

# AFGHANISTAN

## ANNUAL REPORT 2012

### PROTECTION OF CIVILIANS IN ARMED CONFLICT



Photo: Hoshang Hashimi, Associated Press



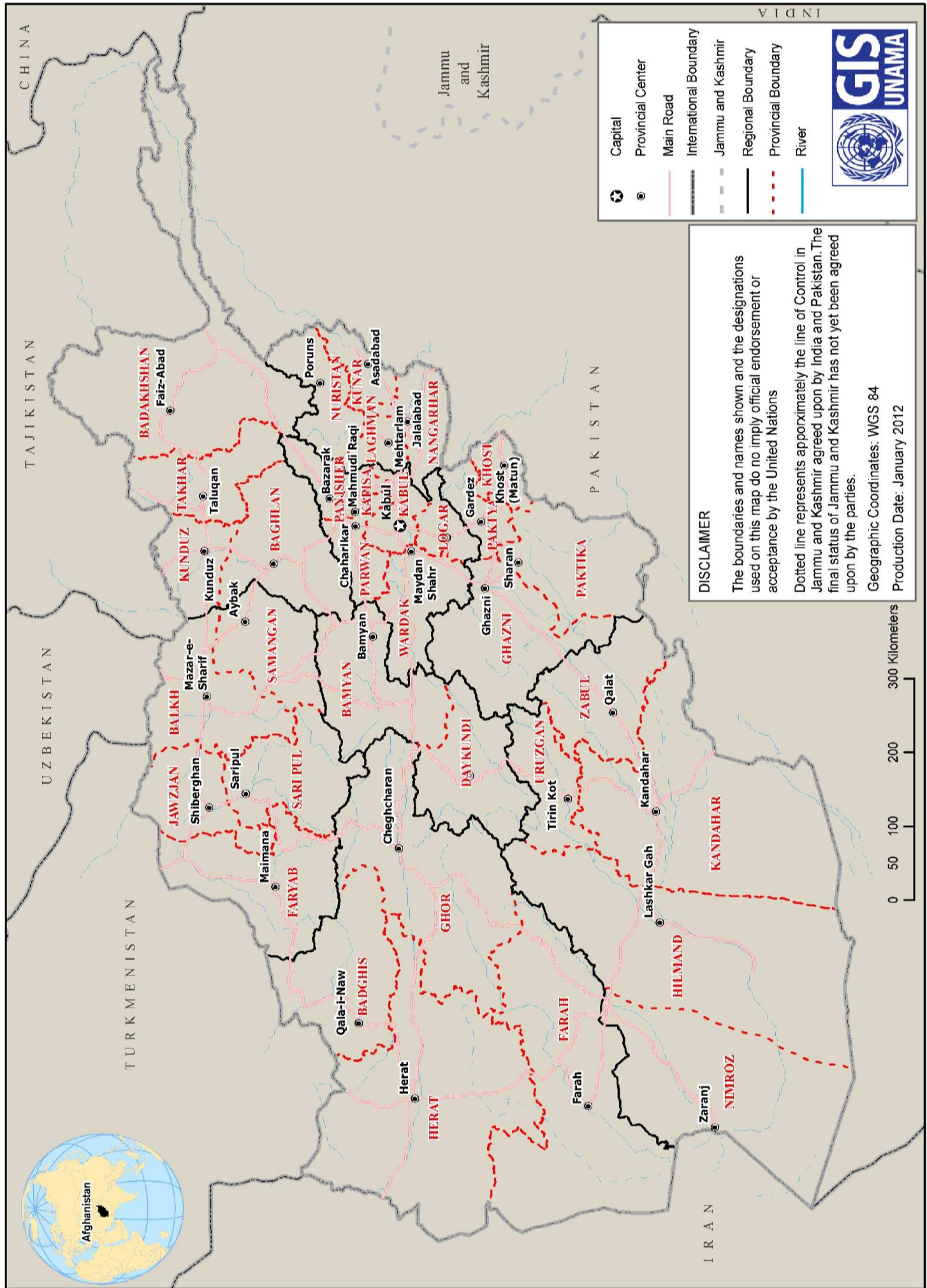
United Nations Assistance  
Mission in Afghanistan



UN Office of the High  
Commissioner for Human Rights

Kabul, Afghanistan  
February 2013

# AFGHANISTAN ADMINISTRATIVE DIVISION



**DISCLAIMER**

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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.

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## **Mandate**

This annual report on the Protection of Civilians in Armed Conflict in Afghanistan for 2012 was prepared by the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) and covers the period 01 January to 31 December 2012. The Office of the High Commissioner for Human Rights (OHCHR) reviewed the report and provided technical input.

The report is prepared pursuant to UNAMA's mandate under United Nations Security Council Resolution 2041 (2012) "to monitor the situation of civilians, to coordinate efforts to ensure their protection, to promote accountability, and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights."

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

## Glossary

**Aerial attack or air strike:** Firing ordnance from aircraft, including close air support (CAS) from fixed-wing aircraft, and close combat attack (CCA) from rotary-wing aircraft, and attacks using unmanned combat air vehicles (UCAVs).

**ABP:** Afghan Border Police

**ALP:** Afghan Local Police

**ANA:** Afghan National Army

**ANP:** Afghan National Police

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

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

**Armed Group:** Armed non-State actor engaged in conflict and distinct from a Government force, with a structure that may range from a militia to rebels and criminal groups. Armed groups have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. Armed groups may not be under the official command or control of the State(s) in which they operate, but they may receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to the following groups: rebel opposition groups, local militias (ethnically, clan or otherwise based), insurgents, terrorists, guerrillas, and civil defence forces and paramilitary groups (when such are clearly not under State control).<sup>1</sup> These armed groups have no legal basis under the laws of Afghanistan.

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

**AXO:** Abandoned Explosive Ordnance

**Civilian Casualties:** Killed and injured civilians  
May be of two classifications:

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

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

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

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

**Civilian/Protected Combatant:** International humanitarian law means under “civilians” those persons who are not combatants (members of military/paramilitary forces) or members of organized armed groups of a party to a conflict or those who are not part of *levée en masse* (mass uprising<sup>2</sup>). Civilians may lose their protection against attacks for such time as they take direct part in hostilities. Similar to civilians, a combatant who is *hors de combat* (wounded, sick, shipwrecked, detained or surrendering) or who belongs to the medical or religious personnel of the armed forces must be protected from attack.

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

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

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

**IDP:** Internally Displaced Person

**IED:** Improvised Explosive Device. A bomb constructed and deployed in ways other than in conventional military action. IEDs can take the form of suicide bombs, such as Body-Borne IEDs (BBIEDs), Remote-Controlled IEDs (RCIEDs), Vehicle-Borne IEDs (VBIEDs), Victim-Operated IEDs (VOIED) and Pressure-Plate IEDs (PPIEDs).

**IED Exploitation:** IED Exploitation is the process of identifying, collecting, processing and disseminating information and material gathered from an IED incident site 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

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<sup>2</sup> *Levee en masse* is referenced in the Third Geneva Convention: “Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war (Article 4(1)(6).”

components for technical, forensic and biometric examination and analysis and is carried out by authorized specialist facilities. IED exploitation is a critical component of effective and sustainable counter-IED measures.

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

**IHL:** International Humanitarian Law

**IM Forces:** "International Military Forces" includes all foreign soldiers forming part of ISAF and US Forces Afghanistan (including Operation Enduring Freedom) who are under the command of the Commander of ISAF (COMISAF). The term also encompasses those forces not operating under the Commander of ISAF, including certain Special Forces and Special Operations Forces.

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

**ISAF:** International Security Assistance Force in Afghanistan. ISAF operates under a peace enforcement mandate pursuant to Chapter VII of the UN Charter. ISAF is deployed under the authority of the UN Security Council. In August 2003, on the request of the Government of Afghanistan and the United Nations, NATO took command of ISAF. As of 3 December 2012, the ISAF force comprised approximately 102,052 troops from 50 troop contributing States, organized in six regional commands plus ISAF Headquarters in Kabul. Since November 2008, the Commander of ISAF also serves as Commander of US Forces Afghanistan, although the chains of command remain separate. Security Council Resolution 2069 (2012) reaffirms previous resolutions on ISAF and extends the authorization of ISAF for 12 months until 13 October 2013.

**Mol:** Ministry of Interior

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

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

**NGO:** Non-governmental Organization

**Pro-Government Forces:** Afghan Government Forces and other forces that act in military or paramilitary counter-insurgency operations and are directly or indirectly under the control of the Government of Afghanistan. These forces include, but are not limited to, the ANA, ANP, ABP, NDS, ALP and other Pro-Government local defense forces. This term also include international military forces and other foreign intelligence and security forces (IM Forces).

**SOPs:** Standard Operating Procedures

**Targeted Killing:** Intentional, premeditated and deliberate use of lethal force by States or their agents acting under color of law (or by an organized armed group in armed conflict) against a specific individual who is not in the perpetrator's physical custody. Although in most circumstances

targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal<sup>3</sup>.

**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

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<sup>3</sup> 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.



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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 eyewitnesses and directly affected persons, military actors (including Government of Afghanistan and international military forces), local village/district and provincial authorities, religious and community leaders. These are obtained through direct site visits, physical examination of items and evidence gathered at sites of incidents, visits to hospitals and medical facilities, still and video images, reports of the UN Department of Safety and Security and other UN agencies, secondary source accounts, media reports, and information gathered by NGOs and other third parties.

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

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

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

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

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

## Legal Responsibilities of Parties to the Armed Conflict

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

### ***Pro-Government Forces***

‘Pro-Government Forces’ refers to members of the armed forces, namely, Afghan National Army, and supporting forces, including international military forces (contingents of ISAF, US Special Forces (US SOF) Afghanistan, members of the Operation Enduring Freedom coalition, or Special Operations Forces that fall outside these chains of command), and other Afghan security forces. All members of the armed forces of a party to the conflict are combatants, except medical and religious personnel. Afghan National Security Forces, such as Afghan National Police, Afghan Local Police, National Directorate of Security and Afghan Border Police are classified as part of ‘Pro-Government Forces’ when taking a direct part in the hostilities.

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

### ***Anti-Government Elements***

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

The classification of Anti-Government Elements does not apply to armed criminal groups, except if the group directly engages in hostile acts in the armed conflict on behalf of a party to conflict.<sup>4</sup>

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

### ***(i) Obligations under International Humanitarian Law***

Afghanistan is a party to the four Geneva Conventions of 1949 and to Additional Protocol II 1977<sup>5</sup> which addresses the protection of civilians in a non-international armed

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<sup>4</sup> This section on “definitions” follows the legal framework set out in: Definition of Combatant, 4.2 to 4.3 in UK Ministry of Defence. *The Manual of the Law of Armed Conflict*. Oxford University Press, Oxford, 2004, and ICRC, Customary IHL. Rule 3. All members of the armed forces of a party to the conflict are combatants, except medical and religious personnel.

<sup>5</sup> Afghanistan ratified Additional Protocol II 1977 on 10 November 2009 which entered into force on 24 December 2009.

conflict. The Protocol prohibits attacks against civilians and objects indispensable to the survival of the civilian population.

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

Several rules of the four Geneva Conventions of 1949 and their Additional Protocols have become part of customary international law,<sup>6</sup> and the most relevant principles that apply to the conduct of Afghan armed forces and international military forces, and non-State armed groups as parties to Afghanistan's non-international armed conflict are the following:

- *Distinction*: The civilian population as such, as well as individual civilians, shall not be the object of attack.<sup>7</sup> “[The Parties]...shall at all times distinguish between the civilian population and combatants” and “between civilian objects and military objectives.”<sup>8</sup>
- *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.”<sup>9</sup>
- *Precautions in attack*: “...civilians shall enjoy general protection against the dangers arising from military operations”.<sup>10</sup> In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects” and that all feasible precautions must be taken with the “view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.”<sup>11</sup>

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 to Additional Protocol I and Additional Protocol II 1977, they are still bound by those relevant rules that have become part of customary international law.

## ***(ii) Obligations under International Human Rights Law***

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

Afghanistan is a signatory to several international human rights treaties,<sup>12</sup> including the International Covenant on Civil and Political Rights (ICCPR) which obligates the

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<sup>6</sup> See ICRC, Customary International Humanitarian Law, ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

<sup>7</sup> Additional Protocol II, article 13(2).

<sup>8</sup> Additional Protocol 1, article 48. See further article 51 (2) where civilians “shall not be the object of attack,” and article 52 (2) where “attacks shall be limited strictly to military objectives.”

<sup>9</sup> Additional Protocol 1, article 51(5)(b). See further article 57 on Precautions in Attacks.

<sup>10</sup> Additional Protocol II, article 13(1).

<sup>11</sup> Additional Protocol 1, article 57 (1) and 2(a)(ii).

<sup>12</sup> 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

Government of Afghanistan to provide basic human rights protection to all persons within the territory or jurisdiction of the State.

While non-State actors in Afghanistan, including armed groups, cannot formally become parties to international human rights treaties, non-State actors which exercise de facto control over some areas, such as the Taliban, are increasingly deemed to be bound by international human rights obligations.<sup>13</sup>

### **UN Security Council Resolution 1325**

As the UN Security Council underlined in Security Council Resolution 1325, it is critical for all States to fully apply the relevant norms of international humanitarian and human rights law to women and girls, and to take special measures to protect women and girls from gender-based violence during armed conflict.<sup>14</sup>

### ***(iii) Obligations under International Criminal Law***

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

States whose military forces are among the International military forces party to the conflict in Afghanistan, also have a responsibility to investigate and prosecute alleged crimes that may have been committed by their nationals in Afghanistan.<sup>15</sup>

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

### ***(iv) Obligations under National Laws***

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

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26 June, 1987; Convention on the Rights of the Child, ratified on 27 April, 1994;. Optional Protocol of the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 19 October, 2002; and Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, ratified on 24 September 2003 [http://www.aihrc.org.af/English/Eng\\_pages/X\\_pages/conventions\\_af\\_z\\_party.html](http://www.aihrc.org.af/English/Eng_pages/X_pages/conventions_af_z_party.html).

<sup>13</sup> See UN Secretary-General, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011, para. 188. Also see Report of the International Commission of Inquiry to investigate all Alleged Violations of International Human Rights Law in the Libyan Arab Jamahiriya A/HRC/17/44, 1 June 2011.

<sup>14</sup> S/RES/1325 (2000); See also S/RES/1820. (2008), S/RES/1888 (2009), S/RES/1889 (2009), and S/RES/1960 (2010).

<sup>15</sup> Irrespective of whether States are parties to the ICC statute, they still have obligations under customary law to investigate serious human rights and IHL violations when they are operating on the territory of Afghanistan, which is a State party to the ICC as well as obligations under international criminal law.

**(v) Definition of Civilian/Protected Combatant**

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

UNAMA uses a definition of “civilian” that reflects the standards of international humanitarian law and considers “civilians” to be persons who are not combatants (members of military/paramilitary forces) or members of organized armed groups of a party to the armed conflict, and those who are not part of *levée en masse*.<sup>16</sup> A civilian may lose his or her protected status for such time as they take a direct part in hostilities.

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

In the context of the armed conflict in Afghanistan, this report documents attacks against categories of people not taking a direct part in hostilities including public servants, teachers, health clinic workers and others involved in public service delivery, political figures and office holders, and employees of NGOs as well as civilian police personnel who do not function as combatants and are not involved in counter insurgency operations.<sup>17</sup>

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<sup>16</sup> Compare Article 50 Paragraph 1, Additional Protocol 1 to the Geneva Conventions. Also see Nils Melzer, “Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law,” 1 July 2009.

<sup>17</sup> UNAMA considers as combatants police officers taking a direct part in hostilities. This includes members of the Afghan National Police, the Afghan Local Police and the Afghan National Border Police that routinely conduct counter-insurgency operations unless there is evidence to the contrary. UNAMA considers as non-combatants traffic police and other police officers carrying out solely civilian policing roles.

## Executive Summary

*The explosion took place in the center of Maidan Shahr. It was such an inhumane act. So many innocent civilians were wounded and killed. There were altogether 171 casualties, among those were four fatalities. Many civilian houses as well as government buildings were completely destroyed or severely damaged. I was with my family members at home when I heard a heavy explosion. The impact was so strong that I first thought this explosion happened inside my home. I was shocked and we all were so scared – it really was the most horrible day of my life. My father, three brothers and my sister were injured. When I saw that some of my family members were bleeding and injured, I lost control and started to cry. I thought that I lost my whole family. But once I realized they were alive, I was so very grateful.*

-- Account of a civilian whose five relatives were injured by an improvised explosive device on 23 November 2012 in Maidan Shahr, Maidan Wardak province<sup>18</sup> which killed four civilians and injured 167 others.<sup>19</sup>

Armed conflict in Afghanistan continued to take a terrible toll on Afghan civilians in 2012. The United Nations Assistance Mission in Afghanistan (UNAMA) documented 7,559 civilian casualties (2,754 civilian deaths and 4,805 injuries) from armed conflict in 2012. While these numbers reflect a 12 percent reduction in civilian deaths and a minimal increase in civilians injured compared to 2011<sup>20</sup> they underscore the continuing high human cost of armed conflict in Afghanistan - which demands even greater commitment and redoubled efforts by all parties to reduce civilian casualties and improve protection of civilians in 2013. Over the past six years, 14, 728 Afghan civilians have lost their lives in the armed conflict.

Anti-Government Elements increasingly targeted civilians throughout the country and carried out attacks without regard for human life. UNAMA documented 6,131 civilian casualties (2,179 civilian deaths and 3,952 injuries) by Anti-Government Elements in 2012, an increase of nine percent compared to 2011. 81 percent of the total civilian casualties in 2012 were attributed to Anti-Government Elements.<sup>21</sup>

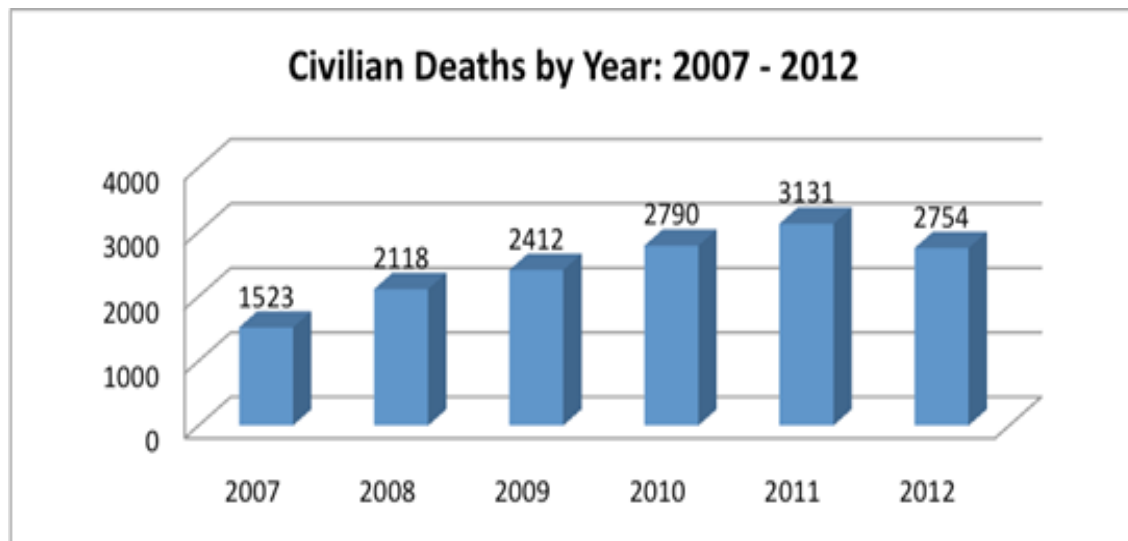
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<sup>18</sup> The Taliban claimed responsibility for the attack on their website and sent emails to media outlets, stating they carried out the attack using a massive vehicle borne improvised explosive device in retaliation for the executions of conflict related detainees (alleged Taliban members) by the Afghan Government at the Pul-e-Charkhi prison in Kabul on 20 and 21 November 2012 [http://shahamat-english.com/index.php?option=com\\_content&view=article&id=20416:quick-glance-at-2012-jihadi-achievements-part-1&catid=3:articles&Itemid=5](http://shahamat-english.com/index.php?option=com_content&view=article&id=20416:quick-glance-at-2012-jihadi-achievements-part-1&catid=3:articles&Itemid=5).

<sup>19</sup> UNAMA interview in Maidan Shahr, Maidan Wardak, 19 December 2012.

<sup>20</sup> UNAMA documented 7,837 total civilian casualties (3,131 killed and 4,706 injured) in 2011. See UNAMA's 2011 Annual Report on Protection of Civilians in Armed Conflict at [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf). Total civilian casualties of 7,559 in 2012 represents a four percent decrease in total civilian casualties compared to 2011.

<sup>21</sup> In 2011, UNAMA documented 5,636 civilian casualties (2,208 civilian deaths and 3,428 injuries) attributed to Anti-Government Elements. See UNAMA's 2011 Annual Report on Protection of Civilians in Armed Conflict at [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf). The nine percent increase in civilian casualties in 2012 attributed to Anti-



Of the 6,131 civilian casualties caused by Anti-Government Elements, UNAMA recorded a 108 percent increase in civilian casualties from targeted killings<sup>22</sup> and a rise in casualties from the indiscriminate use of improvised explosive devices (IEDs), particularly illegal pressure plate IEDs which are victim-activated. These extremely harmful IEDs are detonated by any person, including children, stepping on them or any vehicle such as civilian minibuses driving over them. Afghan women, children and men also faced increased threats, intimidation, harassment and interference with their rights to education, health, access to justice and freedom of movement by Anti-Government Elements in conflict-affected areas.

Eight percent of all civilian casualties or 587 civilian casualties (316 deaths and 271 injuries) were attributed to Pro-Government Forces in 2012, a 46 percent decrease in total civilian casualties (39 percent drop in civilian deaths and 53 percent decline in injuries) from 2011.<sup>23</sup> Civilian casualties from the actions of Afghan National Security Forces in 2012 were consistent with numbers documented 2011 with 96 civilian casualties (33 civilian deaths and 63 injuries), the majority occurring during ground engagements.<sup>24</sup>

The remaining 841 civilian casualties (259 deaths and 582 injured) could not be attributed and occurred in crossfire incidents during ground engagements, cross-border shelling or from explosive remnants of war.

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Government Elements comprised a one percent decrease in civilian deaths and a 15 percent increase in civilian injuries compared to 2011.

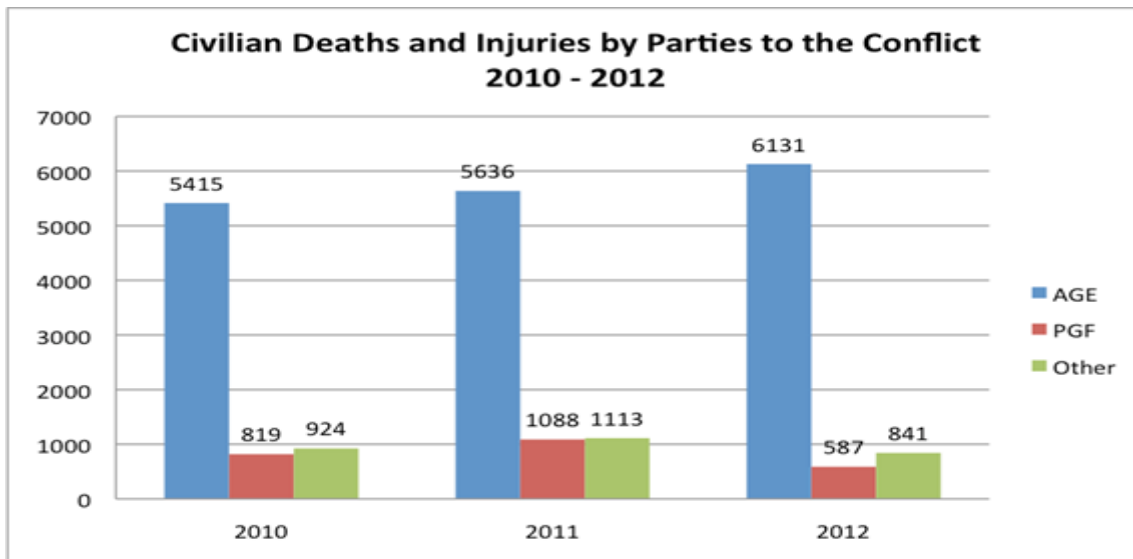
<sup>22</sup> This figure includes all civilian deaths and injuries resulting from each incident of a targeted killing, for example an IED attack against one individual which results in multiple civilian casualties.

<sup>23</sup> In 2011, UNAMA documented 1,088 civilian casualties (517 killed and 571 injured) from the operations of Pro-Government Forces. See UNAMA's 2011 Annual Report on Protection of Civilians in Armed Conflict at [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

<sup>24</sup> Numbers of civilian casualties attributed to ANSF is included in the total number of civilian casualties for Pro-Government Forces.



UNAMA found that deaths and injuries of civilians decreased in early 2012 with the number of civilian casualties rising in the last half of 2012. Key factors contributing to the decrease in the first five months of 2012 included an unseasonably harsh winter which impeded insurgent movements and effects of earlier military operations against Anti-Government Elements. From 1 July and 31 December 2012, however, UNAMA documented a 13 percent increase in civilian casualties compared with the same period in 2011, noting a 17 percent increase in civilian casualties from IEDs placed in public and civilian locations and intensified conflict in some parts of the country.<sup>25</sup>



### ***Anti-Government Elements and Protection of Civilians***

Throughout 2012, UNAMA documented the continued high and indiscriminate use by Anti-Government Elements of improvised explosive devices in particular pressure plate IEDs and other tactics such as suicide and complex attacks in areas populated by civilians.

IEDs remained the single biggest threat to civilians in 2012, causing 2,531 civilian casualties with 868 civilians killed and 1,663 injured in 782 separate incidents, a three percent increase over 2011.<sup>26</sup> Where intended targets appeared to be military, those responsible for placing or detonating the IED failed to take precautions to protect civilians, failed to distinguish between military targets and civilians and/or demonstrated no regard for the presence of civilian activity in violation of their obligations under international humanitarian law.

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<sup>26</sup> In 2011, UNAMA documented 2,460 civilian casualties (949 civilian deaths and 1,511 injured) from IEDs. See UNAMA's 2011 Annual Report on Protection of Civilians in Armed Conflict at [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

UNAMA highlights that the impact of IEDs on the lives of Afghan children, women and men extends well beyond the immediate threat to their right to life. Legacy IEDs<sup>27</sup> - planted but undetonated IEDs - in community spaces hindered access to health and education, and created an environment of insecurity with civilians living under the constant threat of death, maiming, serious injury and destruction of property. Communities in districts with a high prevalence of IEDs also faced serious repercussions from Anti-Government Elements when they sought to report or reported IED locations to Afghan National Security Forces.

UNAMA recorded 1,077 civilian casualties (698 civilians killed and 379 injured) from targeted killings,<sup>28</sup> a 108 percent increase from 2011. Many of these casualties resulted from the intentional targeting of civilians perceived to be supporting the Government, including Government officials, religious leaders, tribal elders, off-duty police officers and persons supporting the peace process. Of these 1,077 civilian casualties, targeted killings and injuries of Government civilian employees increased by a staggering 700 percent. Particularly disturbing were targeted killings of women by Anti-Government Elements demonstrated by the killings of the head and deputy head of the Laghman Department of Women's Affairs in August and December 2012.

UNAMA continued to document incidents of killings, mutilations, beatings and other human rights abuses by Anti-Government Elements following a parallel and illegal judicial procedure. These procedures imposed punishments, usually execution, after summary trials of civilians suspected of spying for the Government or other alleged crimes. UNAMA recorded 33 killings of civilians in 17 separate incidents of punishments carried out following a 'hearing' or sentence passed by Anti-Government Elements. Such procedures are a violation of international humanitarian law.<sup>29</sup>

UNAMA confirmed 121 incidents of Anti-Government Elements threatening, intimidating and harassing civilians including house burnings and assaults, a 17 percent increase in incidents compared with 2011. UNAMA notes the high likelihood of under-reporting of such incidents, given extreme insecurity, lack of access to remote communities and constraints such communities have in reporting abuses.<sup>30</sup>

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<sup>27</sup> Planted IEDs include pressure plate IEDs (PPIEDs), command-wire, radio-controlled IEDs which may or may not be activated. Legacy IEDs refer to IEDs planted during previous fighting, which may or may not be active, i.e. the battery for the trigger device may have expired or the device has not been activated. Although IED detection, removal and disposal by ISAF and ANSF continued throughout 2012, available resources for removal met only a fraction of the need.

