Ministry of the Interior, Kabul city, 21 May 2015.

⁹⁹ UNAMA meeting with Deputy Provincial Governor of Helmand province, Lashkar Gah city, 6 April 2015.

¹⁰⁰ UNAMA phone interviews with local civilians from Sangin and Nad Ali districts, March and April 2015.

¹⁰¹ "In advance of the 2015 fighting season, the ANDSF continued their high operational tempo (OPTEMPO) and took the initiative by conducting the first major offensive operation of 2015 in northern Helmand Province. Under the leadership and direction of Lieutenant General Abdul Khaliq, the Director of General Staff at the time, the ANDSF conducted a joint, cross-ministry operation in northern Helmand to clear the area of insurgents and disrupt the insurgents' preparations for the fighting season. These operations were planned and led by the ANA's 215th Corps, with support from the 205th and 207th Corps, and included units from the AAF, ASSF, and ANP." United States Department of Defense. Report on Enhancing Security and Stability in Afghanistan. Report to Congress. June 2015. P. 5. Available at http://www.defense.gov/pubs/June_1225_Report_Final.pdf, last accessed on 16 July 2015.

appear to conduct a forthright review of the operation and alleged that Anti-Government Elements caused all civilian casualties.¹⁰²

UNAMA calls on the Government of Afghanistan to ensure a transparent and independent review of military operations conducted by Afghan national security forces to ensure harm to the civilian population and damage to civilian property are minimized, and that appropriate legal remedies are available for affected civilians.

UNAMA recommends that a national policy directing measures to mitigate civilian casualties be implemented at the earliest opportunity (See section on Pro-Government Forces and Protection of Civilians, below).

¹⁰² UNAMA meetings and email correspondence with Afghan national security forces, April 2015.

III. Anti-Government Elements¹⁰³ and Protection of Civilians

*"I was in front of my house watching a large group of people was moving toward the playground where the demonstration was to be held. All of the sudden there was a huge explosion and thick smoke everywhere. I took cover behind a wall. After while I saw the police come to collect the injured and dead."*¹⁰⁴

-- Witness of body-borne-IED suicide attack on 2 April 2015 in Khost city, Khost province that killed 19 civilians (including one boy) and injured 61 others (including eight boys). No group claimed responsibility for the attack.

Between 1 January and 30 June, UNAMA documented 3,436 civilian casualties (1,213 deaths and 2,223 injured) from operations and attacks carried out by all Anti-Government Elements¹⁰⁵, a three per cent decrease from the same period in 2014. Civilian casualties attributed to Anti-Government Elements accounted for 70 per cent of all civilian casualties recorded by UNAMA between 1 January and 30 June 2015.

Regarding civilian casualties attributed to Anti-Government Elements, UNAMA attributed responsibility as follows:

Civilian casualties from incidents publicly claimed by the Taliban	1,002
Civilian casualties attributed to anti-government armed groups, including Taliban, Haqqani Network, Hezb-e-Islami, for which there was no claim of responsibility	2,434
Total civilian casualties attributed to Anti-Government Elements	3,436

UNAMA recorded 1,207 incidents attributed to Anti-Government Elements without any claim of responsibility, accounting for 2,434 civilian casualties (954 deaths and 1,480 injured).¹⁰⁶

Tactics and Incident Types Causing the Most Harm to Civilians

Indiscriminate IEDs and suicide attacks in civilian-populated areas and the deliberate targeting of civilians throughout Afghanistan caused most civilian deaths and injuries attributed to Anti-Government Elements.

¹⁰³ See supra, footnote 5 for definition of Anti-Government Elements.

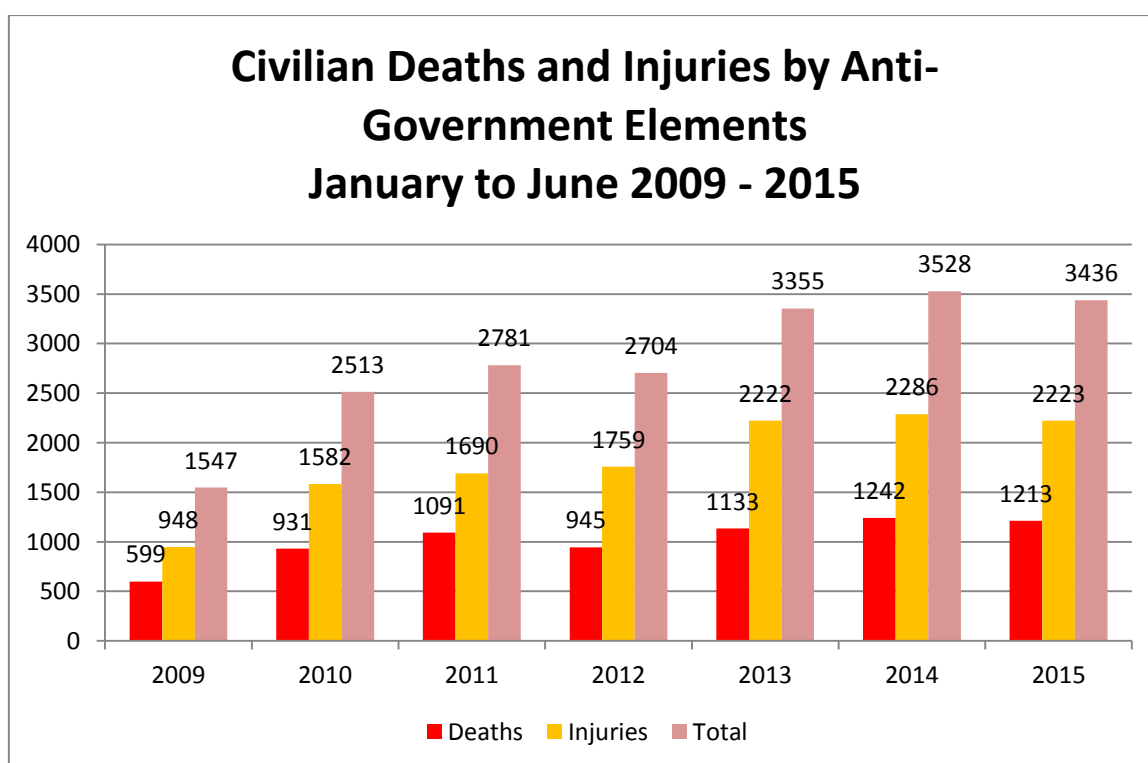
¹⁰⁴ UNAMA telephone interview with witness, Gardez city, Paktya province, on 7 April 2015.

¹⁰⁵ In the first six months of 2014, UNAMA attributed 3,528 civilian casualties (1,242 deaths and 2,286 injured) to all Anti-Government Elements groups.

¹⁰⁶ Of these incidents, sources attributed 655 additional incidents to Taliban-affiliated commanders, resulting in 971 civilian casualties (466 deaths and 505 injured).

In the first six months of 2015, UNAMA documented a 78 per cent increase in civilian casualties attributed to Anti-Government Elements from complex and suicide attacks and a 57 per cent increase from targeted killings, which became the leading cause of civilian deaths in the first six months of 2015.

UNAMA documented a 46 per cent reduction in civilian casualties attributed to Anti-Government Elements resulting from ground engagements and a 21 per cent decrease in civilian casualties from improvised explosive devices (IEDs). The decrease in civilian casualties caused by Anti-Government Elements during ground engagements documented in the first half of 2015 is mainly attributed to the high number of attacks against the electoral process, documented in 2014. There were no nationwide elections in the first half of 2015.



UNAMA observed that the Taliban and other Anti-Government Elements conducted an aggressive campaign during the first half of 2015, with severe consequences for Afghan civilians. Despite the three per cent decrease in overall civilian casualties, Anti-Government Elements, including the Taliban, still caused 70 per cent of all civilian casualties in the first six months of 2015. There are indications that Anti-Government Elements have made changes to the manner in which they conduct ground engagements and use IEDs, which UNAMA notes.

Despite these indications, UNAMA also observes that Anti-Government Elements caused 33 per cent of all civilian casualties during ground engagements and were equally implicated along with Pro-Government Forces in another 30 per cent of ground

engagements. In addition, IEDs planted by Anti-Government Elements remained the second leading cause of civilian casualties in the first half of 2015, while civilian casualties from complex and suicide attacks rose by 78 per cent. Targeted killings – 94 per cent of which UNAMA attributed to Anti-Government Elements – became the leading cause of civilian deaths in 2014. In this context, UNAMA notes some progress by Anti-Government Elements to reduce civilian casualties in certain respects while recalling that much more must be done to protect civilians in the conduct of their activities, including by immediately halting the deliberate targeting of civilian targets in line with Anti-Government Elements obligations under international humanitarian law.

Incidents Claimed by the Taliban which Resulted in Civilian Casualties

In the first six months of 2015, the Taliban publicly claimed responsibility for 239 incidents that caused 1,002 civilian casualties (259 deaths and 743 injured), a 105 per cent¹⁰⁷ increase in civilian casualties from Taliban-claimed incidents compared to the same period in 2014.

Civilian deaths and injuries resulting from incidents for which the Taliban publicly claimed responsibility represented 29 per cent of all civilian casualties caused by Anti-Government Elements¹⁰⁸, and 20 per cent of total civilian casualties.

More than half of the civilian casualties in Taliban-claimed attacks resulted from complex and suicide attacks targeting civilian objects or military targets in civilian-populated areas. Taliban-claimed attacks also included the deliberate targeting of individual civilians, indiscriminate IED attacks, and civilians injured or killed during Taliban-launched attacks on Afghan security forces.

Improvised Explosive Devices (IEDs)

*I was in the village when I heard the explosion. When I arrived at the site, I saw human remains scattered all over the road. I saw two heads – one belonging to a young man and another to an old man – and a leg. Of all the other bodies, nothing remained but pieces of flesh.*¹⁰⁹

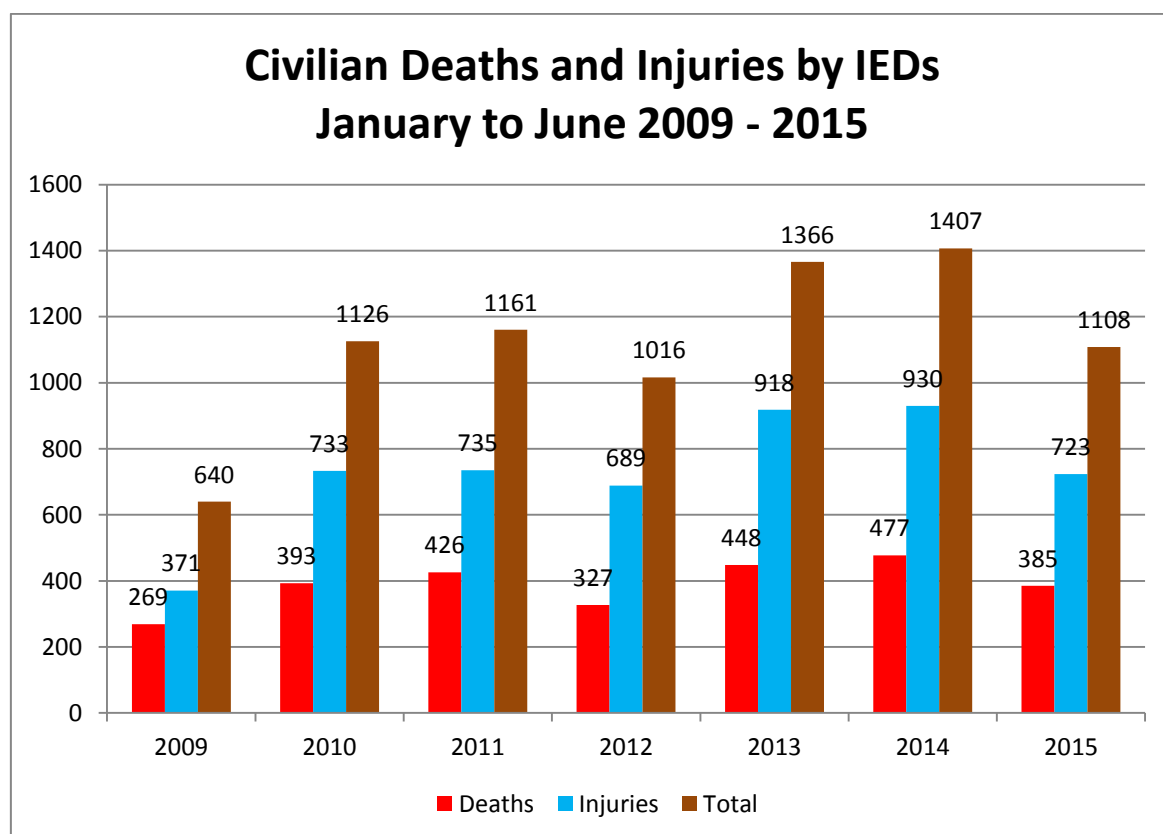
-- Witness of the aftermath of a pressure plate-IED incident in Khoghyani/Wali Mohammad-e-Shahid district, Ghazni province, on 10 April 2015 that killed 12 civilians (eight men and four women) on their way to a funeral ceremony.

¹⁰⁷ The 105 per cent increase in civilian casualties from incidents publicly claimed by the Taliban does not necessarily mean that civilian deaths and injuries caused by Taliban have more than doubled. The statistic reflects that more attacks causing civilian casualties were claimed by the Taliban. In the first six months of 2015, the Taliban publicly claimed responsibility for 239 attacks which resulted in civilian casualties; in the same period 2014, the Taliban publicly claimed 147 attacks with civilian casualties.

¹⁰⁸ Between 1 January and 30 June, UNAMA attributed 3,396 civilian casualties to Anti-Government Elements.

¹⁰⁹ UNAMA telephone interview with witness of a PP-IED incident in Ghazni city, Ghazni province, 12 April 2015.

For the first time since its 2012 Midyear Report on Protection of Civilians in Armed Conflict, UNAMA recorded a decrease in civilian casualties caused by improvised explosive devices (IEDs).¹¹⁰ Between 1 January and 30 June 2015, UNAMA documented 1,108 civilian casualties (385 deaths and 723 injured) from IEDs, a 21 per cent decrease in total civilian casualties caused by such devices compared to the same period in 2014.¹¹¹



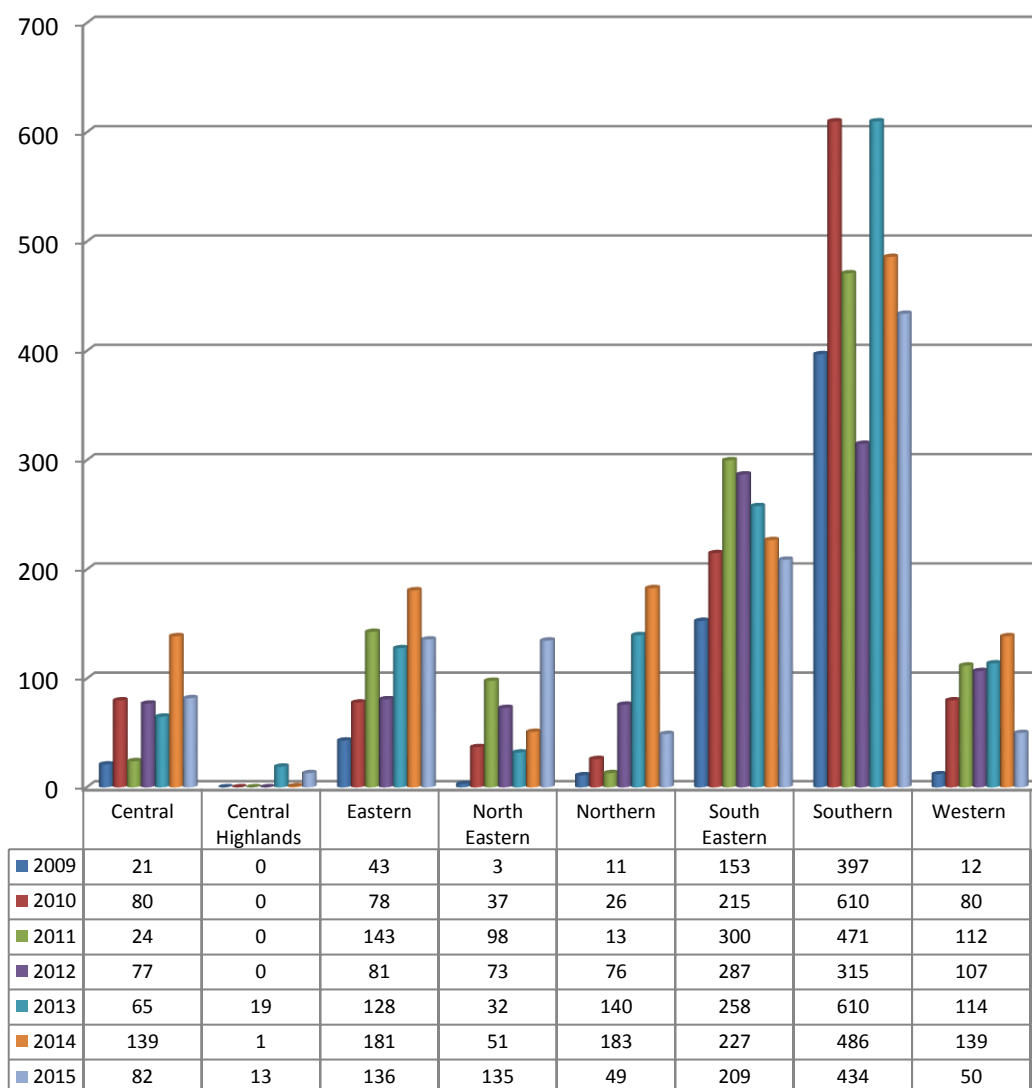
Yet, IEDs still caused the second highest number of civilian casualties in the first six months of 2015, accounting for 23 per cent of all civilian casualties. UNAMA is particularly concerned with the increase in civilians killed and injured from pressure-plate IEDs.

In the first six months of 2015, the province of Kandahar province was the most affected by IEDs, followed by Helmand, Ghazni, and Nangarhar provinces.

