

AFGHANISTAN

PROTECTION OF CIVILIANS IN ARMED CONFLICT
MIDYEAR REPORT: 1 JANUARY—30 JUNE 2020



UNAMA

UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN

JULY 2020

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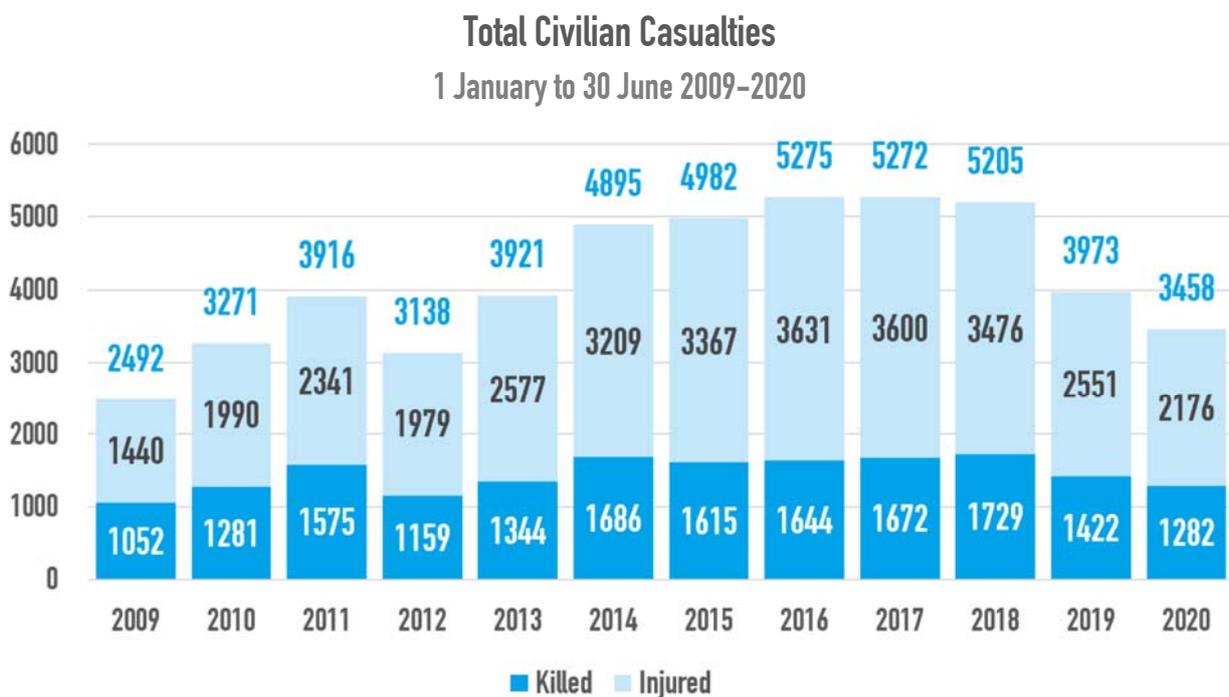
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I. OVERVIEW

From 1 January to 30 June 2020, UNAMA documented 3,458 civilian casualties (1,282 killed and 2,176 injured). Despite periods of reductions in violence, including during the week leading up to the signing of the 29 February US-Taliban agreement and the ceasefire declared over Eid al-Fitr between the Taliban and the Government of Afghanistan, violence has continued, with civilians bearing the brunt. The overall number of civilian casualties represents a 13 per cent decrease as compared to the same time period last year,¹ and the lowest figure since 2012. UNAMA welcomes the reduction, but notes that it was mainly due to a drop in civilian casualties attributed to the international military forces as well as to the Islamic State of Iraq and the Levant – Khorasan Province (ISIL-KP); UNAMA continued to document worrying civilian casualty trends at-