<sup>28</sup> This figure includes all civilian deaths and injuries resulting from each incident of a targeted killing of a civilian, for example an IED attack against one individual which results in multiple civilian casualties.

<sup>29</sup> Common Article 3 of the Geneva Conventions which places obligations on all parties to the armed conflict including the Taliban prohibiting the passing of sentences and the carrying out of executions against civilians any time and in any place. Under Common Article 3, the punishments carried out by these 'hearings' may amount to war crimes.

<sup>30</sup> Throughout 2012, during interviews with UNAMA in locations outside their home districts, community members frequently reported abuses and threats by Anti-Government Elements.

*Taliban public statements on civilian casualties*

In 2012, the Taliban released 53 public statements, of which 25 addressed issues relating to civilian casualties and human rights protection.<sup>31</sup> The statements indicated a stated public commitment to protect civilians and claimed the vast majority of civilian casualties in Afghanistan resulted from illegal actions and operations of Pro-Government Forces.<sup>32</sup>

At the same time, however, the Taliban issued statements or claimed responsibility through media for suicide attacks, complex attacks, targeted killings and IED incidents that killed and injured civilians.<sup>33</sup> In these statements, the Taliban usually identified the intended target of attack, sometimes claimed the target was not ‘civilian’ as defined by them, listed numbers of casualties alleged to have occurred, and sometimes asserted that specific measures had been taken to protect civilians.<sup>34</sup> Some statements also denied the use of pressure plate IEDs.

UNAMA observed a shift in the Taliban’s public messages regarding attacks against Government officials with a greater emphasis on targeting of military objects and promoting ‘insider attacks’.<sup>35</sup> This apparent shift may reflect a heightened awareness by Taliban leadership of a need to both show and address public concern for protection of Afghan civilians and support for a wider political objective related to the peace process and winning Afghan “hearts and minds.”

While Taliban statements calling on its members to protect civilians are welcome, the situation on the ground has not changed. The Taliban increased their direct targeting of civilians through targeted killings and continued to indiscriminately use IEDs including illegal pressure plate victim-activated IEDs.

UNAMA calls on the Taliban leadership to comply with their obligations under international humanitarian law not to attack civilians, effectively enforce their public pledges to protect civilians among all Taliban fighters, revise their definition of “civilian” to comply with international humanitarian law and stop using illegal pressure plate and other IEDs indiscriminately.

*Community Perceptions: Areas under the influence of Anti-Government Elements*

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<sup>31</sup> In 2011 the Taliban issued 57 public statements, the majority claimed responsibility for incidents, threatened to commit certain acts, or responded to UNAMA reports and statements on protection of civilians. See UNAMA’s 2011 Annual Report on Protection of Civilians in Armed Conflict, ‘Taliban Public Statements on Civilian Casualties’ p. 12 at

<sup>32</sup> For example, a Taliban statement issued on 16 August, 2012 on the occasion of *Eid-el-Fitr*, included affirmation that protection of civilians is a religious obligation.

<sup>33</sup> In 2012 UNAMA documented 46 separate incidents for which the Taliban publically claimed responsibility. These incidents accounted for a total of 513 civilian casualties and included 15 targeted killings, 12 suicide and complex attacks, nine IED incidents and seven ground engagements.

<sup>34</sup> In a statement issued on 27 June 2012, the Taliban claimed the attackers did their best to protect civilians and instructed civilians to enter and stay in a room until fighting was over. This statement followed a complex attack at Spogmai Restaurant Qargha Lake, Kabul province on 21 June 2012 which killed and injured numerous civilians.

<sup>35</sup> For example, “Message of Felicitation of the Esteemed Amir-ul-Momineen on the Occasion of the Eid-ul-Adha”, 24 October, 2012 at <http://shahamat-english.com/>.

Although civilian casualties and conflict related violence between Pro-Government Forces and insurgents decreased slightly in 2012,<sup>36</sup> this reduction did not necessarily result in strengthened Government presence in some areas or an improvement in protection of civilians in affected areas. Throughout 2012, some communities reported to UNAMA that Anti-Government Elements were increasingly controlling territory in some areas due to the limited presence of ANSF and an inability by the Government to control the area. UNAMA's research in various districts indicated a prevalence of human rights abuses in areas with limited ANSF presence controlled or partially controlled by Anti-Government Elements.<sup>37</sup>

In other areas, the presence of Government and security forces maintained protection of civilians.

### ***Pro-Government Forces and Protection of Civilians***

In 2012, Pro-Government Forces (Afghan National Security Forces and international military forces) undertook measures aimed at reducing civilian casualties. UNAMA documented a significant decrease in civilian deaths and injuries caused by military operations of Pro-Government Forces in aerial incidents, search operations, ground engagement and escalation of force.

Between 1 January and 31 December 2012, UNAMA recorded 587 civilian casualties (316 deaths and 271 injured) attributed to Pro-Government Forces, representing a 46 percent decrease in total civilian casualties from 2011.<sup>38</sup> UNAMA attributed eight percent of all civilian casualties to Pro-Government Forces.

Aerial attacks conducted by international military forces remained the cause of most civilian deaths and injuries by Pro-Government Forces. UNAMA documented 204 civilian casualties (126 deaths and 78 injuries) from aerial operations by international military forces,<sup>39</sup> accounting for a 42 percent reduction in civilian casualties from such operations compared to 2011. Aerial operations caused 27 percent of all civilian deaths attributed to Pro-Government Forces and three percent of all civilian casualties. Of the 126 civilian deaths from aerial operations, 51 were children.

The still critical need for continuous review of targeting criteria in "offensive" aerial operations was demonstrated by a series of air strikes on 16 September in Alingar district, Laghman province.<sup>40</sup> According to ISAF, although the initial strike to target a group of insurgents had been approved at multiple levels of ISAF and ANSF's chain of command, only civilians were harmed, with eight civilians killed, mainly women and

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<sup>36</sup> ISAF HQ, ISAF Monthly Data, Trends through November 2012, published 21 December 2012.

<sup>37</sup> See UNAMA's 2012 Mid-Year Report on Protection of Civilians in Armed Conflict at [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

<sup>38</sup> In 2011, UNAMA documented 1,088 civilian casualties (517 deaths and 571 injured) from the operations of Pro-Government Forces. See UNAMA's 2011 Annual Report on Protection of Civilians in Armed Conflict at [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

<sup>39</sup> In 2011, UNAMA documented 353 civilian casualties (235 deaths and 118 injuries) as a result of aerial operations. Ibid.

<sup>40</sup> An offensive aerial operation is a pre-planned aerial operation distinct from a defensive air operation.

children, and eight girls and women injured.<sup>41</sup> Pre-approval of the initial strike, which mistakenly established as insurgent fighters (a lawful target) a group of women and children demonstrates a pressing need for a thorough review of pre-engagement targeting policies prior to use of aerial weapons. UNAMA notes that neither ISAF's investigative findings of the Alingar airstrikes nor any introduced policy changes have been made public. This is distinct from ISAF's response to a similar airstrike in Logar in June 2012,<sup>42</sup> when an ISAF fragmentary order was amended to restrict bombardment on civilian dwellings.

Consistent with the downward trends documented in 2010 and 2011, in 2012, UNAMA recorded 75 civilian casualties (54 civilian deaths and 21 injuries), from search operations carried out by Pro-Government Forces,<sup>43</sup> a 33 percent decrease compared to 2011.<sup>44</sup> In July 2012, Afghan National Security Forces reportedly began leading the majority of military operations and as of January 2013, Afghan forces were report to be leading 80 percent of operations.<sup>45</sup>

Also consistent with the trend observed in the past two years, UNAMA documented a 26 percent decrease in civilian casualties from escalation of force incidents<sup>46</sup> involving Pro-Government Forces with 49 civilian casualties (14 killed and 35 injured) in 33 separate incidents. The majority of incidents were attributed to Afghan National Security Forces (ANSF).

Escalation of force incidents involving ISAF resulting in civilian casualties reduced from 15 incidents in 2011, to five incidents in 2012. In September 2012, ISAF published a new edition of Standard Operating Procedure No. 373 on Direction and Guidance on Escalation of Force, which provided clearer definitions of acts constituting a threat to force protection and measures to be taken in response.

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<sup>41</sup> UNAMA meetings with ISAF interlocutors, ISAF HQ, September and October 2012, Kabul.

<sup>42</sup> On 16 June 2012, ISAF carried out an airstrike on a civilian residential compound, killing 18 civilians, including seven women, five young girls and a 10-month old baby. In response, ISAF issued a fragmentary order (FRAGO) limiting the use of air munitions against civilian dwellings to situations of self-defense.

<sup>43</sup> Figures include independent and partnered operations of ANSF and international military forces.

<sup>44</sup> Accurate data on numbers of night search operations or "night raids" and civilian casualties is difficult to obtain as such information is generally classified. Data on the total numbers of night operations carried out by a range of Afghan and international military forces, special forces, special operations forces and foreign government intelligence agencies and any civilian casualties resulting from all such operations is not publicly available. Given both limitations associated with the operating environment and limited access to information, UNAMA may be under-reporting the number of civilian casualties from night search operations.

<sup>45</sup> Joint Statement by President Obama and President Karzai, 11 January, 2013. <http://www.whitehouse.gov/blog/2013/01/11/president-obama-hosts-president-karzai>, accessed 19 January 2013.

<sup>46</sup> Escalation of Force incidents or "force protection" incidents documented by UNAMA involve civilian casualties resulting from the use of lethal or non-lethal force by military in situations where civilians do not pay attention to, do not understand or do not see warnings from military personnel when in the proximity of, approaching or overtaking military convoys or circumstances where civilians do not follow instructions at military check points.

### ***Afghan National Security Forces and Protection of Civilians***

With the transition of lead security responsibility from international forces to Afghan security forces well underway in 2012, UNAMA increasingly focused its monitoring of civilian casualties on operations of Afghan National Security Forces. Civilian casualties from ANSF in 2012 included 96 civilian casualties (33 civilian deaths and 63 injuries). The majority occurred during ground engagements against insurgents, usually following an attack against an ANSF check-post or convoy.

UNAMA welcomes measures by the Government of Afghanistan and ISAF to build ANSF capacity to protect Afghan communities and to track and mitigate civilian casualties. In May 2012, the Government established the Civilian Casualties Tracking Team in the Presidential Information Coordination Center and appointed Dr. Mudabir, the head of the Office of Administrative Affairs as advisor to President Karzai on protection of civilians. UNAMA observed concerted commitment by ANSF leadership (Ministries of Defence and Interior and National Directorate of Security) to coordinate security bodies to track and mitigate civilian casualties. In March 2012, the Government of Afghanistan issued Presidential Order #4-29 which directed all security bodies to uphold Afghan laws, policies and procedures during the conduct of special operations. UNAMA noted, however, continued reluctance on the part of ANSF leadership to acknowledge civilian casualties from ANSF operations and to conduct investigations into incidents. This situation suggests that civilian casualties caused by ANSF operations may be under-reported.

Other joint civilian casualty mitigation efforts between ANSF and ISAF included the establishment of information exchange forums such as the Joint Civilian Casualties Mitigation Working Group, the Joint Civilian Casualties Board and ANSF/ISAF Population Protection Conferences. UNAMA encourages these forums to engage in technical, practical discussions and implementation of precise operational and policy measures required to protect civilians during military operations in 2013.

Increased IED attacks in 2012 and the huge threat posed by legacy IEDs requires enhanced Government capacity and resources to carry out counter-IED, IED detection, disposal, and exploitation currently primarily undertaken by ISAF.<sup>47</sup> The National Counter-IED Strategy 2012, passed on 24 June 2012 by the National Security Council of Afghanistan is one critical step in developing greater ANSF capacity to counter and address the growing threat of IEDs. UNAMA calls on ISAF and other relevant actors to increase their support to ANSF to command, control and conduct effective counter-IED and IED-disposal, including exploitation. Supporting ANSF to implement its Counter-IED strategy should remain a high priority for ISAF and the international community in 2013-14.

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<sup>47</sup> 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 resources of insurgents and to support prosecutions. It includes preservation, identification and recovery of IED components for technical, forensic and biometric examination and analysis, and is carried out by authorized specialist facilities. IED exploitation is a critical component of effective and sustainable counter-IED measures.

### ***Ground Engagement and Protection of Civilians***

Civilian casualties from ground engagement between Anti-Government Elements and Pro-Government Forces caused 1,618 civilian casualties (438 civilians killed and 1,108 injured) in 2012, a 22 percent reduction from 2011. Ground engagement caused 21 percent of all civilian casualties - the highest number of civilian casualties after IEDs.

Increases however were noted in central, central highlands, northeast, north and western regions which coincided with an expansion of armed groups in these areas. For example, Faryab province in the northern region had the fourth highest number of armed clashes.<sup>48</sup> In the south, southeast and eastern regions, a decrease in civilian casualties from ground engagements correlated with reduced ANSF and ISAF operations outside district centers and fewer armed clashes between Pro-Government Forces and insurgents.

#### *Afghan Local Police (ALP) Program*

UNAMA monitoring of the Afghan Local Police Program (ALP) saw mixed reports on the conduct of ALP and the program's impact on civilian protection. The majority of communities reported improvement in the security environment in those areas with ALP presence which coincided with expansion of ALP throughout Afghanistan in 2012.

UNAMA noted an improvement in the Government's response to violations by ALP members and steps taken by the ALP Directorate in Kabul and the Ministry of Interior to investigate and prosecute ALP members suspected of violations. For example, the Ministry of Interior established the ALP Monitoring and Investigations Unit in mid-2012 and embedded additional members of Afghan National Security Forces in each ALP unit. Despite these efforts, ALP in some districts continued to commit human rights violations with impunity.

In several districts<sup>49</sup> UNAMA continued to document serious human rights violations and received reports of inconsistent compliance with policies guiding the ALP recruitment and vetting process. UNAMA noted in particular the absence of an effective vetting process during integration of local defense groups into the ALP program. For example, several ISAF initiated local defense forces with a record of human rights violations in Kunduz province were integrated into the ALP without proper vetting, and subsequently continued to commit violations against civilians as ALP members.<sup>50</sup> Communities continued to report concerns regarding weak command and control of ALP groups by local ANP leadership, weak and *ad hoc* oversight, and lack of accountability for ALP members' past and ongoing human rights violations.

UNAMA documented 62 civilian casualties involving ALP, resulting in 24 civilian deaths and 38 injuries. Thirteen resulted from ground engagements, while the majority of civilian casualties were attributed to human rights violations committed by ALP against civilians, particularly in the northeast and northern regions.

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<sup>48</sup> United Nations Department of Safety and Security (UNDSS) documentation, 9 January 2013..

<sup>49</sup> UNAMA documented multiple incidents of serious human rights abuses in Dasht-e-Archi, Chahadara and Aliabad districts of Kunduz province and Khas Uruzgan district, Uruzgan province.

<sup>50</sup> The two districts are Dash-t-Archi and Chadahara in Kunduz province. See the section on ALP in this report.

With the reported future expansion of the ALP program to 45,000 members, it is particularly urgent to strengthen and expand local oversight and accountability of the ALP by the Ministry of Interior.

### ***Local Uprisings against Anti-Government Elements***

In 2012, UNAMA documented several cases of alleged local uprisings against Taliban and other Anti-Government Elements in the central, northern, southeastern and eastern regions. Many of these uprisings were short, or were composed of public demonstrations. Local armed groups supportive of the Government often led such uprisings and encouraged local populations to resist Anti-Government Elements, organized supporters to engage Anti-Government Elements in armed clashes, and provided armed support to local Afghan National Security Forces.<sup>51</sup> The most significant uprising occurred in Andar district, Ghazni province, beginning in April 2012. UNAMA documented 45 civilian casualties directly or indirectly related to this uprising.<sup>52</sup>

### ***Armed Groups and Protection of Civilians***

In 2012, UNAMA documented increasing human rights abuses against civilians by armed groups, with 28 incidents resulting in 62 civilian casualties. These incidents involved targeted killings, abductions, threats, intimidation and harassment, extortion of taxes, occupation of schools, threats against educators and rape.<sup>53</sup> The majority of abuses documented by UNAMA took place in Faryab and Kunduz provinces.

The presence and re-emergence of these armed groups, some aligned with the local Government and others operating independently, particularly in the north and northeast regions may be linked to an increased presence of Anti-Government Elements in remote districts with local armed groups emerging to fight against or protect communities from insurgents, security gaps relating to transition of military forces, criminal intent, political instability and general insecurity. Many of these armed groups – some also engaged in criminal activity - operated with impunity, were unaccountable to any authority and posed a serious threat to civilians.<sup>54</sup>

## ***CIVILIANS AT RISK: HUMAN RIGHTS PROTECTION IN CONFLICT-AFFECTED AREAS***

### ***Children***

Conflict-related violence caused 1,302 casualties of Afghan girls and boys (488 children killed and 814 injured) in 2012, a slight decrease compared with 2011. Child casualties

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<sup>51</sup> Under international humanitarian law, civilians are protected from direct attacks but lose protection for the time they directly participate in hostilities. Members of organized armed groups belonging to a non-State party to an armed conflict cease to be civilians and lose protection against direct attack, for as long as they assume a continuous combat function.

<sup>52</sup> These casualties were documented between April and December 2012, and do not include casualties of individuals classified as direct participants in hostilities.

<sup>53</sup> UNAMA classifies these acts as human rights abuses when the acts are carried out by non-State armed groups actively engaged in the armed conflict and indirectly linked to the Government. When armed groups carry out security and counter-insurgency operations under the informal command of a Government figure, such as a Chief of Police, NDS officer or District Governor, UNAMA asserts the groups effectively form part of the armed forces of a party to the conflict and should have both obligations and be held accountable for violations of international humanitarian law and human rights law.

<sup>54</sup> Ibid.



resulted from all tactics, with the majority of children suffering harm from IEDs and ground engagement. Of the 1,302 deaths and injuries to Afghan girls and boys, 788 (283 deaths and 505 injuries) resulted from actions of Anti-Government Elements.

174 child casualties (90 deaths and 84 injuries) were attributed to Pro-Government Forces. The remaining 115 deaths and 225 injuries were unattributed with most of these from explosive remnants of war. Children continued to be the group most vulnerable to harm from explosive remnants of war; 160 of a total 208 casualties from these remnants of war were children, mostly young boys, representing 77 percent of all casualties from these weapons.

UNAMA received reports of 39 incidents of recruitment and use of children in the armed conflict, involving 116 children.<sup>55</sup> Anti-Government Elements used children to carry out suicide attacks and act as guards or scouts for reconnaissance, and in some instances exploited them sexually. International law explicitly establishes sexual abuse and the recruitment of children to participate in hostilities as war crimes.<sup>56</sup>

UNAMA documented three cases where three children died carrying out suicide attacks and a further 48 children arrested by Afghan National Security Forces on allegations of plans to carry out suicide attacks. ANSF also arrested numerous children for alleged affiliation with Anti-Government Elements.<sup>57</sup>

### *Women and Girls*

Women and girls continued<sup>58</sup> to suffer enormously from the effects of the armed conflict. The number of Afghan women and girls killed or injured increased by 20 percent compared to 2011, with 864 casualties (301 deaths and 563 injuries). The majority of female victims were killed or injured while engaging in everyday activities such as working in their homes or in fields.

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<sup>55</sup> The Convention on the Rights of the Child defines as a child anyone under the age of 18 years (0-17 years).

<sup>56</sup> Article 8(2)(b)(xxvi), (e)(vii) of the Rome Statute criminalizes the conscription, enlistment or use in active hostilities of child soldiers under the age of 15 years, both in international and non-international armed conflicts. Presidential Order 2312 explicitly prohibits underage recruitment of children into security forces. Although Afghan National Security Forces have made progress in implementing the national action plan for the prevention of underage recruitment signed in January 2011, the Country Task Force on Monitoring and Reporting notes that underage recruitment and use of children by ANSF and the ANP in particular, has not ceased completely. In the 11th Secretary-General's Annual Report on Children and Armed Conflict, covering developments in 2011 and published in April 2012, the ANP continued to be listed for underage recruitment in the report's annexes with an additional reference to the ALP. In March 2012, the Government submitted its first report outlining its compliance with measures agreed to in the Action Plan.

<sup>57</sup> See also UNAMA's report *Treatment of Conflict-Related Detainees in Afghan Custody: One Year On* released on 20 January 2013 which documented the illegal detention and torture of 80 children by Afghan authorities (NDS, ANP and ALP) for alleged national security crimes including alleged suicide attacks available at <http://unama.unmissions.org>.

<sup>58</sup> Casualty figures for Afghan girls are reflected in the sections of this report on *Women and Girls* and on *Children* due to their double vulnerability, however, UNAMA documents and counts figures for girls only once in its database and in total civilian casualty figures.

Of the 864 casualties of Afghan women and girls, 504 (171 deaths and 334 injuries) resulted from actions of Anti-Government Elements, while 155 (67 deaths and 88 injuries) were attributed to Pro-Government Forces. The remaining 204 female casualties (63 deaths and 141 injuries) were unattributed, almost all from explosive remnants of war.

UNAMA notes with deep concern that women and girls killed and injured from incidents of targeted killings more than tripled in 2012, resulting in 51 casualties compared with 16 in 2011. Deliberate targeting of women continued in 2012 demonstrated by the killing of two directors of the Department of Women's Affairs in Laghman province by Anti-Government Elements in July and December.

#### *Armed conflict and the right to education*

Conflict-related violence continued to directly impact access to education in all regions of the country. UNAMA verified 74 incidents including burning of schools, intimidation and threats against teachers and staff, IEDs in the vicinity of schools, rocket attacks, raids, ground engagement. Schools were occupied and used for military purposes, compromising their protected status under international humanitarian law and endangering children. UNAMA received reports of 14 incidents of occupation of schools.<sup>59</sup>

Taliban public statements in 2012 repeatedly emphasized support for education, and denied responsibility for attacks against schools. The vast majority of documented incidents of attacks and interference with education, however, were attributed to Anti-Government Elements, including the Taliban.

#### *Armed conflict and the right to health*

UNAMA documented 21 incidents of direct attacks against health facilities or staff resulting in 12 civilian casualties.<sup>60</sup> These incidents involved IEDs, targeted killings, abductions, threats, intimidations and harassment. Deterioration of security in some areas, changes in locations of ANSF and ISAF operations and influence or control of Anti-Government Elements, also contributed to limited access to healthcare.

UNAMA documented one incident of a US Special Forces and ANA operation involving occupation of an unmarked civilian medical clinic in Chak district, Maidan Wardak province from 23 to 25 October 2012. The clinic was closed and used as a temporary detention facility for dozens of civilians who were subsequently released. Such actions may have violated international humanitarian law, which provides that medical personnel and units exclusively assigned to medical purposes shall be respected and protected at all times.<sup>61</sup>

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<sup>59</sup> Data gathered and analyzed by the Country Task Force on Children and Armed Conflict in 2012.

<sup>60</sup> In comparison, 10 such attacks were documented in 2011, resulting in six civilian casualties.

<sup>61</sup> Rules 25 and 28. Medical and Religious Personnel and Objects. *Customary International Humanitarian Law*, Volume 1, Rules. Jean-Marie Henckaerts and Louise Doswalk-Beck, ICRC, Cambridge, 2005.

Following this incident, ISAF met with the Department of Public Health to coordinate the proper marking of all medical facilities.<sup>62</sup>

#### *Conflict-related displacement of civilians*

In 2012, Afghan civilians continued to be displaced principally as a result of the armed conflict. During 2012, 94,299 individuals were newly displaced by armed conflict in Afghanistan according to the United Nations High Commissioner for Refugees (UNHCR). The total number of conflict-induced internally displaced persons (IDPs) in Afghanistan in 2012 was 486,298<sup>63</sup> with the largest concentration of IDPs in southern Afghanistan, followed by the western and eastern regions. During 2012, UNHCR recorded the further displacement of 109,158 internally displaced persons who had been displaced prior to 2012.

#### **Cross-border shelling**

UNAMA documented<sup>64</sup> 206 incidents of cross-border shelling in the eastern region of Afghanistan, which killed 12 civilians and injured 63. Reports of related destruction of homes and mosques, burning of forests, killing of livestock, and displacement of families were also received. According to UNHCR, 774 families (4,625 individuals) were displaced in and outside the eastern region. 760 families (4,533 individuals) were reported as internally displaced from Dangam district in Kunar province due to cross border shelling.

#### **Observations**

Eleven years after it began, the armed conflict in Afghanistan continued to take an awful toll on civilians. While the reduction in civilian deaths is encouraging pervasive conflict-related violence threatened the lives, livelihoods and wellbeing of thousands of Afghan children, women and men. Afghans' rights to security, education, health care, access to justice and freedom of movement continued to be severely violated with civilians often caught in the middle of increasing threats.

Proliferation of armed groups across the country coupled with minimal Government presence and intensified insurgent control in some areas often meant that civilians had nowhere to turn in the face of increasing threats. A tribal elder from Wata Pur district in Kunar province summed up the situation for civilians in these areas:

*I am a member of the district shura. I do not support the Taliban. However, if they call me I go. Similarly, if the Government or UNAMA call me, I go. We are caught between two fires. Also, coming here today is a risk. People will question why we are here? What are they going to do? But we want to say what the people feel.*

-- UNAMA meeting with tribal elders from Wata Pur district, Kunar province who reported the killing of three civilians by a Taliban court on 2 October 2012

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<sup>62</sup> UNAMA meeting with ISAF HQ, 16 February 2013, Kabul.

<sup>63</sup> UNHCR memo "Conflict-related Displacement of Civilians 2012" provided to UNAMA on 17 January 2013.

<sup>64</sup> UNAMA monitors cross-border shelling by seeking multiple-sources of confirmation for each incident, including victims, elders, doctors, ANP, ANBP and NDS. UNAMA considers the number of civilian casualties, 12 killed and 63 injured, as accurate. UNAMA interviewed victims and relatives of victims of most incidents and when primary sources were not accessible confirmed casualties with local authorities and secondary sources.

In view of continuing proposals and discussions that could contribute to peace negotiations in 2013, UNAMA again stresses the need for all such discussions to place the highest priority on effective measures to reduce civilian deaths and injuries. To Afghan civilians, the value and credibility of such discussions will be demonstrated by improved security and protection in their everyday lives.

## **Recommendations**

In 2013, UNAMA reiterates the imperative for all parties to the conflict – Anti Government Elements and Afghan national and international military forces – to increase their efforts to protect civilians and comply with their legal obligations to minimize civilian loss of life and injury of civilians. UNAMA offers the following recommendations to improve the protection of civilians:

### **Anti-Government Elements**

- Comply with international humanitarian law, including by respecting the principles of distinction, proportionality and precautionary measures, and apply a definition of ‘civilian’ that is consistent with international humanitarian law.
- Enforce codes of conduct and directives that instruct members to prevent civilian casualties and hold accountable those members responsible for violations, including killing or injuring civilians.
- In accordance with international law, immediately cease the deliberate targeting and killings of civilians, and withdraw orders that permit attacks on, and killings of civilians.
- Cease the use of all forms of victim-activated IEDs and prohibit the indiscriminate use of IEDs, in particular, through suicide attacks and placement of IEDs in public places and other civilian locations. Issue directives banning the use of indiscriminate and illegal weapons such as pressure plate IEDs.
- Cease all killings, torture and ill-treatment, and other human rights violations, in particular, passing and carrying out death sentences through parallel judicial procedures.