¹¹⁰ Between 1 January and 30 June 2012, UNAMA documented 1,016 civilian casualties (327 deaths and 689 injured) from IEDs, a 19 per cent decrease compared to the same period in 2011. See, UNAMA 2012 Midyear Report on Protection of Civilians in Armed Conflict, at pages 13 – 15.

¹¹¹ Between 1 January and 30 June 2014, UNAMA documented 1,407 civilian casualties (477 deaths and 930 injured) from IEDs.

Civilian Deaths and Injuries: IEDs by region January to June 2009 - 2015



UNAMA notes that the reduction in civilian casualties from IEDs does not necessarily reflect that Anti- Government Elements are using less IEDs. Some of the reduction in casualties from IEDs may be attributed to the increasing ability of Afghan security forces to detect and make safe IEDs. Over 5,000 IEDs, with the potential to cause enormous harm to civilians, were cleared in the first six months of 2015.¹¹²

¹¹² Email from NATO/ RS UNCLASSIFIED Re: UNAMA, Resolute Support Mission Response to UNAMA – Protection of Civilians in Armed Conflict, received 29 July 2015.

Types of IEDs Causing Civilian Casualties

During its verification of IED incidents resulting in civilian casualties, UNAMA consulted with Afghan and international security organizations¹¹³, including counter-IED and explosive ordnance disposal (EOD) experts at the district, provincial and national levels to ascertain the types of IEDs used in a particular attack. UNAMA categorises IEDs by the basic method used to initiate detonation,¹¹⁴ including victim-activated-IEDs, remote-control/radio/command-operated IEDs, and suicide IEDs.¹¹⁵ The most common victim-activated-IEDs in Afghanistan are pressure plate IEDs (PP-IEDs)¹¹⁶. While UNAMA records magnetic IEDs separately, they are technically a sub-category of remote-controlled IEDs. See Glossary for definition of each trigger-type of IED.

IEDs Targeting Military Objectives in Civilian-Populated Areas

UNAMA is concerned with the continued use of IEDs by Anti-Government Elements to target Afghan security forces in areas crowded with civilians, including bazaars, central areas of towns and cities, mosques and close to hospitals or schools, despite the indiscriminate and disproportionate impact upon civilians in such circumstances. In the first six months of 2015, UNAMA documented 846 civilian casualties (298 deaths and 548 injured) from IED attacks that appeared targeted at ANSF - up seven per cent from the same period in 2014.¹¹⁷

The following are two examples of Anti-Government Elements detonating IEDs in civilian-populated areas:

- On 4 April, an RC-IED detonated in Pul-e-Khumri city, Baghlan province, targeting a passing ANA convoy, killing five civilians including one woman and one girl and injuring seven others, including one boy. The attack caused no ANA casualties.
- On 31 March, a magnetic IED detonated against an ANA vehicle in Mohammad Agha district, Logar province, injuring six civilian men traveling in another vehicle. The Taliban claimed responsibility for the incident.¹¹⁸

¹¹³ Among others, UNAMA meeting with ANA Chief Counter-IED in Kabul city, Kabul province, 4 June 2015.

¹¹⁴ An IED is detonated or triggered by the initiating system, which could be a pressure plate, mobile phone, radio, timer or wire physically connected to the device. See CIED Knowledge Manager, Civil-Military Fusion Centre (CFC), *Understanding the Basics of Improvised Explosive Devices (IEDs)*. September 2011, available at: https://www.cimicweb.org/CounterIED/20110912_C-IED_Topical_Report_Introduction_to_IEDs%20-%20draft%20final%5B1%5D.pdf, accessed 8 June 2014.

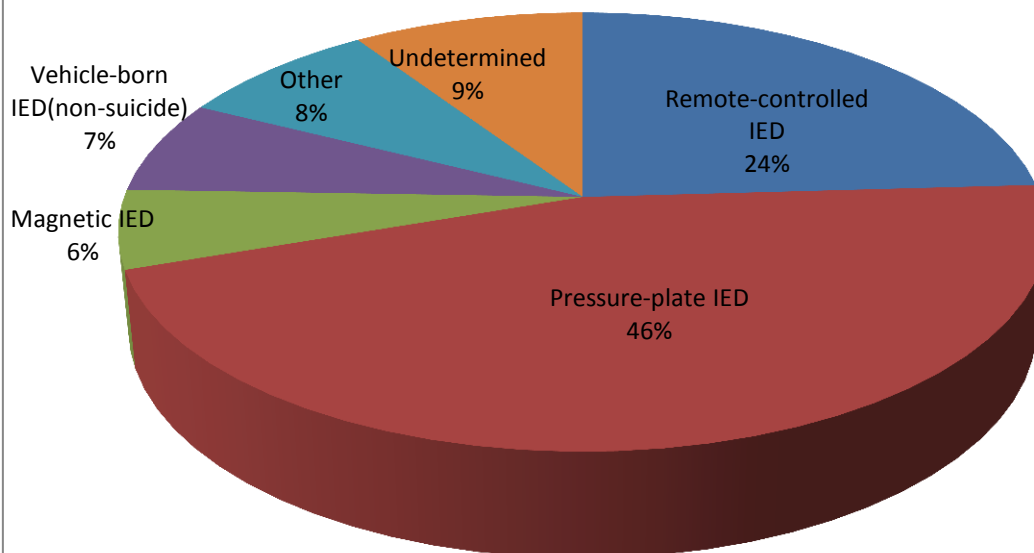
¹¹⁵ See the Glossary for definitions and descriptions of types of IEDs.

¹¹⁶ Pressure-plate improvised explosive devices (PP-IEDs) are essentially victim-activated bombs which detonate when any person or any vehicle steps or drives over them. As such, PP-IEDs are indiscriminate and illegal weapons.

¹¹⁷ In the first six months of 2014, UNAMA documented 789 civilian casualties (229 deaths and 560 injured) from IED attacks against ANSF.

¹¹⁸ See, <http://shahamat-english.com/index.php/news/53744-bombing-in-logar-leaves-two-dead>

Civilian Deaths and Injuries by IED Sub-Tactic January to June 2015



Increase in Civilian Casualties from Pressure-Plate IEDs

Between 1 January and 30 June 2015, UNAMA documented 242 incidents of illegal PP-IEDs killing or injuring civilians. PP-IEDs caused 506 civilian casualties (251 civilian deaths and 255 injured), a 38 per cent increase from the same period in 2014.¹¹⁹

The increase in civilian casualties from PP-IEDs stems from the growing use of these devices by Anti-Government Elements as a defensive weapon to slow or prevent advancement of Afghan security forces before, during, and after ground engagements. In particular, UNAMA documented 86 civilian casualties (51 deaths and 35 injured) – a 153 per cent increase in civilian casualties compared to the first six months of 2015 – from PP-IEDs in Ghazni province emplaced in advance of planned Afghan security forces' operations. Such use of PP-IEDs is illegal in Afghanistan¹²⁰ and may amount to

¹¹⁹ In the first six months of 2014, UNAMA documented 368 civilian casualties (207 deaths and 161 injured) from PP-IEDs.

¹²⁰ Afghanistan has ratified the 1997 *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* ('Ottawa Convention' or the Mine Ban Treaty). This treaty prohibits the use of factory-made anti-personnel mines and the use of victim-activated IEDs, such as PP-IEDs. The definition of 'mine' in the *Convention* encompasses IEDs, to the extent that they are

violations of international humanitarian law when the effects of the device cannot be limited as required by international humanitarian law.

UNAMA documented many IED detonations in civilian agricultural areas, footpaths, public roads, and other public areas frequented by civilians.¹²¹ These IEDs killed and maimed civilians as they went about their daily lives, traveling between villages and while grazing livestock.

PP-IEDs in Afghanistan are generally set to explode when they are walked on or driven over and most contain approximately 20-25 kg of explosives (commonly homemade¹²²); more than twice the content of a conventional anti-tank mine, but with the trigger sensitivity of an anti-personnel mine. This means that a pressure-plate IED effectively functions as a massive anti-personnel landmine (which is an illegal weapon not least as Afghanistan is a party to the *Convention on the Prohibition of Anti-Personnel Mines*) with the capability of causing extensive, catastrophic damage to personnel and vehicles.

Civilians who step on or drive over these IEDs in conventional (un-armoured) vehicles have no defence against them and very little chance of survival.¹²³

The following are examples of civilian casualties from pressure-plate IED attacks:

- On 10 April, a private vehicle carrying 12 civilians to a funeral ceremony drove over a pressure-plate IED in Khogyani district, Ghazni province. The detonation killed everyone in the vehicle (eight men and four women).
- On 22 April, a civilian vehicle carrying seven civilians drove over a pressure-plate IED in Khashrod district, Nimroz province, killing six civilians (including three boys, one girl, and one woman), and injuring one civilian.
- On 20 May, a local transport vehicle drove over a PP-IED in Passaband district, Ghor province, killing eight civilians and injuring two others en route to the provincial capital to obtain passports for the Hajj pilgrimage.

Decrease in Civilian Casualties from Remote Controlled IEDs (RC-IEDs)

In the first six months of 2015, UNAMA documented 267 civilian casualties (59 deaths and 208 injured) from RC-IEDs, a decrease of 50 per cent compared to same period in 2014.¹²⁴

designed to be placed under, or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or vehicle.

¹²¹ Anti-Government Elements placed IEDs, particularly those equipped with a pressure-plate trigger, on transit routes ranging from small footpaths to highways that killed and injured civilians whether they were on foot, riding bicycles, in buses, or cars.

¹²² HME, or 'homemade explosives', are made from common household chemicals and readily available substances.

¹²³ UNAMA interviews with ISAF Counter-IED and EOD team, December 2014, ISAF HQ, Kabul.

¹²⁴ In the first six months of 2014, UNAMA documented 533 civilian casualties (124 deaths and 409 injured) from RC-IEDs.

Despite the significant reduction, RC-IEDs accounted for 24 per cent of all civilian casualties from IEDs, and five per cent of total civilian casualties in the first six months of 2015.¹²⁵ Although RC-IEDs are command-operated IEDs that enable the operator to detonate the device at the precise time desired, the continuing use of these explosive devices in civilian-populated areas and on public roads frequently caused civilian casualties.

UNAMA also documented Anti-Government Elements, including the Taliban, carrying out disproportionate attacks¹²⁶ using RC-IEDs, where the harm to civilians was excessive – and which should have been reasonably anticipated by those using the IED – in relation to the concrete and direct military advantage from the attack.¹²⁷

The following are examples of civilian casualties from RC-IEDs:

- On 17 February, Anti-Government Elements targeting an ANP vehicle during an ambush in Qarabagh district, Kabul province, detonated an RC-IED that instead struck a civilian vehicle on the highway. The detonation killed four civilians, including two women, and injured one child.
- On 10 March, Anti-Government Elements targeting an ANP vehicle detonated an RC-IED in the vicinity of the Baghlan Provincial Hospital in Pul-e-Khumri city, Baghlan province, causing 15 civilian casualties (two deaths and 13 injured), including women and children.

Regardless of the ability of the operator to determine the precise time of detonation for RC-IEDs, the continuing use of these explosive devices in civilian-populated areas where there is high likelihood of harm to civilians and civilian objects must cease. The use of explosive devices such as RC-IEDs in civilian areas in most instances is not consistent with the international humanitarian law principles of distinction and proportionality. Under international humanitarian law, all parties to the conflict are required to take all feasible measures¹²⁸ to avoid, or at the very least minimise, ‘collateral damage’ during operations, and abstain from attacks that may disproportionately harm civilians.

Decrease in Civilian Casualties from Magnetic-IEDs

In the first six months of 2015, UNAMA documented 64 civilian casualties (six deaths and 58 injured) from magnetic-IEDs, a 46 per cent decrease from the same period in

¹²⁵ RC-IEDs used as a method to conduct a targeted killing, including instances when the targeted individual was a civilian, are covered in the section, War Crime of Murder: Deliberate Killings of Civilians, below.

¹²⁶ See Rule 14. Of ICRC Customary Law Study. Launching 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.

¹²⁷ See above section on IEDs targeting military objectives in civilian-populated areas.

¹²⁸ See Rule 15. ICRC Customary Law study. In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.

2014.¹²⁹ While the majority of incidents involved Anti-Government Elements placing magnetic-IEDs on vehicles of Afghan security forces, UNAMA continued to document civilian deaths and injuries from these attacks. For example, on 20 April, a magnetic-IED targeting the ANP detonated at the Namak Bazar in Kunduz city, Kunduz province, injuring 21 civilians, including one woman, one girl and one boy. The Taliban claimed responsibility for the attack, claiming they killed one ANP and injured two other ANP.¹³⁰

Suicide and Complex Attacks¹³¹

"I was on my way to attend the funeral of an ALP commander killed in an IED attack along with his son and nephew earlier that day. After finishing the funeral prayers, we went to the graveyard for the burial. There were already around 250 people there when we arrived. As other villagers and I approached the area, there was a huge explosion in the graveyard. Afterward, I saw corpses and body parts all around, scattered. Some of the injured had their flesh just hanging off their bodies and they were shouting for help. Many people were killed and injured, most of them civilians."¹³²

-- An eyewitness of a suicide attack during a funeral in Mehtarlam city, Laghman province on 29 January that killed 12 civilians and injured 34 others, including three children. A suicide attacker with a body-borne IED detonated his explosive device when Afghan security forces stopped him at a checkpoint at the entrance of the graveyard.

In the first six months of 2015, UNAMA documented 44 separate complex and suicide attacks, which resulted in 1,022 civilian casualties (183 deaths and 839 injured), a 78 per cent increase in civilian deaths and injuries from this tactic compared to the same period in 2014.¹³³ Suicide and complex attacks remained the third leading cause of civilian deaths and injuries in the first half of 2015, after ground engagements and IEDs. Of the 44 incidents documented by UNAMA, 31 took place in the South and Central regions.

Suicide and complex attacks carried out in urban areas caused extreme harm, particularly in urban areas, mainly in Kabul city, Lashkar Gah city, Helmand province, and Jalalabad city, Nangarhar province. Twelve incidents in Kabul city caused 302 civilian casualties (42 deaths and 260 injured); eight incidents in Lashkar Gah city caused 171 civilian casualties (27 deaths and 144 injured); one attack in Jalalabad city, Nangarhar province, caused 158 civilian casualties (32 deaths and 126 injured).

The Taliban publicly claimed responsibility for 27 complex and suicide attacks, which caused 542 civilian casualties (87 deaths and 455 injured), a 167 per cent increase from

¹²⁹ In the first six months of 2014, UNAMA documented 118 civilian casualties (14 deaths and 104 injured) from magnetic-IEDs.

¹³⁰ See, http://alemara1.org/?p=8181&utm_source=alemara1.org&utm_medium=pashto+news&utm_campaign=taliban+news, last accessed 6 July 2015.

¹³¹ UNAMA definition of 'complex attack' refers to 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 AND mortars). All three elements must be present for an attack to be considered complex.

¹³² UNAMA telephone interview with eyewitness on 29 January 2015, Jalalabad city, Nangarhar province.

¹³³ In the first six months of 2014, UNAMA documented 574 civilian casualties (156 deaths and 418 injured) from complex and suicide attacks.

the same period in 2014.¹³⁴ For example, on 25 May, a Taliban suicide attacker detonated a VB-IED targeting the compound of the Provincial Council in Qalat city, Zabul province. The explosion wounded 79 civilians, including 30 women and two children. The victims included women attending a tailoring course organized by the Department of Women's Affairs in a nearby building. The Taliban claimed that it had attacked the Provincial Council, killing 19 "hirelings" and wounding over 100.¹³⁵

Attacks directed at the civilian population, as well as the indiscriminate use of suicide IED tactics, are serious violations of international humanitarian law which binds all parties to the armed conflict in Afghanistan, and may amount to war crimes.

The following are examples of complex and suicide attacks leading to civilian casualties:

- On 10 April, a Taliban suicide attacker detonated a VB-IED targeting a convoy of international military forces in Behsud district, Nangarhar province, killing four civilians, including a boy, and injuring 16, including two boys. The Taliban claimed responsibility for the attack on their website.¹³⁶
- On 17 May, a Taliban suicide attacker detonated a VB-IED targeting a vehicle of the European Union Police Mission in Afghanistan (EUPOL), in the vicinity of a bus stop near Kabul International Airport, killing three civilians, including two girls and injuring 30 others. The Taliban claimed responsibility for the attack, claiming they killed seven members of EUPOL and injured five others. The Taliban stated that a "[f]ew people may have been slightly injured", but denied killing any civilian in the attack.¹³⁷

Suicide attack in Jalalabad causing 32 civilian deaths and injuring 126 civilians

On 18 April, a suicide attacker wearing an ANSF uniform detonated a BB-IED after a failed attempt to enter a branch of Kabul Bank in Jalalabad city, Nangarhar province. The attack killed 32 civilians and injured 126, including five children. The explosion also caused extensive damage to vehicles, shops and other businesses in the area.¹³⁸

Initially, an individual self-identified as the spokesperson of the Islamic State for Afghanistan claimed responsibility for the attack. The claim was later rejected by another self-identified representative of the Islamic State.¹³⁹ The Taliban condemned the

¹³⁴ In the first six months of 2014, the Taliban claimed 20 complex and suicide attacks, which resulted in 203 civilian casualties (76 deaths and 127 injured).

¹³⁵ Statement issued on the Twitter account of a Taliban spokesperson: https://twitter.com/balkhi_a/status/602779597055270914, last accessed on 4 June 2015.

¹³⁶ See: <http://www.shahamat-english.com/index.php/news/53913-martyr-attack-on-us-military-convoy-leaves-16-invaders-killed>, last accessed on 4 June 2015.