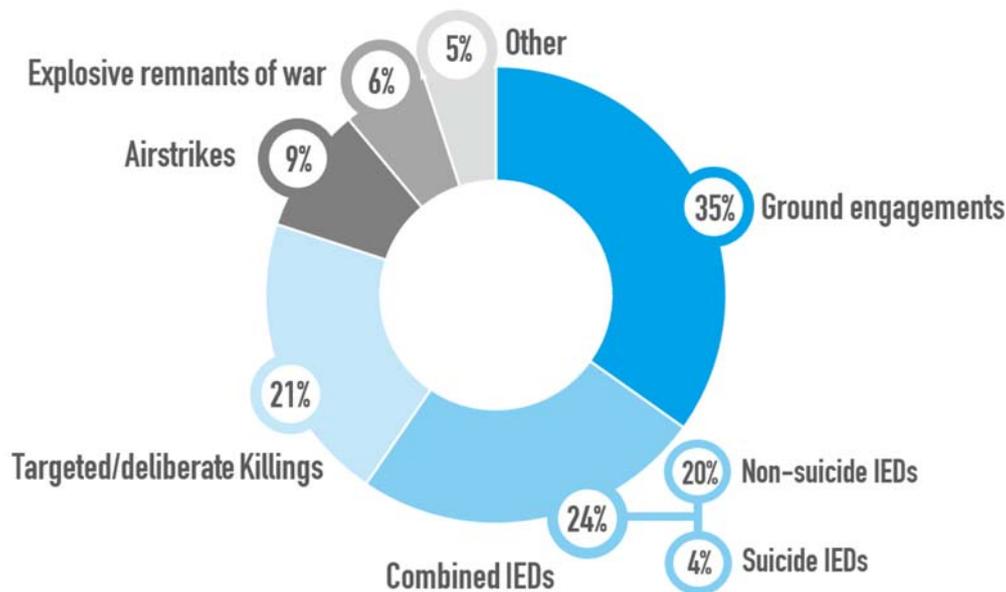
tributed to the Taliban and the Afghan national security forces.

UNAMA reiterates that ultimately, the best way to protect civilians is to stop the fighting through a negotiated political settlement. The reality remains that Afghanistan continues to be one of the deadliest conflicts in the world for civilians. Each year, thousands of civilians are killed and injured, abducted, displaced and threatened by parties to the conflict in Afghanistan; in addition to being killed and maimed at alarming rates, children are continuing to be recruited and used, and subjected to sexual violence by parties to the conflict; and women are facing multiple threats to their protection stemming from the direct and indirect impact of the conflict. Many of these victims continue to suffer long after the dust from the fighting has settled due



Civilian Casualties by Incident Type

1 January to 30 June 2020



to long-term disabilities, psychological trauma, financial loss and poverty, and uncertainty about their future. The COVID-19 pandemic has drastically reduced the ability of victims to recover from the impact of the armed conflict, as well as increased the vulnerability of the wider civilian population to further threats.

The experiences, rights and needs of the individuals and communities who have been subjected to repeated violence must be acknowledged and addressed as part of the parties' efforts to protect civilians, in addition to holding perpetrators to account. By placing the protection and well-being of the civilian population at the forefront, the Government of Afghanistan and the Taliban can foster a conducive environment for the peace talks and ensure a

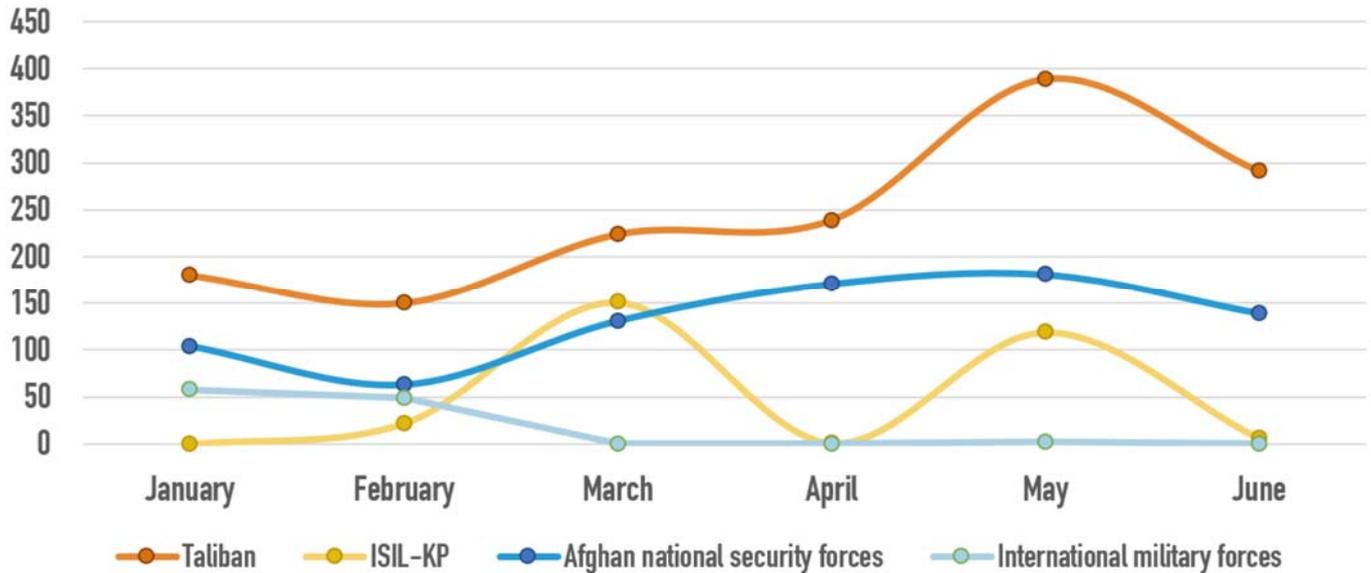
sustainable resolution to the conflict.