### **Government of Afghanistan**

- Increase efforts to train, resource and provide all necessary support to Afghan National Security Forces to enable them to effectively protect civilians.
- Promote and support accountability through establishment of a permanent Government body representing relevant security bodies with powers to investigate and respond to incidents of civilian casualties.
- Prioritize implementation of the Government Counter-IED strategy with efforts aimed at further developing and resourcing ANSF capacity to command, control and effectively conduct counter-IED operations, IED-disposal and exploitation.
- As the ALP program expands, strengthen vetting, recruitment, oversight and accountability mechanisms including through prosecutions and in cooperation with local communities, particularly at the district level, to prevent human rights violations, ensure accountability and better protect communities with the support of international military forces and donors.

- Disarm and demobilize all non-State armed groups and take measures to provide accountability for human rights abuses carried out by these groups.

### **International Military Forces**

- Continue reviewing tactical directives and operational procedures relating to offensive aerial operations, in particular, review of criteria required to establish positive identification and determination of status<sup>65</sup> prior to targeting. Continue to conduct post-operation reviews and investigations in cooperation with the Afghan Government in cases where civilian casualties have occurred.
- Continue support to ANSF to ensure they are sufficiently resourced, trained and equipped to command, control and effectively conduct counter-IED operations and IED-disposal, including IED exploitation.
- Increase support to efforts of the Government of Afghanistan to mitigate, track, investigate and ensure accountability for civilian casualties.
- Continue to promote transparency, accountability and better relations with affected Afghan civilians and communities through the prompt and public release of all ISAF findings on incidents involving civilian casualties, follow-up accountability and disciplinary measures and systematic provision of compensation and other forms of reparation as appropriate.

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<sup>65</sup> UNAMA/OHCHR's view is that establishment of 'hostile intent' should confirm a targeted individual as a legitimate or lawful military objective; as a fighter with continuous combat function/combatant or as a civilian directly participating in the hostilities.

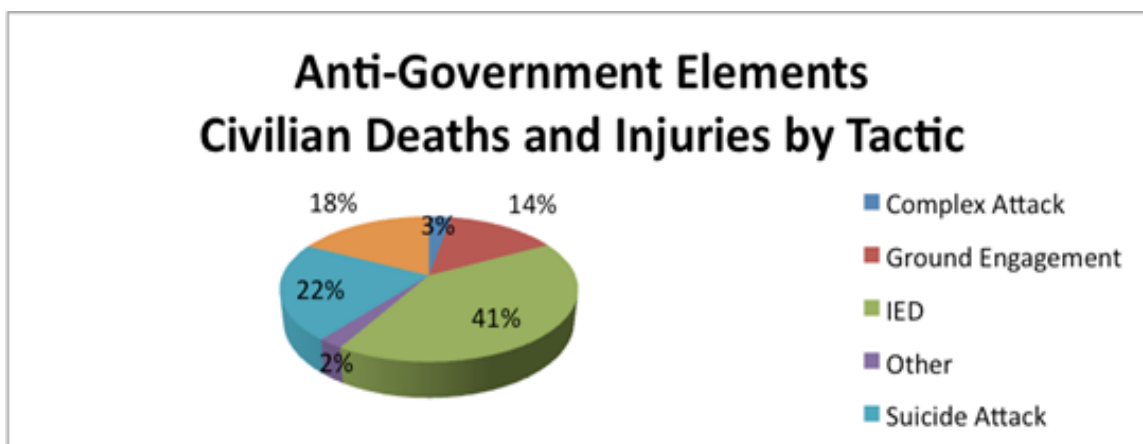
## Anti-Government Elements and Protection of Civilians

*My brother was an innocent civilian and had never fought against any party to the conflict. The Taliban threatened him several times with death. On 5 June, an IED planted by the Taliban intended to kill my brother exploded near him but he survived the attack. The Taliban did not like him as he was helping the Government and his people with implementing development projects. The Taliban finally killed him on 6 July, after he finished his praying and he was chatting with his friends in the mosque. The two Taliban men, whose faces were covered, shot 10-14 bullets into my brother's face, arms and chest.*

-- Brother of victim of a targeted killing by Anti-Government Elements in Arab Mazari village, Chemtal district, Balkh province on 6 July 2012.<sup>66</sup>

UNAMA documented 2,179 civilian deaths and 3,950 injuries (6,131 civilian casualties) caused by Anti-Government Elements in 2012. This represents a one percent decrease in civilian deaths and 15 per cent increase in civilians injured, overall, an increase of nine percent in the number of civilian casualties attributed to Anti-Government Elements compared to 2011.<sup>67</sup> 81 percent of all civilian casualties were attributed to Anti-Government Elements in 2012 compared to 72 percent in 2011.

Anti-Government Elements increased their use of indiscriminate tactics of warfare, in particular pressure plate IEDs and other IED tactics involving suicide and complex attacks, in areas populated by civilians. In incidents where intended targets appeared to be military, those responsible for placing or detonating the IED device failed to take precautions to protect civilians from the attack, failed to distinguish between military targets and civilians and/or demonstrated no regard for the presence of civilian activity as required by international humanitarian law. Such acts violate the international humanitarian law principles of distinction, proportionality and precautions which all parties to the armed conflict are required to uphold.



<sup>66</sup> UNAMA interview with relative of victim, 6 July 2012, Mazar-e-sharif, Balkh province.

<sup>67</sup> In 2011, UNAMA documented 5,636 civilian casualties (2,208 civilian deaths and 3,428 injured) by Anti-Government Elements. See UNAMA's 2011 Annual Report on Protection of Civilians in Armed Conflict at [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

The dramatic increase in civilian casualties from the deliberate targeting and killing of civilians perceived to be supporting the Government, including Government officials, religious leaders, tribal elders, off-duty police officers and persons supporting the peace process, is particularly alarming.

UNAMA also documented incidents of killings, mutilations, beatings and other human rights abuses carried out by Anti-Government Elements under illegal parallel judicial structures. These structures try and/or punish civilians suspected of spying for the Government and other crimes as defined by Anti-Government Elements.

### ***Taliban definition of civilian***

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

In 2012, the Taliban claimed responsibility for numerous targeted killings of civilian Government officials, tribal elders, Government workers, contractors, drivers, translators and other civilians and included such civilians in their public lists of targets to kill or capture.<sup>68</sup> For example, in a statement released in August 2012, the Taliban identified civilian Government employees as lawful targets. The deliberate targeting and killing of civilian members of the Government administration is a violation of international humanitarian law which stipulates that military objects only may be the lawful objects of attack. Civilians may not be targeted unless, and only for such time as they take a direct part in hostilities.

### ***Improvised Explosive Devices (IED) and IED Tactics***

*I lost three members of my family during this incident: my 20-year old son, my 18-year old nephew and my 63-year old brother. My son had just passed his university entrance exam and had hoped to be selected to study engineering. My son was only 20 and had lots of dreams. He never thought of dying as he was so young. The last time I saw him was the day before he was killed. He had come from the village to spend the night with us. There is nothing I can do to bring him, or my brother and my nephew back.*

-- Relative of civilians killed in an IED explosion in Qaysar district, Faryab province on 1 March 2012, which killed five civilians.<sup>69</sup>

Indiscriminate and unlawful use of improvised explosive devices (IEDs) by Anti-Government Elements remained the biggest killer of civilians in 2012 and accounts for

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<sup>68</sup> See UNAMA 2012 Mid-Year Report on Protection of Civilians in Armed Conflict, p. 16: ‘Targeted killings of civilians’, statement of Leadership Council of Islamic Emirate regarding the inception of Al-Farooq Spring operation, Leadership Council of Islamic Emirate of Afghanistan, 2 May 2012 at [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf) and ‘Taliban statements’ chapter in this report.

<sup>69</sup> UNAMA interviews with relative of victims, 3 March 2012, Faryab province.

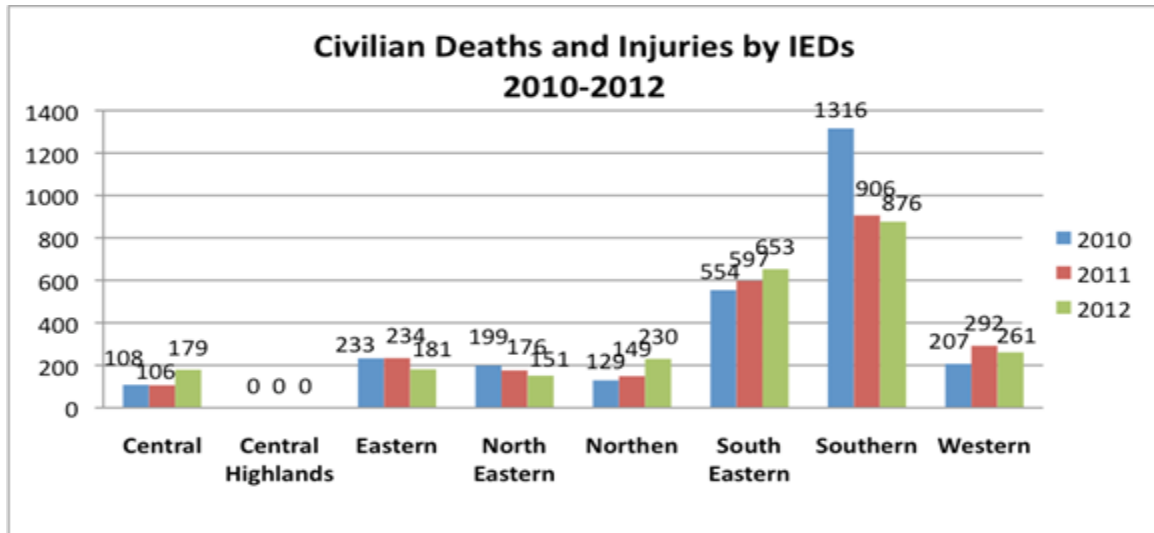
the majority of civilian casualties.<sup>70</sup> Overall, civilian casualties from IEDs increased by three percent in 2012 compared with 2011.<sup>71</sup>

Between 1 January and 31 December 2012, UNAMA documented 782 IED incidents (more than two IEDs per day causing civilian casualties in 2012) which resulted in 2,531 civilian casualties (868 civilian deaths and 1,663 injuries) constituting 34 percent of all civilian casualties, and 38 percent of all civilian casualties attributed to Anti-Government Elements.

UNAMA observed a slight increase in IED activity in the second half of the year when 62 percent of IED incidents causing civilian casualties occurred linked to an intensification of operations of Anti-Government Elements.<sup>72</sup>

UNAMA observed that in most cases of civilian casualties caused by IEDs, the device appeared not to have been directed at specific military objectives or was used in a way that its effects were indiscriminate in violation of international humanitarian law. For example, UNAMA confirmed 298<sup>73</sup> incidents causing 913 civilian casualties (393 deaths and 520 injuries) from pressure plate-IEDs (PPIEDs) which had been planted on roads routinely used by civilians. This is a huge increase compared to 2011 when UNAMA documented 74 killed and 67 injured by this tactic.

The majority of known IEDs used by Anti-Government Elements were victim-activated IEDs (VOIEDs), with PPIEDs being most common. The prevalence of VOIEDs is highest in the southern provinces, where they constitute the vast majority of IEDs used.<sup>74</sup>



<sup>70</sup> IEDs are the largest source of all casualties both civilian and military in Afghanistan. See Article 1, National Counter Improvised Explosive Device Strategy 2012, passed 24 June 2012.

<sup>71</sup> In 2011, UNAMA documented 2,460 civilian casualties (949 civilian deaths and 1,511 injured) from IEDs. See UNAMA's 2011 Annual Report on Protection of Civilians in Armed Conflict at [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

<sup>72</sup> Interview with officers of UNDSS, 2 February 2013, Kabul.

<sup>73</sup> The number of PPIEDs causing civilian casualties is likely higher. Security authorities are not always able to verify whether a device was victim operated, command wire or remote controlled.

<sup>74</sup> UNAMA meeting with ISAF Counter-IED Branch ISAF HQ, Kabul., 14 January ISAF HQ.



Pressure Plate IEDs in Afghanistan are set to explode when they are walked on or driven over. The majority of PPIEDs in Afghanistan have approximately 20-25kg of explosive; more than twice the explosive content of a standard anti-tank mine yet they often have the trigger sensitivity of an anti-personnel mine. This means they effectively act as a massive anti-personnel landmine with the capability of destroying a tank; civilians who step or drive over these IEDs have no defense against them and little chance of survival. Significant numbers of IEDs are activated with an explosive weight of approximately 2-4kg specifically designed to maim or kill individuals on foot.<sup>75</sup>

The Taliban released several statements in 2012 which referred to their use of IEDs with discriminating triggers, i.e. remote or command wire and denied the use of pressure plate IEDs. For example, in October 2012, the Taliban stated they “never place live landmines in any part of the country but each mine is controlled by a remote and detonated on military targets only”.<sup>76</sup>

According to ISAF data concerning IED activity, however, there was no statistically significant difference in the use of discriminating and non-discriminating IED triggers in 2011 and 2012. Approximately 70 percent of IEDs remain victim-activated.<sup>77</sup>

UNAMA reiterates its position that victim-activated IEDs are indiscriminate as they cannot distinguish between a civilian and military objective, making their use illegal under international humanitarian law.

In 2012, IEDs detonated in public areas commonly used by civilians such as roads, markets, government offices, public gathering places, including bazaars, in and around schools, shops and bus stations. Anti-Government Elements placed IEDs - particularly those equipped with a pressure-plate trigger, on transit routes ranging from small footpaths to highways and killed and injured civilians whether they were on foot, riding a bicycle, in buses, taxis or in private cars.

In some cases, insurgents planted several devices, with devastating consequences for civilians. For example, on 8 July 2012, two linked IED explosions in Arghasan district, Kandahar province killed 14 civilians, including three women and four children, and injured three. In the first instance, a roadside IED detonated against a passenger vehicle carrying women and children. When a tractor carrying civilians approached the incident site to provide assistance, a second IED detonated, killing all of the passengers.

Although Anti-Governments Elements sometimes used remote-controlled IEDs (RCIEDs) to target Pro-Government Forces, in some cases such tactics continued to disproportionately harm civilians, particularly when Anti-Government Elements targeted apparent military objectives in civilian populated areas. For example, on 26 November, a RCIED, attached to a bicycle detonated in Khost city, Khost province, injuring at least 26 civilians. ANP reported that the Taliban had rigged the device to target ANP guarding the public market. In a media statement, the Taliban denied responsibility. This denial or

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<sup>75</sup> UNAMA meetings with ISAF Counter-IED Branch, ISAF HQ, Kabul October and November 2012.

<sup>76</sup> Islamic Emirate of Afghanistan, ‘Reaction of Islamic Emirate regarding accusations of UNAMA about explosive devices,’ 22 October 2012. Available online: [http://shahamat-english.com/index.php?option=com\\_content&view=article&id=19206:reaction-of-islamic-emirate-regarding-accusations-of-unama-about-explosive-devices&catid=4:statements&Itemid=4](http://shahamat-english.com/index.php?option=com_content&view=article&id=19206:reaction-of-islamic-emirate-regarding-accusations-of-unama-about-explosive-devices&catid=4:statements&Itemid=4), accessed 4 February 2013.

<sup>77</sup> UNAMA Military Advisory Unit meeting with ISAF, ISAF HQ, Kabul, 4 January 2013.

responsibility appears to be a common practice when such incidents cause a high number of civilian casualties.

IEDs were also used as a method of targeted killing.. For example, on 4 December in Mehtarlam district, Laghman province, a RCIED detonated against the Alishing district governor, a financial officer and a clerk walking to the district headquarters. The attempted targeted killing followed death threats against the Alishing district governor warning him to leave his job.

Targeted killings of civilians are prohibited under international humanitarian law. The gravity of such violations is compounded when the attacks are carried out by IEDs which are indiscriminate and have disproportionate effects. For example, on 14 August, in Dasht-e-Archi district, Kunduz province, an IED rigged to a motorbike targeting ALP members detonated in a busy square, killing 12 civilians including two girls and injuring 22.

UNAMA notes particular concern with the use of all types IEDs on roads frequently travelled by civilians. Examples include:

- On 1 July, Ghazni city, Ghazni province, an IED detonated against a private bus, killing five civilians and injuring 11. On 19 October, in Dawlatabad district, Balkh province, a pressure plate IED detonated against a mini bus, killing 15 civilian passengers and injuring 19.
- On 31 October, in Musa Qala district, Helmand province, a roadside IED detonated against a civilian vehicle, killing 10 civilians and injuring two.
- On 16 November, in Pusht Rod district, Farah province, a local bus transporting guests to a wedding was hit by a RCIED, killing 13 civilians, almost all were women and children, and injuring 10.
- On 29 November, in Dehrawud district, Uruzgan province, a roadside pressure plate IED detonated under a mini-bus, killing four civilians and injuring 14, including 13 children.

### ***Suicide and Complex Attacks***<sup>78</sup>

*Haji Rasy, a famous tribal elder, passed away and we all went to his funeral prayers. Suddenly in the crowd, people started shouting "suicide attacker! suicide attacker!" Then, I heard a huge explosion. After that I could just hear people crying. The scene I had in front of my eyes was just like a battlefield. There were too many dead bodies and people wounded all around me. The suicide attacker was a 16-year-old boy.*

-- Eyewitness to a suicide attack in Dur Baba district, Nangarhar province, on 4 September 2012 in which 20 civilians were killed and 66 injured.<sup>79</sup>

In 2012, UNAMA documented 1,507 civilian casualties (328 killed and 1,179 injured) from 73 incidents of suicide and complex attacks (compared with 90 incidents in 2011

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<sup>78</sup> UNAMA's definition of 'complex attack' is a deliberate and coordinated attack which includes a suicide device (i.e. body-born IED, VBIED), more than one attacker and more than one type of device (i.e. body-born IED + mortars). All three elements must be present for an attack to be considered complex according to the UN Department of Safety and Security (UNDSS) in Kabul.

<sup>79</sup> UNAMA interview with eye-witness, 5 September 2012, Jalalabad, Nangarhar province.

which resulted in 1,653 civilian casualties). This nine percent decrease in civilian casualties from suicide and complex attacks does not include civilian casualties from targeted killings in which the primary tactic was a suicide device.<sup>80</sup>

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

Anti-Government Elements continued to use different types of suicide attacks in public places. Civilians continued to be targeted in places including crowded markets, locations where tribal elders gathered and civilian Government offices. For example, on 23 November, a vehicle born-IED detonated on the street in front of the Statistics/Census Department in Maidan Shahr, Wardak province, killing at least four civilians and injuring 112 others.<sup>81</sup> The attack destroyed and damaged several hundred buildings and homes. Such indiscriminate attacks are prohibited under international humanitarian law and may amount to war crimes.

Representative incidents in 2012 include:

- On 14 August, in Zaranj city, Nimroz province, three body-borne IEDs simultaneously targeted ANP vehicles at three different civilian populated locations. The attacks killed at least 30 civilians and injured 130.
- On 1 September, in Sayedabad district center, Maidan Wardak province, two suicide attacks killed nine civilians and injured 68. The first suicide attacker using a BBIED detonated at the gate of ANP HQs, while a second suicide attacker using a VBIED, detonated his fuel tanker loaded with explosives between the district governor's compound, the international military base and the ANP district headquarters.
- On 4 September, in Dur Baba district, Nangarhar province, a suicide bomber targeting the district governor detonated at a funeral ceremony, killing 22 civilians and injuring 69.
- On 10 September, in Kunduz city, Kunduz province a suicide bomber detonated at a main square, killing 17 civilians and injuring 37.
- On 1 October, in Khost Matun district, Khost province, a BBIED attack, targeting international military and patrols in the area killed eight civilians and injured 63.

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<sup>80</sup> As UNAMA documents each civilian casualty only once, the actual number of casualties from suicide attacks is higher than 1,515 for 2012. For example, incidents in which a suicide attacker targets a high-level Government official and detonates inside a mosque would be documented as an incident type 'targeted killing' with the tactic 'IED'.

<sup>81</sup> Taliban claimed responsibility in media and stated the vehicle born-IED was in retaliation for mass executions of conflict-related detainees at Pul-e-Charki prison by the Government on 20 and 21 November 2012.

### **Targeted Killings<sup>82</sup>**

*My mother, father, brother, and two sisters were shopping in Metarlam city and had parked the family's private vehicle outside the Department of Women's Affairs' compound due to security concerns. After buying sandals for my small sister they returned to the car. A bomb detonated against the vehicle killing my mother and wounding my father and my two sisters. My mother used to receive warnings from the Taliban and family members of the victims she assisted.*

-- Daughter of the Head of the Department of Women's Affairs, killed in Mehterlam, Laghman province, on 13 July 2012.<sup>83</sup>

UNAMA documented 1,077 civilian casualties (698 civilian deaths and 379 civilian injuries) in 565 incidents of targeted killings by Anti-Government Elements in 2012. This represents a 108 percent increase in civilian casualties from this tactic compared with 2011.<sup>84</sup> The increase reflects a continuing shift in tactics of insurgents to deliberately target civilians perceived to support the Government or international military forces. The extreme spike in civilians injured as a result of targeted killings may be attributed to an increase in use of IEDs to carry out the killings, which resulted in higher numbers of civilians injured.

Within the 1,077 civilian casualties from overall targeted killings, the deliberate targeting of Government employees increased by almost 700 percent. In 2012, UNAMA documented 47 separate incidents of targeted killings of civilian Government workers which killed 107 civilians and injured 148. In 2011, UNAMA documented 23 of the same type of targeted killing incidents which killed 23 and injured 11 civilians.

Although targeted killings of Government authorities increased in the eastern, central, northern and southern regions, the dramatic spike in civilian casualties from such attacks may be attributed mainly to two large attacks in the northern region. On 14 July, a suicide bomber targeting parliamentarians and Government officials detonated at a wedding in Aybak city, Samangan province, killing 23 civilians and injuring 45. On 26 October, a 15-year old suicide attacker targeting the Faryab Provincial Governor, detonated his explosives at a mosque in Maimana city, killing 40 civilians, including six children and injuring 59.

Examples of targeted killings of civilians include:

- On 21 March, in Sayyad district, Sari Pul province, Anti-Government Elements killed a civilian who was abducted on 15 March. An ALP member, related to the

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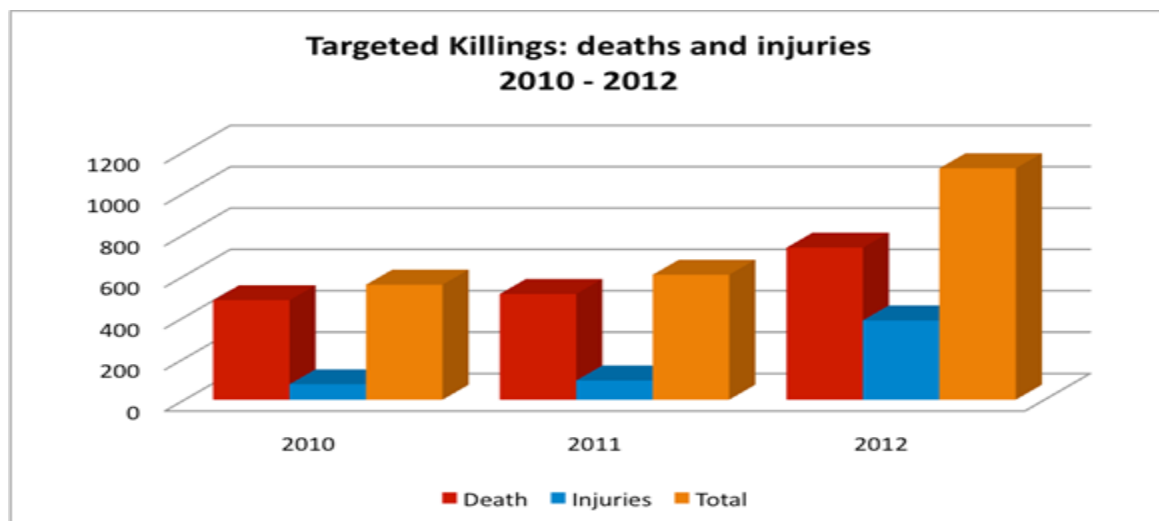
<sup>82</sup> Targeted killing is defined as the intentional, premeditated and deliberate use of lethal force by States or their agents acting under color of law (or by an organized armed group in armed conflict) against a specific individual who is not in the perpetrator's physical custody. These attacks may result in multiple civilian deaths and injuries, particularly in circumstances where indiscriminate tactics, such as IEDs, are used. UNAMA documents all civilian deaths and injuries directly resulting from these targeted killings.

<sup>83</sup> UNAMA interviews on 16 July 2012 Mehterlam city, Laghman province.

<sup>84</sup> In 2011, UNAMA documented 605 civilian casualties (512 civilian deaths and 93 injuries) from targeted killings. See UNAMA's 2011 Annual Report on Protection of Civilians in Armed Conflict at [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

victim, was also abducted and killed. The Taliban claimed responsibility for this targeted killing in a statement.

- On 2 May, Sharana district, Paktika province, Anti-Government Elements shot and killed two civilians. One of the victims was a retired ANA member and the second was working as a contracted cleaner for the municipality.
- On 9 July, in Ghazni centre, Ghazni province, Anti-Government Elements shot and killed the Ghazni provincial prosecutor on his way to his office. One other man and one girl were injured.
- On 29 November, in Panjwai district, Kandahar province, a tribal elder was abducted from his home and killed after being severely tortured by Anti-Government Elements. His dead body was found on 31 October in a nearby destroyed house.
- On 28 November, in Qala-e-Naw district, Badghis province Anti-Government Elements shot and killed two agriculture department employees.



### **Human Rights Abuses by Anti-Government Elements**

*My cousin and father were abducted by the Taliban with other three villagers. We found the corpses of my father and cousin in the mountains near our village. While we were washing their dead bodies before the funeral ceremony we found they had been severely tortured. We believe they wanted them to confess they were spies for Government forces. We found black bruises on their legs, on their shoulders and they had scars of hot iron bars on their stomachs and other soft parts of their bodies around their waists. After a few days, the Taliban released a video showing that all of them, my father, my cousin, and the villagers, confessed that they provided information to Government. After this incident, 15 families decided to leave the village to Assadabad and other more secure areas. The intimidation by the Taliban led to this. Together with the district shurah members we requested the Provincial Governor to take actions but he did nothing.*

-- Relative of a tribal elder who was killed by order of a Taliban court in Kunar province in 2012

Throughout 2012, UNAMA documented and received consistent accounts of Anti-Government Elements carrying out extra-judicial executions, torture and ill-treatment, or preventing civilians from exercising their rights to freedom of movement, access to education, freedom of expression and the right to an effective remedy. In most instances, abuses occurred in areas with a limited presence of Government and Afghan national security forces.

*Parallel judicial structure punishments: killings of alleged Government spies*

In 2012 UNAMA documented 33 persons killed in 17 separate incidents of Anti-Government Elements carrying out death sentences against civilians to punish them for allegedly spying or maintaining allegiance to the Government or for other alleged crimes as defined by Anti-Government Elements. Eleven of the 17 incidents took place in the western region, consistent with the emerging trend UNAMA documented in 2011.<sup>85</sup> International humanitarian law applicable to all parties including Anti-Government Elements prohibits the passing of sentences and the carrying out of executions against civilians at any time and in any place whatsoever.

UNAMA observed that civilians living in areas under the effective control of Anti-Government Elements had very limited access to Governmental judicial mechanisms or services. Anti-Government Elements took advantage of this rule of law vacuum to establish and enforce parallel judicial structures, to adjudicate criminal and civil cases, and disputes and, in some cases, to try and/ or punish persons suspected of collaborating with Pro-Government Forces. These judicial structures are illegal and have no legitimacy or basis under the laws of Afghanistan. Severe punishments meted out by these structures amount to criminal acts under the laws of Afghanistan, and in some circumstances, war crimes.<sup>86</sup>

UNAMA documented multiple incidents of Anti-Government Elements killing Pro-Government community leaders and tribal elders after warning them to cease their support for the Government or face consequences. For example, on 25 November, a group of Anti-Government Elements in Wata Pur district, Kunar province, wearing ANA uniforms entered the home a tribal elder and kidnapped him, his son, and two other civilians from the same village. The same group of Anti-Government Elements had previously abducted the tribal elder's nephew on 21 November. Anti-Government Elements shot dead all five men and left the bodies near their homes.