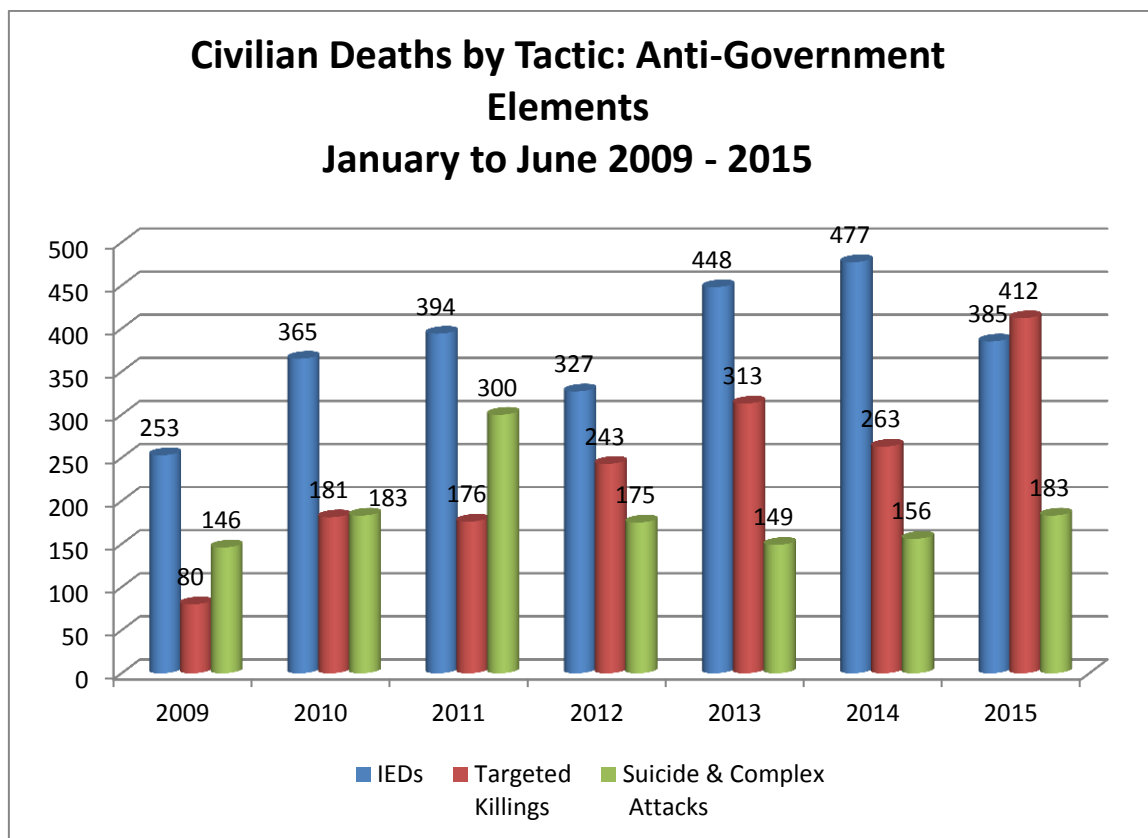
¹³⁷ The statement has since then been removed from the twitter account of Taliban spokesperson Abdulqahar Balkhi, available at: https://twitter.com/balkhi_a?lang=en

¹³⁸ On 19 February 2011, the Taliban had conducted a complex attack against the same branch of Kabul Bank in Jalalabad, which resulted in 19 civilian deaths and 91 injuries. The Taliban claimed responsibility in the media for that attack and stated that it targeted members of ANSF.

¹³⁹ See, Youssef, N., *ISIS Now Says It Didn't Bomb Afghanistan*, Daily Beast, (21 April 2015), at <http://www.thedailybeast.com/articles/2015/04/21/isis-now-says-it-didn-t-bomb-afghanistan.html>, last

attack and rejected responsibility, accusing the Government and “foreign invaders” of exploiting the incident for political purposes.¹⁴⁰

The attack on 18 April caused more civilian casualties than any other single incident since 14 August 2012, when a coordinated suicide attack against multiple ANP targets in civilian-populated areas of Zaranj city, Nimroz province, killed 30 civilians and injured 130.



accessed on 10 June 2015. For a detailed analysis of the claim, counterclaims, and denials, see Clark, K. and Osman, B., *First wave of IS attacks? Claim and denial over the Jalalabad bombs*, at <https://www.afghanistan-analysts.org/first-wave-of-is-attacks-claim-and-denial-over-the-jalalabad-bombs/>, Afghan Analyst Network, 22 April 2015, last accessed on 10 June 2015.

¹⁴⁰ See: <http://shahamat-english.com/component/content/?view=featured&start=655>, last accessed on 4 June 2015.

War Crime of Murder: Targeted Killings of Civilians

"After the Taliban killed my father, I stopped going to school and started working as a daily wage labourer to support my family. The attack also killed my 13-year-old brother, who died five days later from his injuries in the hospital. Even though he died, we still owe the hospital 80,000 Afghanis for his treatment. I don't know how we will ever pay that debt. After the deaths of my father and brother, my mother also suffers from mental problems. Our lives are pathetic now."¹⁴¹

-- Son and brother of victims of a targeted killing by Anti-Government Elements on 8 February 2015 in Ghaziabad district, Kunar province that killed three civilians, including a 13-year-old boy. The victims were civilians who supplied food to ANA. Anti-Government Elements fired a rocket-propelled grenade at their vehicle when they were delivering food to ANA.

Targeted killings^{142 143} accounted for 14 per cent of all civilian casualties in the first half of 2015. UNAMA documented 699 civilian casualties (440 deaths and 259 injured) from targeted killings,¹⁴⁴ a 57 per cent increase from the same period in 2014.¹⁴⁵ Although ground engagements, IEDs, and complex and suicide attacks caused more overall civilian casualties in the first half of 2015, targeted and deliberate killings caused more civilian deaths than any other tactic – 440 of the 1,592 documented civilian deaths and 28 per cent of all civilian deaths.¹⁴⁶

UNAMA attributed 659 civilian casualties (412 deaths and 247 injured) from targeted killings – 94 per cent – to Anti-Government Elements. These included deliberate killings of aid workers, tribal elders, civilian Government officials, mullahs, and civilian justice officials. For example, in the early morning hours of 2 June, Anti-Government Elements entered the compound of the international non-governmental organization People in Need and killed nine Afghan civilian employees, including one pregnant woman, with small arms fire.

Of the 395 documented targeted killing incidents attributed to Anti-Government Elements, the Taliban claimed responsibility for 96 separate incidents, which resulted in 177 civilian casualties (87 deaths and 90 injured), more than doubling the civilian

¹⁴¹ UNAMA telephone interview with family member of victims, Jalalabad city, Nangarhar province, on 19 February 2015.

¹⁴² Intentional, premeditated and deliberate use of lethal force by States or their agents acting under colour of law (or by an organised 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 provided that relevant provisions of IHL and human rights law are respected. See United Nations General Assembly, Human Rights Council 14th Session, Agenda item 3, Report of the Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions, Philip Alston. Addendum, 'Study on Targeted Killings'. A/HRC/14/24/Add.6. 10 May 2010.

¹⁴³ The category of targeted killings also includes some cases of killings where the victim was briefly in the perpetrator's custody at the time of the killing (e.g., at a checkpoint), as opposed to targeted killings, where the victim is not in the perpetrator's physical custody.

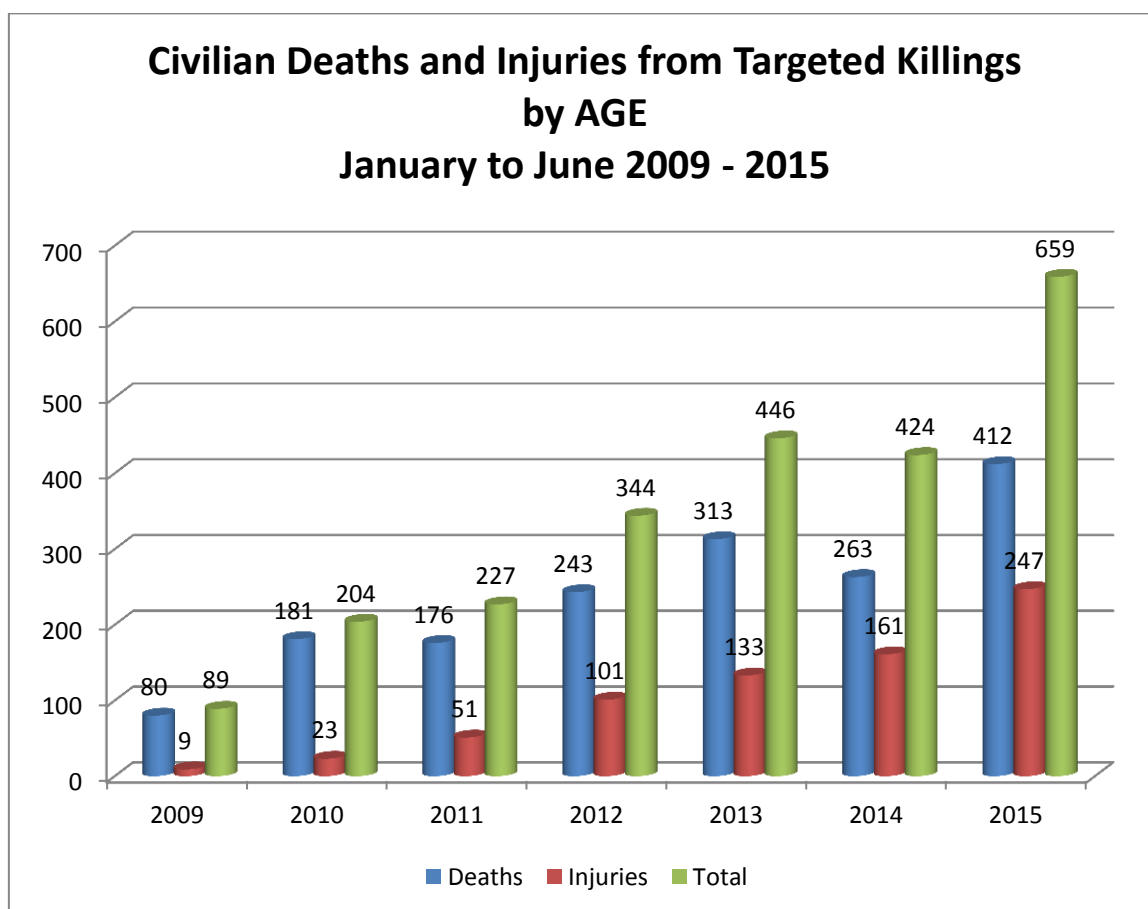
¹⁴⁴ Ibid.

¹⁴⁵ Between 1 January and 30 June 2014, UNAMA documented 445 civilian casualties (280 civilians deaths and 165 injured from targeted killings).

¹⁴⁶ Between 1 January and 30 June 2015, IEDs killed 385 civilians, ground engagements killed 379 civilians, and suicide and complex attacks killed 183 civilians in Afghanistan.

casualties from targeted killings claimed by the Taliban in 2014.¹⁴⁷ Incidents claimed by the Taliban included tribal elders and civilian government officials. For example:

- On 27 March, the Taliban planted an RC-IED near the home of a community elder involved in resolving tribal disputes in Shahid-e-Hassas district, Uruzgan province, and detonated it as the elder returned home, killing him on the spot. The Taliban claimed responsibility for the incident on their website.¹⁴⁸
- On 9 February, the Taliban shot and killed a civilian employee of the Department of Labour and Social Affairs near his home in Injil district, Herat province. The Taliban claimed responsibility for the killing on their website.¹⁴⁹



¹⁴⁷ Between 1 January and 30 June 2014, the Taliban claimed responsibility for 40 targeted killings incidents which resulted in 83 civilian casualties (55 deaths and 28 injured).

¹⁴⁸ The claim of responsibility was posted on the Taliban website under the following URL: <http://shahamat-english.com/index.php/news/53692-nds-agent-killed-in-char-chino>, but has since then been removed.

¹⁴⁹ The claim of responsibility was posted on the Taliban website under the following URL: <http://shahamat-english.com/index.php/news/52922-government-employee-killed-in-injeel>, but has since then been removed.

UNAMA attributed 40 civilian casualties (28 deaths and 12 injured) from targeted killings to Afghan security forces and Pro-Government Militia groups.¹⁵⁰ For example, on 3 May, an ALP shot and injured a 15-year-old boy accused of spying on ALP in Arghistan district, Kandahar province. On 29 May, a pro-Government armed group stopped a bus at an illegal checkpoint in Sancharak district, Sari Pul province, ordered one passenger off the bus, and shot and killed him in front of the other passengers.

Deliberate Targeting of Civilians and Civilian Locations

Attacks against Judges, Prosecutors, and Judicial Institutions

*"My father and I work in different departments of the Ministry of Justice. On 19 May, my father called and we agreed to meet in front of the building in ten minutes so we could return home together. When I came out of the building to meet him, I saw him passing through the gate. At the same time, security guards were checking a vehicle at the gate. Then the vehicle exploded. I did not see my father anymore. As fire was coming out of the vehicle, I looked and asked for my father. I checked a bus and he was not there. I called his mobile. There was no response. I could not find his body. I went to two different hospitals but did not find him. I went with my brother to the third hospital. There was one body, burnt. It was our father. We identified him because we recognized his belt. Every day I remember the attack. When I go to work it is worse, because I still see my father at the gate."*¹⁵¹

*The Taliban allowed the three men to pray before ordering them to kneel facing Mecca. They told the crowd to yell Allah Akbar and a Taliban judge ordered the verdict to be carried out. At 11 o'clock, the Taliban shot the three men dead as the people yelled Allah Akbar."*¹⁵²

-- 27-year-old witness and son of a victim of a suicide vehicle-borne IED attack on the Ministry of Justice in Kabul city on 19 May that killed five civilians and injured 47.

In the first half of 2015, UNAMA documented a sharp increase in civilian casualties resulting from Anti-Government Elements carrying out deliberate attacks against judges, prosecutors, and judicial institutions. Between 1 January and 30 June, UNAMA documented 25 incidents of Anti-Government Elements deliberately targeting judges, prosecutors, and judicial institutions through complex and suicide attacks, targeted killings, IEDs and abductions. These attacks resulted in 178 civilian casualties (43 deaths and 135 injured), a 249 per cent increase compared to the same period in 2014.¹⁵³ UNAMA attributed the majority of the deaths and injuries to Taliban. The Taliban

¹⁵⁰ Targeted killings carried out by international military forces during aerial operations, usually by remotely piloted aircraft, are covered in the Chapter on Pro-Government Forces and the Protection of Civilians, Aerial Operations.

¹⁵¹ UNAMA interview, Kabul city, 9 June 2015.

¹⁵² UNAMA telephone interview with witness, Farah city, Farah province, 10 June 2015.

¹⁵³ During the same period in 2014, UNAMA documented 18 incidents targeting of judges, prosecutors, and judicial institutions, recording 51 civilian casualties (15 deaths and 36 injured). This should also be compared

claimed responsibility for 18 of these attacks, which resulted in 174 of the 178 documented civilian casualties.

Although less specific than the Taliban's 2014 Spring Offensive statement regarding the targeting of judges, prosecutors, and judicial staff,¹⁵⁴ the Taliban statement of 22 April 2015 announcing the launch of the 'Azm' Spring Offensive stated that "officials of the stooge regime...and other pernicious individuals" would be targeted during the 2015 fighting season.¹⁵⁵ However, in their claim of responsibility for the 19 May suicide attack on the Ministry of Justice in Kabul city, they stated that they would continue to target, "judges, prosecutors, the personal of Ministry of Justice and the likes".¹⁵⁶

UNAMA reiterates once again that direct attacks against civilians or civilian objects – which include judicial officials and courthouses – are a serious violation of international humanitarian law which may amount to war crimes.¹⁵⁷

Examples of attacks against judges, prosecutors, and judicial institutions include the following:

- On 7 January, the Taliban detonated a magnetic IED attached to the private vehicle of a judge from the Laghman Provincial Court's Civil Division in Jalalabad city, Nangarhar province, killing him and injuring his two daughters. The Taliban claimed responsibility for the incident on their website, stating that they killed the judge and injured two of his 'bodyguards'.¹⁵⁸
- On 9 April, the Taliban conducted a complex attack targeting the prosecutor's office complex in Mazar-e-Sharif city, Balkh province, which killed 14 civilians and injured 47 others. The Taliban claimed responsibility for the attack on their website.¹⁵⁹
- On 19 May, a suicide attacker detonated a VB-IED at the entrance to the parking lot of the Ministry of Justice in Kabul city, killing five civilians and injuring 47

to the period from 1 January to 30 June 2013, in which UNAMA documented 196 civilian casualties (51 deaths and 145 injured), showing a continuing pattern of attacks on purely civilian targets, which is illegal under international humanitarian law.

¹⁵⁴ See 'Statement of Leadership Council of Islamic Emirate regarding the commencement of the annual spring operation named 'Khaibar', available at: <http://www.shahamat-english.com/index.php/paighamoona/44468-statement-of-leadership-council-of-islamic-emirate-regarding-the-commencement-of-the-annual-spring-operation-named-'khaibar>.

¹⁵⁵ 'Statement by the Leading Council of the Islamic Emirate regarding the inauguration of Spring Operations called 'Azm' (Resolve)', available at <http://shahamat-english.com/index.php/paighamoona/54149-statement-by-the-leading-council-of-the-islamic-emirate-regarding-the-inauguration-of-spring-operations-called-%E2%80%98azm%E2%80%99-resolve>.

¹⁵⁶ See: Taliban Operation Reporting, 19 May 2015 at <http://justpaste.it/l7w6>, last accessed on 15 June 2015.

¹⁵⁷ See Articles 48 and 52 of Additional Protocol 1 to the Geneva Conventions of 1949. See also, articles 8(e) (i) and 8(e)(xii) of the Rome Statute. See also Rule 7 ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

¹⁵⁸ See: <http://alemara1.org/index.php/news/61490>.

¹⁵⁹ See: <http://shahamat-english.com/index.php/news/53905-at-least-80-high-and-low-level-court-staff-killed-in-balkh-operation>

others. The Taliban claimed responsibility for the attack via twitter accounts linked to the group.¹⁶⁰

Threats and Attacks Against Religious Figures and Places of Worship

In 2015, Anti-Government Elements continued to threaten and kill religious leaders and destroy religious shrines and buildings. Attacks deliberately targeting mullahs and places of worship increased in the first six months of 2015, with UNAMA documenting 24 civilian casualties (19 deaths and five injured), a 100 per cent increase from the same period in 2014.¹⁶¹

UNAMA documented six murders of mullahs who had expressed support for the Government, three attacks on religious shrines, and the burning of one mosque because a Government agency had furbished the building. Although such cases go largely unreported, UNAMA also documented one instance of Anti-Government Elements detonating an IED in front of the residence of a mullah in order to warn and intimidate him for having performed a funeral ceremony for an ALP member.