The overall decrease in civilian casualties was driven by a significant drop in civilian casualties from airstrikes by international military forces as well as from reduced activity by ISIL-KP, particularly in the use of non-suicide improvised explosive devices (IEDs). Civilian casualties resulting from Taliban activity continued at high levels, with UNAMA documenting a worrying increase in civilian casualties from impro-

The experiences, rights and needs of individuals and communities who have been subjected to repeated violence must be acknowledged and addressed as part of protection of civilians efforts.

Civilian Casualty Timeline by Party to the Conflict

1 January to 30 June 2020



vised anti-personnel mines during the first half of the year as compared to the same time period last year.² Civilian casualties attributed to Afghan national security forces increased by nine per cent, mainly due to airstrikes and the use of indirect fire during ground engagements. Consistent with trends documented in the first quarter, Anti-Government Elements continued to cause the majority of civilian casualties, while Pro-Government Forces remained responsible for more child deaths than Anti-Government Elements.

Ground engagements remained the leading cause of civilian casualties, representing 35 per cent of the overall total (1,195 civilian casualties: 336 killed and 859 injured). Two-thirds of civilian casualties from ground engagements were caused by the use of indirect fire, particularly in civilian-populated areas.

The use of improvised explosive devices (IEDs) (suicide and non-suicide) was the second leading cause of civilian casualties. Attacks classified as “targeted killings”³, which include mass shooting incidents, were the leading cause of civilian deaths.

Civilians living in Balkh and Kabul provinces were most affected by the conflict (344 civilian casualties and 338 civilian casualties respectively), followed by Nangarhar (281 civilian casualties), Faryab (233 civilian casualties) and Kunduz (205 civilian casualties) provinces.⁴

UNAMA remains concerned about the detrimental impact of the conflict on women and children, who comprise over 40 per cent all civilian casualties. The armed conflict caused 397 women casualties (138 killed and 259 injured) during the first six months

of 2020, representing 11 per cent of all civilian casualties. Ground engagements were the leading cause of women casualties, followed by targeted killings, airstrikes and IEDs. The conflict in Afghanistan continues to be among the most dangerous in the world for children, with UNAMA documenting

1,067 child casualties (340 killed and 727 injured), representing 31 per cent of the overall civilian casualty total. Ground engagements were the leading cause of child casualties, followed by IEDs and explosive remnants of war.

II. EID AL-FITR CEASEFIRE (24–26 MAY 2020)

On the evening of 23 May, the Taliban announced a three-day unilateral cessation of hostilities over the Eid al-Fitr holiday.⁵ Shortly thereafter, President Ashraf Ghani welcomed the ceasefire announcement and extended “the offer of peace”, indicating that he had ordered Afghan national security forces to cease hostilities for three days.⁶ Both parties indicated they would allow for defensive actions.⁷

UNAMA monitoring and documentation of civilian casualties over the Eid ceasefire period indicates that the parties to the conflict indeed have the ability to reduce the fighting with a positive impact on civilians when there is political will to do so. Over the three days of Eid (24–26 May), UNAMA documented 45 per cent fewer civilian casualties than the average three-day period for May 2020, amounting to 49 civilian casualties (27 killed and 22 injured).⁸ However, only 21 of those civilian casualties were clearly attributed to the Taliban (18), the Afghan

national security forces (1), or to crossfire between the two (2) with the remainder attributed to pro-Government armed groups, undetermined Anti-Government Elements or unknown parties from explosive remnants of war. Of the 18 civilian casualties attributed to the Taliban during the Eid ceasefire, five civilian casualties (four killed and one injured) resulted from the detonation of a pressure-plate IED, which may have been emplaced before