Other examples from 2012 include:

- On 26 October, in Andar district, Ghazni province, Taliban abducted five civilian day laborers employed by at the international military base, sentenced them to death and killed them. The victims were held by the Taliban for five days before the killings.
- On 8 November in Marawara district, Kunar province, a group of Taliban led by a Taliban shadow district official 'arrested' a man for allegedly spying on behalf of

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<sup>85</sup> See 'Unlawful killings in the western region: Parallel judicial system executions' in UNAMA's 2011 Annual Report on Protection of Civilians in Armed Conflict at [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

<sup>86</sup> UNAMA's analysis does not evaluate the procedural elements reported by communities according to recognized international human rights standards, for example, fair trial standards.

international military forces. On 9 November a Taliban shadow court sentenced him to death and subsequently killed him. The dead body was then handed over to his relatives.

#### *Threats, intimidation and harassment*

In 2012, UNAMA confirmed 121 incidents of Anti-Government Elements threatening, intimidating and harassing civilians, a 17 percent increase compared with 2011 when UNAMA documented 103 incidents. In many instances, such as death threats, assault, house burnings, the incidents amounted to human rights abuses. UNAMA notes the high likelihood in under-reporting of such incidents, given restricted access to remote communities and difficulties faced by communities to report incidents.

#### **Taliban Public Statements on Civilian Casualties**

In 2012, the Taliban released 53 public statements on their website, 25 of which addressed issues relating to civilian casualties and human rights protection. These statements appeared to indicate a continued public awareness of civilian protection concerns. The statements also claimed that the vast majority of civilian casualties in Afghanistan resulted from the operations of Pro-Government Forces.<sup>87</sup> In seven statements, the Taliban claimed that their followers and Mujahedeen always tried to protect civilians during operations, as part of their Islamic responsibility and obligation.<sup>88</sup>

Several statements provided examples of Taliban targeting criteria and elaboration of their IED tactics, with a particular emphasis on their use of operator controlled IEDs rather than victim-activated devices. The specific emphasis on targeting criteria and use of remote controlled IEDs is arguably aimed at countering findings and reports the Taliban used pressure plate victim-activated IEDs.

At the same time, the Taliban issued numerous statements and claimed responsibility through the media for suicide attacks, complex attacks, targeted killings and IED incidents that killed and injured civilians. Such statements were routinely published on the Taliban's website or communicated directly to media outlets. The statements outlined the Taliban's version of the intended target of attack, reported numbers of casualties according to the group, and sometimes provided information on measures allegedly taken to protect civilians.

The Taliban issued five statements in response to UNAMA public reports and press releases on the protection of civilians. The group claimed that UNAMA reports were one-sided toward the Government and ISAF, and provided examples of conflict-related casualty incidents caused by Pro-Government Forces allegedly excluded from UNAMA reports.

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<sup>87</sup> In 2011 the Taliban issued 57 public statements, the majority of which concerned claims of responsibility for incidents or threats to commit certain acts, as well as responses to UNAMA reports and statements related to the protection of civilians. See UNAMA 2011 Annual Report on Protection of Civilians in Armed Conflict, 'Taliban Public Statements on Civilian Casualties, p. 12 [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

<sup>88</sup> For example, a Taliban statement issued on 16 August, 2012 on the occasion of *Eid-el-Fitr*, stated that protection of civilians is a religious obligation.

*Taliban Response to UNAMA's 2012 Mid-Year Report on Protection of Civilians in Armed Conflict*

On 10 August, the Taliban responded publically to UNAMA's 2012 Mid-Year Report on Protection of Civilians in Armed Conflict. The statement accused UNAMA of omitting incidents of civilian casualties caused by operations of Pro-Government Forces and provided 46 examples of such instances for the first six months of 2012.

UNAMA reviewed every incident the Taliban submitted, and confirmed it had already documented 17 of the 46 incidents and included them in civilian casualty figures in UNAMA's Mid-Year Report.<sup>89</sup> UNAMA confirmed two additional incidents following verification of the information in the Taliban statement and added these to its database.<sup>90</sup> In the remaining 27 incidents, UNAMA either determined the incident to be non-conflict related (eg. ANSF use of force during public demonstrations), did not classify the persons killed, injured, or detained as civilians or was unable to verify the allegations.<sup>91</sup>

*Response to United Nations Secretary General's Quarterly Report on Afghanistan*

Similarly, on 16 December the Taliban issued a statement responding to the United Nations Secretary General's Quarterly Report to UN Security Council on the situation in Afghanistan. In the statement, the Taliban listed 20 incidents of civilian casualties from Pro-Government Forces' operations, which they claimed UNAMA failed to account for. UNAMA investigated all incidents and confirmed that 11 incidents had been documented by UNAMA and included in the Secretary-General's report. UNAMA confirmed two additional incidents following the Taliban's statement which were added to its database.<sup>92</sup> For the remaining seven incidents, UNAMA determined the incident to be non-conflict related, that persons killed, injured, or detained were not civilians or was unable to verify the allegations.<sup>93</sup>

*Taliban statements referencing use of IEDs*

On 22 October, 2012, the Taliban issued a statement responding to a UNAMA press release condemning civilian casualties caused by pressure plate IEDs.<sup>94</sup> The Taliban declared they never placed 'live landmines' in any part of the country, only used mines activated by a remote control and only detonated such mines against military targets. Throughout 2012, however, UNAMA documented 298 incidents involving pressure plate

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<sup>89</sup> In five incidents UNAMA documented similar numbers of civilian casualties; in three other incidents, UNAMA documented a higher number of civilian casualties, and in the remaining nine incidents UNAMA documented a lower number of civilian casualties than the Taliban.

<sup>90</sup> Civilian casualties from these incidents were included in the figures in this report and UNAMA's civilian casualty figures for 2012.

<sup>91</sup> See Annex I for a detailed account of all 46 incidents noted by the Taliban and UNAMA's findings.

<sup>92</sup> Civilian casualties from these incidents were included in the figures in this report and UNAMA's civilian casualty figures for 2012.

<sup>93</sup> See Annex II for a detailed account of all 20 incidents noted by the Taliban and UNAMA's findings.

<sup>94</sup> "UNAMA condemns civilian casualties caused by pressure plate IED, urges insurgents to cease their use", 20, October, 2012, at <http://unama.unmissions.org/Default.aspx?tabid=12254&ctl=Details&mid=15756&ItemID=35858&language=en-US>, accessed 2 February 2013.



IEDs resulting in 913 civilian casualties, and 183 remote-controlled IED incidents resulting in 625 civilian casualties.<sup>95</sup>

The Taliban did not claim responsibility for any incidents of civilian casualties from PPIEDs as documented by UNAMA. While not admitting the use of PPIEDs, the Taliban implicitly admitted using a PPIED in at least one instance. In a statement from 25 March, the Taliban blamed ISAF for using civilians as human shields, thereby causing the detonation of an IED intended for ISAF in Geresk area, Helmand province, resulting in mass civilian casualties.<sup>96</sup> By admitting the unintended detonation of their IED as a result of people walking in its vicinity, the Taliban acknowledged the IED type as a likely PPIED planted by its members.

The Taliban took responsibility for nine IED incidents in 2012, largely involving the use of remote controlled IEDS, which resulted in 39 civilian casualties.<sup>97</sup> These RCIEDs were used in an indiscriminate and disproportionate manner with devastating consequences for civilians.

#### *Responsibility claimed by Taliban for civilian casualty incidents*

*There should be no doubt that the Mujahedeen are very precise in their selected objectives especially in Martyrdom attacks and extraordinary efforts are exerted in making the blow effective as well as heavy in terms of enemy human toll even though the enemy portrays the situation as completely opposite...*

- Taliban statement claiming responsibility for a complex attack at Spogmai Restaurant Qargha Lake, Kabul province on 21 June, 2012 that resulted in 28 civilian casualties.<sup>98</sup>

In 2012 UNAMA documented 46 separate incidents for which the Taliban publically claimed responsibility for incidents causing civilian deaths and injuries.<sup>99</sup> These incidents accounted for a total of 513 civilian casualties and included 15 targeted killings, 12 suicide and complex attacks, nine IED incidents and seven ground engagements.<sup>100</sup> Most civilian casualties were from several large suicide attacks, complex attacks and IED incidents that were carried out indiscriminately in public places.

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<sup>95</sup> While UNAMA documented civilian casualties resulting from the use of PPIEDs, the Taliban did not claim responsibility for any of these incidents. In many IED incidents, it is not always possible to attribute responsibility to a specific armed group within Anti-Government Elements.

<sup>96</sup> According to the Taliban's statement: "Reports add that earlier this morning, the cowardly American invaders forced dozens of innocent women and children to walk in the streets near Saleeb Surkh hill of Mirmando area, triggering an IED placed nearby from which several civilians were martyred and wounded however their exact numbers are not known". Taliban statement: "Cowardly invaders using civilians as human shield in Gerishk battle, several martyred", 25 March, 2012. Translation at source.

<sup>97</sup> UNAMA confirmed that remote controlled IEDs were used in seven of the nine incidents.

<sup>98</sup> Taliban statement: "Results of the last Kabul operation from various sources" Wednesday, 7 Sya'ban 1433 Wednesday, 27 June 2012 10:10, [http://shahamat-english.com/index.php?option=com\\_content&view=article&id=20075:results-of-the-last-kabul-operation-from-various-sources&catid=3:articles&Itemid=5](http://shahamat-english.com/index.php?option=com_content&view=article&id=20075:results-of-the-last-kabul-operation-from-various-sources&catid=3:articles&Itemid=5).

<sup>99</sup> The Taliban claimed responsibility either by issuing a direct statement or by informing the media.

<sup>100</sup> The remaining four incidents include threat/ intimidation and harassment, kidnapping and abduction.

Several Taliban statements claimed the group had intended to target a specific objective not civilians and that due to premature detonation or other technical reasons, such incidents resulted in large numbers of civilian casualties. Despite such a stated intention to target a specific objective, the effects of such tactics were frequently disproportionate or indiscriminate, and therefore illegal under international law.<sup>101</sup>

*Shifts in Taliban narrative addressing targets of attacks*

In a statement issued on 2 May 2012 on the inception of their Al-Farooq Spring operation, the Taliban stated they consider all Government supporters performing civilian law enforcement activities as lawful targets.<sup>102</sup> Messages explicitly calling on Taliban members and Afghans to carry out attacks against such Government officials and their supporters were also made in several statements in the first half of 2012. UNAMA highlights again that the Taliban's definition of "civilians" is not consistent with international humanitarian law, which stipulates that "civilians" are individuals who are not combatants (members of military/paramilitary forces) or members of organized armed groups of a party to a conflict, and includes all persons not directly participating in hostilities.

UNAMA observed a shift in this Taliban narrative in the second half of 2012 to a greater focus on military targets. In a 22 October statement, the Taliban declared they only used remote controlled IEDS on military targets. In a 24 October statement, the Taliban urged their followers to increase their efforts at infiltration into "the ranks of the enemy", as this tactic would achieve better results.<sup>103</sup> While not explicitly ordering their followers to cease targeting Government officials, the Taliban's emphasis on military targets may imply an effort to improve civilian protection. In their last statement in 2012, issued on 17 December, the Taliban accused the ALP and *Arbaki* of violations against Taliban fighters and civilians and did not include any specific reference to their definition of lawful targets.

Such a reiteration of a public intention to protect Afghan civilians may indicate Taliban concern and effort to win the "hearts and minds" of Afghans in the context of the evolving peace process.

While the Taliban statements suggest a possible pause in calls to target civilian Government officials, such statements have not translated to a widespread practice on

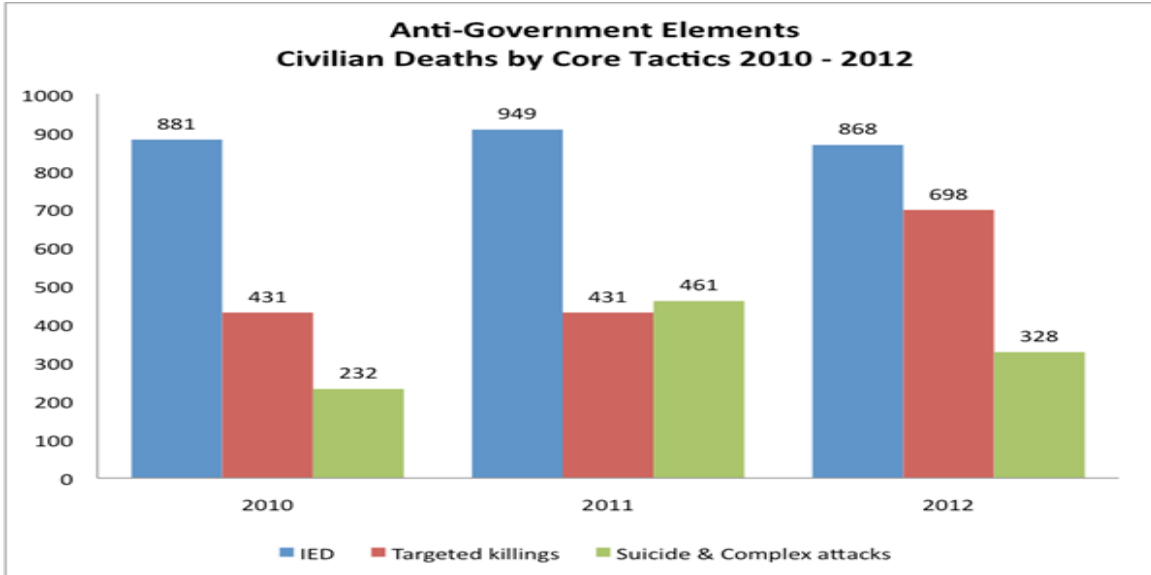
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<sup>101</sup> For example a suicide attack carried out by a vehicle-borne IED on 23 November 2012, in Maidan Shar, the capital of Maidan Wardak province, caused 171 civilian casualties (four killed and 167 injured) and fully or partially destroyed around 42 governmental line departments' office buildings. Afghan authorities reported they suspected the suicide bomber detonated before reaching the main target, due to technical reasons.

<sup>102</sup> According to the Taliban statement: "The primary target of Al-Farooq operation will be the foreign invaders, their advisors, contractors and members of all associated military, intelligence and auxiliary departments. and similarly, the high ranking officials of the stooge Kabul regime; members of Parliament; those associated with Ministries of Defence, Intelligence and Interior; members of the so called High Peace Council; militia under the name of 'Arbaki' and all those people who work against the Mujahideen, toil to pave ground for the occupation of Afghanistan and become the cause for the strength of the invaders will also be targeted in Al-Farooq operation.": 'Statement of the Leadership Council of the Islamic Emirate regarding the inception of Al-Farooq Spring operation', 2 May, 2012. Translation at source.

<sup>103</sup> Taliban statement: "Message of Felicitation of the Esteemed Amir-ul-Momineen on the Occasion of the Eid-ul-Odha", 24 October, 2012. See: <http://shahamat-english.com/>

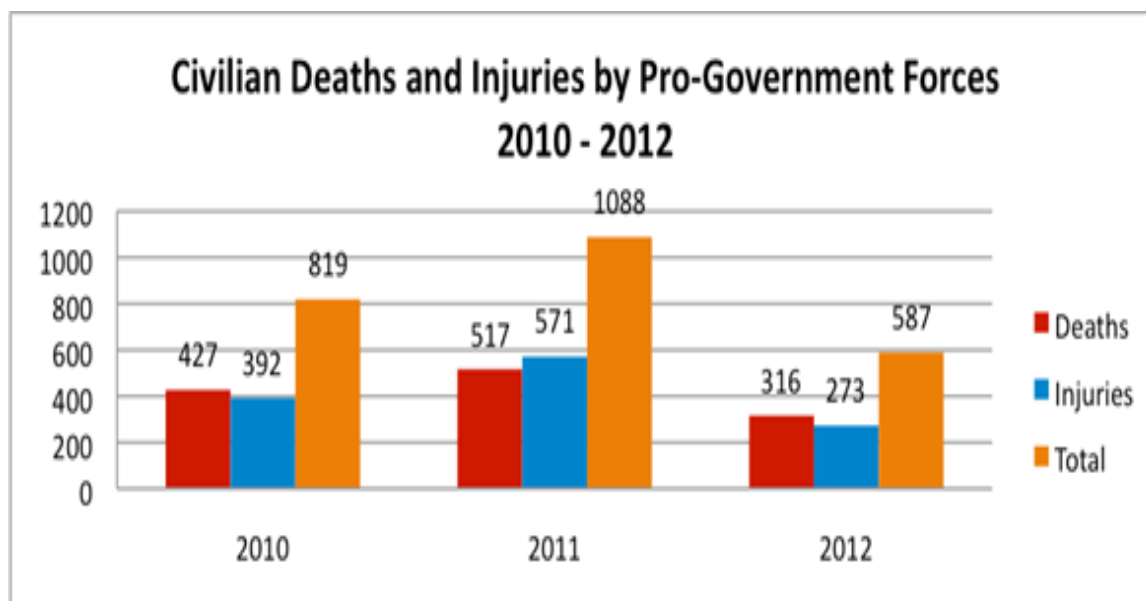
the ground as the findings of this report show.<sup>104</sup> To demonstrate a real change in the practice of targeting civilians, the Taliban should issue public statements revising their definition of “civilian” and lawful targets, in accordance with international humanitarian law, and ensure all Taliban fighters abide by the instruction with sanctions for failure to do so. The result of such efforts should be demonstrated in a reduction of civilian casualties caused by Taliban members.



<sup>104</sup> See section on Targeted Killings in this report.

## Pro-Government Forces and Protection of Civilians

Civilian deaths and injuries caused by Pro-Government Forces' military operations including aerial incidents, search operations, ground engagement and escalation of force reduced significantly in 2012. Between 1 January and 31 December 2012, UNAMA recorded 587 civilian casualties (316 deaths and 271 injured) attributed to Pro-Government Forces, representing a 39 per cent decrease in civilian deaths and 53 per cent reduction in civilians injured, and an overall 46 percent decrease in total civilian casualties from 2011.<sup>105</sup> Eight percent of all civilian casualties in 2012 were attributed to Pro-Government Forces, compared to 14 per cent in 2011.



### **Definition of Civilian**

#### **ANSF**

At the request of UNAMA, an ANSF spokesperson provided the following definition of civilian as it relates to ANSF operations:

*A civilian is any person who is neither affiliated to any party to the conflict, nor armed and uniformed, like children, senile people, civil servants, health personnel, engineers or, in other words, who is not an active combatant. The Anti-Government Elements disguised or representing themselves as civilians are*

<sup>105</sup> In 2011, UNAMA documented 1,088 civilian casualties from the operations of Pro-Government Forces. See UNAMA 2011 Annual Report on Protection of Civilians in Armed Conflict at [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

*considered combatants only when there is credible intelligence or information against them.*<sup>106</sup>

## ISAF

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

*"International humanitarian law refers to civilians as those persons who are not combatants (members of military/paramilitary forces) or members of organized armed groups of a party to a conflict or part of a levee en mass (mass uprising). Civilians may lose their protection against attacks for such time as they take direct part in hostilities, but retain (or regain) such protection if hors de combat (ie. wounded, sick, detained or surrendering) and thereby no longer actively participating on hostilities. Civilians will be further differentiated by their affiliation for purposes of analysis by the Civilian Casualty Mitigation Team".*<sup>107</sup>

## Aerial Operations

*At approximately 3:30 am the women and girls left the village to collect wood in the mountains. I heard the bombing at approximately 4:00 am. Following the bombing, the villagers grouped together and we called the Afghan national police officer from our area about the bombardment. He told us that the Operation Coordination Centre in the province had informed the district official that the target was the Taliban shadow governor and there were no civilians in the area. After a while, the area was bombarded again. At approximately 5:00 am, I went with other villagers, including women, to look for victims. After we found the dead and injured girls, the jet planes attacked us with heavy machine guns and another woman was killed.*

-- Eyewitness to an airstrike in Alingar district, Laghman province, on 16 September 2012 which killed five women and three girls and injured four women and three girls.<sup>108</sup>

UNAMA documented a decline in civilian casualties from aerial operations in 2012. Aerial attacks, however, caused the most civilian deaths and injuries by Pro-Government Forces.

Between 1 January and 31 December 2012, UNAMA documented 204 civilian casualties (126 deaths and 78 injuries) from 55 aerial operations by international military forces. This is a 42 percent decrease from 2011.<sup>109</sup> Aerial operations caused 40 percent of all civilian deaths attributed to Pro-Government Forces and three percent of all civilian casualties from all parties. Of the 126 civilian deaths caused by aerial attacks, 40 percent were children.

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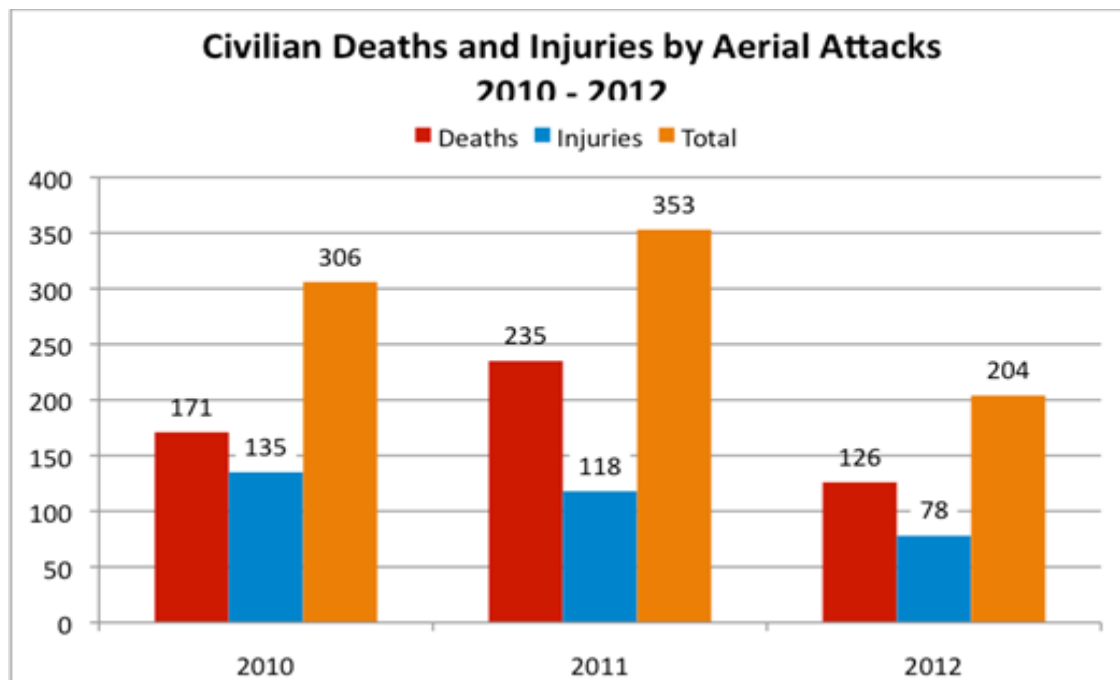
<sup>106</sup> UNAMA meeting with Head of the ANSF Civilian Casualties Tracking Team, Presidential Information Coordination Center (PICC), 30 January 2013, Kabul.

<sup>107</sup> Email exchanges between UNAMA and ISAF, 15 June 2012 and 2 January 2013.

<sup>108</sup> UNAMA interviews with victims and witnesses, 17 September 2012, Metharlam city, Laghman province.

<sup>109</sup> In 2011, UNAMA documented 235 civilian deaths and 118 injured (353 civilian casualties) from aerial operations. See UNAMA 2011 Annual Report on Protection of Civilians in Armed Conflict

[http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).



#### *Pre-engagement Precautions*

UNAMA highlights concern regarding the use of airstrikes against pre-approved targets in which it appears that ISAF did not take sufficient pre-engagement measures to prevent civilian casualties. UNAMA raised these concerns with ISAF on several occasions and asked to see policies guiding targeting criteria in offensive air operations, specifically factors establishing and confirming an individual's status as combatant or a civilian directly participating in the hostilities prior to engagement with lethal force.<sup>110</sup>

One such airstrike by international military forces occurred on 16 September in Alingar district, Laghman province. According to ISAF, the operations were intended to target a group of insurgents present in the area.<sup>111</sup> Sometime between 5:00 am and 7:00 am, ISAF carried out approximately five airstrikes in Munj Qilla village and Daka Maliareas of Nuralam valley, killing four women, three girls and one boy and seriously injuring five women and three girls. No insurgents or suspected insurgents were harmed or captured during this operation. The group of women and children were targeted while walking to a nearby mountain to collect pine nuts and wood.

According to ISAF, the strikes were carried out as part of an offensive engagement rather than defensive military operation without any imminent threat to ISAF or the community. It appears approval of the initial strike was obtained from all required levels of ISAF and ANSF's chain of command, however it is unclear what pre-engagement measures and precautions were taken prior to launching the strike.<sup>112</sup> Based on discussions with ISAF, such measures normally include establishing a target as a lawful military objective, maintaining positive identification of a specific targeted subject,

<sup>110</sup> UNAMA meetings with ISAF HQ June 2012 through January 2013, Kabul. Email exchanges between UNAMA and ISAF HQ dated 31 December 2012, 3 January 2013 and 8 January 2013.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

assessing potential collateral damage and understanding the pattern of life in the area. In this case however, there was an apparent failure to undertake appropriate measures to distinguish between civilians and insurgents which resulted in significant civilian casualties.

UNAMA takes the view that pre-approval of the initial strike that mistakenly killed civilians in the Alingar situation demonstrates an urgent need for further review of pre-engagement considerations particularly in circumstances where there is no immediate threat and the opportunity is available to exercise tactical patience, consider tactical alternatives and take additional time to confirm positive identification and situational awareness. This is of particular relevance when positive identification is based on perceived 'hostile intent' rather than the identification of a specific individual, and confirming the individual's status as a combatant or a civilian directly participating in the hostilities.<sup>113</sup>

ISAF and the US Government carried out extensive investigations and a policy review in relation to the Alingar incident, although the investigative results have not been made public. UNAMA suggests that ISAF publicize the results of its investigation and publicly state it has taken all appropriate policy and punitive measures if investigations established negligence or some other violation.<sup>114</sup> According to ISAF, the initial strike in this operation was pre-planned and involved multiple ISAF and ANSF decision makers who jointly held responsibility to ascertain whether the attack was militarily appropriate, legally permissible and to take precautions to protect civilians. ISAF should take all necessary measures to ensure that it abides by its obligations under international humanitarian law, including with the principles of proportionality, discrimination and precautions and ensuring that such apparent errors in targeting are not repeated.

#### *Drones - Unmanned Aerial Vehicles (UAVs)*

A need to review tactical and operational policy relating to targeting to ensure compliance with international humanitarian law may be of particular relevance with the expansion of the use of unmanned combat aerial vehicles (drones) in pre-planned

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<sup>113</sup> US Army Combined Arms Center, Afghanistan Civilian Casualty Prevention: Observations, Insights and Lessons, Centre for Army Lessons Learned, US Unclassified. US Military, 2012.

<sup>114</sup> In the context of armed conflict, negligence may be defined as a demonstrable and inexcusable failure to take the degree and kind of care that might reasonably have been expected of the individual(s) in question in the circumstances as he/they perceived them to be at the time he/they acted, or failed to act, thus causing the incident that gave rise to the prohibited civilian casualties, damage or destruction. Boothby, William. "Negligence, Due Care and Errors of Judgment in Bombardment", Section 9.8 on *The Law of Targeting*. Oxford University Press, February 2012.

attacks in Afghanistan.<sup>115</sup> The number of weapons released by drones jumped from 294 in 2011 to 506 in 2012,<sup>116</sup> a 72 percent increase in Afghanistan.

In 2012, UNAMA documented five incidents<sup>117</sup> of drone strikes which resulted in 16 civilian deaths and three injuries, an increase from 2011 when UNAMA documented one incident.

Most of the civilian casualties from drone strikes in 2012 appear to be the result of weapons aimed directly at insurgents. However, information available to UNAMA indicates some instances may be due to targeting errors. For example, UNAMA documented one incident that occurred on 20 October when a drone struck in Baraki Barak district, Logar province, killing four children, aged between 11 and 13 years. Three boys died immediately while the fourth boy died during the transport to a Kabul hospital. The drone strike reportedly followed a clash between Anti-Government Elements and pro-Government Forces which occurred a few kilometers from the incident area.