The deliberate targeting of civilians and civilian property, including places of worship, is generally prohibited under international humanitarian law. This includes attacks directed against people and places of worship that constitute the cultural or spiritual heritage of peoples.¹⁶² Moreover, international humanitarian law places a specific obligation on parties to enable religious personnel to carry out their work.¹⁶³ UNAMA notes that the Government of Afghanistan also has specific obligations under international law to protect persons and places of worship from attack.¹⁶⁴

UNAMA highlights concern with the continued pattern of targeted killings of mullahs having expressed pro-government views or condemned civilian casualties caused by Anti-Government Elements. Both the Government of Afghanistan and Anti-Government

¹⁶⁰ See: Taliban Operation Reporting, 19 May 2015 at <http://justpaste.it/l7w6>, last accessed on 15 June 2015.

¹⁶¹ In the first six months of 2014, UNAMA documented 12 civilian casualties (seven deaths and five injured) from attacks targeting civilian mullahs and places of worship.

¹⁶² "Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties." Article 9 on protection of medical and religious personnel, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. Article 18 of the International Covenant on Civil and Political Rights provides that: 1. "Everyone shall have the right to freedom of thought, conscience and religion". Under Article 4 2, "no derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision." See also ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}. See also Article 16 of Additional Protocol II.

¹⁶³ *Ibid.*

¹⁶⁴ The obligation to respect and protect religious personnel is set forth in Article 9 of Additional Protocol II. It is also a war crime to intentionally direct attacks against buildings dedicated to religion (provided they are not military objectives), see Art. 8(e) (iv) of the Rome Statute. The respect for and protection of religious personnel is also considered a norm of customary international humanitarian law. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}. Rule 27- Religious Personnel.

Elements¹⁶⁵ have obligations under international law to safeguard the right to freedom of speech, thought, conscience, and religion.¹⁶⁶

The following are examples of attacks against mullahs and places of worship:

- On 16 January, in Khost Matun district, Khost province, an IED placed inside a loudspeaker at a mosque detonated when the *imam* turned on the loudspeaker, killing him. The victim used to regularly express pro-government views and spoke out against suicide bombings and civilian casualties. Multiple sources reported that he had received numerous threats from Anti-Government Elements to force him to cease speaking out on such issues. No group claimed responsibility for the murder.
- On 7 March, Anti-Government Elements entered a private home in Kabul city and shot a group of Sufism practitioners while they were praying, killing 11 men and injuring one boy. No group claimed responsibility for the attack.
- On 4 April, the Taliban launched a coordinated attack on multiple ANSF checkpoints in Pusht Rod district, Farah province. According to local sources, when searching homes as part of this operation, the Taliban identified a Mullah they accused of supporting the government, and executed him.¹⁶⁷

¹⁶⁵ Anti-Government Elements have human rights obligations to the extent that they can be considered as *de facto* authorities or have effective control over territory, as is the case in certain parts of Afghanistan.

¹⁶⁶ *Ibid*, note. 162.

¹⁶⁷ See: <http://shahamat-english.com/index.php/news/53817-44-killed-and-wounded-in-pust-rod,-11-vehicles-destroyed>. The Taliban claimed responsibility for launching the operation, but did not explicitly claim responsibility for the execution of the Mullah.

Parallel Justice Structures: Executions, Amputations, Beatings and other Criminal Acts

The Taliban made an announcement over the loudspeaker for everyone to go to the Juma Bazaar area. When I arrived, approximately 600 people had gathered with around 100 armed Taliban providing security. A Mullah read from the Holy Quran and a Taliban commissioner gave an address about the benefits of implementing Sharia. The Taliban presented three men accused of murder and instructed them to confess their crimes. As they confessed, they asked for water many times and appeared under duress. Local elders asked the Taliban to forgive the men and offered to pay compensation to the victims' families but the Taliban rejected these offers.

*The Taliban allowed the three men to pray before ordering them to kneel facing Mecca. They told the crowd to yell Allah Akbar and a Taliban judge ordered the verdict to be carried out. At 11 o'clock, the Taliban shot the three men dead as the people yelled Allah Akbar.*¹⁶⁸

-- Witness to summary executions carried out by the Taliban in Bakwa district, Farah province, 10 April 2015. The Taliban claimed responsibility for the executions.¹⁶⁹

In the first six months of 2015, UNAMA documented 19 incidents of Anti-Government Elements, including Taliban, punishing civilians for alleged infractions of Sharia law, perceived offences, and allegations of spying. UNAMA documented summary executions, beheadings, lashings and illegal detention carried out by Anti-Government Elements.¹⁷⁰ UNAMA reiterates that parallel judicial structures are illegal and have no legitimacy or basis under the laws of Afghanistan. Punishments carried out by these structures amount to human rights abuses, criminal acts under the laws of Afghanistan, and in some circumstances, war crimes under international law.¹⁷¹

Death sentences¹⁷² and lashings by Anti-Government Elements resulted in 35 civilian casualties (29 deaths and six injured).

¹⁶⁸ UNAMA telephone interview with witness, Farah city, Farah province, 10 June 2015.

¹⁶⁹ See, Taliban statement, *3 kidnappers handed penalty in Bakwa*, available at: <http://shahamat-english.com/index.php/news/53917-3-kidnappers-handed-penalty-in-bakwa>, last accessed 11 April 2015.

¹⁷⁰ All incidents of civilian casualties from parallel judicial system punishments recorded by UNAMA were carried out by Anti-Government Elements. UNAMA recorded instances of deaths and injuries from such procedures, whether the punishment was directly linked to the conflict (i.e. execution of the father of an ANA soldier) or was carried out by Anti-Government Elements against a civilian in relation to a non-conflict-related infraction i.e. public lashing for adultery. Common Article 3 of the Geneva Conventions protects civilians through the explicit prohibition of murder, violence, passing of sentences and carrying out of executions without respect for fair trial standards, torture, mutilation and other forms of violence. These acts are prohibited at any time and in any place whatsoever. See the *Legal Framework* section of this report for further details on the applicability of Common Article 3 in Afghanistan.

¹⁷¹ Refer to the *Legal Framework* section of this report for a definition of 'war crimes'.

¹⁷² UNAMA considers parallel judicial structure executions to include those intentional, premeditated and deliberate killings of an individual who is present in the perpetrator's physical custody (as opposed to targeted killings that require the victim not to be in the perpetrator's physical custody) when the killing is imposed for the purpose of punishment, e.g. killing of religious leader for delivering a funeral ceremony to a deceased Afghan national security force member, despite warnings not to. UNAMA considers such incidents

In the majority of incidents documented in 2015, Anti-Government Elements executed civilians for committing criminal acts as defined by Anti-Government Elements, suspicion of spying for the Government, and for working for the Government. For example, on 4 May, Taliban stopped public buses in Khak-e-Safed district, Farah province, and abducted 15 civilians on suspicion of working for the Government. On the same day, the Taliban commission determined that eight of the civilians were innocent and two were guilty of working for the Government. They beheaded two victims, one on 4 May and the other on 6 May.

Due to the inherent illegality of these mechanisms, UNAMA views the use of these structures and resulting punishments as amounting to human rights abuses. For the same reason, UNAMA analysis does not conclude the procedural elements allegedly followed are in accordance with recognized international human rights standards, for example, fair trial standards.

Abductions of Civilians by Anti-Government Elements

UNAMA notes with deep concern the rising number of conflict-related abductions¹⁷³ of civilians by Anti-Government Elements and the execution of civilian hostages. From 1 January to 30 June 2015, UNAMA documented 196 abduction incidents, almost all carried out by Anti-Government Elements, which resulted in 76 civilian casualties (62 deaths and 14 injured) marking a 36 per cent increase in the number of such incidents and a 117 per cent increase in casualties compared to the same period in 2014.¹⁷⁴ Both the number of abductions and the number of resulting civilian casualties are the highest recorded by UNAMA since it started documenting such incidents systematically in 2009.

Out of the 196 incidents of civilian abductions documented by UNAMA, Anti-Government Elements perpetrated 189 incidents of abduction, causing 75 out of 76 civilian casualties. UNAMA attributed four incidents to Pro-Government Forces.

The majority of abductions of civilians by Anti-Government Elements appeared to have been carried out for financial gain, to intimidate civilians or to extract concessions from other parties to the conflict, including exchange of hostages. Moreover, UNAMA documented a growing number of abductees killed by their captors because of failure to comply with demands, to maintain authority over other abductees or because the aim of the abduction may have been to kill the victim.

With most of the civilian hostage cases, Anti-Government Elements targeted civilian Government workers and contractors, family members of Government workers, persons

as 'murder', as defined under international humanitarian law applicable in the non-international conflict in Afghanistan.

¹⁷³ Common Article 3 (b) of the 1949 Geneva Conventions and Additional Protocol II, Article 4, explicitly prohibits the "taking of [civilian] hostages". UNAMA only tracks abduction incidents perpetrated by a party to the conflict. Kidnapping and abduction incidents perpetrated by criminals, tribal, or other groups that do not have a nexus with the ongoing armed conflict are not included in this report.

¹⁷⁴ Between 1 January and 30 June 2014, UNAMA documented 143 incidents of abduction resulting in 35 civilian casualties (27 deaths and eight injured).

perceived to be supporting the Government or security forces, as well as ANP with civilian status and former Afghan security forces members. In most incidents, Anti-Government Elements released the abductees after mediation by local elders, Government concessions, agreements from the victims to abstain from certain activities, or the payment of ransom. In some instances, Anti-Government Elements abducted persons and kept them without acknowledging the abduction or providing information on the fate of the missing person.

The majority of the deaths and injuries resulted from abductions where Anti-Government Elements deliberately killed their abductee (often following accusations of spying for Pro-Government Forces) or in which the intended victims resisted the abduction and was subsequently killed. For example, on 11 May, Anti-Government Elements abducted from his home the director of statistics of Pusht Road district, Farah province, took him to an abandoned building, and beheaded him. The injuries resulted from beatings inflicted on the victims or harm while they tried to escape. For example, on 17 May in Alingar district, Laghman province, Anti-Government Elements shot at an off-duty ANP who attempted to flee, injuring a 12-year-old girl. The Anti-Government Elements captured the ANP who was still in captivity at the time of writing this report.

UNAMA has also documented beatings, punishment, extortion and other criminal acts against civilian hostages held by Anti-Government Elements¹⁷⁵. For example, on 28 June, Anti-Government Elements abducted six civilians in Gardez district, Paktya province, including five villagers and one volunteer for a humanitarian organisation. The Anti-Government Elements released the five villagers but kept the volunteer. Staff of a humanitarian organisation recovered his body on 30 June – multiple sources reported that his arms and legs were broken before he was shot to death.

UNAMA observed that in addition to the direct harm caused by killing and injuring of civilians during or after abductions, the act of abduction causes other forms of extreme physical and mental suffering. Anti-Government Elements often held the victim for lengthy periods and in some instances subjected them to mock executions, deaths threats, or other forms of psychological mistreatment. In interviews with former abductees, UNAMA noted that the ordeal does not necessarily end with release – in several documented cases, Anti-Government Elements continued to extort money or property from the victims and their families, track their movements and/or threaten their families to ensure continued financial support.

In addition, family members of the victims suffered the strain of not knowing whether the victims were alive or dead, the condition of the victim and whether their family member

¹⁷⁵ With four exceptions of abductions committed by pro-Government armed, Anti-Government Elements carried out all incidents of conflict-related abductions. UNAMA documented one civilian death following an abduction attributed to members of the national uprising movement (NUM) in Muqur district, Ghazni province. On 1 March, two members of the NUM abducted a civilian driver to steal his car and later killed him. ANP arrested two NUM suspects in connection with this incident on 7 March and their prosecution is ongoing.

would be released. In other instances, families were contacted for ransom or the fulfilment of other conditions for the release of their kin.

Abduction of Civilians of Hazara Ethnicity

UNAMA notes with concern that Anti-Government Elements abducted at least 97 members of the Hazara community in ten incidents in the first half of 2015. All but one incident took place in areas with mixed Hazara and non-Hazara communities in Ghazni, Balkh, Sari Pul, Faryab, Uruzgan, and Ghor provinces. UNAMA has confirmed the release of 67 of the 97 abducted Hazaras.¹⁷⁶ The motives for the abductions varied, and included holding hostages for ransom, exchange of detainees, and suspicion of the hostages being members of Afghan national security forces, while the motive was unknown in some cases. In one incident that garnered significant public attention, Anti-Government Elements abducted 30 Hazara passengers from two public buses in Shajoy district, Zabul province, as they were travelling from Herat to Kabul on 23 February. On 11 May, the Anti-Government Elements released 19 of the abductees in exchange for a group of detainees held by the Government.¹⁷⁷ The fate of the remaining 11 abducted Hazaras remains unknown.¹⁷⁸

Abduction of Humanitarian Workers

UNAMA notes with deep concern that Anti-Government Elements targeted humanitarian workers in 15 abduction incidents in the first six months of 2015. Of the 44 persons abducted in attacks targeting humanitarian aid workers and non-governmental organization staff, six were killed, one remains in captivity, and 37 victims were released. Three additional abduction incidents targeted humanitarian de-mining organizations, resulting in the abduction of 34 individuals, all of whom were eventually released. In one of the incidents targeting humanitarian aid workers, the Taliban abducted five Afghan employees of the international non-governmental organization "Save the Children" on 1 March in Trin Kot district, Uruzgan province. On 10 April, authorities recovered their bodies after the Taliban informed the victims' families of the location.

Abduction for the Purpose of Detainee/Hostage Exchange

In the first six months of 2015, UNAMA documented eight incidents of Anti-Government Elements abducting civilians to exchange them for persons held by Pro-Government Forces. For example, on 10 March, Anti-Government Elements abducted seven civilians and one ALP following the arrest of two Anti-Government Elements by ANP. On 11

¹⁷⁶ UNAMA notes that Anti-Government Elements may have released more abductees, but confirming release presents challenges as often a condition for release is that victims must not release any information about their abduction.

¹⁷⁷ UNAMA telephone interview with Jaghuri district Chief of Police, Gardez city, Paktya province, 11 May 2015.

¹⁷⁸ UNAMA received reliable but unconfirmed information that Anti-Government Elements executed three of the detainees while two others reportedly died of natural causes while in captivity. The identities of the group of detainees, as well as the charges on which the Government detained them, is also unconfirmed, although UNAMA received information that the group of detainees held by the Government included women and children.

March, local elders mediated the release of the two arrested fighters in exchange for the release of the hostages.

Abduction of Civilians by Pro-Government Forces

UNAMA also documented four incidents of Pro-Government forces abducting civilians, including an abduction incident for the purpose of exchanging hostages for persons held by Anti-Government Elements. On 29 May, members of a pro-Government armed group abducted 18 civilians they believed to be affiliated with the Taliban. Earlier the same day, the Taliban had abducted a member of the education department in Charsada district, Ghor province and it appeared the Pro-Government Forces abducted civilians believed to be affiliated with the Taliban in order to secure the release of the member of the education department. Through the mediation of local elders, both sides released their hostages on 31 May.¹⁷⁹

International humanitarian law and international human rights law forbid the taking of hostages, the arbitrary deprivation of liberty, and enforced disappearances.¹⁸⁰ UNAMA calls on all parties to the conflict to cease taking civilian hostages regardless of the purpose of the abduction.

UNAMA reminds the Government of Afghanistan that its international human rights obligations require it to protect the rights to liberty, life, physical integrity, and freedom of movement to all persons within its territory.

The following are examples of abduction incidents:

- On 16 February, Anti-Government Elements abducted a driver in Shib Koh district, Farah province, and demanded a ransom for his release. On 16 March, local villagers found the driver's remains in Qala-e-Kah district, Farah province, following failure to pay the ransom.
- On 14 April, Anti-Government Elements abducted 14 male Hazara civilians in Arjistan district, Ghazni province, reportedly to exchange them for senior commanders arrested earlier that day by Pro-Government Forces. According to Government sources, on 17 April, the Anti-Government Elements beheaded four of the abductees when the Government refused their demands, and later released the remaining 10 hostages.

¹⁷⁹ UNAMA telephone interviews with community elders and government officials in Ghor province, 11-15 June 2015.

¹⁸⁰ Common Article 3 of the Geneva Conventions explicitly prohibits the taking of hostages and it is considered a violation of customary international humanitarian law. See, Customary international humanitarian law, Rule 96, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule96, last accessed on 22 June 2015. See also, Customary international humanitarian law, Rule 98, on the prohibition on enforced disappearance, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter32_rule98, last accessed on 2 August 2015 and Customary international humanitarian law, Rule 99, on the prohibition on the arbitrary deprivation of liberty, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter32_rule99, last accessed on 2 August 2015.

- On 28 June, Anti-Government Elements abducted the 17-year-old son of an ANP officer in Farah city, Farah province. His captors later shot and killed him. His family recovered the boy's body on 6 July.

Taliban Claims of Responsibility for Attacks Impacting Civilians

In the first six months of 2015, the Taliban publicly claimed responsibility for 239 attacks which resulted in 1,002 civilian casualties (259 deaths and 743 injured). These casualties include only those civilian deaths and injuries resulting from attacks publicly claimed by the Taliban on their website or Twitter.¹⁸¹ Of these 239 attacks, 132 appeared directed at Afghan security forces, international military forces and pro-Government armed groups, while 107 attacks deliberately targeted civilian objectives, including tribal elders, civilian Government or justice sector employees, and civilian targets associated with foreign development workers. See Annex 1 of this report for a detailed breakdown of attacks claimed by the Taliban including target type.