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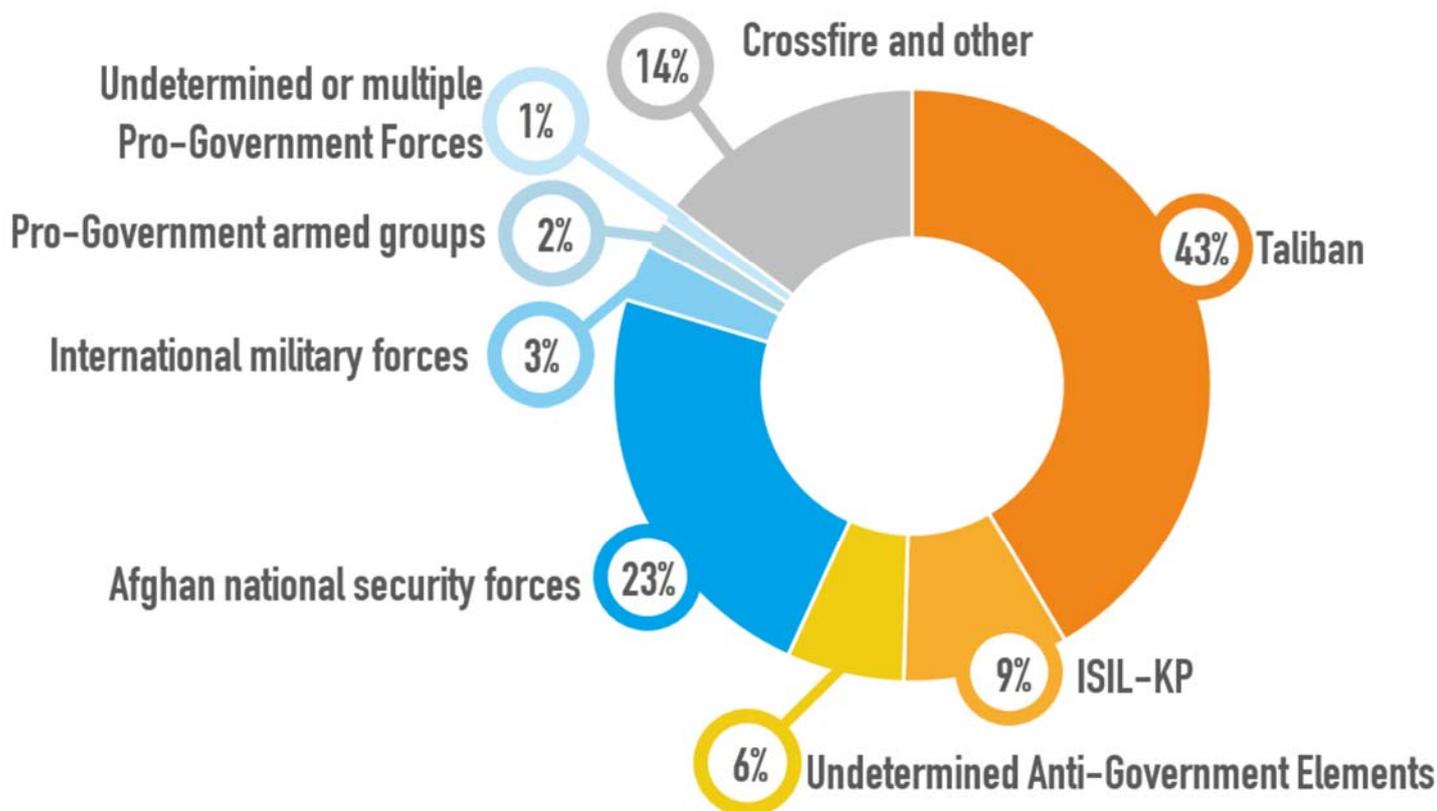
the ceasefire, and six civilian casualties (five killed and one injured) resulted from an IED prematurely detonating inside a Taliban member’s house, which harmed his own family members.

The civilian harm caused by explosive remnants of war during the ceasefire period, as well as during the reduction in violence period in February, also underscores the urgent need for the parties to facilitate humanitarian demining. Overall, during the first

half of 2020, UNAMA has verified 218 civilian casualties (59 killed and 159 injured) from explosive remnants of war, over 80 per cent of whom were children. Reducing the harm posed from explosive remnants of war, especially to children, is in the interest of both the Government of Afghanistan and the Taliban, and should be a matter of priority, including during periods of reduction or cessation of violence.