#### *ISAF Policy and operational review regarding air-related incidents*

In response to several incidents of air-related civilian casualty incidents stemming from subjective interpretation of the operational environment, particularly the Alingar district incident, ISAF initiated policy guidance providing clearer definitions of what constitutes hostile act, hostile intent, minimum of force, non-lethal force and lethal force and other actions.

ISAF also revised COMISAF Tactical Directive, Rev. 5.1 which further restricts the use of indirect fire and air delivered munitions on civilian dwellings. Given that most air related civilian casualty incidents resulted from offensive rather than defensive strikes, and should therefore be preventable to the greatest extent possible, UNAMA welcomes the new mitigation measures initiated by ISAF.<sup>118</sup>

Other examples of air-related incidents include:

- On 23 September, in Marawara district, Kunar province, international military forces targeted two insurgents with drones. The strike injured a teenage girl working in a nearby agricultural field. She later died on the way to the Asadabad public health hospital.

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<sup>115</sup> In mid-January 2013, the UN Special Rapporteur on Human Rights and Counter-Terrorism announced the launch of an inquiry into the civilian impact of the use of drones and other forms of targeted killing, focusing on the applicable legal framework, a critical examination of the factual evidence concerning civilian casualties, with a view to making recommendations to the UN General Assembly concerning the duty of States to conduct effective independent and impartial investigations into the lawfulness and proportionality of such attacks, to be presented later in 2013. Press release available at

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12943&LangID=E>.

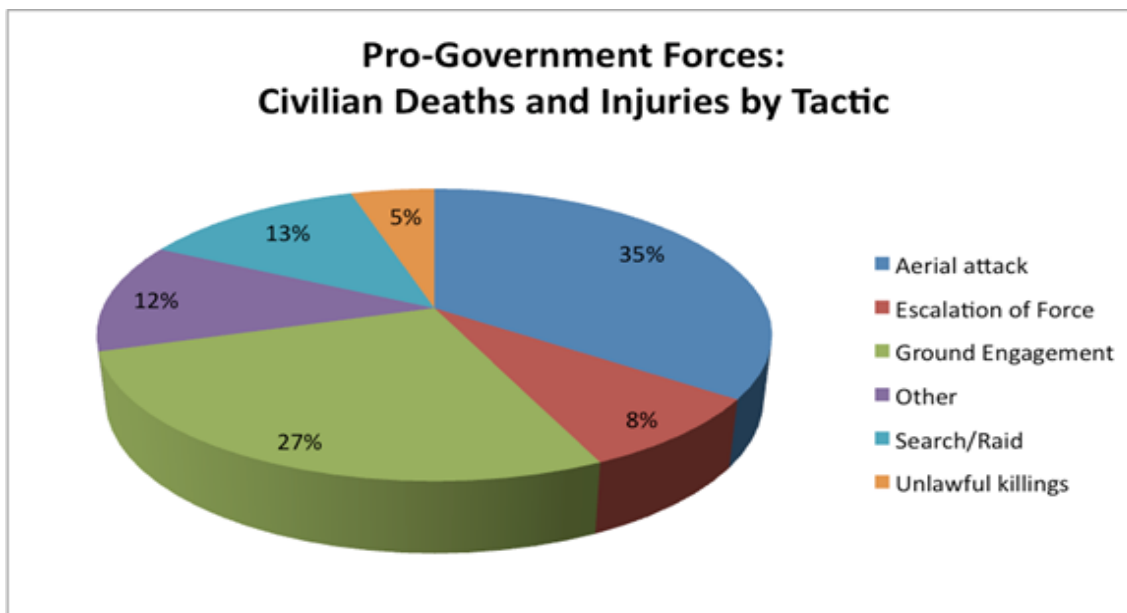
<sup>116</sup> Combined Forces Air Component Commander, 2007-2012 Airpower Statistics, 31 December 2012, US Central available at <http://www.afcent.af.mil/shared/media/document/AFD-130114-003.pdf>, accessed 19 January 2013.

<sup>117</sup> The number of civilian casualty incidents from drone strikes may be higher as UNAMA is not always able to confirm which type of platform was used during an aerial operation (fixed-wing, rotary or remotely-controlled) that resulted in civilian casualties.

<sup>118</sup> See Section on 'ISAF Operational Procedures and Tactical Directives to Prevent Civilian Casualties' in this report for more details.



- On 5 December, in Waygal district, Nuristan province, an international military forces drone fired missiles targeting suspected insurgent locations. The strike killed three civilians, including a child and two teachers. All of the victims were from the same family.



### Search Operations

*I was in my bed at 11:45 pm when I heard sounds and saw helicopters hovering. It was announced through loudspeakers that people should not go out of their houses and if they did not comply, they will be shot. My three nephews and my brother-in-law were sleeping in the guestroom. All four of them went out in dismay and they were shot dead by international military. One of my nephews was a seventh-grade student. After that the international military started searching houses. They broke three doors of our house and burned a motorcycle. They searched the entire house and they found an air gun and destroyed it. International military then arrested my brother and left the area.*

-- A man whose three nephews and brother-in-law were killed in Khanabad district, Kunduz province, in a night search operation by international military forces on 15 February 2012.<sup>119</sup>

Between 1 January and 31 December 2012, UNAMA documented 75 civilian casualties (54 civilian deaths and 21 injuries) from search and seizure operations by Pro-Government Forces, a decrease of 33 percent compared with 2011. This is consistent with the downward trend documented in the same periods in 2010 and 2011. UNAMA was able to document 35 search operations by Pro-Government Forces which resulted in civilian casualties, a 78 percent drop in the number of incidents of search operations resulting in civilian casualties compared to 2011.

<sup>119</sup> UNAMA interview with family members in Kunduz city, Kunduz province, 19 February 2012.

It is unclear whether the decline in civilian casualties can be attributed to better operational practices by Afghan security forces or a reduction in numbers of search operations.

UNAMA highlights that accurate data on numbers of search operations and civilian casualties from search operations is difficult to obtain due to the multiple security bodies conducting joint and independent operations, as well as military classification of such information.<sup>120</sup> It appears clear that most search operations by Afghan and international security forces do not result in civilian casualties.

Examples of civilian casualties from search operations include:

- On 4 May, in Ghormach district, Faryab province, ANSF and ISAF conducted a night search operation resulting in six civilians killed, including three children and five civilians injured, including another three children. The civilian identity of the casualties was confirmed to UNAMA by multiple sources.
- On 7-8 August, a night search operation in in Khashrod district, Nimroz province, killed one woman and injured two children.
- On 6 November, in Lashkar Gah, Helmand province, a night search operation conducted by ISAF resulted in three civilians killed. That evening, community members demonstrated in front of the Provincial Governor's office in Lashkar Gah, and brought the dead bodies stating that ISAF forces killed a farmer, his son and his nephew. ISAF stated to UNAMA that those killed were Anti-Government Elements and not civilians.

### ***Escalation of Force***

Consistent with the trend observed in the past two years, civilian casualties from escalation of force<sup>121</sup> incidents involving Pro-Government Forces continued to decrease in 2012. UNAMA documented 49 civilian casualties (14 killed and 35 injured) in 33 separate incidents, a 26 percent decrease in civilian casualties resulting from escalation of force incidents compared to 2011.

The reduction suggests increased efforts by Pro-Government Forces to distinguish civilians from genuine threats at security force checkpoints and convoys, as well as to ensure the use of non-lethal alternatives.

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<sup>120</sup> Data on the total numbers of night operations carried out by a wide range of Afghan and international military forces - including Special Forces and 'other government agencies' - jointly and independently and any civilian casualties resulting from them is not publicly available. UNAMA proactively monitors and also investigates all allegations it receives of civilian casualties from night search operations. Given both the limitations associated with the operating environment and limited access to information, UNAMA may be under-reporting the number of civilian casualties from night search operations.

<sup>121</sup> Escalation of force incidents or "force protection" incidents documented by UNAMA involve civilian casualties resulting from the use of lethal or non-lethal force by military in situations where civilians do not pay attention to, do not understand or do not see warnings from military personnel when in the proximity of, approaching or overtaking military convoys or circumstances where civilians do not follow instructions at military check points.

Examples of civilian casualties resulting from escalation of force:

- On 11 June, in Khak-e-Safid district, Farah province, ANA killed three civilians and injured one more after an IED hit an ANP vehicle traveling in a convoy.
- On 13 September, Farah city, Farah province, an ANP member, guarding the Provincial Governor's office opened fire on a vehicle when the vehicle ignored a stop warning resulting in one civilian being killed and six other passengers including one woman and one child injured.
- On 1 October, in Khogyani district, Nangarhar province, ANSF at the Tamirat checkpoint opened fire at a civilian vehicle that was transferring a civilian man to a nearby clinic. The gunfire killed one civilian.

### ***Afghan National Security Forces (ANSF)***

#### *Civilian Casualties*

In July 2012, Afghan security forces began leading the majority of military operations and as of January 2013, lead 80 percent of operations, although international military forces may have been present during these operations. Since military operations continued to include a range of armed and security forces, UNAMA's civilian casualty figures for Pro-Government Forces include both Afghan and international military forces.

Civilian casualties from ANSF offensive operations and defensive actions increased in 2012. The majority occurred during ground engagements against insurgents, usually following an attack against an ANSF check-post or convoy. 33 civilian deaths and 63 injuries were documented consistent with figures for 2011 with almost all incidents also occurring during ground engagements.

- On 21 March, in Dawlat Shah district, Laghman province, ANSF opened fire on civilians after two IEDs detonated against an ANSF convoy. The shooting resulted in injuries to three civilians, including two women and one child.
- On 26 May, in Maimana City, Faryab province a ground engagement between ANSF and Anti-Government Elements, resulted in injuries to one civilian, shot by ANSF.
- On 30 September, in Ghormach district, Faryab province, ANSF conducted an operation against Anti-Government Elements. Mortar fire by ANSF, resulted in the injuring of four civilians (one woman, one boy and two men).
- On 21 December, in Alingar district, Laghman province, Taliban attacked with heavy and small arms. ANSF responded to the attack by firing small arms and mortar rounds. Some of the mortar rounds missed the target and impacted on a residential area resulting in the killing of one woman and injury to another woman and three children inside a house.

### ***New ISAF and ANSF Policy Measures to Mitigate Civilian Casualties***

#### *ANSF Civilian Casualty Tracking and Mitigation capacity*

UNAMA welcomes steps taken by the Government of Afghanistan to track and mitigate civilian casualties. In May 2012, the Government established the Civilian Casualties Tracking Team in the Presidential Information Coordination Center. In October 2012, the

Government appointed Dr. Mudabir, head of the Office of Administrative Affairs, as advisor to President Karzai on the protection of civilians

A permanent structure does not exist within the ANA or ANP however to systematically investigate allegations of civilian casualties. The investigation of a civilian casualty incident is triggered through a complaint by a victim or witness or suspicion by ANA or ANP legal officers or commanders of a breach of domestic law or international humanitarian law. Such a mechanism should be established or incorporated into existing structures.

Although efforts by the Government are underway to track and mitigate civilian casualties, UNAMA is concerned by the reluctance of ANSF leadership to acknowledge civilian casualties caused by ANSF. Senior ANP and ANA senior officers consistently asserted that ANSF do not cause civilian casualties.<sup>122</sup> As a result, it is highly likely that civilian casualties from ANSF actions are under-reported. In some cases, such as ground engagements, attribution of casualties caused by cross-fire may be difficult but with others, such as escalation of force, responsibility is clear.

UNAMA welcomes other measures taken by the Government of Afghanistan to uphold laws which enable the protection of civilians. In March 2012, the Government of Afghanistan issued Presidential Order #4-29 which directs all security bodies to uphold Afghan laws, policies and procedures during the conduct of special operations.

*ISAF Operational Procedures and Tactical Directives to prevent civilian casualties*

In 2012, ISAF revised several tactical directives and operational procedures and initiated new policies to prevent air-related civilian casualty incidents.

On 15 August, ISAF published 'COMISAF Tactical Directive, Rev 5.1'. As noted earlier in this report, the new revision incorporates restrictions on using indirect fire and air delivered munitions on civilian dwellings and other structures that may contain civilians, except in cases of self-defence when other options are not available.

On escalation of force, ISAF initiated policy guidance providing clearer definitions of acts which constitute a threat to force protection and measures which may be taken in response. On 17 September, ISAF published a new edition of 'Standard Operating Procedure (SOP) 373, Direction and Guidance on Escalation of Force'. The new revision of the SOP incorporates clearer definitions of what constitutes self-defence, extended self-defence, hostile act, hostile intent, minimum of force, non-lethal force and lethal force. It also provides additional clarification to both the individual soldier and commanders in respect of their responsibilities and seeks to "reinforce the theatre wide understanding of Escalation of Force (EoF) procedures to protect our forces and eliminate civilian casualties."<sup>123</sup>

ISAF also initiated SOP 332 on HQ IJC JIAT (Joint) Incident Assessment Team. This SOP is intended to provide briefings to ISAF command to highlight recurring themes and lessons learnt from air-related civilian casualty incidents. The SOP is aimed mainly at

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<sup>122</sup> Protection of Population Conferences attended by UNAMA, ISAF HQ, Kabul, 2012.

<sup>123</sup> Email communication between UNAMA and ISAF HQ, January 2013.

aircrew and joint terminal air controllers and uses weapon system video and transcripts to expose factors that contributed to recent civilian casualty incidents.<sup>124</sup>

In view of some offensive airstrikes that have mistakenly targeted civilians (as noted earlier in this report), UNAMA asked ISAF to view relevant guidance on operational policies and procedures regarding pre-targeting considerations and definitions in particular, factors required by ISAF to establish 'hostile intent'<sup>125</sup>, 'imminent threat', 'threatening manner' and other pre-targeting judgments, made prior to weapons release, when positive identification has not been established.

ISAF informed UNAMA that arrangements will be made for UNAMA to view relevant policies although this request remains pending.<sup>126</sup>

In November 2012, ISAF published SOP 307 Edition 4 on Civilian Casualties Handling Procedures, which introduced tracking of Afghan authorities' investigation of civilian casualty incidents through implementation of national investigation status reports (NISR). ISAF also revised COMISAF OPLAN 3832, Rev 6.2 and introduced SOP 345, IJC Civilian Casualties Organization and Handling Procedures.<sup>127</sup>

Joint ANSF and ISAF civilian casualty mitigation efforts included the establishment of information exchange forums such as the Joint Civilian Casualties Mitigation Working Group, Joint Civilian Casualties Board and ANSF/ISAF Population Protection Conferences. UNAMA expects that these forums will become practical, technical ANSF bodies oriented toward reviewing operational conduct, and initiating and implementing policy measures required to reduce harm to civilian populations during ANSF military operations.

#### *Government response to IED threat*

UNAMA notes ongoing efforts and practical measures undertaken by the Government of Afghanistan and ISAF to counter the threat of IEDs. UNAMA warmly welcomes the National Counter Improvised Explosive Device Strategy 2012, passed on 24 June 2012 by the National Security Council of Afghanistan under the chairmanship of President Karzai.<sup>128</sup> This strategy provides a national unified vision on counter-IED measures that details required actions in the areas of rule of law, security, governance, diplomatic engagement and public awareness. One of the core elements of the strategy is its emphasis on the coordination of responsibilities of national security bodies on IED issues. UNAMA calls on the Afghan Government, with increased support ISAF/NATO and the international community to implement the strategy as a core priority.<sup>129</sup>

In 2012, relevant security ministries jointly drafted a Presidential Decree on Biometric and Criminal Techniques. This decree establishes roles and responsibilities of those

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<sup>124</sup> Ibid.

<sup>125</sup> UNAMA/OHCHR's view is that the establishment of 'hostile intent' should confirm a targeted individual as a legitimate or lawful military objective; as a fighter with continuous combat function/combatant or as a civilian directly participating in the hostilities.

<sup>126</sup> Meeting between UNAMA and ISAF, 14 January 2013, ISAF HQ, Kabul.

<sup>127</sup> Email communication between UNAMA and ISAF HQ, January 2013.

<sup>128</sup> National Security Council, Government of Afghanistan, Counter-IED Strategy, June 2012, Kabul.

<sup>129</sup> UNAMA meetings with Counter-IED Policy Branch, ISAF HQ and email communication between UNAMA and Counter-IED branch, January 2013.

ministries involved in crime scene investigations, site security, evidence collection and exploitation. Once signed, this document will provide the framework for the development of a national Biometrics and Criminal Techniques Strategy. One of the anticipated elements of this strategy will be the conduct of evidence-based operations, which in turn supports a rule of law, rather than military response to address the criminality of IEDs. The decree is pending presidential signature.<sup>130</sup> ISAF is working with the Government of Afghanistan to establish two national crime laboratories that are supported by counter-IED laboratories, as well as several biometric offices located in provinces with high IED prevalence. The infrastructure includes training for relevant bodies including security forces and judicial authorities to support biometrics and forensic based prosecutions<sup>131</sup>.

### **Ground Engagement between Parties to the Conflict and Protection of Civilians**

*My brother was caught in the middle of a clash between two sides. Insurgents first shot him with two bullets to his stomach and he was injured. He then kept moving towards the security forces for help but he suddenly was hit by other bullets to his legs, this time by international military forces, who assumed he was an insurgent. The firefight continued for an hour and my brother was soon transferred by locals to Balkh hospital. He is still suffering from bad pain and has yet to undergo an operation on his leg.*

-- Brother of a civilian injured during ground engagement between Anti-Government Elements and Pro-Government Forces in Naw Shahr-i-Alizai village, Chintal district, Balkh province on 8 May 2012.

Civilian casualties from ground engagement between Anti-Government Elements and Pro-Government Forces were 1,618 (438 killed and injured 1,180 injured), a 22 percent reduction from 2011. Although the reduction is welcome, ground engagement still caused 21 percent of all civilian casualties, the tactic causing the highest number of civilian casualties, after IEDs.

The regional breakdown of civilian casualties during ground engagements illustrates the changing dynamics of the conflict throughout Afghanistan. Civilian casualties from ground engagements between Anti-Government Elements and Pro-Government Forces increased in central, central highlands, northeast, north and western regions but reduced in south, southeast and eastern regions.

The increase in particular regions coincided with a proliferation of local armed groups and paramilitary units, both Pro- and Anti-Government which were involved in ground engagement incidents in these areas.

In the northern region, civilian casualties from ground engagement increased by almost 201 percent in 2012, demonstrating the changing regional dynamics. The majority of the increase occurred in Faryab province, from 19 incidents in 2011, (41 civilian casualties) to 49 incidents in 2012 (103 civilian casualties). Throughout 2012, fighting between Anti-Government Elements and Pro-Government Forces increased following the initiation of security transition in May 2012, as the Taliban attempted to expand their influence and

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<sup>130</sup> Ibid.

<sup>131</sup> ISAF HQ correspondence to UNAMA, 15 February 2013.

increase their control of key routes.<sup>132</sup> Faryab is now the fourth most volatile province in Afghanistan in terms of armed clashes.<sup>133</sup>

The south, east and southeast regions each saw reductions in ground engagements as military forces withdrew from some areas and shifted their attention to other regions, resulting in a shift of local warfare tactics. In some areas, military operations removed insurgents from key districts, allowing Afghan security forces and Government to control its territory. In other areas, a reduction in international military operations and insufficient capacity of Afghan security forces to secure an area may have led to insurgents and local power holders strengthening control of an area.

In the southern region, the total number civilian casualties from ground engagements reduced from 469 in 2011 to 123 in 2012, a 74 percent reduction. The majority of the reduction occurred in Kandahar province where civilian casualties from this tactic dropped from 317 (107 killed, 210 injured) in 2011 to 47 (22 killed and 25 injured) civilian casualties in 2012. In comparison, in the eastern region in 2012, the change was less significant, with 284 incidents of ground engagements resulting in 503 civilian casualties, compared with 297 incidents in 2011 causing 578 civilian casualties.

Reduced numbers of civilian casualties in areas such as Kandahar do not necessarily reflect a reduced level of violence, a heightened capacity of ANSF to maintain security over an area or a defeated insurgency. In some areas, reduction in civilian casualties from ground engagement may be attributed to a decreased presence of international security forces and an increase in control by Anti-Government Elements in certain districts resulting in fewer ground engagements.

Throughout 2012, violence that affected civilians in the south, southeast and eastern regions continued, although slightly less than 2011.<sup>134</sup> Ground engagements between Pro-Government Forces and Anti-Government Elements continued, but with fewer ground attacks against international security forces<sup>135</sup>, likely due to transition of security responsibility to Afghan forces. Attacks against Afghan police, particularly ANP and ALP checkpoints, continued at a sustained level comparable to 2011. Reduction in clearing operations in areas with higher levels of civilian populations also likely contributed to reduction in civilian casualties in these areas.

Reduction in ground engagements may also be related to a weakened Taliban in parts of the south, following large ISAF-ANSF operations particularly in 2010-2011. Although a decline in civilian casualties from ground engagement between Anti-Government Elements and Pro-Government Forces is welcome, the reduction did not correlate to better protection for civilians. While civilian deaths and injuries from fighting between security forces in the south, southeast and eastern regions dropped by a combined 39 percent in 2012, targeted killings of civilians by Anti-Government Elements, particularly

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<sup>132</sup> Communities informed UNAMA that local authorities and ANSF in some districts had asked armed groups to support them in their operations against the insurgency. The increase of fighting between Anti-Government Elements and armed groups, including in some cases armed groups affiliated with the Government, highlights the shifting dynamics of the conflict in Faryab, influenced in a large part by the security transition and the presence of powerful local armed groups.

<sup>133</sup> United Nations Department of Safety and Security (UNDSS) documentation, 9 January 2012.

<sup>134</sup> United Nations Department of Safety and Security (UNDSS) report, 9 January 2013.

<sup>135</sup> ISAF Monthly Data Trends through November 2012, 'Enemy-Initiated Attacks (EIA) Monthly Year-Over-Year Change by RC (Jan 08 – Nov 12)', 21 December 2012.

those civilians perceived to be supporting the Government, increased significantly (as noted earlier in this report). Targeted killings resulted in death or injury to 971 civilians in these areas, a 33 percent increase from 2011.

Examples of ground engagement included:

- On 14 October, in Tagab district, Kapisa province, the Taliban ambushed an ANSF force (ANA and ANP). The consequent fire-fight resulted in injuries to four civilians who were travelling in a private vehicle near the place of the incident.
- On 24 October, in Chak district, Maidan Wardak province, a force comprised of ISAF and ANSF (ANA and ANP) conducted an operation targeting Anti-Government Elements. Clashes erupted and cross-fire (including mortar rounds) impacted on civilian houses in Sevak and Sofi Khil villages, resulting in injuries to seven civilians.
- On 30 November, in Ghormach district, Faryab province, ANSF conducted an operation against Anti-Government Elements, resulting in two civilians killed and two others injured. All casualties were caught in the cross-fire between the ANSF and Anti-Government Elements.

### **Afghan Local Police and Protection of Civilians**

*ALP soldiers maintain a check-post next to my house in Dasht-e-Archi district. One night a group ALP knocked on the door of my house and told me they were searching for insurgents who had recently fought with ALP in the area. I just was about to open the door and when the ALP fired at the door. The bullet wounded my eye. They arrested me while my eye was bleeding and brought me to their check post. I showed ALP my Department of Education identity card from my job as a cleaner in a school. They did not care nor did they allow me to go to doctor. The ALPs kept insisting that I am an insurgent. My brother suggested the ALP arrest him instead of me so that I could go for treatment. The ALP released me and my brother was released later. I was operated in Pakistan, but I lost my eyesight.*

-- Civilian injured by ALP members on 8 August 2012 in Dasht-e-Archi district, Kunduz province.<sup>136</sup>

#### **Overview**

In 2012, UNAMA continued its monitoring of the Afghan Local Police Program (ALP).<sup>137</sup> UNAMA received mixed reports regarding the conduct of ALP and the impact of the ALP program on civilian protection and security. The majority of communities reported improvement in the security environment in those areas with ALP presence.<sup>138</sup>

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<sup>136</sup> UNAMA interview with the victim, 11 September 2012, Kunduz city.

<sup>137</sup> See Protection of Civilians in Conflict Annual Report 2011, ALP footnotes pages 30 and 31. [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

<sup>138</sup> UNAMA interviews with community members in districts with ALP presence, 1 January 2012 to 18 January 2013.



In several districts,<sup>139</sup> however, UNAMA continued to document reports of inconsistencies in application of the policies and procedures required for ALP recruitment and vetting processes. UNAMA notes particular concern with the absence of vetting during the conversion or incorporation of local defense groups into the ALP some with poor human rights records.<sup>140</sup> Communities continued to report concerns regarding weakness in command and control of the ALP by the ANP, weak and *ad hoc* oversight, and lack of accountability for ALP members' past and ongoing human rights violations. UNAMA observed improvement in ALP response to violations, in cases where these amounted to criminal conduct, as well as steps taken by the ALP Directorate and the Ministry of Interior headquarters to investigate and prosecute ALP suspected of violations (past and present).

#### *Expansion of Afghan Local Police Program (ALP) and Re-Vetting of Members*

ALP expanded quickly in 2012, growing to 18,924 ALP in 94 districts. By the end of 2014, the numbers are expected to reach 26,725 in 113 districts. The United States has announced plans to continue to fund the program until 2018, with an approved force of 45,000 members.<sup>141</sup>

Expansion of ALP, however, slowed in mid-2012 due to an increase in 'Green-on-Blue' attacks and complaints of ALP abuses, misconduct and corruption.<sup>142</sup> In response, ISAF Special Forces and the Ministry of Interior initiated changes in the vetting process and undertook a reportedly more pro-active approach to investigating misconduct and addressing abuses. As of 10 January 2013, ISAF Special Forces and the Ministry of Interior had re-vetted 12,520 ALP members.<sup>143</sup> Of those re-vetted, 142 ALP (one percent) were dismissed while others quit or abandoned their post, bringing the overall reduction in numbers of ALP members from the re-vetting process to six percent.<sup>144</sup>

New ALP procedures initiated in the second half of 2012 included the embedding of three NDS officers for every 100 ALP soldiers to assist district police chiefs with monitoring ALP performance and compliance with the law and operational procedures. Ministry of Interior/ISAF Special Forces also established District Advisory Teams to provide ALP units with training and advisory support with coverage in all districts.<sup>145</sup>

#### *Civilian casualties and human rights violations by ALP*

In 2012, UNAMA documented 55 incidents attributed to ALP, resulting in 62 civilian casualties (24 civilian deaths and 38 injuries). Thirteen of the civilian casualty incidents took place during ground engagements, while the majority of civilian casualties arose from human rights violations committed by ALP members.

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<sup>139</sup> UNAMA documented multiple incidents of serious human rights abuses in Dasht-e-Archi, Chahadara and Aliabad districts of Kunduz province and Khas Uruzgan district, Uruzgan province.

<sup>140</sup> See the section on Disbandment of Local Defense Initiatives and Conversion to ALP: absence of vetting and disarmament in this report

<sup>141</sup> UNAMA meeting with ISAF Special Operations Forces, 14 January 2013, ISAF HQ, Kabul.

<sup>142</sup> 'Green on blue' attacks are attacks by members of ANSF against international military forces.

<sup>143</sup> NATO Special Operations Component Command (NSOCC-A), ALP Update, 7 January 2013.

<sup>144</sup> Ibid.

<sup>145</sup> UNAMA meeting with ISAF Special Operations Forces, 14 January 2013, ISAF HQ, Kabul.

The majority of these 55 incidents were documented in the northeast region, followed by the northern region. In 2012, ALP members were directly involved in human rights violations including practices of *baad* (“giving away” girls and women as compensation for criminal acts, such as rape and murder, with impunity), rape, torture of detainees, ill-treatment, property seizure and forced labour. Despite measures taken by the Ministry of Interior and US Special Forces to address such violations, accountability for ALP violations at the local level remained weak and inadequate.