Examples of deliberate attacks against civilians and Taliban claims of responsibility include the following:

- Targeted killing of religious leader in Helmand province – On 12 January, the Taliban shot and killed a religious leader and member of the provincial Ulema council near his home in Lashkargah city, Helmand province. The Taliban claimed responsibility.¹⁸²
- Suicide attack on Attorney General's Office shuttle bus in Kabul city - On 10 May, a suicide attacker detonated a body-borne IED in Kabul city targeting a shuttle bus carrying employees of the Attorney General's office. The detonation killed five prosecutors (including three women), and injured another 19 civilians (including four women). The injured included six employees of the Attorney General's office, one driver, and 12 civilian bystanders. The Taliban claimed responsibility and stated having killed 18 employees of the Attorney General's office.¹⁸³
- Attack on Park Palace Hotel in Kabul city – On 13 May, a Taliban attacker opened fire on civilians dining at the Park Palace Hotel, killing 14 civilians, including three women, and injuring seven. The Taliban claimed responsibility for the attack, claiming that all civilians from NATO countries are legitimate targets.¹⁸⁴

¹⁸¹ Those civilian casualties attributed by UNAMA to the Taliban, for which the Taliban made no claim of responsibility, are included under the umbrella term Anti-Government Elements.

¹⁸² The Taliban claimed responsibility for the attack on their website at <http://shahamat-english.com/index.php/news/52213-police-officer-kills-nawzad-governor,-police-chief-and-intelligence-director>, but subsequently removed the link from the website.

¹⁸³ See Taliban operational reporting for 10 May 2015, available at <http://justpaste.it/l1tg>, last accessed 1 July 2015.

¹⁸⁴ See Taliban statement at <http://alemara1.org/?p=12202>.

- Complex attack on the Afghan Parliament in Kabul city – On 22 June, the Taliban launched a complex attack targeting the Afghan Parliament in Kabul city. The attack, which included a suicide VB-IED, small arms fire and RPGs, killed a woman and a girl and injured another 39 civilians, including nine women and five children). Members of the Parliament were safely evacuated, while most of the victims were bystanders in the vicinity of the Parliament compound. The Taliban claimed responsibility for the attack.¹⁸⁵

UNAMA reiterates that international humanitarian law prohibits all attacks directed at civilians (unless and for such time as they take direct part in hostilities) and civilian objects (unless and for such time they are military objectives). Such acts may amount to war crimes. UNAMA recalls that international humanitarian law binds all parties to the conflict, including the Taliban.

Indiscriminate¹⁸⁶ and/or Disproportionate¹⁸⁷ Attacks Targeting Security Forces

In the first half of 2014, the Taliban claimed responsibility for 132 attacks targeting security forces which resulted in civilian casualties. These attacks occurred in public places using indiscriminate weapons, such as suicide attacks and other IED devices, striking military objectives and civilians or civilian objects without distinction¹⁸⁸ or with the expectation that the attack might cause excessive loss of civilian life in relation to the concrete and direct military advantage anticipated.

The following are representative cases of disproportionate harm from attacks targeting armed forces:

- On 1 June, an RC-IED targeting an ANP vehicle detonated late and killed four civilians traveling in another vehicle, in Qalat district of Zabul province. The Taliban claimed responsibility for the attack.¹⁸⁹
- On 10 June, the Taliban attacked checkpoints of Afghan national security forces and the district administrative centre in Hesarak district, Nangarhar province, using mortar rounds and small arms fire. During the attack, sources reported that the Taliban fired between 80 and 100 mortars. The attack resulted in the death of two civilians (husband and wife) and injuries to 18 other civilians, including five women, three boys and one girl. Mortar rounds impacted residential areas and

¹⁸⁵ See Taliban statement at <http://shahamat-english.com/martyrdom-attack-underway-on-parliament-in-heart-of-kabul-city/>.

¹⁸⁶ See ICRC Customary Law study, Rule 12. Indiscriminate attacks are those: (a) which are not directed at a specific military objective; (b) which employ a method or means of combat which cannot be directed at a specific military objective; or (c) which employ a method or means of combat the effects of which cannot be limited as required by international humanitarian law; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.

¹⁸⁷ See ICRC, Customary International Humanitarian Law, Rule 14 Proportionality in Attack. Launching 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.

¹⁸⁸ See, the sections on IED and Suicide and Complex Attacks of this report for further details.

¹⁸⁹ See Taliban statement at <http://alemara1.org/?p=15081>.

damaged civilian homes, a school and government premises. The Taliban claimed responsibility, stating having killed and injured members of Afghan national security forces.¹⁹⁰

Although these attacks appeared to have been directed at security forces, the use of improvised explosive devices and, indirect weapons such as mortars, grenades and rockets which have a wide impact area, in the vicinity of civilian-populated areas may amount to indiscriminate or disproportionate attacks and, as such, constitute serious violations of international humanitarian law and may also amount to war crimes.¹⁹¹ UNAMA reiterates its call on the Taliban to cease conducting attacks in civilian-populated areas using indiscriminate tactics.

Taliban Statements on Protection of Civilians in Armed Conflict

In the first six months of 2015, the Taliban issued 40 public statements on the protection of civilians in armed conflict¹⁹², including one statement on the protection of women's rights based on Islamic principles¹⁹³. These statements, while representing positive developments in certain aspects, continue to adhere to a definition of 'civilian' that does not comply with international law.¹⁹⁴

On 22 April, the Taliban issued a statement announcing the launch of its "Azm" offensive, in which the group stated that it will continue to target "officials of the stooge regime... and other pernicious individuals" while also claiming to it will "safeguard and protect the lives and properties of the civilian people".¹⁹⁵ The statement also called upon "civilian officials and workers of the stooge regime" to resign from government positions,

¹⁹⁰ See Taliban statement at <http://shahamat-english.com/12-minions-killed-in-countrys-east>.

¹⁹¹ Indiscriminate attacks are those which are not directed at a specific military objective; which employ a means of combat which cannot be directed at a specific military objective; or which employ a method or means of combat of which the effects may not be limited, as required by international humanitarian law and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction. See Rule 12, ICRC, Customary International Humanitarian Law.

¹⁹² See for example, Taliban statement, "Special Instructions of the Islamic Emirate's leadership regarding precautionary means to prevent civilian casualties in the ongoing Jihad", 4 January 2015, available at: <http://www.shahamat-english.com/index.php/paighamooona/51926-special-instructions-of-the-islamic-emirate%E2%80%99s-leadership-regarding-precautionary-means-to-prevent-civilian-casualties-in-the-ongoing-jihad>, last accessed 15 January 2015, and Remarks of Islamic Emirate's spokesperson in response to UNAMA report on civilian casualties, 19 February 2015, available at: <http://alemara1.org/?p=2204>, last accessed 6 July 2015.

¹⁹³ Taliban statement, "Full text of the Statement delivered by the Delegation of Political Office of the Islamic Emirate in the International Pugwash Research Conference", 5 May 2015, available at: <http://shahamat-english.com/full-text-of-the-statement-delivered-by-the-delegation-of-political-office-of-the-islamic-emirate-in-the-international-pugwash-research-conference/>, last accessed 27 June 2015.

¹⁹⁴ See, UNAMA 2014 Annual Report on Protection of Civilians in Armed Conflict at pages 70-77.

¹⁹⁵ See, Statement of the leading council of the Islamic Emirate about the inauguration of 'Spring Operations' called 'Azm' (Resolution) on 22 April 2015 available at : <http://shahamat-english.com/index.php/paighamooona/54149-statement-by-the-leading-council-of-the-islamic-emirate-regarding-the-inauguration-of-spring-operations-called-%E2%80%98azm%E2%80%99-resolve>, last accessed 24 April 2015, available in Pashto at <http://alemara1.org/?p=8338>, last accessed 6 July 2015.

offering “secure and peaceful living conditions for all the officials and individuals who quit the enemy ranks.”¹⁹⁶

Despite this apparent recognition of the civilian status of government employees, UNAMA continues to document civilian casualties from incidents claimed by the Taliban that specifically target civilian personnel and objects under international humanitarian law. For example, in the Taliban statement claiming responsibility for the suicide attack on the Ministry of Justice in Kabul on 19 May, the Taliban “vowed to continue to target slave regime’s judges, prosecutors, the personal [sic] of Ministry of Justice and the likes”.¹⁹⁷ The Taliban’s record, both in terms of public statements and in documented practice, continues to demonstrate the Taliban’s policy directly targeting civilians in violation of international law.

UNAMA also notes that the 22 April “Azam” statement reiterates previous Taliban commitments¹⁹⁸ that “Mujahidin who are negligent and careless in preserving the lives and properties of the civilian people and their operations result in the civilian losses or casualties, will be panelized [sic] according to Jihadi and Sharia rules and regulations.”¹⁹⁹ To date, the Taliban has not provided any public information on the results of any investigations carried out by this commission.

Taliban Statements Committing to Protecting the Rights of Women

On 5 May, the Taliban published a copy of a statement made by their representatives at an international conference in Qatar, committing to the protection of human rights, including several references to women’s rights. Namely, they committed to upholding “all rights of women in all walks of life bestowed upon them in the holy religion of Islam”, including right to life, marriage of choice, employment, property, inheritance and education, within the scope of Sharia and Afghan traditions²⁰⁰.

UNAMA urges the Taliban to demonstrate adherence to their proclaimed commitments on women’s rights through concrete actions conducive to women’s full exercise of their inalienable rights. UNAMA also encourages the Taliban to further articulate and implement each of their commitments on women’s rights.

¹⁹⁶ *Ibid.*

¹⁹⁷ Taliban operations reporting for 19 May 2015, available at: <http://justpaste.it/l8ct>, last accessed 27 June 2015.

¹⁹⁸ See, UNAMA 2013 Annual Report on Protection of Civilians in Armed Conflict at pages 36-37, UNAMA 2014 Midyear Report on Protection of Civilians in Armed Conflict at page 30, and UNAMA 2014 Annual Report on Protection of Civilians in Armed Conflict at pages 73-74.

¹⁹⁹ *Ibid.*, footnote 4.

²⁰⁰ Regarding women’s rights concerning marriage, education, employment and property rights the statement acknowledges that: “Women have the right to marry according to their choice. She has the right of property and inheritance. She has the right of education and work.” On security of person, the statement notes that “Above all, women’s lives which is their basic human right is at risk.

Islamic State (IS) ‘*Daesh*’²⁰¹

In a new development, groups claiming allegiance to the terrorist organization self-identified as Islamic State (IS) and known in Afghanistan by the Arabic acronym *Daesh*, began claiming responsibility for civilian casualties in the first six months of 2015. UNAMA documented 10 incidents that caused 10 civilian casualties (seven deaths and three injured) attributed to such groups, primarily in the eastern part of the country. These groups mirror IS media tactics in other countries and publicize beheadings through social media. IS-affiliated groups also caused civilian casualties during ground engagements with rival Anti-Government Elements.

Examples of civilian casualties linked to IS-affiliated groups:

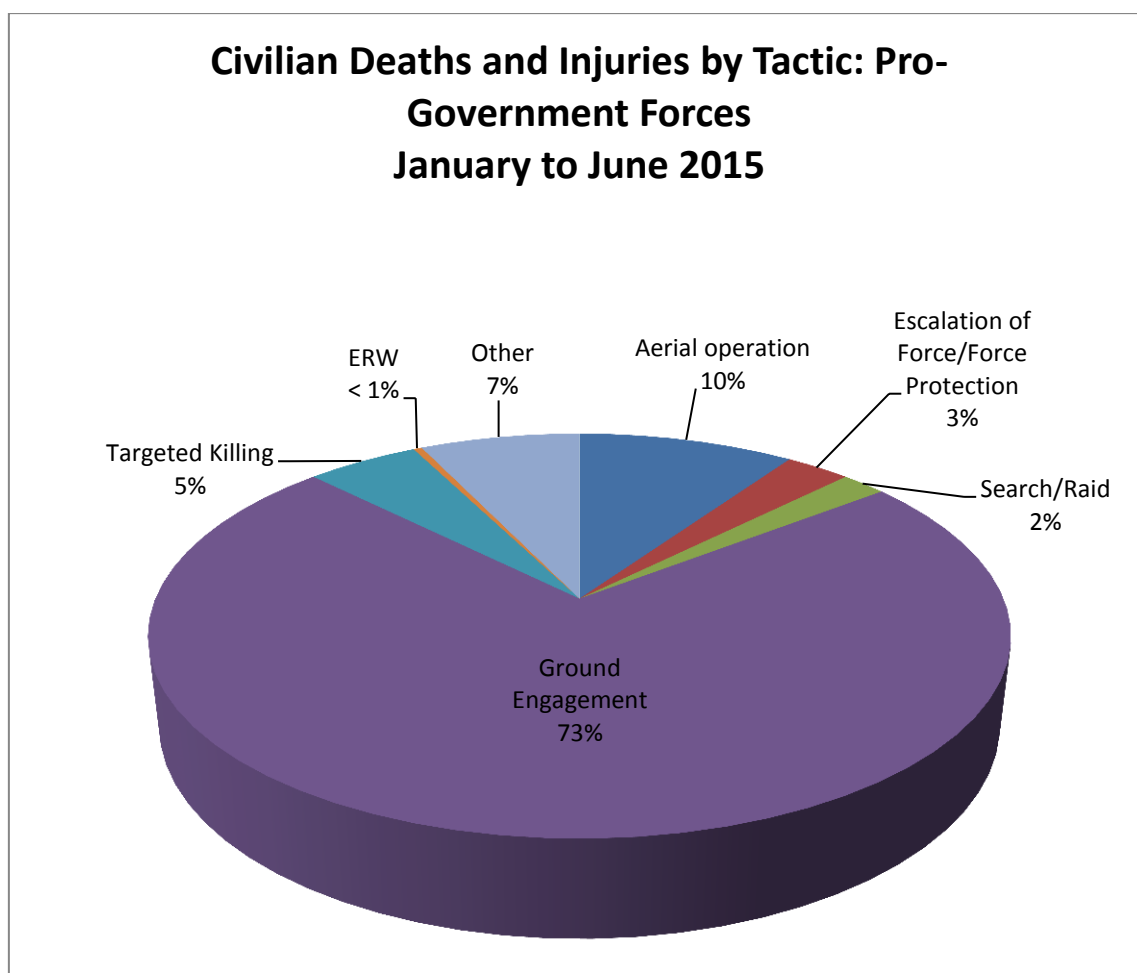
- On 19 June, an IS-affiliated group beheaded a tribal elder and leader of the local shura in Bati Kot district, Nangarhar province, for allegedly assisting the Taliban. A twitter account linked to IS circulated purported photographs of the beheading on twitter the same day.
- On 10 May, a mortar round fired during a ground engagement between an IS-affiliated group and a Taliban group impacted a civilian house, injuring three civilians, including two children.

²⁰¹ In Afghanistan, groups affiliated with the IS are referred to by the Arabic acronym “Daesh” in Afghanistan, although in some parts of the country the term is used to refer to any foreign fighter, regardless of their allegiance. The word ‘Daesh’ is an acronym from “Islamic State of Iraq and the Levant” (*al-Dawla al-Islamiya al-Iraq al-Sham*)

IV. Pro-Government Forces and Protection of Civilians

Pro-Government Forces – in particular Afghan national security forces – continued to cause increasing numbers of civilian casualties in the first six months of 2015. UNAMA documented 796 civilian casualties (234 deaths and 562 injured) caused by Pro-Government Forces, a 60 per cent increase compared to the same period in 2014.²⁰² The majority of civilian casualties caused by Pro-Government Forces occurred during ground engagements, primarily from the use of explosive weapons such as mortars, rockets, and grenades.

UNAMA attributed 654 civilian casualties (174 deaths and 480 injured) to Afghan security forces, 87 civilian casualties (31 deaths and 56 injured) to Pro-Government militia and 55 civilian casualties (29 deaths and 26 injured) solely to international military forces.



²⁰² Between 1 January and 30 June 2014, UNAMA documented 497 civilian casualties (206 deaths and 291 injured) caused by Pro-Government Forces.

Recommendation for the Development of a National Policy on Civilian Casualty Mitigation

In light of the rising civilian casualties from Afghan security forces ground operations, particularly the use of indirect weapons, UNAMA recommends that the Government develop a national policy on civilian casualty mitigation that binds all ministries, departments, and elements of the armed forces. This national policy could be developed by an inter-ministerial working group, embedded in Afghan law, and supported by an action plan for implementation with concrete measurable objectives.

Key elements of the policy should include:

- Independent, impartial, and proactive gathering of information on civilian casualty incidents and allegations by an entity with sufficient resources, capacity, and support;
- Inter-ministerial coordination on information gathering and response;
- Development of mechanisms to ensure lessons learned review and analysis;
- Preventative measures developed and incorporated into rules of engagement and standard operating procedures;
- Strengthening of accountability mechanisms;
- Clear and transparent provision of compensation, medical, and psychosocial care for victims and their families; and,
- Coordination with the Afghan Independent Human Rights Commission, non-governmental and international organizations.

UNAMA also recommends that the international community, in particular the Resolute Support Mission, support the Government in the development and implementation of this policy. UNAMA also welcomes the initiative of the Ministry of Defense to develop a civilian casualty prevention policy, for which the Resolute Support Mission and UNAMA are providing technical assistance.

Afghan Local Police

*The ALP commander came to me and told me: 'You bitch! You must leave the house. Leave the area or I will kill your entire family'. He beat me with the butt of his gun and then with a shovel. He beat me on my waist, head, and shoulder. I was crying and screaming, but in vain. I passed out from the beating and regained consciousness after two hours.*²⁰³

-- A woman assaulted by an ALP commander in Kunduz province in February 2015.

²⁰³ UNAMA interview with victim, Kunduz city, Kunduz Province, 4 February 2015.

The Afghan Local Police (ALP) continued to function as a primary frontline defensive force in remote areas of Afghanistan. As of 15 June 2015, the total number of ALP members stood at 28,400, covering 154 districts in 29 provinces.²⁰⁴

In the first six months of 2015, UNAMA documented 41 civilian casualties (11 deaths and 30 injured) from 27 incidents involving ALP. Although civilian casualties attributed to ALP decreased compared to the same period in 2014, UNAMA continued to document serious violations committed by these forces, with the worst incidents occurring in Kunduz, Badakhshan, Sari Pul, and Kandahar provinces.

The most common human rights violations attributed to ALP included severe beatings, property destruction, theft, threats, intimidation, and harassment. UNAMA also documented targeted killings perpetrated by ALP members as well as illegal detention of civilians. UNAMA continued to document civilian casualties attributed to ALP during ground engagements.

UNAMA is concerned with ALP harming civilians for the purpose of threat, intimidation, revenge, and punishment. In the first six months of 2015, ALP deliberately injured 18 civilians to threaten, harass, and intimidate,²⁰⁵ representing a 36 per cent increase in civilian casualties caused by these tactics.²⁰⁶ In the context of harassment and intimidation, UNAMA documented instances of ALP severely beating civilians who they accused of supporting Anti-Government Elements or who resisted ALP theft or other abuses. For example, on 15 June, ALP members attempted to steal watermelons from a farmer's field. When the farmer's three adult sons tried to stop them from taking the watermelons, the ALP member began to beat them. When their mother attempted to intervene, the ALP shot her in the hand. The farmer complained to the district governor, district ANP, and district NDS, but authorities had taken no action as of the publication of this report.

Targeted and deliberate killings by ALP increased in the first six months of 2015, with ALP deliberately targeting civilians in eight confirmed incidents that resulted in 14 civilian casualties (eight deaths and six injured).²⁰⁷

The situation in the north eastern and northern regions continued to generate the most concern.²⁰⁸ UNAMA has documented 14 civilian casualties (two deaths and 12 injured) in

²⁰⁴ UNAMA meeting with ALP Directorate in Kabul, 15 June 2015. The ALP programme is not present in Bamyan, Khost, Nimroz, Panjshir or Samangan provinces.

²⁰⁵ Threats, intimidation and harassment is a category of tactic used by UNAMA to record incidents of threats of death or harm, intimidation and harassment which amount to a human rights violation, i.e. unlawful movement restrictions or prohibition of freedom of expression, actions which may but not necessarily cause injury or death. The category also includes incidents of physical violence when the purpose is to threaten, intimidate or harass civilians, i.e. punishment, revenge or other forms of deliberate killing, assault or punishments carried out by a party to conflict against a civilian.

²⁰⁶ Between 1 January and 30 June 2014, UNAMA documented 14 civilian casualties (one death and 13 injured) as a result of threats, intimidation, and harassment by ALP.

²⁰⁷ Between 1 January and 30 June 2014, UNAMA documented 10 civilian casualties (nine deaths and one injured) as a result of targeted killings by ALP.

²⁰⁸ See Pro-Government Armed Groups sections of Protection of Civilians in Armed Conflict Midyear and Annual reports 2013 and 2014 for background.

the northeast region and 13 civilian casualties (two deaths and 11 injured) perpetrated by the ALP in the northern region so far in 2015.

The UNAMA 2014 Annual Report on Protection of Civilians in Armed Conflict noted that many communities welcomed the stability, enhanced security and local employment they attributed to ALP – particularly in those areas where ALP was locally recruited and deployed. In other communities, locally recruited ALP used their position to settle local disputes with their rivals. For example, on 14 April in Sayyad district, Sari Pul province, a group of 10 ALP members severely beat eight civilians, including two boys, with their rifle butts following a dispute over land use. After the attack, ALP reportedly prevented the victims from seeking medical attention for several hours. Victims informed UNAMA that the ALP carried out the attack as a punishment because livestock from the victims' village had allegedly damaged crops in ALP members' village.²⁰⁹

Other examples of civilian casualties caused by ALP include the following:

- On 9 January, an ALP member shot at a truck driver in Sangin district, Helmand province, after he refused to give him a ride, injuring the driver and killing his three-year-old son.
- On 21 April, ALP members in Chaparhar district, Nangarhar province, fired rocket-propelled grenades (RPGs) during a ground engagement with Anti-Government Elements. Two RPG rounds landed in a civilian house, killing one boy and one girl and injuring one boy and one girl.

Oversight and Accountability of ALP

"Without accountability, ALP can be poisonous for the country and for the protection of civilians".^{210 211}

-- Ministry of Interior official involved in oversight of ALP across Afghanistan

To encourage oversight and accountability for ALP, UNAMA continued its consultation and advocacy with the ALP Directorate in the Ministry of Interior. The Directorate is the main oversight mechanism for the ALP programme. UNAMA regularly shared written accounts of allegations against ALP members with the Directorate and monitored follow-up actions taken by both the Directorate and Ministry of Interior authorities at the provincial level.

UNAMA notes that the ALP Directorate continued in 2015 to take steps to promote accountability for violations carried out by ALP. At the request of UNAMA, the Government provided information concerning investigations and prosecutions carried out in the first six months of 2015 to address ALP human rights violations. The Government

²⁰⁹ UNAMA interviews with victim, tribal elders, and Government officials between 14 and 15 April 2015.

²¹⁰ Interview with Ministry of Interior officials, Kabul, June 2015.

²¹¹ UNAMA interview with victim, Kunduz city, Kunduz Province, 4 February 2015.

reported five separate cases of arrest of ALP members and two cases of primary court convictions.²¹²

UNAMA recorded arrests and convictions for killing and injuring civilians in the north eastern, northern and eastern regions.²¹³ Although UNAMA welcomes the investigation, arrest, and conviction of ALP members responsible for human rights violations, serious gaps persist in curbing such incidents. UNAMA also observed that authorities failed to act in most cases of ALP members engaging in threats, intimidation, harassment or other abuses against civilians. For example, on 3 February, an ALP commander and his men entered a civilian home in Dasht-e-Archi district, Kunduz province, and beat two men, one woman, and one boy. Sources reported that the ALP commander beat the family in retaliation after the family initiated court proceedings to reclaim land usurped by the commander. ANP reported that the victims withdrew their complaint against ALP a few days after the incident and ANP thus closed their investigation.²¹⁴

While in its 2014 Annual Report on Protection of Civilians in Armed Conflict, UNAMA observed the progress made by the ALP Directorate in the investigation of ALP-related human rights violations, it notes with concern the possible scaling back of the Directorate's authority. On 5 June 2015, the Ministry of Interior sent a memo to the Director of the ALP Directorate withdrawing the Directorate's investigative authority.²¹⁵ The Ministry of Interior circulated the memo to all provincial chiefs of police. At the time of writing, discussions were on-going to determine which governmental body would have the authority to exercise oversight of the ALP programme and refer complaints for prosecution. While UNAMA encourages the strengthening of ALP command and control and the regularization of ALP into regular police forces under the Ministry of Interior, the gap in oversight and accountability raises serious concerns.

In June 2015, the President of Afghanistan ordered a joint evaluation of all ALP units by a commission including the Ministries of Interior, Defence, Local Governance, and NDS to determine where ALP units were most needed and where they were most problematic.²¹⁶ UNAMA notes that during this process or review, the Government must ensure accountability for any violations and ensure that perpetrators are not merely removed or transferred from their positions, but also criminally prosecuted if the violations include criminal offences. During the evaluation and review of the ALP programme, UNAMA reiterates the need for the Government to ensure current ALP rules and safeguards on vetting and training are fully respected, especially if the evaluation leads to the creation of new ALP units.

²¹² For example, on 16 June, an ALP shot and killed a 19-year-old man in Zheray district, Kandahar province, reportedly because he refused to join the ALP. ANP arrested four ALP members including a checkpoint commander and the investigation is reportedly ongoing.

²¹³ UNAMA interviews with ANP, government officials, and community members throughout June 2015 in Maimana city, Faryab province, Jalalabad city, Nangarhar province, and Kunduz city, Kunduz province.

²¹⁴ UNAMA interview with Sayyad District Chief of Police, 25 June 2015.

²¹⁵ UNAMA interview with Ministry of Interior Officials, Kabul, June 2015.

²¹⁶ *Ibid.*

Pro-Government Armed Groups²¹⁷: Civilian Casualties, Human Rights Abuses and Impunity

“Almost everyone, including the district ANP and the local Government, is powerless against these armed militias. They do whatever they want and no one can stop them. They have spread panic amongst the civilian population. My relatives were forced to pay illegal taxes to the armed militias and I could not stop this from happening. Even as a high-ranking ANP official, I could not stop the armed militias from extorting illegal taxes from my own relatives. These militias are well-connected both at the provincial and national levels. If you try to arrest them, you will receive a call within minutes from powerful people who simply tell you that the man you arrested was their man, and that you must release him right away.”

-- A former high-ranking ANP official in Kunduz province (district withheld).²¹⁸

In the first six months of 2015, UNAMA continued to document human rights abuses carried out by pro-Government armed groups with impunity, including deliberate killings, assaults, extortion, intimidation and property theft. UNAMA is concerned with the increased use of pro-Government armed groups in operations by Afghan national security forces to combat Anti-Government Elements, particularly in the north and northeast regions, and the rise in civilian casualties resulting from such operations. UNAMA observed a consistent failure of the Afghan authorities to protect civilian communities from human rights abuses and harm perpetrated by pro-Government armed groups, and an absence of accountability for such actions.

Between 1 January and 30 June, UNAMA documented 87 civilian casualties (31 deaths and 56 injured)²¹⁹ in 69 separate incidents involving pro-Government armed groups. The figures include 16 women (three deaths and 13 injured) and 29 children (eight deaths and 21 injured). Pro-Government armed groups were responsible for 11 per cent of civilian casualties attributed to Pro-Government Forces. Civilian casualties caused by pro-Government armed groups between 1 January and 30 June 2015 more than doubled compared to those documented in the first half of 2014, surpassing the total

²¹⁷ The term “pro-Government armed group” refers to an organized armed non-State actor engaged in conflict and distinct from Government Forces, rebels and criminal groups. Pro-Government armed groups do not include the Afghan Local Police, which fall under the command and control of the Ministry of Interior. These armed groups have no legal basis under the laws of Afghanistan. Armed groups have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. In some cases, armed groups receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to, the following groups: national uprising movements, local militias (ethnically, clan or otherwise based), and civil defence forces and paramilitary groups (when such groups are clearly not under State control).

²¹⁸ UNAMA meeting, Kunduz city, Kunduz province, 18 May 2015.

²¹⁹ The total number of civilian casualties caused by pro-Government armed groups includes the two incidents in Andar district, Ghazni province, in January 2015, reported in the UNAMA 2014 Annual Report on Protection of Civilians in Armed Conflict, pages 88-90.

number of civilian casualties from pro-Government armed groups recorded in all of 2014.²²⁰

With the exception of five incidents that occurred in Kunar, Ghor, Ghazni and Kapisa provinces, all remaining 64 incidents of civilian casualties and abuses took place in the north and northeast regions, mainly in Kunduz and Faryab provinces, but also in Baghlan, Sari Pul, and Balkh provinces.

Civilian Casualties Resulting from Operations Carried out by Pro-Government Armed Groups

Throughout 2015, UNAMA observed armed groups increasingly taking an active role in operations led by Afghan national security forces. The majority of civilian casualties caused by pro-Government armed groups resulted from ground engagements with Anti-Government Elements or other armed groups, with UNAMA recording more than twice the number of civilian casualties arising from such incidents compared to the first six months of 2014.²²¹ Between 1 January and 30 June, UNAMA documented 48 civilian casualties (seven deaths and 41 injured) from operations carried out by pro-Government armed groups in support of Afghan national security forces.

Civilian casualties resulting from ground engagements between rival pro-Government armed groups continued to increase in 2015, causing 26 civilian casualties (seven deaths and 19 injured), a 160 per cent increase compared to the first six months of 2014. All clashes took place in the northern and north eastern regions.

In 13 incidents, pro-Government armed groups deliberately targeted and killed civilians, resulting in 19 civilian casualties (16 deaths and three injured). UNAMA also documented four illegal search operations by pro-Government armed groups, which caused 10 civilian casualties (three deaths and seven injured).

The rise in civilian casualties attributed to pro-Government armed groups during ground engagements resulted in large part from their deployment to repel the Taliban offensive in Kunduz province in April and May (refer to 'Kunduz Offensive' section in Chapter 2, Ground Engagements). The more direct role of pro-Government armed groups in active combat appears to be an emerging pattern in operations by Afghan national security forces. For example, in the first six months of 2015, UNAMA documented 22 civilians injured by pro-Government armed groups in Kunduz province during ground engagements with the Taliban²²². By comparison, in the first six months of 2014, all civilian casualties caused by pro-Government armed groups in Kunduz were the result of

²²⁰ Pro-Government armed groups in northern and north eastern regions remained responsible for the vast majority of cases (54 and 34 per cent respectively), and both regions recorded increases in incidents and in civilian casualties during the first six months of 2014.

²²¹ In the first six months of 2015, UNAMA attributed 48 civilian casualties (seven deaths and 41 injured) to ground engagements conducted by pro-Government armed groups. During the same period in 2014, UNAMA attributed 18 civilian casualties (seven deaths and 11 injured) to pro-Government armed during ground engagements.

²²² UNAMA ten additional civilian casualties in Kunduz province resulting infighting between pro-government fighting each other in the first six months of 2015.

fighting between rival groups. All 22 civilian casualties caused by pro-Government armed groups fighting Anti-Government Elements in Kunduz resulted from the use of explosive weapons (mortars, rockets, grenades), highlighting the dangers of using irregular armed groups in military engagements.

Killings and other Human Rights Abuses by Pro-Government Armed Groups

He said "I used to enjoy killing my enemies, but their deaths no longer satiate my killing thirst. What would satisfy me and make me happy is to kill four or five civilians every day and hang their dead bodies. Then, the media could report and I would become famous in the area. This would create panic amongst the people, satisfy my desire to kill, and increase my power in the area. That is what I want".

-- Community elder quoting the words he had allegedly heard from the commander of a pro-Government armed group in Kunduz Province (district withheld).²²³

UNAMA documented 13 separate incidents of pro-Government armed groups deliberately targeting and killing civilians, and is deeply concerned with the absence of accountability for these acts. For example, on 14 April, members of a pro-Government armed group entered a school in the Khanabad district, Kunduz province, dragged a teacher outside, and shot him dead in front of his students. Sources reported that the men killed the teacher for failing to comply with instructions from the armed group's commander. UNAMA also documented five incidents of abduction, including one that resulted in the execution of the abductee. Moreover, UNAMA verified 29 instances of pro-Government armed groups threatening, intimidating and harassing the civilian population, as well as cases of forced labour, assault, extortion and theft. For example, on 3 April, members of a pro-Government armed group abducted a prosecutor from Badakhshan province as he was traveling through Khan Abad district, Kunduz province, and releasing him after payment of a ransom.

UNAMA observed that pro-Government armed groups continued to act with impunity in areas where they held considerable power, particularly in the northern and north eastern regions. In the first six months of 2015, UNAMA documented ongoing human rights abuses by pro-Government armed groups in Pashtun Kot district, Faryab province, Sancharak district, Sari Pul province, and Khan Abad district, Kunduz province. These abuses were carried out with complete impunity and follow a continuing pattern of human rights abuses documented in the north and northeast in 2013 and 2014. For example, in the first half of 2015, UNAMA again documented multiple instances of egregious human rights abuses carried out by pro-Government armed groups against civilians in Khan Abad district, Kunduz province, and Pashtun Kot district, Faryab province.²²⁴

As an example of the power of pro-Government armed groups, and of their impact on the civilian population, on 3 June, in Pashtun Kot district, Faryab province, a pro-

²²³ UNAMA meeting, Kunduz city, Kunduz Province, 28 May 2015.

²²⁴ See UNAMA 2014 Annual Report on Protection of Civilians in Armed Conflict, pages 84-87.

Government armed group commander shut off the water supply from the Serhauz dam, depriving most of the district as well as the provincial capital, Maimana, from the water supply for several days. Reportedly, the commander shut off the water in retaliation for the looting by a rival pro-Government armed group, the previous day, of a humanitarian aid convoy destined for his area. Crops and gardens were destroyed or badly damaged by the lack of water as an additional negative consequence on the well-being of the communities. The commander reopened the water supply following the intervention of district and provincial authorities on 13 June.²²⁵ However, he has not been held accountable for his actions.

In the first half of 2015, UNAMA documented human rights abuses carried out by pro-Government armed groups in districts with few or no abuses previously documented. Between 1 January and 30 June 2015, UNAMA documented 13 separate incidents of human rights abuses carried out by pro-Government armed groups in Sancharak district, Sari Pul province, while no incidents had been documented in 2014. Human rights abuses included deliberate killings, serious assaults, illegal taxation and other forms of extortion, forced labour, illegal detention, denial of access to healthcare, land theft, and property destruction. Abuses by pro-Government armed groups in Sancharak district caused eight civilian casualties (six deaths and two injured). Of further concern, UNAMA received multiple reports that a pro-Government armed group in Sancharak district sexually exploited boys under the age of 16 in *bacha bazi*²²⁶ practices.

Lack of Accountability for Human Rights Abuses by Pro-Government Armed Groups

As documented in previous Protection of Civilians in Armed Conflict reports, UNAMA observed that pro-Government armed groups continued to enjoy impunity for the vast majority of human rights abuses they committed. Interlocutors consistently reported to UNAMA that government authorities were unwilling or unable to control the activities of pro-Government armed groups, due to protection from powerful political figures, insufficient numbers of Afghan national security forces (who are locally outnumbered by pro-Government armed groups in some districts), or Government reliance on such groups to counter Anti-Government Elements. Government officials have admitted to UNAMA their incapacity to disarm, disband or hold pro-Government armed groups accountable due to the political connections of their commanders.²²⁷

Although most perpetrators were not held accountable for their abuses, UNAMA documented two instances in the first six months of 2015 where the Government undertook efforts to hold some pro-Government armed groups accountable for human

²²⁵ UNAMA meetings, Maimana city, Faryab province, 10-13 June 2015.

²²⁶ *Bacha Bazi* is a term loosely translated as “boy play” and practiced in some parts of Afghanistan by commanders and other influential men, usually associated with sexual exploitation and abuse of young boys. See, National Inquiry on the causes and consequences of *Bacha Bazi* in Afghanistan, Afghanistan Independent Human Rights Commission, 8 August 2014, at

http://www.aihrc.org.af/home/research_report/3324, last accessed 6 June 2015.

²²⁷ UNAMA meeting with officials of the Ministry of the Interior, 4 March 2015.

rights abuses. For example, ANP arrested a member of a pro-Government armed group who had reportedly shot and killed a civilian man on 26 May in Pashtun Kot district, Faryab province, reportedly following orders from a prominent commander. ANP did not arrest the commander who allegedly ordered the killing. The investigation was on-going at the time of this report's release. ANP arrested two members of the 'National Uprising Movement' accused of killing a civilian man on 1 February in Gelan district, Ghazni province, after robbing him. The investigation was on-going at the time of the release of this report.