Examples of human rights violations by ALP members:

- On 13 May, in Zheray district, Kandahar province, international military forces and ANSF conducted a joint operation and arrested two suspected Anti-Government Elements members. The suspects were handed over to ALP for transfer to Zheray district headquarters. According to reports, the ALP commander along with two other ALP members beat and kicked the detainees, tied the detainees to their car and dragged them behind the moving car, killing both detainees. ALP members informed international military forces that the detainees had escaped. Following reports of this incident, the Ministry of Interior/ALP Directorate sent an investigation team to Kandahar in October 2012, which concluded that ALP members had carried out an illegal killing. On 15 October 2012 the three alleged perpetrators were arrested and handed over to the Kandahar military prosecutor.
- On 25 July, in Gormach district, Faryab province, two armed ALP members shot and injured a local man riding a motorcycle, and then robbed him. Based on the victim’s complaint, the two suspected ALP members were later disarmed and arrested by ANP.
- On 30 September, in Khak-e-Safid district, Farah Province, an ALP commander discovered an IED in the village, near a civilian residence. The ALP commander forced the owner of the house to defuse the IED which detonated prematurely, killing one civilian and injuring two others.
- On 13 December, in Dashti Archi district, Kunduz province, an ALP member beat a school teacher of the Shahed Abdul Wahid School and broke his hand. Communities also reported that ALP at a check-post harassed school staff and students, asking for food, money and firewood.

#### *Oversight and accountability of ALP*

In May 2012, the Ministry of Interior and US Special Forces established a monitoring and investigations unit within ALP headquarters in Kabul. According to General Ahmadzai, Head of ALP, this unit routinely visits field sites to monitor performance, operational capacity and resource needs, investigates alleged criminality in ALP and initiates criminal proceedings where appropriate. The unit reported that it investigated and initiated criminal proceedings in 19 cases so far, most of these in 2012.<sup>146</sup>

The ALP Directorate and the Ministry of Interior tasked an investigative delegation to visit Kunduz province in response to multiple allegations of torture and ill-treatment committed in August and September 2012 by ALP in Chahadara and Dasht-e-Archi

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<sup>146</sup> UNAMA meetings with members of the ALP Directorate, Monitoring and Investigations Unit, Kabul, December 2012 and January 2013.

district, Kunduz province. The ALP group responsible was a former ISAF initiated local defense group converted to ALP in mid-2012.<sup>147</sup> The ALP/Ministry of Interior delegation ordered the commander's arrest (together with four other ALP members and two ANP members suspected of abuses) which was initially refused by the acting chief of Kunduz police on 17 January, but was eventually carried out by Kunduz authorities. In January 2013, however, the military prosecutor conditionally released all suspects who reported that the Ministry of Interior's investigations team had not shared their investigative findings with his office. Although UNAMA welcomes the initial investigation and arrests, the subsequent release of all suspects raises deep concern about the Ministry of Interior's commitment to accountability.

The Kandahar and Kunduz examples demonstrate that with most cases of serious human rights violations committed by ALP to date, investigations and/or criminal proceedings were initiated only after intervention by the ALP Directorate in Kabul and, in some cases, after pressure from human rights groups. This suggests that district level oversight and accountability mechanisms have not developed to sufficient capacity. The need for a higher authority to give a directive, and the common reluctance of local authorities to carry out independent investigations (barring intervention from a higher authority), may be related to local power dynamics involving ALP commanders and personnel, historical affiliations, and a culture of impunity in some areas, as well as relations between some ALP members and local armed groups.

Notwithstanding the strengthening of national level accountability mechanisms that have assisted in promoting accountability for serious violations at the local level, UNAMA highlights the urgent need for stronger locally-based oversight mechanisms. Such mechanisms could help mitigate violations, and provide adequate, effective, prompt and appropriate remedies for victims. Such mechanisms should take into account existing power dynamics involving ALP commanders and members, and provide flexibility for community members to report violations in a safe and protected environment.

*Disbandment of Local Defense Initiatives and Conversion to ALP: Absence of vetting and disarmament*

On 25 December 2011, President Karzai ordered the disbandment of ISAF/ISAF Special Forces-established local defense initiatives such as the Critical Infrastructure Project (CIP) initiated in 2011 in parts of Kunduz, Balkh and Faryab provinces, the Intermediate Security for Critical Infrastructure (ISCI) in Helmand and Community-Based Security Solutions (CBSS) in Kunar, Nangarhar and Nuristan provinces.<sup>148</sup> On 24 January 2012, ISAF Joint Command issued a directive ordering the removal and transition of all CBSS groups.<sup>149</sup>

According to ISAF Special Forces, as of 31 December 2012, ISAF/ISAF Special Forces had disbanded all community based local defense initiatives, transitioning most to ALP.<sup>150</sup> In the northeast and north regions, five CIP groups were disbanded with 900 men converted to ALP. In the eastern region, eight CBSS groups consisting of 1,300

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<sup>147</sup> See section in this report on Local Defense Initiatives for details.

<sup>148</sup> UNAMA meetings with Deputy DCOS Operations Forces, ISAF HQ, Kabul January 2012.

<sup>149</sup> Ibid.

<sup>150</sup> UNAMA meeting with ISAF Special Operations Forces, 14 January 2013, ISAF HQ, Kabul.

members were disbanded, with 900 men converted to ALP. In Helmand province, five ISCI with approximately 1,900 men were disbanded with 1,625 converted to ALP.<sup>151</sup>

UNAMA highlights the absence of appropriate vetting measures during the conversion process. In the northeast, UNAMA documented numerous human rights violations committed by CIP members in early 2012 prior to its disbandment and conversion to ALP, as well as violations committed by CIP who were later disbanded.

UNAMA documented serious violations by two former CIP members who were converted to ALP in April 2012. In August and September 2012, a former CIP and the ALP commander for Chahardara district, carried out or ordered multiple acts of torture, sexual assault and ill-treatment. Victims included healthcare workers, students and others suspected by ALP of conflict-related activities. For example, the commander bit off the ear of one detainee and tortured<sup>152</sup> several detainees, including sexually assaulting a 16-year old boy. Local sources reported that the commander in his capacity as member of an armed group, the CIP and then ALP, had been committing such violations for years with impunity. UNAMA also documented three incidents of violations committed by an ALP/ex-CIP in Aliabad district, Kunduz province including firing at a wedding party which injured three children and issuing death threats against civilians. The same commander was also accused of torturing a 'detainee'<sup>153</sup> on 11 September 2012, very soon after being converted from CIP to ALP.<sup>154</sup>

Although actions undertaken by ALP command suggest a commitment to address violations and combat impunity, the initial recruitment of such commanders to CIP and then to ALP demonstrated weaknesses of vetting during the process of CIP conversion. UNAMA recommends that the Ministry of Interior adopt additional monitoring measures of the ALP requiring full review of background, actions and performance of disbanded CIPS and other armed groups and members awaiting conversion to ALP.

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<sup>151</sup> Ibid.

<sup>152</sup> Acts of torture included restraining 'detainees' (ALP have no legal authority to detain) and severely beating them with pipes, wood or sticks, and continuing to torture until the individual confessed to an alleged act or crime. UNAMA also documented an instance of an ALP commander forcing a detainee to dismantle an IED. See also UNAMA's report *Treatment of Conflict-Related Detainees in Afghan Custody: One Year On* released on 20 January 2013 which documented the illegal detention and torture of 80 children by Afghan authorities (NDS, ANP and ALP) for alleged national security crimes at <http://unama.unmissions.org>.

<sup>153</sup> ALP and CIP have no legal authority to arrest or detain individuals. ALP have an inferred authority to 'temporarily hold' suspects as part of their mandate to conduct security missions in villages. See Afghan Local Police Establishment Procedure adopted August 20110 and adjusted January 2012. Also see UNAMA's January 2013 Report *on Treatment of Conflict-Related Detainees in Afghan Custody: One Year On* which found that 10 of 12 detainees interviewed who had been held by the ALP were tortured (in Kunduz, Faryab, Kandahar and Uruzgan) at <http://unama.unmissions.org>.

<sup>154</sup> As indicated above, in January 2013, the ALP monitoring and investigations unit conducted a special mission to the area to investigate the allegations and ensure provincial authorities initiated criminal proceedings against the perpetrators. A local police official noted that the ex-CIP/Chahardara ALP commander had been carrying out such violations for years but had been protected by local power brokers. The ALP/Ministry of Interior delegation ordered the commander's arrest with several others. UNAMA's interviews with prosecutorial authorities, location and details withheld for security reasons.

*Observations on ALP*

While UNAMA observed considerable progress and commitment in 2012 to promoting accountability for violations by the ALP, UNAMA reiterates its concerns with insufficient implementation of existing policies resulting in cases of weak vetting, impunity and lack of local level ALP oversight and accountability mechanisms. Consistent and thorough vetting procedures should be followed, in compliance with international human rights norms and standards, especially where armed groups such as CIP are integrated into ALP units.<sup>155</sup> Deficient vetting and recruitment serves to weaken command and control by the ANP over ALP units, strengthen unofficial and localized power structures, and weaken the sustainability of local accountability processes and mechanisms. These deficiencies undermine protection of civilians and security for communities.

The Ministry of Interior and US Special Forces should continue with the proactive approach adopted in 2012 of initiating re-vetting of certain ALP units. Such units with a high number of complaints of human rights violations should be considered a priority for re-vetting, especially when these units comprise former CIP or other armed groups that may have been incorporated earlier into ALP with insufficient vetting.

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<sup>155</sup> The need for thorough and consistent vetting procedures during the ALP conversion process refers also to other armed groups prevalent in the north and northeast of the country including armed groups some of which have been converted into ALP.

## Civilians at Risk: Human Rights Protection in Conflict-Affected Areas

### ***Government Supported Uprisings: Andar district, Ghazni province***

UNAMA documented several cases of alleged local uprisings against Taliban and other Anti-Government Elements in the central, northern, southeastern and eastern regions. Many of these uprisings lasted a short period, or were composed solely of public demonstrations. Such uprisings were generally led by armed groups, who encouraged the local population to resist Anti-Government Elements, organized supporters to engage Anti-Government Elements in armed clashes, and provided armed support to ANSF.

The most significant uprising took place in Andar district, Ghazni province, beginning in April 2012. The armed group *Hezb-e-Islami* initially led the uprising which subsequently gathered broad popular support. Local *Hezbi-e-Islami* leaders and Andar citizens reportedly initiated the uprising due to strong objection to Taliban's interference with their lives, including the closures of schools, clinics, bazaars, restrictions of movement and lack of free speech.

In response to the movement, in October 2012, ANSF forces were deployed to Andar district, including a strong ANP and ALP *tashkeel*. Despite the apparent Government commitment to maintaining gains sustained by the uprising, community members reported dissatisfaction with insufficient Government support, the ALP recruitment processes, as well as an increase in Taliban forces from outside Afghanistan in the area following the uprising.<sup>156</sup>

UNAMA documented 45 civilian casualties; the majority of which were directly or indirectly related to the Andar uprising.<sup>157</sup> While the uprising movement did not involve the direct targeting of civilians, the presence of a new fighting force, an increased presence of ANSF counter-insurgency activities and the establishment of ALP combined with increased numbers of Taliban sent to counter the uprising, all contributed to civilian casualties.

Taliban reprisals against civilians in Andar have been brutal, including through the intentional and direct targeting of civilians. For example, community members from Andar district informed UNAMA that a local Taliban judge issued a *fatwa* against members of the uprising, instructing the *mujahedin* to kill all of them and take their

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<sup>156</sup> Throughout the uprising, some community members reported to UNAMA that the Government actively supported the movement while others, including fighting factions within the uprising declared publically their non-affiliation with the Government. Information provided by sources within the Andar uprising on the role of key Government officials and entities, the command and structure of the movement and the area under its alleged control, permitted the local forces involved to be identified as Pro-Government.

<sup>157</sup> These casualties were documented between April and December 2012, and do not include casualties of individuals classified as direct participants in hostilities (DPH). Under international humanitarian law, civilians are protected from direct attacks but lose this protection for the time they directly participate in hostilities. Civilian status returns when they do not or no longer participate in hostilities. Members of organized armed groups belonging to a non-State party to an armed conflict cease to be civilians and lose protection against direct attack, for as long as they assume a continuous combat function.

wives.<sup>158</sup> Reprisals also took the form of targeted killings. Five incidents of targeted killings were documented in this period, in which Taliban killed community members for their alleged involvement in the uprising. Under international humanitarian law, civilian populations or individual civilians may not be the object of reprisals.<sup>159</sup>

In addition to 45 civilian casualties documented by UNAMA, at least 20 further casualties from the uprising forces were also recorded. While these casualties involved individuals directly participating in hostilities, such incidents highlighted the frequency of violent clashes between the uprising movement and Anti-Government Elements since April 2012, and the negative impact on local communities.

### **Armed Groups<sup>160</sup> in the North and Northeast of Afghanistan**

*There was a knock on the door to my house, and my son went to answer the door. Armed men fired at the lock and opened the door. As soon as they entered my house, they fired at my son who was hiding behind the door. My other son went running to save his brother and he was also killed. My sons were lying in a pool of blood. Both my sons were killed in front of me and my wife. You can imagine how tragic and painful it is for parents when their young sons are being killed in front of them without any crime. It is agonizingly painful too when the parents cannot save their sons from being killed. My wife suffers from nightmares and flashbacks. No one would kill human beings as brutally as they did.*

-- Father of two sons killed in an attack by an armed group in Kanam-e-Kalan village, Kunduz district, Kunduz province on 2 September 2012 in which 12 civilians were killed and eight injured.

In 2012, UNAMA documented increasing human rights abuses carried out by armed groups.<sup>161</sup> The presence and re-emergence of such groups particularly in the north and northeast regions of the country was observed. The rise of these groups may have been a reaction to an increased presence of Taliban and other Anti-Government Elements,

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<sup>158</sup> The Taliban judge was killed in November 2012, in a search and raid operation conducted by ANSF and international military forces. Following the operation, the Taliban issued a public statement on 10 December 2012, condemning the killing of the man (they referred to him as a local imam) by *Arbaki* and international military forces.

<sup>159</sup> Rule 146. Reprisals against Protected Persons, Customary International Humanitarian Law, ICRC. Available online: [http://www.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule146](http://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule146), accessed 19 January 2013.

<sup>160</sup> "Armed group" is defined as an armed non-State actor engaged in conflict and distinct from a Government force, with a structure that may range from a militia to rebels and criminals. Armed groups have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. Armed groups may not be under the official command or control of the State(s) in which they operate, but they may receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to, the following groups: rebel opposition groups, local militias (ethnically, clan or otherwise based), insurgents, terrorists, guerrillas, and civil defence forces and paramilitary groups (when such are clearly beyond State control). These groups have no legal basis under the laws of Afghanistan.

<sup>161</sup> When armed groups are linked to Government/State actors, abuses against individuals committed by them are human rights violations or abuses. Violations of human rights occur when the State through its agents acts against individuals. The State has legal obligations to prevent and remedy such violations.

particularly in remote districts, security gaps related to transition of military forces, political instability, criminal intent and general insecurity. In many areas, UNAMA observed that Government security forces appeared to accept the presence and activities of armed groups as part of the Government's fight against Anti-Government Elements.

UNAMA documented the operation of armed groups in 40 districts of northern and northeastern Afghanistan.<sup>162</sup> In some areas in the north and northeast, local interlocutors confirmed these groups had increased their control, local influence and numbers in 2012. In some areas, such groups had a presence and held power and control greater than local Afghan National Security Forces. For example, in Qala-e-Zal district, Kunduz province, members of an armed group of 230 far outnumbered the ANP presence, enabling the armed group a degree of control of the area.<sup>163</sup> In other areas, UNAMA observed that the influence of armed groups was weaker and patchier.

Armed groups have no legal status in Afghan law and operate outside Government structures, although in some areas Government figures exercised varying degrees of control over these groups. When the armed groups carried out security and counter-insurgency operations under the informal command of a Government figure, such as a Chief of Police, NDS officer or District Governor, UNAMA asserts these groups effectively form part of the armed forces of a party to the conflict and therefore have both obligations under, and should be held accountable for violations of, international humanitarian law.

In some areas, armed groups' links to the Government were more tenuous involving family connections and personal loyalties, rather than incorporation into command structures. In other areas, the power relationship was more extreme, with the armed group exercising control over local Government decisions.<sup>164</sup> Other armed groups were not linked to Government figures.

#### *Armed Groups and Protection of Civilians*

Presence or re-emergence of armed groups often resulted in reduced protection for civilians and increased human rights abuses. Civilians were increasingly caught in the line of fire between armed groups and Anti-Government Elements and suffered human rights abuses at the hands of armed groups.

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<sup>162</sup> According to UNDSS and UNAMA data, in the northern region, armed groups operate in 21 of 54 districts: Chaharbolak district Balkh province, Sozma Qala, Gosfandi, Kohistanat, Sancharak, Balkhab and Sari Pul districts in Sari Pul province, Faizabad, Murdian, Qushtepa, Darzab, Khwaza doko, districts in Jawzjan province, Daraisuf-e-Payen and Daraisuf-e-Bala in Samangan province, and Pashtun-Kot, Bilchiragh, Sherin Tagab, Qaisar, Ghormach, Dawlatabat, and Almar districts in Faryab province. In the northeast, illegally armed groups operate in 18 of 67 districts, exercising power and influence in Khanabad, Kunduz, Qala-e-Zal and to some extent Aliabad districts of Kunduz province; Bano, Deh- Salah, Pul-e-Hesar, Jelga, Dushi, Baghlan-e-Jadid, Khost, Pul-i-Khumri and Dahn-e-Ghori districts of Baghlan province; Khwaja Baha-u-Din, Khwajaghar and Yangi Qala districts of Takhar province and Khombak area, Kishem district of Badakhshan province.

<sup>163</sup> The ANP presence in this district is reported to be 25-35 members while the membership of the armed group is much higher.

<sup>164</sup> UNAMA interview with local official, 9 January, 2013, Faryab.



In 2012, UNAMA documented 28 incidents resulting in 42 deaths and 32 injuries by such armed groups. Of these 28 incidents, 22 incidents involved human rights abuses.<sup>165</sup> These included targeted killings, abductions, threats, intimidation and harassment, extortion of taxes, abuses of the right to education including occupation of schools and threats against educators and rape. UNAMA also observed a lack of accountability for human rights abuses in areas where these groups exerted substantial influence and where local Government officials supported these groups.

UNAMA documented six incidents of civilian casualties resulting from ground engagement between armed groups and Anti-Government Elements and attacks by armed groups against other armed groups. A serious incident took place on 2 September when an armed group attacked the Kanam-e-Kalan village, Kunduz province, killing 12 civilians and injuring eight. The attack was reportedly carried out as an act of revenge against the killing of a supporter of the armed group that had occurred in the same village.

*Armed Groups in Faryab province – filling the security gap*

*An influential village elder, whose son is an ANP officer, has a number of armed men under his command, and this man is an armed group commander. He is based in a very strategic location in Pashton-Kot district, which police have limited access to. This armed group has had a significant role in anti-insurgency operations in these areas.... For the time being, the district police are not able to investigate any of these allegations [allegations of human rights abuses against the group's members]. Otherwise, the group may join the insurgency and the Government will lose control of many areas.*

-- Senior district official in Faryab province 9 January, 2013.<sup>166</sup>

In Almar, Qaisar, Ghormach and Pashtun-Kot districts of Faryab province, the numbers and strength of armed groups increased significantly in 2012. Following the initiation of security transition in some areas of Faryab province,<sup>167</sup> local authorities and ANSF actively requested the support of armed groups in their operations against the insurgency.<sup>168</sup>

Initiation of transition, emerging security gaps and deficient ANSF presence (*tashkeel*), appeared to force the hand of local security actors to enlist the help of local armed groups which had large numbers of armed personnel and strong influence over communities. In Sar-hous area, Pashton-Kot district, Faryab province, ANSF asked a local commander to mobilize his followers against Anti-Government Elements. According

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<sup>165</sup> In 2011, UNAMA did not document and report on abuses carried out by armed groups.

<sup>166</sup> UNAMA interview with senior district official from Faryab province, 9 January 2013, Mazar-e-Sharif.

<sup>167</sup> Andkhoy, Balchiragh, Dawlatabad, Gurziwan, Khane-e Chahar Bagh, Khwajah Sabz Posh, Kohistan, Maimana, Qaram Qol, Qurghan and Shirin Taqab districts began security transition to full ANSF control in Tranche 3, which was announced in May 2012 and commenced shortly after. Almar, Gormach, Pashtun-Kot and Qaisar are set to transition in Tranche 4, announced on 31 December 2012.

<sup>168</sup> Information gathered and analyzed by UNAMA's Faryab office, June 2012 - January 2013.

to local officials who spoke to UNAMA, local ANSF and authorities believed the commander was able to mobilize up to 300 individuals.<sup>169</sup>

UNAMA highlights that unchecked proliferation or active support of these groups directly impacts the protection of civilians, weakens the ability of local Government to exercise a monopoly on the lawful use of force and fragments governance and security within a community.<sup>170</sup>

*Incorporation of armed groups into ANSF structures*

The Critical Infrastructure Project (CIP) initiated by ISAF and ANSF in 2011 in parts of Kunduz, Balkh and Faryab provinces may have unintentionally contributed to expand and solidify the power of armed groups in the north and northeastern regions.<sup>171</sup> In some areas, the CIP reinforced and strengthened existing armed group structures, bringing members together, providing training and increasing numbers under an association with Pro-Government Forces. Following official disbandment of the CIP in 2012, in most areas, former CIP members were officially enrolled in other Government structures, either the ALP or ANP.<sup>172</sup>

Similarly, the majority of members of other local defense initiatives such as the Intermediate Security for Critical Infrastructure (ISCI) in Helmand and Community-Based Security Solutions (CBSS) in the eastern region were disbanded and absorbed into the ALP.<sup>173</sup> Earlier in this report, UNAMA raised concerns regarding the lack of vetting prior to conversion of CIP and other groups into ALP structures.

Throughout 2012, armed groups, including former CIP members were subsumed into Government *tashkeels*- in particular the ALP. In some areas, entire armed groups have been earmarked for ALP and are awaiting formal enrolment and training.<sup>174</sup>

Recruitment of entire armed groups into ALP heightens existing concerns about the viability and appropriate conduct of Government security forces based on the true loyalties of those serving within them.<sup>175</sup> Community members in the northeast region reported to UNAMA that some members of armed groups who recently joined ALP,

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<sup>169</sup> Ibid.

<sup>170</sup> See expert analyses and reports on the phenomena of militias for example Jones, S.G. 'The Strategic Logic of Militia', RAND National Defense Research Institute Working Paper, January 2012, WR-913, SOCOM, p.5-6.

<sup>171</sup> Although most CIP groups were converted to ALP in mid to late 2012, many of those not converted continued to exercise power in their communities and some converted groups carried out abuses against civilians both before and after their conversion.

<sup>172</sup> See section in this report on Afghan Local Police for details regarding absorption of CIP into the ALP.

<sup>173</sup> Ibid.

<sup>174</sup> Some armed groups in this situation identify themselves as ALP (known as 'unilateral ALP'). For example, armed groups in Khwaja Ghar and Darqad districts in Takhar province had been identifying themselves as ALP since March 2011 when the districts received an ALP *tashkeel*. This was the case although formal absorption into ALP began in March 2012. See UNAMA's 2012 Mid-Year Report on Protection of Civilians: 'Afghan Local Police and Protection of Civilians' at <http://unama.unmissions.org/Default.aspx?tabid=12265&language=en-US>.

<sup>175</sup> Refer to UNAMA's 2011 Annual and Mid-Year reports on Protection of Civilians in Armed Conflict, and 2012 Mid-Year Report on Protection of Civilians in Armed Conflict. [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

continued their previous activities and affiliations. This was particularly the situation when prominent commanders were recruited as ALP members or when entire armed groups were absorbed as ALP. A local health-worker from Takhar province described this situation as: “ALP by day, militia by night”.<sup>176</sup>

In a few areas, groups belonging to former local defense initiatives continued to operate as armed groups following disbandment. Local communities often referred to these groups as “Arbaki.” For example, in Bilchiragh district, Faryab province, former CIP groups were operational and regularly extorted illegal taxes from civilians. In October 2012, a group of elders from Bilchiragh district, approached UNAMA and complained about abuses by a former CIP commander affiliated with a political party. Elders informed UNAMA that after the CIP group disbanded, the commander started collecting taxes from local people stating these taxes were necessary for his armed group to continue to provide security.<sup>177</sup>

#### *Lack of Accountability of Armed Groups for human rights abuses*

*Actually, in the beginning, our department was very interested in interfering and arresting the five alleged perpetrators. However, our investigations showed that it is just a false accusation against Arbakis [armed group] and the girl is a prostitute. Insurgents misused the girl in order to ruin the reputation of the Government.*

-- Head of Gender and Human Rights Unit, Afghan National Police, in Sheberghan city, Jawzjan province referring to the police’s efforts to arrest five members of an armed group suspected of raping a 17-year old girl.<sup>178</sup>

UNAMA recorded 24 cases in which authorities did not arrest and prosecute members of armed groups for human rights abuses.<sup>179</sup> In most of these cases, authorities reported to UNAMA that they lacked capacity, access or the will to investigate and arrest members of such groups.

In some areas, local authorities refrained from pursuing criminal investigations citing abuses as part of personal enmity between local commanders. For example, in October 2012, authorities refused to follow up on a serious assault incident at a medical clinic in Gurziwan district, Faryab province, and informed UNAMA they were treating the case as a personal dispute between two commanders.<sup>180</sup>

In other areas, armed groups directly interfered in proceedings against their members or supporters, hindering rule of law processes. For example, as of January 2013, Kunduz authorities issued an arrest warrant for two sub-commanders of an armed group suspected of opening fire and killing 12 civilians in Kanan-e-Kalan village, Kunduz, but

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<sup>176</sup> UNAMA interview with local health workers from Takhar province, December 2012, Kunduz province.

<sup>177</sup> See the section ‘Afghan Local Police and Protection of Civilians’, in this report.

<sup>178</sup> UNAMA interview with Head of Gender and Human Rights Unit, Sheberghan city, 9 January 2013.

<sup>179</sup> UNAMA documented the arrest and prosecution of perpetrators by authorities in four additional cases of abuses by members of armed groups in the northern region.

<sup>180</sup> UNAMA interviews with Gurziwan district governor and district chief of police, 8 January 2013, Mazar.

the warrants have not been executed due to direct interference of the armed group involved.<sup>181</sup>

Similarly, on 8 November 2012, a delegation of ANP, a prosecutor and Criminal Investigation Division officers went to arrest three persons affiliated with a well-known armed group for the killing of a man in Nalarghi area of Kunduz district, and encountered 50 members of an armed group. The delegation returned to Kunduz without executing the arrest warrants.<sup>182</sup>

*The biggest challenge for the establishment of rule of law and human rights in this district is the presence of armed groups. For example, when I issued two arrest warrants for a case of a girl sold into marriage by the militia commander; no action was taken by the police, because the commander is very powerful. I have only the power of the pen; which when it comes to effecting arrests, poses little challenge to the people with guns.*

-- District prosecutor from the northeast region, January, 2013<sup>183</sup>

Where authorities were able to arrest suspects, these cases often resulted in drawn-out and delayed proceedings. Following the gang rape of a 17 year-old girl by eight members of an armed group in Jawzjan province on 8 May 2012, only two of eight suspects were arrested and both were still awaiting trial. According to local authorities, proceedings in this case were delayed due to a dispute between the city court and the military prosecutor, each claiming lack of *in personam* jurisdiction over abuses committed by members of armed groups. The case is pending a Supreme Court decision on the correct jurisdiction to be applied.<sup>184</sup>

UNAMA calls on the Government to disband and disarm armed groups, and work toward increasing efforts to build and deploy well-trained, sufficiently resourced ANSF to all conflict-affected and remote areas. Appropriate vetting for every individual should be undertaken during the disbandment of local defense initiatives and process of absorption to structures such as ALP. Entire armed groups should not be incorporated into Government security structures in the absence of vetting of individuals. Such armed groups should be broken up, not legitimized.

### **Children and the Armed Conflict**

UNAMA documented 1,302 casualties of Afghan boys and girls (488 deaths and 814 injured) in 2012, representing a slight decrease over 2011. Child casualties resulted from all tactics, with the majority of children suffering harm through IEDs and ground engagement.