UNAMA remains concerned by the gap between the vast number of documented abuses committed by pro-Government armed groups and the scarce number of investigations and prosecutions of human rights abuses committed by such groups. Under international human rights law, the Government has a duty to protect the right to life and must investigate any unlawful killing, including those committed by pro-Government armed groups. Despite the stated Government commitment at the national level to disband and disarm illegal armed groups, UNAMA observed no effort to enforce this policy in the first six months of 2015.²²⁸ To the contrary, UNAMA received credible reports that the provincial security forces actively supported such groups in Kunduz province to repel Anti-Government Elements.

UNAMA highlights that impunity for human rights abuses and crimes by such armed groups risks perpetuating insecurity, undermines civilian protection and weakens the rule of law. The pattern of abuses and impunity by pro-Government armed groups erodes the Government's legitimacy and fuels continuing cycles of violence.

UNAMA reiterates previous recommendations that armed groups be immediately disbanded and disarmed and urges the Government to investigate, prosecute and punish perpetrators of human rights abuses and other criminal acts.

Aerial Operations

From 1 January to 30 June 2015, UNAMA documented 77 civilian casualties (32 deaths and 45 injured) from aerial operations by both international military forces and Afghan security forces, an 88 per cent increase compared to the same period in 2014.²²⁹ Of the 77 civilian casualties, UNAMA attributed 49 (27 deaths and 22 injured) to international military forces and 28 (five deaths and 23 injured) to Afghan security forces.

International Military Forces Aerial Operations

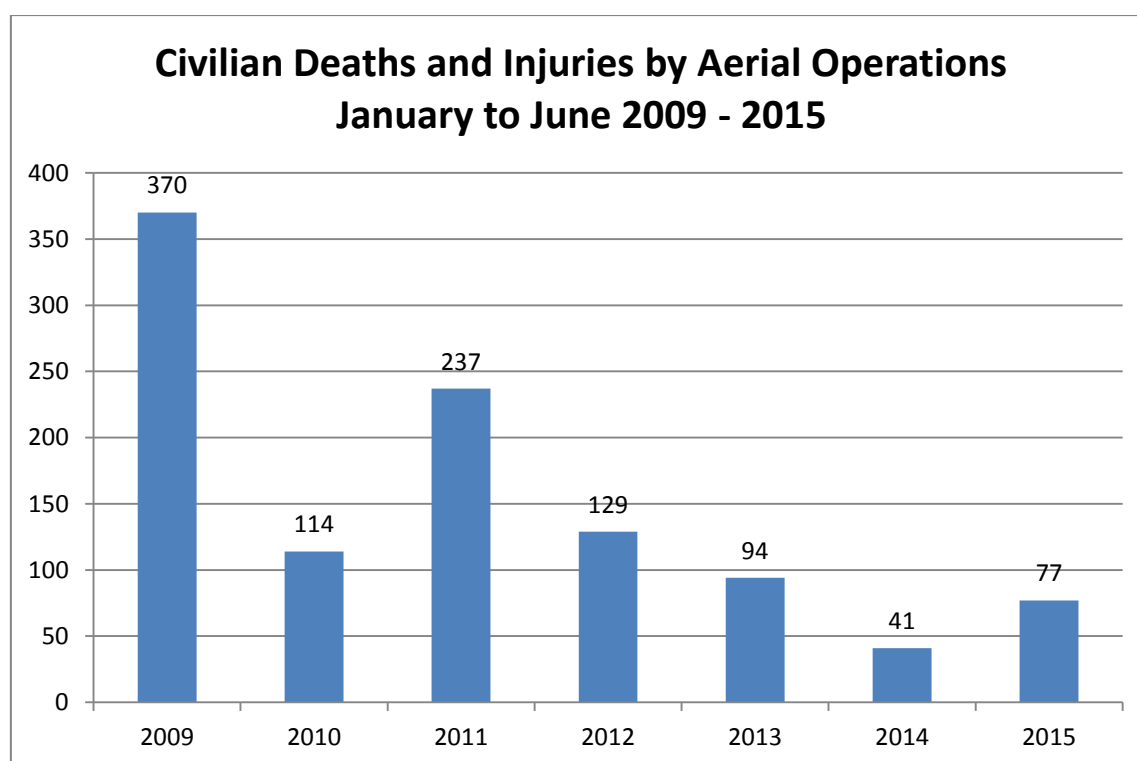
UNAMA observed that international forces continued to conduct aerial operations in 2015. Between 1 January and 30 June 2015, aerial operations by international military

²²⁸ Afghanistan's President reiterated the Government's policy in a videoconference with Kunduz provincial officials, stating that "*illegal armed forces cannot be tolerated at all*" and would face legal action if they did not abide by the law – see press release from the President's office at <http://president.gov.af/en/news/40136>, last accessed on 11 January 2015.

²²⁹ Between 1 January and 30 June 2014, UNAMA documented 41 civilian casualties (28 deaths and 13 injured) from aerial operations by international military forces in Afghanistan.

forces caused 49 civilian casualties (27 deaths and 22 injured). While recognizing the ongoing measures taken by Afghan security forces and international security to reduce civilian casualties resulting from aerial operations²³⁰, this represents a 23 per cent increase in civilian casualties caused by international military forces aerial operations,²³¹ most of them UAV strikes, reversing the downward trend previously documented by UNAMA.²³²

UNAMA recalls that international humanitarian law requires all parties to take constant care to spare the civilian population, civilians and civilian objects, and all feasible precautions to avoid, and minimize incidental loss of civilian life, injury to civilians and damage to civilian objects. UNAMA also recalls that international human rights law remains fully applicable.



²³⁰ For example, Resolute Support Mission Afghanistan (and its predecessor ISAF) introduced mandatory training for operations centre staff and personnel engaged in the employment of aerial delivered munitions. Email from NATO/ RS UNCLASSIFIED Re: UNAMA, Resolute Support Mission Response to UNAMA – Protection of Civilians in Armed Conflict, received 29 July 2015.

²³¹ Between 1 January and 30 June 2014, UNAMA documented 40 civilian casualties (27 deaths and 13 injured) from international military forces aerial operations.

²³² See, UNAMA 2014 Midyear Report on Protection of Civilians in Armed Conflict, pages 59-60.

Aerial Operations by Afghan National Security Forces

*It was around two o'clock in the afternoon when the Taliban launched multiple attacks on Afghan security forces checkpoints using small arms, heavy machine guns, and rocket-propelled grenades. I was watching the fighting from the district centre, about two kilometers away, when two ANA helicopters arrived to support the security forces. The Taliban started shooting at one of the helicopters with a heavy machine gun, which must have given away their position. The other helicopter had a machine gun mounted on it and it started firing at the Taliban. The bullets fired from the helicopter seemed to explode when they hit the ground. When the helicopter fired at the Taliban's machine gun, it also hit a civilian house, injuring five civilians inside.*²³³

-- Witness of an ANA aerial operation in Pusht Rod district, Farah province, on 4 April 2015 that injured five civilians, including three children.

Between 1 January and 30 June 2015, UNAMA documented 28 civilian casualties (five deaths and 23 injured) in 10 separate incidents of aerial operations carried out by the Afghan Air Force (AAF). The Afghan Air Force, a branch of ANA, took on primary responsibility for close air support and offensive aerial operations in support of Afghan security forces in Afghanistan at the beginning of 2015.²³⁴

Throughout 2015, the Afghan Air Force continued to develop their capacity to conduct close air support and offensive aerial operations. As of 31 May, the Afghan Air Force operated 20 aircrafts, including five Mi-35 attack helicopters, five armed MD-530 light attack helicopters, and 10 Mi-17 transport helicopters modified with fixed forward-firing machine guns.²³⁵ The Afghan Air Force Mi-35s can also deploy unguided rocket systems. The Afghan Air Force plans to deploy additional armed aircrafts in 2015 and early 2016.²³⁶

Examples of air-related incidents attributed to Afghan national security forces include the following:

- On 4 April, an ANA helicopter deployed to support Afghan national security forces under attack from a large group of Taliban in Pusht Rod district, Farah province, opened fire in a civilian-populated area, injuring five civilians, including one woman and one girl.

²³³ UNAMA telephone interview, Kunduz city, Kunduz province, 23 June 2015.

²³⁴ United States Department of Defense, 'Report on Enhancing Security and Stability in Afghanistan', page 60, June 2015, available at: http://www.defense.gov/pubs/June_1225_Report_Final.pdf, last accessed 1 July 2015.

²³⁵ United States Department of Defense, 'Report on Enhancing Security and Stability in Afghanistan', pages 63-68, June 2015, available at:

http://www.defense.gov/pubs/June_1225_Report_Final.pdf, last accessed 1 July 2015. There are also an additional 30 Mi-5VS aircraft used by the Special Mission Wing under the Afghan Ministry of Defense, although their offensive armament capabilities are not known. See, *Ibid*, at pages 72-75.

²³⁶ According to the United States Department of Defense, 'Report on Enhancing Security and Stability in Afghanistan', the Afghan Air Force will deploy additional MD-530 helicopters and fixed wing A-29 'Super Tucano' light attack aircrafts. *Ibid*, pages 63-69.

- On 29 April, an ANA helicopter opened fire targeting Taliban in the Gortepa area of Kunduz city, Kunduz province, injuring four civilians, including one woman and a 10-year-old boy. Government officials claimed that the operation also killed and injured Taliban fighters.
- On 11 May, an ANA helicopter deployed to support Afghan national security forces in a ground engagement with Taliban in Baghlan-e-Jadid district, Baghlan province, opened fire, hitting civilian homes in the area. The attack killed a three-year-old girl and damaged civilian homes. ANP officials reportedly promised local elders they would investigate the incident.²³⁷

Given the potential for continued fighting between Anti-Government Elements and Pro-Government Forces, particularly in civilian-populated areas, international military forces initiatives to effectively train Afghan Air Force aircrew and reduce the likelihood of civilian casualties remain essential and should continue. UNAMA encourages international military forces to continue their support in strengthening the capacity of the Afghan Air Force to mitigate civilian casualties in air operations, both by providing training and assisting the strengthening of rules of engagement.

UNAMA reiterates that international humanitarian law requires parties to the conflict to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects, especially during the conduct of aerial operations.²³⁸

²³⁷ UNAMA interview with local elder, 13 May 2015, Kunduz city.

²³⁸ Rule 1-Distinction between Civilians and Combatants and Rule 25-Precautions in Attack. *Customary International Humanitarian Law*, Volume 1, Rules. Jean-Marie Henckaerts and Louise Doswald-Beck, ICRC, Cambridge, 2005.

V. Legal Framework

The legal framework used for this report includes international human rights law, international humanitarian and criminal law and binding United Nations Security Council resolutions on Afghanistan.²³⁹ All contain obligations relevant to protection of civilians during armed conflict in Afghanistan which are explained in the section below.

Legal Responsibilities of Parties to the Armed Conflict

UNAMA takes the position that the armed conflict in Afghanistan is a non-international armed conflict between the Government of Afghanistan and its armed forces (Afghan national security forces supported by international military forces, referred to in this report and within Afghanistan as “Pro-Government Forces”), and non-State armed opposition groups (referred to in this report and within Afghanistan as “Anti-Government Elements”). See *Glossary* for definition of Pro-Government Forces and Anti-Government Elements.

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

In resolution 1325 (2000), the Security Council underlined that 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 them from gender-based violence during armed conflict.²⁴⁰

(i) Obligations under International Humanitarian Law

Afghanistan is a party to the four Geneva Conventions of 1949 and to Additional Protocol II of 1977,²⁴¹ which addresses the protection of civilians in a non-international armed conflict and prohibits attacks against civilians and objects indispensable to the survival of the civilian population.

Article 3 common to the four Geneva Conventions of 1949 establishes minimum standards that parties, including State and non-State actors, shall respect in non-international armed conflict. Common Article 3 explicitly prohibits murder²⁴², violence,

²³⁹ United Nations Security Council Resolution 2210 (2015) highlights the obligations of all parties to the armed conflict in Afghanistan to comply with international law “including international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians.”

²⁴⁰ S/RES/1325 (2000); See also S/RES/1820 (2008), S/RES/1888 (2009), S/RES/1889 (2009), and S/RES/1960 (2010).

²⁴¹ Afghanistan ratified Additional Protocol II 1977 on 10 November 2009. It entered into force on 24 December 2009.

²⁴² Regarding the war crime of murder, as defined by the Rome Statute of the International Criminal Court, UNAMA uses the term ‘deliberate killing of civilians’, which includes targeted killing, to describe an alleged act that may amount to the war crime of murder, to distinguish such acts from the crime of murder committed by a private actor outside the context of the armed conflict. Terms such as ‘targeted killing’ and ‘extrajudicial killing’ are sometimes used to describe the deliberate killing of a civilian in the context of the non-international armed conflict in Afghanistan.

extrajudicial executions, torture, mutilation and other forms of violence,²⁴³ at any time and in any place.

The contents of the four Geneva Conventions of 1949 and several rules similar to those found in their Additional Protocols are also largely part of customary international law.²⁴⁴ Among the most relevant principles that apply to the conduct of all the 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.²⁴⁵
- 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."²⁴⁶
- Precautions in attack: "...civilians shall enjoy general protection against the dangers arising from military operations".²⁴⁷ "In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects" and all feasible precautions must be taken with the "view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects."²⁴⁸
- All States contributing to the international military forces in Afghanistan are signatories to the four Geneva Conventions of 1949. While not all troop-contributing States are signatories of Additional Protocol II 1977, they are still bound by the relevant rules of customary international humanitarian law applicable in non-international armed conflicts.

²⁴³ Common Article 3 of the Geneva Conventions of 12 August 1949 is applicable during conflicts of a non-international character. "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

²⁴⁴ See ICRC, Customary International Humanitarian Law, ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

²⁴⁵ Additional Protocol II, article 13(2).

²⁴⁶ ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005).

²⁴⁷ Additional Protocol II, article 13(1).

²⁴⁸ Rules 15 to 21 ICRC Study on Customary International Human Rights Law (2005).

(ii) Obligations under International Human Rights Law

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

Afghanistan is a signatory to numerous international human rights treaties,²⁴⁹ including the International Covenant on Civil and Political Rights (ICCPR) which obligates the Government to provide basic human rights protections to all persons within the territory or jurisdiction of the State.

While they cannot become parties to international human rights treaties, non-State actors, including armed groups, are increasingly deemed to be bound by international human rights obligations, particularly those exercising *de facto* control over some areas, such as the Taliban.²⁵⁰

Under international human rights law, States must investigate the use of lethal force by their agents,²⁵¹ particularly those involved in law enforcement. This duty, together with potential liability for failure to comply, flows from obligation to protect the right to life.²⁵² For State investigations to be effective, they must be as prompt as possible, exhaustive, impartial, independent²⁵³ and open to public scrutiny.²⁵⁴ A State's duty to investigate applies to all law enforcement contexts, including those arising during armed conflict.²⁵⁵

²⁴⁹ 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 to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 19 October 2002; Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, ratified on 24 September 2003; and Convention on the Rights of Persons with Disabilities, acceded to on 18 September 2012. See http://www.aihrc.org.af/English/Eng_pages/X_pages/conventions_af_z_party.html.

²⁵⁰ See United Nations 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; the Report of the International Commission of Inquiry on the Situation of Human Rights in the Syrian Arab Republic, A/HRC/19/69, para. 106; United Nations Mission in the Republic of South Sudan (UNMISS), Conflict in South Sudan: A Human Rights Report, 8 May 2014, para. 18.

²⁵¹ See Paragraphs 9, 10 and 17 of the *United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, adopted on 24 May 1989 by the Economic and Social Council Resolution 1989/65. See also United Nations Security Council and General Assembly resolutions concerning non-international armed conflict, calling for all parties to respect international human rights law.

²⁵² UNHRC, General Comment No. 31 (2004), § 15; UNHRC, General Comment No. 6 (1982), § 4; ECtHR, *McCann case*, § 169; ECtHR, *Kaya case*, § 86; ECtHR, *Ergi v. Turkey*, Application No. 23818/94, Judgment of 28 July 1998, §§ 82, 86; ECtHR, *Isayeva v. Russia*, Application No. 57950/00, Judgment of 24 February 2005, §§ 208-9, 224-5; IACiHR, *Abella (La Tablada) case*, § 244; IACiHR, *Alejandro case*, § 47; IACiHR, *Civil Liberties case*, § 22.

²⁵³ IACiHR, *Abella (La Tablada) case*, § 412; ECtHR, *Özkan case*, § 184; ECtHR, *Orhan v. Turkey*, Application No. 25656/94, Judgment of 18 June 2002, § 335; ECtHR, *Isayeva et al. case*, § 210-11; ECtHR, *McCann case*.

(iii) Obligations under International Criminal Law

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

States whose military forces are among the international military forces party to the conflict in Afghanistan, also have a responsibility to investigate and prosecute alleged crimes that may have been committed by their nationals in Afghanistan.²⁵⁶

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 armed conflict.

(iv) Definition of Civilian(s)

In relation to the conduct of hostilities, UNAMA recalls that civilian(s) are defined under international law as persons who are not members of military/paramilitary forces or fighters of organized armed groups of a party to the conflict who are taking direct part in hostilities. Civilians may lose their protection against attacks if and for such time as they take direct part in hostilities.²⁵⁷

Persons who become *hors de combat* (wounded, sick, shipwrecked, detained or surrendering), or those who belong to the medical or religious personnel of the armed forces, must be protected from attacks.

International humanitarian law requires parties to a conflict to always make a distinction in the conduct of military operations between civilians on the one hand, and combatants and those taking direct part in hostilities on the other hand.

²⁵⁴ ECtHR, *Hugh Jordan v. the United Kingdom*, Application No. 24746/94, Judgment of 4 May 2001, § 109; ECtHR, *Özkan case*, § 187; ECtHR, *Isayeva et al. case* § 213; ECtHR, *Isayeva case*, § 214. See also Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>.

²⁵⁵ See C. Droege, “Distinguishing Law Enforcement from Conduct of Hostilities”, pp. 57-63, contained in the Report on the Expert Meeting “Incapacitating Chemical Agents”, Law Enforcement, Human Rights Law and Policy Perspectives, held in Montreux, Switzerland 24-26 April 2012, at <http://www.icrc.org/eng/assets/files/publications/icrc-002-4121.pdf>; Nils Melzer, “Conceptual Distinction and Overlaps between Law Enforcement and the Conduct of Hostilities,” in *The Handbook of the International Law of Military Operations* (Oxford: Oxford University Press, 2010), pp. 43-44; Nils Milzer, *Human Rights Implications Of The Usage Of Drones and Unmanned Robots In Warfare*, Directorate-General For External Policies Of The Union, Policy Department (2013) at <http://www.europarl.europa.eu/delegations/en/studiesdownload.html?languageDocument=EN&file=92953>.

²⁵⁶ Irrespective of whether States are parties to the ICC statute, they all have obligations under customary law to investigate serious violations of international human rights and international humanitarian law when they are operating on the territory of Afghanistan.

²⁵⁷ Rule 5, Customary international humanitarian law, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule6, last accessed 8 June 2015.

Persons who are not or no longer taking direct part in hostilities are to be protected and must not be attacked.²⁵⁸

This report documents attacks against categories of people whose regular activities do not amount to direct participation in hostilities, including public servants and Government workers, teachers, health clinic workers, election workers and others involved in public service delivery, political figures and office-holders, and employees of NGOs, as well as civilian police personnel who are not directly participating in hostilities and are not involved in counter-insurgency operations.

UNAMA notes that other actors and parties to the armed conflict in Afghanistan have been developing their own definition of the term, as described in this report.²⁵⁹

²⁵⁸ “In non-international armed conflict, organized armed groups constitute the armed forces of a non-State party to the conflict, and consist of only individuals whose continuous function is to take direct part in hostilities (‘continuous combat function’). Those without “continuous combat function” are also considered to be civilians. See N. Melzer, ICRC ‘Interpretive Guidance on the Notion of Direct Participation in the Hostilities under International Humanitarian Law’, ICRC, Geneva, 2009.

²⁵⁹ See the definition of ‘civilian’ used by the Taliban earlier in this report.

VI. Glossary²⁶⁰

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

ABP: Afghan Border Police, also known as ANBP (Afghan National Border Police).

Abduction: UNAMA defines abductions as an incident wherein a party to the conflict forcibly takes and holds a civilian or civilians against their will whether to compel a third party or the detained individual or individuals to do or abstain from doing any act as an explicit or implicit condition for the release of the individual or individuals. In many instances, it also includes abduction with the intent to murder the individual or individuals. The term also encompasses criminal abductions carried out by a party to the conflict or a person taking direct part in hostilities.

ALP: Afghan Local Police.

ANA: Afghan National Army.

ANP: Afghan National Police.

ANCOP: Afghan National Civil Order Police.

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

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

Armed Group: Organised armed non-State actor engaged in conflict and distinct from a Government force, such as militias, rebels, and criminal groups. These armed groups have no legal basis under the laws of Afghanistan. Armed groups are not within the formal military structures of States, State-alliances or intergovernmental organisations; and are not under the control of the State(s) in which they operate. In some cases though, armed groups may receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to the following groups: rebel opposition groups, local militias (ethnically, clan or otherwise based), insurgents,

²⁶⁰ Definitions contained in this Glossary are only for the purposes of this report.

terrorists, guerrillas, and civil defence forces and paramilitary groups (when such are clearly not under State control).²⁶¹ Some armed groups operate in a manner generally aligned with the Government, although not under their control, and are referred to as pro-Government armed groups.

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

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

Civilian Casualties: Killed or injured civilians.

UNAMA documents civilian casualties resulting from conflict-related violence including: civilian deaths and injuries resulting directly from armed conflict – including those arising from military operations by Afghan security 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), deliberate killings, improvised explosive devices or direct engagement in hostilities with Pro-Government Forces. It also includes civilian deaths and injuries resulting from the conflict-related violence, including: casualties caused by explosive remnants of war, deaths from probable underlying medical conditions that occurred during military operations, or due to unavailability or denial of medical care.

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

Civilian: For the purposes of the principle of distinction, international humanitarian law defines 'civilians' as those persons who are not members of military/paramilitary forces or fighters of organised armed groups of a party to a conflict taking direct part in the hostilities. Civilians may lose protection against attacks for such time as they take direct part in hostilities.

²⁶¹ *United Nations Humanitarian Negotiations with Armed Groups: A Manual for Practitioners*, Gerard McHugh and Manuel Bessler, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), New York, January 2006. See Section 2.3 on *Characteristics of Armed Groups*.

Person hors de combat or protected personnel: A person 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.

COM-RS: Commander of the NATO-led Operation Resolute Support Mission and other US Forces Afghanistan.

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

ISAF defines EoFs as: “a defensive process which seeks to determine the presence of a threat, its eventual extent and when applicable to match the threat with an appropriate defensive response for Force protection.”²⁶²

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

Explosive weapons: Explosive weapons are not explicitly defined by international law. Explosive weapons generally consist of a casing with a high-explosive filling and whose destructive effects result mainly from the blast wave and fragmentation produced by detonation. Mortars, artillery shells, aircraft bombs, rocket and missile warheads, and many improvised explosive devices (IEDs) fall under this term. Certain types of explosive weapons may be categorised as **light weapons** (e.g. hand-held under-barrel and mounted grenade launchers, portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres of less than 100 mm). Many explosive weapons, such as aircraft bombs, rockets systems, artillery and larger mortars are categorised as **heavy weapons**.²⁶³

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

Heavy weapons: Although the term ‘heavy weapons’ is widely used, there is no commonly agreed international definition.²⁶⁴ Typical examples include large mortars, rockets systems and artillery. (See Explosive weapons above).

High Explosive Training Range: A range used by military or security forces to employ weapon systems that use explosive ammunition, including heavy weapons.

²⁶² UNAMA interview with ISAF HQ, 31 January 2014, Kabul.

²⁶³ Borrie, J. and Brehm, M., ‘Enhancing civilian protection from use of explosive weapons in populated areas: building a policy and research agenda’, in *International Review of the Red Cross*, Volume 93, Number 883.

²⁶⁴ Heavy weapons are not mentioned in international human rights or international humanitarian law standards. Moyes, R., Brehm, M. and Nash, T., *Heavy weapons and civilian protection*, Article 36 (2012).

IDP: Internally Displaced Person(s).

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

Command-Operated IEDs – Radio or remote controlled IEDs (RC-IEDs) operated from a distance that can enable operators to detonate a pre-placed device at the precise time a target moves into the target area.²⁶⁵ RC-IEDs include user-detonated IEDs, such as roadside IEDs, and objects and animals rigged with IED devices, such as vehicles, bicycles, motorcycles and donkeys. Magnetic-IEDs are IEDs attached by a magnetic or other device and are a sub-category of command-operated IEDs; UNAMA records these devices separately due to the common delivery method in Afghanistan, *i.e.*, placement on vehicles of targeted individuals.

Victim-Operated IEDs – A victim-operated IED detonates when a person or vehicle triggers the initiator or switch which could be a pressure plate (PP-IED) or pressure release mechanism, trip wire or another device, resulting in an explosion.²⁶⁶

Other IEDs – This category includes command-wired IEDs and timed-IEDs (since 2009, UNAMA has recorded very few incidents from these switch types), and IEDs where the trigger/switch type for detonation could not be determined.

Suicide IEDs – Separately from data on IEDs, UNAMA documents civilian casualties resulting from complex and suicide attacks. Suicide IEDs are generally either Body-Borne IEDs (BB-IEDs) or Suicide Vehicle-Borne IEDs (SVB-IEDs). These figures include suicide/driver of a vehicle rigged with explosives or body-borne IEDs, where the suicide bomber wears an explosive vest or belt.

IED Exploitation: IED Exploitation is the process of identifying, collecting, processing and disseminating information and material gathered from an IED incident site to gain actionable intelligence, to improve counter-IED procedures and methods, to decrease the resources of insurgents and to support prosecutions. It includes preservation, identification and recovery of IED components for technical, forensic and biometric examination and analysis and is carried out by authorised specialist facilities. IED exploitation is a critical component of effective and sustainable counter-IED measures.

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

IHL: International humanitarian law.

Imam: A religious scholar who leads prayers.

²⁶⁵ Small Arms Survey, *Improvised Explosive Devices*, Chapter 10 'Infernal Machines,' pp. 220-221.

²⁶⁶ *Ibid.*

International Military Forces: 'International Military Forces' include all foreign troops forming part of NATO-led Operation Resolute Support (formerly International Security Assistance Force, ISAF) and other US Forces Afghanistan (including Operation Freedom's Sentinel, which replaced Operation Enduring Freedom on 1 January 2015) who are under the Commander of Resolute Support (COM-RS), who is also Commander of the US Forces in Afghanistan. The term also encompasses Special Operations Forces and other foreign intelligence and security forces.

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

ISAF: International Security Assistance Force in Afghanistan. ISAF operated under a peace enforcement mandate pursuant to Chapter VII of the United Nations Charter. ISAF was deployed under the authority of the United Nations Security Council. In August 2003, at the request of the Government of Afghanistan and the United Nations, NATO took command of ISAF. From November 2008, the Commander of ISAF served as Commander of US Forces Afghanistan, although the chains of command remained separate. United Nations Security Council resolution 2120 (2013) reaffirmed previous resolutions on ISAF and extended the authorisation of ISAF for 14 months until 31 December 2014. As of 1 January 2015, ISAF was replaced by the Resolute Support Mission (see Resolute Support Mission).

Light weapons: Weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, *inter alia*, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.²⁶⁷

Mahram: A women's husband, or her immediate male relative (i.e., father, brother, paternal and maternal uncles and her nephews) with whom marriage is proscribed for her under Shari'a law.

Mol: Ministry of Interior.

NATO: North Atlantic Treaty Organization. Members of NATO are the main troop-contributing States to the Resolute Support Mission (see Resolute Support Mission and ISAF).

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

NGO: Non-Governmental Organisation.

²⁶⁷ International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, Adopted by the United Nations General Assembly on 8 December 2005, A/CONF.192/15, available at: http://www.un.org/events/smallarms2006/pdf/international_instrument.pdf.

Pro-Government armed groups: The term “pro-Government armed group” refers to an organized armed non-State actor engaged in conflict and distinct from Government Forces, rebels and criminal groups. Pro-Government armed groups do not include the Afghan Local Police, which fall under the command and control of the Ministry of Interior. These armed groups have no legal basis under the laws of Afghanistan. Armed groups have the capacity to employ arms in the use of force to achieve political, ideological or other objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. In some cases, armed groups receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to, the following groups: ‘national uprising movements’²⁶⁸, local militias (ethnically, clan or otherwise based), and civil defence forces and paramilitary groups (when such groups are clearly not under State control).

Pro-Government Forces: Afghan Government National Security Forces and other forces and groups that act in military or paramilitary counter-insurgency operations and are directly or indirectly under the control of the Government of Afghanistan. These forces include, but are not limited to, the ABP, ALP, ANA, ANP, NDS and other Pro-Government local defence forces.

Afghanistan National Security Forces include: ANA, which reports to the Ministry of Defence and is formally incorporated into the armed forces of Afghanistan; and forces under the authority of the Ministry of Interior which include: Afghan Local Police, which are considered a *de facto* part of the armed forces because of their function and do not have the legal protection afforded to civilians; and ANP, ANCOP and ANBP, which are law enforcement agencies not formally incorporated into the armed forces of Afghanistan and report to the Ministry of Interior. Members of law enforcement agencies lose their protection as civilians when they function as part of the armed forces or directly participate in hostilities. For members of police units which never have combat functions, the use of force in self-defence is not considered to result in a loss of protection as a civilian.

Pro-Government Forces also include international military forces and other foreign intelligence and security forces (see International Military Forces).

Pro-Government Militia: See pro-Government armed groups.

Resolute Support Mission (RSM): On 1 January 2015, the North Atlantic Treaty Organization (NATO) transitioned from its International Security Assistance Force (ISAF) mission in Afghanistan to its non-combat Resolute Support Mission (to train, assist and advise Afghan national security forces). Unlike ISAF, which was authorized by the United Nations Security Council, the legal basis for RSM is provided by a Status of Forces Agreement (SOFA), signed in Kabul on 30 September 2014 and ratified by the Afghan

²⁶⁸ See Protection of Civilians in Armed Conflict Annual Reports 2014 for definitions and details of engagement of members of national uprising movements in the conflict.

Parliament on 27 November 2014. United Nations Security Council resolution 2189 (2014) welcomed the bilateral agreement between the Islamic Republic of Afghanistan and NATO to establish RSM. As of May 2015, the RSM force comprised 13,199 soldiers from 42 Troop Contributing Nations, organized in four regional Train, Advise Assist Commands (TAACs), plus RSM Headquarters and TAAC-Air, which seeks to support ANSF in the development of a professional, capable, and sustainable Air Force. The Commander of RSM also serves as Commander of US Forces Afghanistan, although the chains of command remain separate.

Small arms: Weapons designed for individual use. They include, *inter alia*, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns.²⁶⁹

SOPs: Standard Operating Procedures.

Targeted Killing: Intentional, premeditated and deliberate use of lethal force by States or their agents acting under colour of law (or by an organised armed group in armed conflict) against a specific individual who is not in the perpetrator's physical custody.²⁷⁰ The category of targeted killings also includes some cases of killings where the victim was briefly in the perpetrator's custody at the time of the killing, as opposed to targeted killings, where the victim is not in the perpetrator's physical custody.

UNDSS: United Nations Department of Safety and Security.

UNAMA: United Nations Assistance Mission in Afghanistan.

UNHCR: United Nations High Commissioner for Refugees.

USSOF: United States Special Operations Forces.

UXO: Unexploded Ordnance.

War Crimes: War crimes are serious violations of treaty and customary international humanitarian law. Under the definition of 'war crimes' of the Statute of the International Criminal Court (Rome Statute), war crimes²⁷¹ include serious violations of common

²⁶⁹ International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, Adopted by the United Nations General Assembly on 8 December 2005, A/CONF.192/15, available at: http://www.un.org/events/smallarms2006/pdf/international_instrument.pdf.

²⁷⁰ Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal provided that relevant provisions of IHL and human rights law are respected. See United Nations General Assembly, Human Rights Council 14th Session, Agenda item 3, Report of the Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions, Philip Alston. Addendum, 'Study on Targeted Killings'. A/HRC/14/24/Add.6. 10 May 2010.

²⁷¹ ICC Statute, Article 8. Customary international law applicable in both international and non-international armed conflicts defines war crimes as serious violations of international humanitarian law. State practice establishes this rule as a norm of customary international law. Rule 156. Definition of War Crimes. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) [ICRC Study]. See Additional Protocol II, Article 13(2). See Article 8 (2) (c) (i) of the Elements of Crime, Rome Statute of the International Criminal Court. War crimes include serious violations of the laws and customs of war applicable in non-international armed conflicts (based primarily on Article 3 common to the four Geneva Conventions of 1949, their Additional Protocol II of

Article 3 of the Geneva Conventions, including violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; outrages upon personal dignity, in particular humiliating and degrading treatment; taking of hostages; the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable.

1977, the 1999 Optional Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1989 Convention on the Rights of the Child, the 1994 Convention on the Safety of United Nations and Associated Personnel, the Statutes of the International Criminal Tribunals for Rwanda and the former Yugoslavia, and the Statute of the Special Court for Sierra Leone). See War Crimes under the Rome Statute of the International Criminal Court and their source in International Humanitarian Law Comparative Table, ICRC Advisory Service on International Humanitarian Law.

Annex 1: Attacks Claimed by the Taliban: Breakdown by Target Type

Attacks directed at Afghan security forces, international military forces and pro-Government armed groups

Afghan National Police	64
Afghan Local Police	26
Afghan national security forces	10
National Directorate of Security	9
Afghan National Army	8
International Military Forces	5
Afghan Border Police	6
Arbaki/Pro-Government armed groups	4
Total attacks against security/military forces resulting in civilian casualties and claimed by Taliban on website or twitter:	132

Attacks directed at civilians and civilian objectives

Other civilian target	40
Civilian Government Administration	36
Judges, prosecutors and judicial staff	18
Contractors / Labourers	3
Tribal Elders	6
Places and people of Worship	1
APRP / Reintegreees	1
Education	1
United Nations	1
Total attacks claimed by the Taliban directed at civilians or civilian locations which resulted in civilian casualties:	107

Total attacks claimed by the Taliban which resulted in civilian casualties: **239**

Annex 2: Table of Taliban Allegations of “War Crimes” by Verification Status and Attribution

TOTAL	UNAMA Documentation	Results	Attribution
109	63 cases documented by UNAMA prior to publication of the Taliban statements.	17 cases had the same number of casualties. 2 cases had the same number of casualties with a different ratio between killed and wounded.	12 to Pro-Government Forces. 3 to Cross-fire between Pro-Government Forces and Anti-Government Elements. 3 to AGEs. 1 could not be determined.
		16 cases had a lower number of casualties.	8 to Pro-Government Forces. 4 to Cross-fire between Pro-Government Forces and Anti-Government Elements. 3 to AGEs. 1 could not be determined.
		14 cases had a higher number of casualties	10 to Pro-Government Forces. 3 to Cross-fire between Pro-Government Forces and AGE. 1 to AGEs.
		2 cases were not related to the armed conflict.	
		12 cases casualties were not civilian.	
		24 cases documented by UNAMA after publication of the Taliban statements.	10 cases had the same number of casualties. 2 case had the same number of casualties with a different ratio between killed and wounded.
	3 cases had a lower number of casualties.		2 to Pro-Government Forces. 1 to Cross-fire between Pro-Government Forces and Anti-Government Elements.
	1 case had a higher number of casualties.		1 to Pro-Government Forces.
	2 cases were not related to the armed conflict.		
	6 cases the casualties were not civilian or did not have casualties at all.		
	22 cases could not be confirmed by UNAMA.		