Anti-Government Elements caused 788 of the total child casualties (283 deaths and 505 injuries). Pro-Government Forces were responsible for 174 child casualties with 90 deaths and 84 injuries. 340 child casualties were unattributed.

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<sup>181</sup> UNAMA interview with spokesperson of Kunduz police, 9 January, 2013, Kunduz.

<sup>182</sup> UNAMA interview with an eye-witness and the brother of one of the victims, 11 November, 2012, Kunduz.

<sup>183</sup> UNAMA interview with a district prosecutor in a northeastern province, January 2013.

<sup>184</sup> UNAMA interview with the military prosecutor in Jawzjan, 9 January 2013, Sheberghan city.

Children continued to be most vulnerable to harm from explosive remnants of war (ERW) with 160 of the 208 civilian casualties resulting from ERW incidents being children, representing 77 percent of all ERW casualties. In 2012, UNAMA documented 208 civilian casualties (73 civilian deaths and 135 injured) from ERW, the same level of casualties recorded in 2011 (69 deaths and 139 injured).

As documented in previous years, the majority of ERW victims were boys. Almost all the incidents involved children affected while carrying out daily activities.

#### *Recruitment and use of children*

In 2012, UNAMA received reports of 39 incidents of child recruitment into armed forces, involving 116 children.<sup>185</sup> Anti-Government Elements used children to carry out attacks, act as guards/scouts for reconnaissance, and in some instances for purposes of sexual exploitation. International law explicitly establishes sexual abuse and the recruitment of children to participate in hostilities as war crimes.<sup>186</sup>

The majority of recruitment incidents were reported from the southern region of Afghanistan. In the north of the country, nine incidents of recruitment were documented from Faryab province alone.<sup>187</sup>

Despite progress in implementation of the National Action Plan for the prevention of underage recruitment by the Afghan National Security Forces signed in January 2011, the Country Task Force on Monitoring and Reporting noted that underage recruitment and use by ANSF, and the ANP in particular, has not completely ceased. Therefore in the 11th Secretary-General's Annual Report on Children and Armed Conflict, covering developments in 2011 and published in April 2012, the ANP continued to be listed for underage recruitment in the report's annexes with an additional reference to the ALP.<sup>188</sup> UNAMA notes however the Government's progress report on

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<sup>185</sup> According to data gathered and verified by the Afghanistan Country Task Force on Children and Armed Conflict (CTFMR). The CTFMR is comprised of UN agencies and other relevant organizations is mandated by UN Security Council Resolution 1612 to systematically monitor and report on grave violations committed against children in situations of armed conflict.

<sup>186</sup> Article 8(2)(b)(xxvi), (e)(vii) of the Rome Statute criminalizes the conscription, enlistment or use in active hostilities of child soldiers under the age of 15 years, both in international and non-international armed conflicts. Presidential Order 2312 explicitly prohibits underage recruitment of children into security forces. Although Afghan National Security Forces have made progress in implementing the national action plan for the prevention of underage recruitment signed in January 2011, the Country Task Force on Monitoring and Reporting notes that underage recruitment and use of children by ANSF and the ANP in particular, has not ceased completely. In the 11th Secretary-General's Annual Report on Children and Armed Conflict, covering developments in 2011 and published in April 2012, the ANP continued to be listed for underage recruitment in the report's annexes with an additional reference to the ALP. In March 2012, the Government submitted its first report outlining its compliance with measures agreed to in the Action Plan.

<sup>187</sup> In the nine incidents received from Faryab province, ANSF arrested 11 children for their alleged affiliation with Anti-Government Elements, four were recruited by the ALP and one boy carried out a suicide attack. Information verified by the Country Task Force on Children and Armed Conflict (CAAC) in 2012.

<sup>188</sup> On 30 January 2011, the Government of Afghanistan (Ministries of Interior, Justice and Defence and the National Directorate of Security–NDS) and the UN signed an *Action Plan between the Islamic Government of Afghanistan and the UN Country Task Force on Monitoring*

IUNAMA received reports that in November 2012, in Baghlan province, an ALP commander detained five boys for two years who were used as bodyguards and 'dancing boys'. These boys were reportedly also sexually abused. In another incident on 8 November in Zabul province, Shajoy district Bazaar area, two boys were killed after an IED detonated against them. Reportedly, local ANP asked the boys to inspect a suspicious bag containing the IED which detonated during their inspection.<sup>189</sup>

Child recruitment resulted in double victimization of children, with children recruited to carry out attacks and sometimes dying while carrying out these attacks. During 2012, UNAMA documented three cases where three children died while carrying out suicide attacks and a further 48 children arrested throughout the country by ANSF under allegations of plans to carry out suicide attacks. ANSF also arrested numerous children for alleged affiliation with Anti-Government Elements. For example, on 8 September, a 16-year old child in Kabul city carried out a suicide attack that resulted in the deaths of nine civilians and injuries to a further 11 civilians. The majority of victims of this attack were children, including four children who were students of the NGO Skateistan.

### ***Women and Girls and the Armed Conflict***

Women and girls continued to suffer enormously from the effects of the armed conflict. The number of female civilian casualties was 864 (301 deaths and 563 injuries),<sup>190</sup> a 20 percent increase compared to 2011. The majority of female victims were killed or injured while engaging in their everyday activities such as working in their homes or in fields. For example on 13 July, in Nangarhar province, Khogyani district, Anti-Government Elements attacked an Afghan National Border Police (ANBP) check-post with heavy weapons and small arms. During this attack, a rocket hit a nearby house killing a woman and wounding two children.

Women and girls killed and injured from overall incidents of targeted killings more than tripled in 2012, resulting in 51 casualties, in comparison to 16 in 2011. The deliberate targeting of women specifically continued in 2012. Especially egregious was the killing of two directors of the Department of Women's Affairs in Laghman province in July and December by Anti-Government Elements. Both killings followed threats by Anti-Government Elements against the women in relation to their work with the Government on women's issues. On 13 July, Anti-Government Elements detonated a magnetic IED against the vehicle of the director of the Department of Women's Affairs, killing her and wounding her husband and daughter. Similarly on 10 December, two armed Taliban members shot and killed the acting Director of the Department of Women's Affairs in Laghman province.

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*and Reporting regarding Children Associated with National Security Forces in Afghanistan* for prevention of underage recruitment and use by Afghan forces, including annexes on sexual violence and killing and maiming in contravention of international humanitarian law. A working group composed of Ministry representatives was established to report on the Government's implementation of the Action Plan. The Government submitted its first compliance report to the Special Representative for Children and Armed Conflict in the beginning of 2012. Office of the Special Representative of the Secretary General for Children in Armed Conflict, Afghanistan, <http://childrenandarmedconflict.un.org/countries/afghanistan/>.

<sup>189</sup> According to data gathered and verified by the Country Task Force on Children and Armed Conflict in 2012.

<sup>190</sup> Casualty figures for Afghan girls are reflected in both the sections on Women and Girls and Children of this report due to their double vulnerability, however, the figures for girls are documented and counted only once in UNAMA's database and in total civilian casualty figures.

In 2012, UNAMA documented 217 female casualties as a result of IEDs, representing nine percent of all casualties from IEDs in 2012.

### ***Armed Conflict and the Right to Education***

In 2012 conflict-related violence continued to directly impact access to education – in all regions of the country. UNAMA verified 74 incidents of attacks against education, including burning of schools, intimidation and threats against teachers and staff, IEDs in the vicinity of schools, rocket attacks, ground engagement, raids, and occupation of schools. While Anti-Government Elements were responsible for the vast majority of attacks, armed groups were responsible for four incidents and ALP for nine other incidents in the north and northeastern regions of Afghanistan only. UNAMA verified that ISAF and ANSF were involved in 11 incidents impacting education; the majority of these were occupations of schools.

#### *Occupation of schools*

In 2012 some schools were occupied and used for military purposes compromising the protected status of schools and endangering children. UNAMA received reports of 14 incidents of occupation of schools.<sup>191</sup> In the majority parties to the conflict occupied schools temporarily for the purpose of conducting specific military operations. In Alasay district, Kapisa province, for example, local elders informed UNAMA that the ANA had used a school building for the last four years, while children studied outside. In May 2012, in Warduj district of Badakhshan province, for example, police occupied two schools, and did not allow students or teachers into the schools during the occupation. Anti-Government Elements subsequently targeted one of the schools with an RPG hitting the school compound, and leading to considerable damage to school property. Anti-Government Elements also specifically informed local officials in Warduj that they would target schools if they were used for military purposes. In June, following concerted advocacy efforts, the ANSF vacated both schools.

UNAMA reiterates that military occupation of schools compromises the civilian status of schools, is unlawful under international humanitarian law and seriously impacts on children's safety, security and access to education.

#### *Attacks and Interference in education attributed to Anti-Government Elements*

*The Islamic Emirate in general does not resist education in the whole country. Of course the Islamic Emirate will not support that curriculum which is the filthy gift of the colonialists. It is a phenomenon by which the transgressors and their in-house agents want to wipe away our Islamic and national values and to replace it by western culture. Obviously it does not mean the opposition of education and educational institutions. It is a just demand for the replacement of this kind of curriculum.*

-- Taliban statement on education issued 7 March, 2012 <sup>192</sup>

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<sup>191</sup> Data gathered and analyzed by the Country Task Force on Children and Armed Conflict in 2012.

<sup>192</sup> Taliban statement: "Promotion of education inside the country is one of the main objectives of the Islamic Emirate", 13 Rabi'ul Akhir 1433, 7 March 2012, from Taliban website. Translation at source.

Taliban public statements in 2012 repeatedly emphasized their support of education, and denied responsibility for attacks against schools. In a statement issued on 7 March, 2012 the Taliban declared they consider education to be “a need of the new generation”.

UNAMA verified that the vast majority of documented incidents of attacks and interference with education were carried out by Anti-Government Elements, including the Taliban. In areas where freedom of movement was restricted due to insecurity and control by Anti-Government Elements, access to education was also impacted, and schools were often not unsafe or not operational. UNAMA documented numerous reports of attacks, targeted killings and abduction of staff, harassment and threats against teachers and children, school closures, the existence of Taliban appointed ‘controllers’ and shadow education officials, and the dissemination of a Taliban education directive.

In June of this year, in Maidan Wardak province, threatening letters were issued by Anti-Government Elements in Maidan Shahr, Nerkh and Chak districts, warning girls to stop going to school. In a Taliban controlled district of Logar province, a local district official told UNAMA that there were no girls’ schools operating in the district. In addition, the Taliban appointed shadow ‘director for education’, essentially “allows” the government appointed director of the department of education to conduct his work and travel within the district. According to the same source, the shadow ‘director of education’ mainly monitors the attendance of teachers and students.

While these examples highlight Anti-Government Elements’ influence over education in some areas, many attacks against education facilities or staff may have been by Anti-Government Elements in support of wider political objectives, as noted at length in UNAMA’s 2012 Mid-Year report on the protection of civilians in armed conflict.<sup>193</sup>

### ***Armed Conflict and the Right to Health: Case study of Maidan Wardak province***

Armed conflict in Afghanistan affects access to health in various ways but particularly through direct and indirect attacks on healthcare facilities. General insecurity similarly impeded access to healthcare facilities, particularly in areas influenced or controlled by Anti-Government Elements.

In 2012 UNAMA documented 21 incidents of direct attacks against health facilities resulting in 12 civilian casualties.<sup>194</sup> These resulted from IEDs, targeted killings, abductions, threats, intimidations and harassment. These 21 incidents included intentional attacks targeting healthcare facilities or staff. Indirect attacks were not reflected in this figure. In addition, the deterioration of security in some areas, specific shifts in ANSF and ISAF operations and influence or control of Anti-Government Elements, also contributed to limited access to healthcare.

In Maidan Wardak province, UNAMA documented several attacks against healthcare facilities and personnel and increasing restrictions in access to healthcare facilities. Healthcare facilities came under direct attack and occupation by armed forces in the province through insecurity or establishment of new check-posts on the roads leading to

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<sup>193</sup> See UNAMA’s 2012 Mid-Year Report on Protection of Civilians in Armed Conflict, “Interference and Attacks against Education: confirmed attacks”, p. 31 at <http://unama.unmissions.org>.

<sup>194</sup> In comparison, 10 such attacks were documented in 2011, resulting in six civilian casualties.



clinics and the subsequent targeting of ANSF personnel, which used some clinics for water collection inside protected healthcare facilities.

#### *Attacks by Anti-Government Elements*

Attacks by Anti-Government Elements against the civilian population resulted in direct damage and harm to provision of healthcare, even when this did not appear to be intended target of the attack. In 2012, at least two medical facilities, in Saydabad district and in Maidan Shahr, were destroyed as a result of suicide attacks in city centers carried out by the Taliban. On 1 September Taliban members carried out two separate suicide attacks using a BBIED and a VBIED in Saydabad district center. The attack resulted in the destruction of a clinic, and serious injuries of six patients who were waiting for treatment.

A 23 November suicide attack on Maidan Shahr completely destroyed a community midwifery School. Two of the school guards were injured in the attack. Both attacks resulted in hundreds of civilian casualties and damage to private and public buildings - in addition to the destruction of the healthcare facilities.<sup>195</sup> While these attacks did not appear to specifically target healthcare facilities, they caused damage and disrupted training for future midwives and healthcare services to communities in both locations.

#### *ANSF check-posts in the vicinity of medical clinics*

UNAMA observed further actions directly impacting access to healthcare in Maidan Wardak, in particular, the establishment of new security check-posts in the vicinity of healthcare facilities. According to Government authorities, these checkposts were established in response to increasing threats against medical staff and institutions and the need to protect staff and enable them to provide medical care to the community.<sup>196</sup>

For example, on 28 July, an IED explosion inside a clinic in Nerkh district injured an ANA soldier while he was fetching water from the clinic's well. ANA closed the clinic for one day, until clinic officials negotiated with ANA for its reopening. After this incident, ANA continued to enter the clinic to fetch water for their check-post. Similarly, on 1 November, in Jalrez district, an ALP member was shot and killed by Anti-Government Elements when he was fetching water inside a clinic.

#### *Temporary occupation of a clinic in Chak district by ISAF and ANA*

On 23 October 2012, US Special Forces and ANA forces entered and occupied an NGO clinic located in Sewak, Chak district, Maidan Wardak for a period of three days. A nurse and her husband in the clinic, were forced to leave the facility. During the three day occupation, the clinic remained closed and Pro-Government Forces used it as a temporary detention facility. The military detained a large group of people from the area, all of whom were later released.<sup>197</sup>

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<sup>195</sup> Attacks on 1 September resulted in the death of nine civilians and injury of 68 others; and the 23 November suicide attack resulted in the death of four civilians and injury of 167 others.

<sup>196</sup> UNAMA meeting with Ministry of Foreign Affairs, 18 February 2013, Kabul.

<sup>197</sup> According to a complaint letter sent by the Swedish Committee for Afghanistan to the Minister of Public Health on 8, November 2012, following occupation of the clinic. UNAMA subsequently investigated this incident and verified similar details.

An ANA commander from Maidan Wardak stated to UNAMA that ANA commanders had clearly instructed their troops to stay away from health, education and religious facilities during their military operations. The commander noted however that some soldiers on the ground continued to violate these instructions, in particular, in remote areas and during night operations. While not addressing the specific incident, the ANA commander admitted that sometimes there is an “extreme logistical need”, leading soldiers on the ground to enter health facilities.<sup>198</sup>

ISAF reported to UNAMA that the incident in Chak district was isolated and the troops were not aware they had entered a medical facility because it had not been marked.<sup>199</sup> When the troops realized they had entered a medical facility, they moved to the residential side of the compound and conducted operations from there. An initial ISAF investigation indicated forces entered the compound due to insurgent activity and the clinic’s strategic location. US Special Forces further told UNAMA that troops had breached the compound to seek shelter from incoming fire.<sup>200</sup>

UNAMA notes two inter-related obligations under international humanitarian law: medical personnel and medical units exclusively assigned to medical purposes must be respected and protected at all times. Those who plan an attack must do everything feasible to verify that targets are neither civilians nor civilian objects but military objectives<sup>201</sup>. Although the forces involved arguably did not know the location was a medical facility when they entered, this should have become apparent obliging them to cancel or suspend the attack. By remaining, occupying it for three days and detaining civilians inside, they effectively violated applicable international humanitarian law. In addition, under international humanitarian law, the military must, to the extent feasible, avoid placing military objectives (such as a group of soldiers) in an area that is densely populated by civilians, and do everything feasible to remove civilians and civilian objects (such as medical equipment) from the vicinity of military operations<sup>202</sup>

### ***Conflict-Related Displacement of Civilians***

In 2012, Afghan civilians continued to be displaced principally as a result of the armed conflict. During 2012, 94,299 individuals were newly displaced in Afghanistan according to the United Nations High Commissioner for Refugees (UNHCR). The total number of conflict-induced internally displaced persons (IDPs) in Afghanistan is 486,298<sup>203</sup> individuals, with the largest concentration of IDPs in southern Afghanistan, followed by the Western and Eastern regions.

During 2012, UNHCR recorded the displacement of 109,158 conflict-induced IDPs who had been displaced *prior* to 2012. The overall recorded number of displacements in

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<sup>198</sup> UNAMA meeting with OCCP commander, 10 December 2012, Maidan Shar, Maidan Wardak province.

<sup>199</sup> ISAF reported they had conducted a thorough investigation which led them to this conclusion. UNAMA meeting with ISAF Brigadier Adam Findlay, IJC/Dcomm on 7 January 2013, and US Special Forces, Colonel Donald Bolduc, DCG, SOJT-A/NSOCC-A, on 14 January 2013.

<sup>200</sup> Ibid.

<sup>201</sup> Email exchange between UNAMA and Dr. Kevin Jon Heller, Associate Professor & Reader, Melbourne Law School, 15 January 2013.

<sup>202</sup> Ibid.

<sup>203</sup> UNHCR data as at 17 January 2013.

2012 (203, 457 individuals) shows an increase of 20 percent over 2011, when 185,625 individuals were recorded as displaced.<sup>204</sup>

Of the 94,299 IDPs newly displaced in 2012, 38 percent were displaced to the central region, 22 percent were displaced to the western region, 13 percent were displaced to the northern region and 11 percent were displaced to the southern region. During 2012, UNHCR recorded the continuous displacement of 109,158 conflict-induced IDPs who had been displaced prior to 2012.<sup>205</sup>

According to UNHCR, the most commonly cited reasons for conflict-induced displacement in 2012 remained armed conflict and hostilities, with general deterioration of security as a close second. Other significant factors included intimidation and threats by Anti-Government Elements, military operations and targeted persecutions.

UNHCR assessment indicates that unlike in previous years when IDPs would generally return to their place of origin fairly quickly once hostilities had ceased, there is a growing tendency for IDPs to remain longer in places of displacement due to low level general insecurity and increased threats and intimidation by AGEs, coupled with the loss of assets and livelihoods in the place of origin.<sup>206</sup>

### **Cross-Border Shelling**

In 2012, UNAMA recorded 206 incidents of cross-border shelling in the eastern region of Afghanistan, which killed 12 civilians and injured 63.<sup>207</sup> With the exclusion of seven incidents that occurred in Nuristan and Nangarhar,<sup>208</sup> all other incidents occurred in Kunar province, the vast majority in Dangam district.<sup>209</sup> In addition to civilian casualties, UNAMA received reports of destruction of homes and mosques, burning of forests, killing of livestock, and displacement of families.

According to UNHCR, a total of 774 families (4,625 individuals) were displaced within and outside the eastern region due to cross-border shelling. UNHCR reported that of the 774 families, 760 families (4,533 individuals) were from Dangam district in Kunar province. Most families were displaced within Kunar with 40 families (228 individuals) displaced to Nangarhar province.

The shelling incidents prompted protest among Afghan communities, Government and political leaders.<sup>210</sup> On 4 August, the Afghan Parliament voted to remove Minister of

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<sup>204</sup> UNHCR memo on "Conflict-related displacement of civilians 2012" provided to UNAMA on 17 January 2013.

<sup>205</sup> Ibid.

<sup>206</sup> UNHCR memo on "Conflict-related displacement of civilians 2012" provided to UNAMA on 17 January 2013.

<sup>207</sup> UNAMA monitors cross-border shelling by seeking multiple -sources of confirmation for each incident, including victims, elders, doctors, ANP, ANBP and NDS. For UNAMA considers the number of civilian casualties, 12 killed and 63 injured, as accurate as UNAMA interviewed victims and relatives of victims of most incidents. When primary sources were not accessible, UNAMA confirmed casualties with local authorities and secondary sources.

<sup>208</sup> The seven incidents occurred in Kamdesh of Nuristan (5) and Lal Pur of Nangarhar (2).

<sup>209</sup> Out of 206 incidents, 161 were reported from Dangam.

<sup>210</sup> Pakistan has made similar allegations accusing Afghan forces of cross-border shelling, for example, firing by Afghan forces reportedly impacted into Waziristan, killing four civilians.

Defense General Abdul Rahim Wardak and Minister of Interior Minister General Besmilla Mohammedi for failing to respond to cross-border shelling.<sup>211</sup>

### ***IEDs in Depth: The Impact of Planted and Legacy IEDs on Civilian Lives***

*The life of civilians in this district is extremely difficult. On the one hand, when the Taliban plant IEDs, civilians cannot defuse them for fear of Taliban reactions. If they defuse them, the Taliban will kill them. On the other hand, the Government pressures people to tell them where and why the Taliban plant IEDs in their villages. The people cannot answer the Taliban or the Government. Civilians are stuck in between, and are always in trouble. There is no third source to listen to the people and solve these problems.*

-- Governor from a district in Kandahar province with a high prevalence of IED incidents<sup>212</sup>

IEDs remain the biggest conflict-related threat to the lives of Afghan, children, women and men, accounting for 33 percent of all civilian deaths and injuries in 2012. In November and December 2012, UNAMA consulted with community elders, district officials and local administration in those districts in the southern and southeastern regions with the highest concentration of IED incidents and casualties,<sup>213</sup> to discuss the presence of IEDs in their communities and the impact on their protection.<sup>214</sup>

Communities consistently reported that in addition to the threat of IEDs on their right to life, legacy<sup>215</sup> IEDs - planted and undetonated IEDs - created an environment of fear and insecurity, leaving communities living under constant threat of death, maiming, serious injury and destruction of civilian property. Enjoyment of basic human rights was severely restricted in areas impacted by IEDs particularly freedom of movement, the rights to livelihood, political participation, education and health. Further, while IED detection, removal and disposal continued throughout 2012 in many areas of Afghanistan,

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Muhammad Tahir, 'Cross-border shelling could derail reconciliation talks between Pakistan and Afghanistan', Xinhua 13 November 2012, [http://news.xinhuanet.com/english/indepth/2012-11/13/c\\_131971408.htm](http://news.xinhuanet.com/english/indepth/2012-11/13/c_131971408.htm), accessed 10 January 2013.

<sup>211</sup> For example, see <http://edition.cnn.com/2012/08/04/world/asia/afghanistan-ministers-sacked/index.html>, accessed 10 January 2013.

<sup>212</sup> UNAMA interview with a District Governor from Kandahar province (identity withheld for security reasons), 12 December 2012.

<sup>213</sup> In Helmand, Kandahar and Khost provinces, IEDs accounted for 957 civilian casualties in 2012. In comparison, in 2011 IEDs in these provinces accounted for 858 civilian casualties. While these numbers represent a 12 percent rise in casualties resulting from IEDs in these provinces, the figures provide a measurement of physical harm and do not reflect the broad scope of human rights issues related to the presence of IEDs in these areas.

<sup>214</sup> According to ISAF public data from September 2012, the five districts with the highest IED activity and casualty incidents are Nahr-e-Saraj, Khost, Zheray, Kandahar and Panjwayi districts of Helmand, Khost and Kandahar provinces. ISAF: IED Awareness Training: Casualty Focus, September 2012. Khost, Nahr-e-Saraj and Kandahar began security transition to Afghan forces in Tranche 3 of transition (commenced in May 2012), Panjawayi and Zheray districts are set to transition in Tranche 5. Tranche 4 was announced on December 31 2012. Tranche 5 has not yet been announced.

<sup>215</sup> Planted IEDs include PPIEDs, command-wire, remote-controlled IEDs which may or may not be activated. Legacy IEDs refer to IEDs planted during previous fighting, which may or may not be active, i.e. the battery for the trigger device may have expired or the device has not been activated.

available resources for removal could not keep up with the need. Communities in districts with a high prevalence of IEDs also faced serious repercussions from Anti-Government Elements if they reported IED locations to ANSF.

Discussions with interlocutors highlighted a common perception that ANSF currently do not have the capacity to effectively clear all IED clusters, especially those left from previous fighting (legacy IEDs). Remnant or active IEDs placed in areas influenced and controlled by Anti-Government Elements remained a core concern. Community members informed UNAMA that when IEDs were cleared by ANSF, Anti-Government Elements often immediately replanted IED devices, placing communities at risk.

These sources also reported that ISAF and ANSF IED disposal focused on key military access routes at the expense of IED clusters in civilian locations. Accordingly, ANSF's response to community alerts of IEDs in civilian locations was often slow, due to a limited number of Explosive Ordnance Disposal (EOD) teams and a high demand for IED disposal. For example, in Nahri Saraj district, Helmand province, a local source informed UNAMA that since it usually took a long time for ISAF or ANA to arrive on site and defuse IEDs, local untrained ANP (sometimes assisted by ALP) defused IEDs themselves.

Communities reported to UNAMA that gains made through IED clearing operations were often not sustained, and Anti-Government Elements in many instances re-planted IEDs in cleared locations. Local elders in Zheray district, Kandahar province informed UNAMA that insufficient attention was devoted to preventing re-planting of IEDs. In addition, the day/night *modus operandi* of Anti-Government Elements in areas under their influence or control allowed them to reappear at night when ANSF presence was limited to re-plant these IEDs, virtually undisturbed.<sup>216</sup> A similar situation was reported in several villages in Panjwayi and Maywand districts, Kandahar province.

UNAMA's discussions with communities revealed that in areas under strong influence or control of Anti-Government Elements often a good communication network between Anti-Government Elements and community members existed about the presence and location of IEDs. While Anti-Government Elements often warned civilians about the presence of IEDs, there were a range of wider considerations supporting this strategy, aside from the reduction of civilian casualties. The public appearance of protecting civilians appeared to be crucial to maintaining community support likely viewed as an integral component to AGEs control of an area or a district.<sup>217</sup> In comparison, in areas under partial or reduced control of Anti-Government Elements, communities were rarely informed by Anti-Government Elements about IED locations, due to the high likelihood of

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<sup>216</sup> See UNAMA 2012 Mid-Year Report on Protection of Civilians in Armed Conflict, 'Human Rights in areas controlled by Anti-Government Elements'. [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

<sup>217</sup> UNAMA observed that in areas where Anti-Government Elements failed to maintain a wide community support for their presence and activities there was a higher likelihood that civilians would cooperate with ANSF and Government of Afghanistan, or resist control by Anti-Government Elements through violent means, ultimately reducing the control of Anti-Government Elements. The most prominent example of this pattern was seen in the 'uprising' documented in Andar district, Ghazni province in 2012 referred to earlier in this report.

communities informing ANSF and the anticipated clearance of these IEDs before they hit their targets.<sup>218</sup>

UNAMA stresses that efforts should be increased to fully implement the National Counter IED Strategy, passed by the National Security Council of Afghanistan on 24 June, 2012. Since July 2012, ANSF with support from ISAF, have made substantial gains in procuring and distributing EOD equipment and improving command and control. ANSF have demonstrated a clear commitment to enhancing their counter-IED and EOD capacity. The current ANSF *tashkeel* allocates resources and posts for 230 ANA EOD teams and 88 ANP EOD teams country-wide. Although a fully trained and resourced *tashkeel* of this strength is considered to be sufficient to counter current IED threats, neither ANA nor ANP is close to meeting this target.

As of January 2013, ANA had 48 operational EOD teams and ANP had eight. ANSF continued their efforts to train, resource and deploy ANA and ANP teams but face a range of challenges, namely in the area of training and retaining ANSF on EOD. For example, the attrition rate of students at the Ministry of Defense IED/EOD training school in Mazar-e-Sharif is 15 percent. ISAF is continuing its work with the IED/EOD school to support and expand its programs; such efforts will continue through to 2014 to strengthen ANSF capacity.<sup>219</sup>

UNAMA reiterates its recommendation that ANSF continue training and leadership development as core priorities. The Government should also dedicate additional resources to ensure effective, centralized management of counter-IED and IED disposal operations.

***Anti-Government Elements De facto Control and Protection of Civilians: Jani Khel district, Paktya province***

Although civilian casualties and conflict related violence between security forces and insurgents decreased slightly in 2012, this reduction did not necessarily correlate to a strengthened Government presence or an improvement in civilian protection. Shifting dynamics of the conflict and impact on civilians was clearly exhibited in areas under control of Anti-Government Elements such as Jani Khel district, Paktya province. UNAMA conducted focused research on various districts under the control or strong influence of Anti-Government Elements through consultation with civilians, community leaders, Government officials and security bodies. Findings indicate that in these areas, some groups were increasingly controlling territory and assuming governance and security functions which reduced protection of civilians.

Although civilian casualties remained low in this district<sup>220</sup> the situation on the ground showed a serious lack of civilian protection. From mid-2011, Anti-Government Elements increased their control of Jani Khel district. In June 2011, Special Forces occupied Jani

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<sup>218</sup> The difference between areas under the influence or control of Anti-Government Elements and areas controlled by the Government of Afghanistan was also revealed in numbers of civilian casualties arising from IEDs. For example, in 2012, in Khost Matun district, Khost province, which the Government largely controlled UNAMA documented 153 civilian casualties in 36 IED incidents, while in Sabri district, Khost province under control of Anti-Government Elements, UNAMA documented 19 civilian casualties in 11 IED incidents.

<sup>219</sup> UNAMA meeting with Chief, Counter-IED Branch, 14 January 2013, ISAF HQ, Kabul.

<sup>220</sup> In 2011 and 2012, UNAMA documented six incidents (four ground engagements, one IED and on abduction), resulting in two civilian deaths and five people injured).

Khel high schools for three weeks, while international military forces operating from Salerno base in Khost conducted attacks against insurgents in the surrounding mountains. These operations killed local fighters and civilians and communities reported increased anger at Government forces as a result.

At the community level, local Anti-Government power holders and Government actors brokered power-sharing or peace agreements which essentially allowed Anti-Government Elements partial or full control of areas. Although such agreements likely reduced levels of violence in the immediate term, short-term agreements between local power brokers risked keeping communities in a perpetual state of insecurity without rule of law.

Jani Khel is considered to be Paktya's district most vulnerable to the full presence and control of Anti-Government Elements through the Haqqani network and Mullah Mansoor family. Anti-Government Elements effectively controlled the entire district and deployed mobile teams to neighboring districts. The Government's presence is weak and limited almost entirely to the district center. The district governor, appointed in early November 2012, remained in Chamkani district unable to assume his post due to insecurity and lack of office facilities.<sup>221</sup>

The district's judge and prosecutor were not present in the district and justice was delivered by tribal elders and sometimes by Anti-Government Elements in parallel judicial structures. Communities in Jani Khel reported to UNAMA that they felt abandoned by the provincial governor, who they viewed as corrupt and ineffective.<sup>222</sup> The absence of Government control as reported by the community directly impacted enjoyment of human rights in this district, particularly rights to education, freedom from intimidation and a range of civil and political rights.

While schools continued to operate, students and teachers faced ongoing intimidation and harassment by Anti-Government Elements. In September 2012, the Haqqani shadow education officer visited a high school and warned a senior education official to change the official Government curriculum to the Taliban curriculum.<sup>223</sup> In June 2012, Haqqani operatives robbed a teacher responsible for paying teachers' salaries. Students were often stopped by Anti-Government Elements checking whether their mobile telephones played a Taliban tune. Tribal elders informed UNAMA that Anti-Government Elements allowed the schools to function to extort part of the teachers' salaries for their own benefit.

Presence of Afghan National Security Forces was extremely limited in Jani Khel. NDS covers Jani Khel from the district centre in Chamkani with no ANA presence in the district. US Special Forces launched the ALP program in November 2012 with a *tashkeel*

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<sup>221</sup> International military forces recently provided 10 containers to be used as office space and with the establishment of the ALP with reports the governor is soon to arrive in Jani Khel district.

<sup>222</sup> For example, elders informed UNAMA that in February 2012 insurgents dissolved a tribal *shura* with no Government response.

<sup>223</sup> See UNAMA 2012 Mid-Year Report on Protection of Civilians in Armed Conflict, page 34 which documents the dissemination of a Taliban directive providing instruction on curriculum for schools throughout Afghanistan at [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

of 250. Of these, 100 candidates were submitted and 35 were currently under training. Communities from villages bordering Khost province expressed concern that the proposed *tashkeel* would not be sufficient to effectively protect them from Haqqani and instead, may put them at a higher risk.

In addition, rather than maintaining a presence at the district centre, the ANP operated a single check-point situated at the top of a hill near the district centre, making it difficult for people to submit their complaints. ANP could not patrol the district, although sometimes they left the check-point to go to nearby shops. Communities also complained that ANP were not familiar with the local culture and traditions since all came from Baghlan province. Moreover, local elders reported to UNAMA that ANP distributed a share of the ammunition they received to Haqqani to prevent attacks against them.<sup>224</sup>

The situation as reported by the community in Jani Khel in 2012 highlights the impact on civilian protection of limited Government control and increasing 'security' and 'governance' powers of Anti-Government Elements. Civilians bore the brunt of this shift by undergoing daily harassment and intimidation, and trying to maintain a balance between their survival, insurgents' threats and inconsistent Government control.

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<sup>224</sup> In June 2011, Haqqani attacked Jani Khel district and the ANP response injured three people, which also served to increase the distance between local persons and the police.



## Annex I

### Protection of Civilians Incidents from the Taliban 10 August 2012 Statement issued in response to the UNAMA's 2012 Midyear Report<sup>225</sup> and Comparison with UNAMA Database and Figures

	INCIDENT FROM TALIBAN STATEMENT	UNAMA FINDINGS
1	On 6 January in Do-ab Gobar village in Mosa Qilla district, Helmand province 8 civilians were killed and others wounded as a result of US forces bombardment. Based on local residents' testimony the bombing also inflicted heavy property damages.	UNAMA could not verify this incident.
2	On 18 January in Andarchack village of Dewagal area in Chowki district, Kunar province, in result of invader forces night operation when raided civilian houses martyred seven civilians among them were two children, one woman and an aged man. The Kunar and Kabul puppet officials confirmed the same civilian casualties in the incident and sent out investigation team for further investigation to the area.	UNAMA's findings fully consistent with Taliban statement. UNAMA confirmed seven civilians killed.
3	On 13 February media outlets reported that commissions sent out to Kunar and Kapisa found that victims of NATO latest attacks in these provinces are civilians. Head of Kapisa delegation Tahir Safi told: in Nijrab eight children were martyred in French forces attack	UNAMA confirmed eight civilians killed; seven children and one adult in an aerial attack on 8 February. While the dates are inconsistent, UNAMA investigated and contends these are the same cases.
4	On 13 February- the Kunar delegation head Shahzada shahid stated 9 civilians were martyred. The delegation displayed photos of the victims and majority of them are under 16 children. The delegation confirmed that during the attack even no Taliban members were present in the area.	UNAMA could not verify this incident.
5	On 22 February the American forces bombarded a school in Khewa district of Nangarhar province in the result 8 children and school peon wounded. The bombing damaged the school building largely.	UNAMA verified this case and documented 13 civilians injured in this incident, including 12 children. UNAMA documented higher civilian casualties than the Taliban statement.
6	On 22 Feb in Shinwaro district of Parwan province police martyred eight demonstrators and wounded 15 others who staged demonstration against burning the holy Quran in Bagram by American.	UNAMA monitored, investigated and verified casualties in relation to these protests but did not document these casualties in the Protection of Civilians database. UNAMA considers demonstrations to be a rule of law and policing issue.
7	On 22 Feb in Jalalabad city the students and ordinary people held demonstration and chanted anti- invader slogan and asked prosecution who burnt Quran but meanwhile came under police attack and martyred one civilian and injured six others.	UNAMA monitored, investigated and verified casualties in relation to these protests but did not document these casualties in the Protection of Civilians database. UNAMA considers demonstrations to be a rule of law and policing issue.
8	On 22 Feb, similarly in Baraki lajan area of barkibark district ,Logar province schools students and ordinary people staged demonstration in response to burning the Holy Quran and they came under police firing and martyred a school student and seven others wounded and 12 demonstrator have been detained by occupant.	UNAMA monitored, investigated and verified casualties in relation to these protests but did not document these casualties in the Protection of Civilians database. UNAMA considers demonstrations to be a rule of law and policing issue.
9	On 23 Feb Police attacked on demonstrators in Bagram district of Parwan province, martyred four demonstrators and five injured.	UNAMA monitored, investigated and verified casualties in relation to these protests but did not document these casualties in the Protection of Civilians database. UNAMA considers demonstrations to be a rule of law and policing issue.
10	On 23 Feb thousands of Muslim staged demonstration in Dehrawad district bazaar of Urozgan province against burning of Holy Quran by occupant and demonstrators intended to attend Regional military base to ask them respecting the Islamic sanctities and those soldiers committed to be punished , but by the way National Police !! Attacked on them martyred five demonstrators and wounded 15 others. The district authorities also confirmed the same number of civilian casualties.	UNAMA monitored, investigated and verified casualties in relation to these protests but did not document these casualties in the Protection of Civilians database. UNAMA considers demonstrations to be a rule of law and policing issue.
11	On 24 Feb thousands of people demonstrated after Friday prayer in Adraskan district bazaar of Herat province against disrespecting the Holy Quran and chanted anti-American slogans and Kabul administration and blocked Kandahar –Herat Highway for hours and demanded prosecution of the perpetrators but meanwhile police opened fire on demonstrators martyred and wounded 15 of them.	UNAMA monitored, investigated and verified casualties in relation to these protests but did not document these casualties in the Protection of Civilians database. UNAMA considers demonstrations to be a rule of law and policing issue.
12	On 9 March Media sources quoted Abdul Hakim Akhundzada in Tagab district of Kapisa province that NATO bombarded Ibrahim Khail village in the district and martyred four civilians including three children and two other civilians wounded.	UNAMA partially verified the figures from the Taliban statement: UNAMA verified three civilian killed and two injured.

<sup>225</sup> <http://point.un.org/UNAMA/Document%20List/UNAMA%20Mid%20Year%20Report2012.pdf>.

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13	On 11 March media outlets quoted community people and eyewitnesses: in two villages of Zangawat area, Panjwayi district, Kandahar province American soldiers killed 17 civilian mercilessly and then collected their dead bodies in room and set on fire and wounded five others.	UNAMA's findings fully consistent with Taliban statement. UNAMA documented 17 civilians killed and five injured.
14	On 27 March in Pachir Agam district of Nangarhar province ANSF martyred three civilians and two other wounded.	UNAMA verified two civilians were killed and two injured. The cross-fire which resulted in civilian casualties was instigated by an IED detonation against an ANSF mining team.
15	On 27 March American soldiers martyred 70 years old man without any reason in Shazadi area of Sarwan Kala of Sangin district in Helmand province.	UNAMA could not verify this case.
16	On 5th April in Adizo Malyano village, Tagab district, Kapisa province the invader forces fired heavy weapons and a round impacted in Lutufurahman's residence which martyred three children.	UNAMA's findings partially consistent with Taliban statement. UNAMA verified a similar incident which took place on 4 April and assesses that these are the same cases. UNAMA verified two children killed in this incident.
17	On 7th April in Qala Shamer area, Miawand district, Kandahar, the ANSF and local arbakis killed four members of a family.	UNAMA could not verify this case.
18	On 10 April in Bari Gul bazaar area, Nad Ali district Helmand province the invader forces fired heavy weapons where one round impacted in a residence which martyred four children and two aged women.	UNAMA verified two children were killed in this incident. According to UNAMA's finding a similar incident took place on 8 April and assesses that these are the same cases.
19	On 11 April in Balzai and Hassanzai villages of Jani Khail district of Paktya province, the invader forces raided and searched houses and eventually bombed the area, in the result five civilians were martyred.	UNAMA verified that the casualties were Anti-Government Elements and not civilians.
20	On 14 April in Taba-Tash village, Rustaq district, Takhar province, invader forces raided the house of a trader (Amer Aziz) besides the huge property damages two members of his family Norullah and Atiqullah were killed and four other arrested.	UNAMA did not document this incident prior to the Taliban's statement. This incident is now confirmed by UNAMA with two civilians killed. These civilian casualties are included in 2012 PoC Annual report.
21	On 14 April in Kamdesh district of Nuristan Mujahideen engaged with invaders forces and invaders bombarded civilian residences in Agasi and other areas which killed 21 civilians majority of them were women and children. The bombing destroyed other civilians' residences.	UNAMA verified an incident which took place on 14 and 15 April, in which three civilians were killed (including two children and one woman).
22	On 16 April in Zamindaro Karez area Kajaki district, Helmand province, American bombed civilian residences and killed six women and children together. Three civilian houses destroyed in result of this air attack.	UNAMA could not verify this case.
23	On 27 April in Marghawi village, Arghandab district, Zabul the American killed four civilians including Imam of the Masjid (Mosque).	UNAMA could not verify this case.
24	On 30 April in Bolan area, Qarghai district, Laghman the invaders raided civilian residences at night and after house searching martyred two brothers and detained father and brother of the deceased and four other villagers.	UNAMA verified the incident but could not confirm these casualties were civilians as several sources indicated they were combatants.
25	On 30 April in Showbar area, Shajowi district, Zabul province the invaders martyred four children.	UNAMA verified this incident and documented three children killed and three injured.
26	On 2nd May in surrounding of Shajowi district, Zabul province, the invaders martyred four children.	UNAMA could not verify this case.
27	On 3 May in Kanmosa shops area, Kunduz city local pro-government militia commander Meralam's personnel killed three civilians (Imam of Masjid and his two followers).	UNAMA verified this case but concluded that the perpetrators were not Pro-Government Forces, and are most likely part of an Illegally Armed Group. Communities reported rumours that this group is supported by the GoA but this is not confirmed, and also in this specific incident, it cannot be confirmed that this attack was related to the armed conflict in Afghanistan.
28	On 4 May Baba Saib Dag area, Mehtarlam, Laghman province the invaders soldiers martyred four civilians who were on the way.	UNAMA verified the incident but did not report it in the database. UNAMA concluded that these casualties were not conflict related and were a result of personal enmity.
29	On 6 May in surrounding of Al-sai district of Kapisa the invaders bombarded the area and martyred four civilians.	UNAMA verified this incident under a different date, and documented two civilians killed and two injured as a result of this incident.
30	On 6 May the media reported: in Nowber area, Murghab district of Badghis province American soldiers bombarded the area which resulted into killing of 14 civilians and wounded 18 other and majority of them are women and children. Eye witness told media sources that all victims of the incidents were civilians.	UNAMA verified this incident and documented eight civilians killed and 10 injured as a result of this incident.

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31	On 7 May media reported the foreign forces bombarded in Fatimuhamad Pech area of Sangin district, Helmand province that killed a woman besides her five children (three daughter and two sons).	UNAMA verified this case and documented six civilians killed in this incident, with a different date of 4 May. UNAMA investigated and concludes that this is the same incident.
32	On 12 May the hireling ANSF killed four civilians in Albarz district of Balkh province who gathered for funeral ceremony.	UNAMA investigated this incident and concluded that the casualties were Anti-Government Elements members and not civilians.
33	On 13 May media reported that foreign forces bombarded Dehwaz village, Wata-pur district in Kunar that killed eight civilians and majority of them were women and children. Eyewitnesses told BBC radio that victims were on the way to nearby mountain to collect wood when they become victim of the incident. The NATO spokesperson confirmed the incident but claimed the victims were armed men.	UNAMA verified this case and documented five civilians killed and two injured as a result of this incident.
34	On 13 May, in Helmand, Mosa Qalla distirct ,in Musalmani area three children were killed in invaders firing.	UNAMA could not verify this case.
35	On 14 May in Konjan area , Bughni district , Helmand the invader forces raided during night search operation in the area , eye witnesses told during the raid invaders killed five civilian and wounded three other.	UNAMA could not verify this case.
36	On 15 May three civilians including a woman and two children were killed in result of foreign forces bombardment in Adamd Khan Area, Greshk district of Helmand province.	UNAMA could not verify this case.
37	On 18 May in Shajowi district of Zabul province the American supply convoy guards killed and wounded six civilians after a verbal dispute.	UNAMA could not verify this case.
38	On 18 May the invaders killed three civilians during a raid in Shini Nawa area, Khas Urozgon ,Urozgon province.	UNAMA could not verify this case.
39	On 27 May Associated press reported, last night the invaders forces bombarded the residence of a civilian, Shafiullah in Sori-Khail area, Girda Seri district, Paktiya province. As a result besides head of family, eights members of his family were martyred; all were women and children and only one child remained live. The invaders confirmed the incident but claimed they targeted AGES.	UNAMA verified this case under a different date and documented seven members of one family killed, and two other children injured.
40	On 7 June the media reported: the invader forces bombarded two residences where marriage ceremony was going on, in Sajwand area, Barki Bark district, Logar province: in the result including bride 26 civilians were killed and majority of them were women and children. The Logar police chief colonel Raes Khan confirmed the incident and added without coordinating with Afghan forces the coalition forces conducted operation from Bagram airport.	UNAMA verified this case under a different date. UNAMA documnted 18 civilians killed and two injured.
41	On 10 June in Baghaki area, Khakrez district, Kandahar the invaders forces mutilated hands and feet of two aged men that later on took to Mervaies hospital in Kandahr for treatment.	UNAMA could not verify this case.
42	On 10 June in Tamani area, Chamkani district , Paktiya province , the invader forces raided house of civilian and after searching the house the utensil and crockery were damaged and eventually killed three civilian family members of the family.	This case was not documented prior to Taliban statement and was not included in MYR. Following the Taliban statement, UNAMA verified this incident and documented three civilians were killed- identical to Taliban information.  The civilian casualty figures from this incident are included in the 2012 Annual report.
43	On 17 June in Krawee area , Shawlikoot district, Kandahar province the invaders raided civilian residences and killed two civilians and set on fire two motorbikes in those houses.	UNAMA could not verify this case.
44	On 22 June in Tarbat village, Almar district, Faryab province ANSF martyred a famous religious scholar Mulve Faiz Muhamad.	UNAMA verified this case. Following investigation, UNAMA verified that the perpetrator was Anti-Government Elements and not ANSF. UNAMA confirmed one killed and one injured, while Taliban reported one killed only.
45	On 24 June in Nowbahar district, Zabul province the local soldiers killed two Kochi (Niaz Muhamad s/o Fiaz Muhamad and Hassan). The victims were detained the previous day.	UNAMA could not verify this case.
46	On 25 June in Fia -Sang bazaar area, Baghran district, Helmand province the invader forces killed 10 civilian during night search operation and extorted cash and valuable property from residences and shops.	UNAMA could not verify this case.

## Annex II

### Protection of Civilians Incidents from the Taliban 16 December 2012 Statement issued in response to the UN Secretary General's Quarterly Report<sup>226</sup> Comparison with UNAMA Database and Figures

No	INCIDENT FROM TALIBAN STATEMENT	UNAMA FINDINGS
1	On 11 July, Kondalano area, Shah Walikot district, Kandahar province, during the night, invaders forces raided on civilian homes, searched it and martyred five civilians.	UNAMA verified three civilian killed during cross-fire between Anti-Government Elements and Pro-Government Forces on 12 July.
2	On 22 July media reported; Srah Shakh village, Nahr-e-Saraj area, Grishak district of Hilmand province after an invaders' tank was hit by an IED the area was bombarded. As a result, four civilians were martyred.	UNAMA investigated this incident and found no civilian casualties.
3	On 27 July, in Qala-e-Khor area, Khas Uruzgan district of Uruzgan province, during the night, invader forces raided on civilian homes. They tortured three civilians and then martyred them.	UNAMA investigated this incident and found no civilian casualties.
4	On 2 August, in several areas (Shahli Nawa, Sero, Matakzo and Sakano) of Khas Uruzgan district of Uruzgan province, arbakies/ALP raided on civilian homes and killed 18 civilians and looted their homes. Based on the statement of eyewitness, the ALP commander by the name of Shujaei threw some live civilians to wells. Eyewitness reported to the media that ALP set in fire 8 motorbikes of civilians and looted their cash and belongings. Before, ALP have committed the same violations but have not picked by the media. This time the reason for broadcasting such incidents by the media might be the devastating impacts of these incidents as they were unique. This is of concern that most of the media outlets do not broadcast bad activities of invaders unless invaders acknowledged it or it cause public disgrace. Although, civilians speak out and complain about bad behavior of invaders, police and army but the media remain silence about these complains.	UNAMA investigated this incident and confirmed 11 civilians killed, there are at least nine counts of murder against Shujaei.
5	On 7 August, Shish Aba area, Khashrod district of Nimroz province, during the night, invadedeaths on 1 August. In addition, in another separate incir forces raided on civilian homes, searched it and martyred four civilians including a woman and wounded two children. The district governor for Khashrod district confirmed the incidents and noted that foreign forces conducted operations in the foregoing area without their notification.	UNAMA investigated this case and confirmed civilian casualties: one woman killed and two children injured (UNAMA found an additional three persons killed but does not considered them to be civilians).
6	On 10 August, Dehzak area, Dehrawoud district of Uruzgan province, invader forces conducted night raid in the area martyred four civilians and arrested one other. The detained civilian was transported to unknown location.	UNAMA confirmed four civilians killed.
7	On 15 October, in Tankgano Ghoder area, Nawa district of Hilmand province, American helicopters targeted a civilian tractor and martyred all 15 passengers on board. Local people said that the tractor was transporting displaced people and their household belongs.	UNAMA investigated this incident and found that on 14 October ISAF fired rockets on Anti-Government Elements planting IEDs in the area. One rocket missed its target and resulted in the killing of three children.
8	On 24 October, Zimindaowr area, Kajaki district of Hilmand province, invader forces martyred three tribal elders. The report further says that Haji Saifuddin, 85 year-old from Larkan Naw area of Mazar village and Saduldin, 90 year-old from Awodar village and Ghafar Agha from Mazar village were among the victims.	UNAMA investigated this incident and found not civilian casualties.
9	On 6 November, in Shah Kariz and Landi Kariz areas of Kajaki district of Himand province, invader forces raided on the areas in martyred five civilians.	UNAMA investigated this case and found no civilian casualties.
10	On 20 November, in different areas of Shahwali kot district, Kandahar province, invader forces searched local homes, beat people and finally martyred five civilians, including aged and young persons. In addition, a civilian was arrested.	No record of this incident. Other reports in database of raid carried out on 26 September 2012 during which three civilian killed.
11	On 6 August, Adal Khil village, Achin district of Nangarhar province, during the night, invader forces raided on civilian homes, ransacked it and caused property damages. Before escaping from the area they martyred four civilians. Residents of the area reported that all the victims were civilians and were not affiliated to any party.	UNAMA investigated this incident and found that four drug producers and smugglers were killed. ??????????

<sup>226</sup> <http://unama.unmissions.org/LinkClick.aspx?fileticket=RfTTUm-s86s%3D&tabid=12254&language=en-US>

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12	<p>On 16 September, media reported that in Noor Lam area, Alingar district of Laghman province, American invaders killed and wounded 20 civilians, including eight women. While women and children were walking to field to collect fire woods suddenly American airplanes bombarded the area. As usual, invaders said that insurgents (Mujahedeen) were targeted and there is no civilians casualties. But Laghman provincial official confirmed that all the victims of this incident were civilian. Eyewitness also reported to the media that all victims were civilians who were out for collecting fire woods.</p>	<p>UNAMA confirmed eight civilian killed and eight others injured, as compared to the 20 alleged civilian casualties (killed and injured) according to the Taliban's statement.</p>
13	<p>On 30 August, in Barki barak district town, Logar province, two mortars were fired on the town. One mortar hit a civilian home and another hit a car station. As a result, both locations were caught in fire. Five civilians were martyred and 10 others were wounded. The Security Chief of Logar ANP confirmed the incident and civilians casualties but said that he is unaware of the details. Local residents said that both mortars were fired from invaders' military base. However, invaders have not commented on the incident.</p>	<p>UNAMA confirmed 10 civilians killed and seven others injured, as compared to the alleged five civilians killed and seven others injured according to the Taliban's statement.</p>
14	<p>On 21 October, in Shikhil village, Barkibark district of Logar province, American forces fired four mortars on the village that killed six children and wounded two others. The names of martyred and wounded children are as below: Hamim s/o Murjan, Omer Jan s/o Abdul Ghafar, Rahmatullah s/o Nawab, Zahir s/o Shams, Ya Ghol s/o Salih and Hamayoon s/o Ghazni (all from Shikhil village). Wounded; Abdul Jabar s/o Meiran and Zafar s/o Hassan (from Now Abad village).</p>	<p>This incident was recorded by UNAMA and verified four civilian deaths. Note that the names of the civilians in the database do not match with the names contained in the Taliban statement.</p>
15	<p>On 31 August, the Press TV reported; invader forces bombarded in Ghor province and martyred 12 civilian.</p>	<p>UNAMA investigated this incident and found that all the victims (5 killed and 8 wounded) were members of armed groups who were killed after engaging with the International forces. Thus not considered to be civilians.</p>
16	<p>On 8 September media reported that in Meran Zo village, Balamurghab district of Badghis province invaders wounded more than 20 civilians including women and children. Some of the injured died later on. Local residents reported to the media via mobile phone that after an ANP vehicle was struck by an IED in the area the incident happened as the nearby ANP check post reacted and started firing on civilians. The wounded evocated to the local clinic and Herat hospital.</p>	<p>UNAMA confirmed one killed and four injured as a result of cross-fire between Anti-Government Elements and Afghan National Army.</p>
17	<p>On 2 September, in Kanam village of Kunduz province, arabakies/ ALP martyred 15 civilian, and wounded some others and a number of civilians were arrested. Local people reported to the media "a warlord by the name of Qadir, who is now the commander of ALP, and his armed men raided on the Kanam village massacred civilians as they were coming out from their homes in the morning. After an armed man of Qadir was killed by unknown people, the incident occurred. But, the warlord took the revenge from local people.</p>	<p>UNAMA investigated the incident and confirmed 12 civilians killed and eight others wounded.</p>
18	<p>On 6 October, in AndoJan village, near the center of Kunuz province, ALP member stabbed and martyred a woman. Local people reported to the media that the ALP member first attempted to rape the woman but faced with resistance and then killed her.</p>	<p>This case is not a Protection of Civilians case (not part of the armed conflict), criminal case: UNAMA investigated the case and verified that a woman was killed but the murderer was not an ALP member.</p>
19	<p>On 12 October, in Zarain village, Shilgar district of Ghazni province, invader forces raided on civilian homes, searched it and inflicted property damages. Invader forces killed seven civilians including three children and a woman. The Ghazni governor spokesman confirmed the incident and said that a delegation was dispatched to the area to investigate the incident. He added that foreign forces conducted this operation without their notification.</p>	<p>UNAMA verified 4 civilians killed, including one woman and three children, in cross-fire between Anti-Government Elements and ISAF when a group of AGE sheltered in a civilian house and engaged with ISAF.</p>
20	<p>On 18 of November of the current year, a group of Arabki's from Shilgar district backed by American tanks entered Shaili village of Gero district at night. With onset of daylight, as a local mosque Imam (Mawlawi Sahib Zabihullah) was leading villagers in morning prayer, the Arabki's stormed into the mosque, arrested the said Mawlawi along with a few of his students and villagers before taking them back to Shilgar district when the Americans left Gero. Two days later, the body of Mawlawi Zabihullah was found Shilgar district's Ibraheem Khelo village in a state that all his bones were broken from beatings, and his face and eyes sprayed with bullets, Surely to Allah we belong and to him is the return.</p>	<p>UNAMA investigated this incident a found that the victims in this incident were not civilians.</p>