Civilian Casualties by Party to the Conflict

1 January to 30 June 2020



III. ANTI-GOVERNMENT ELEMENTS

Anti-Government Elements continued to be responsible for the majority of civilian casualties – 58 per cent – during the first half of 2020, causing 1,989 civilian casualties (752 killed and 1,237 injured). UNAMA attributed 43 per cent of civilian casualties to the Taliban,⁹ nine per cent to ISIL-KP¹⁰ and six per cent to undetermined Anti-Government Elements.¹¹

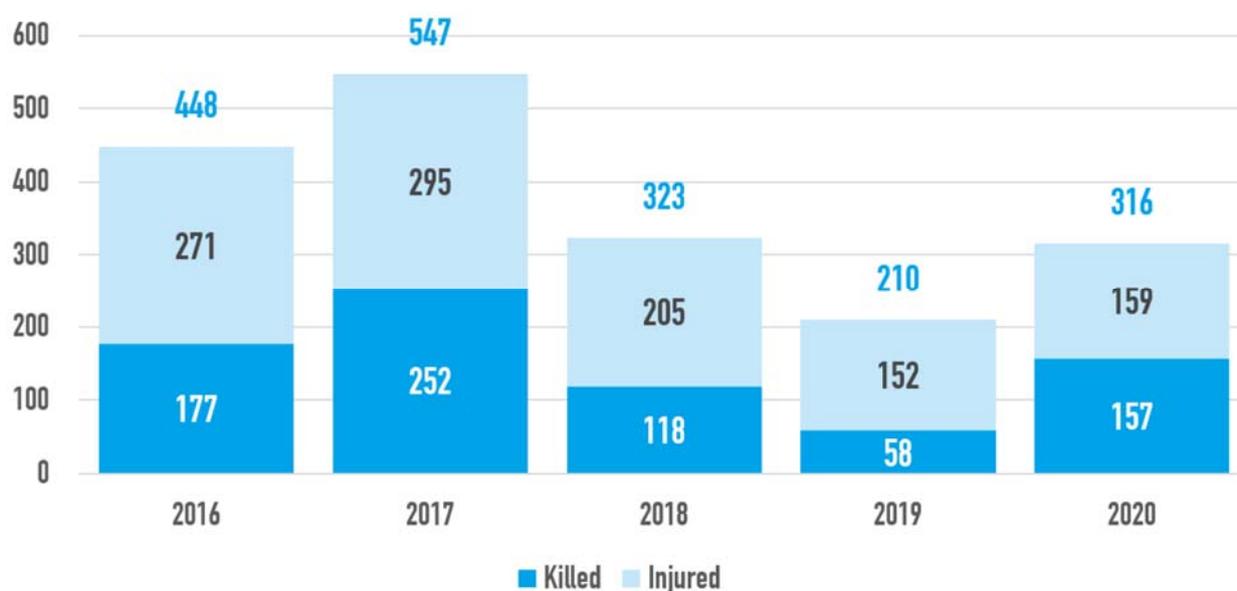
UNAMA documented approximately the same number of civilian casualties attributed to the Taliban from 1 January to 30 June 2020 as compared to the same time period in 2019.¹² However, of con-

cern, UNAMA documented a 33 per cent increase in civilian deaths. The increase in civilian casualties from non-suicide IED attacks, targeted killings and abductions resulting in summary executions contributed to this trend.

ISIL-KP continued to cause harm to civilians throughout the first six months of 2020, particularly as a result of deliberate attacks on civilians. UNAMA documented a 33 per cent decrease in civilian casualties attributed to ISIL-KP during the first six months of the year as compared to last year, mainly due to a decrease in mass-casualty IED attacks.¹³

Civilian Casualties from Pressure-Plate IEDs

1 January to 30 June 2016-2020



UNAMA recorded 17 incidents attributed to ISIL-KP causing civilian casualties during the first six months of 2020, down from 97 incidents recorded during the same time period in 2019. However, it is notable that 85 per cent of the civilian casualties attributed to ISIL-KP (255 civilian casualties of 299) occurred in three incidents: two mass shooting incidents in the first quarter¹⁴ and a suicide attack at a funeral in Nangarhar during the second quarter.¹⁵

The use of non-suicide IEDs was the leading cause of civilian casualties by Anti-Government Elements during the first half of 2020, causing 688 civilian casualties (217 killed and 471 injured).¹⁶ Almost half of all civilian casualties from IEDs – 45 per cent – were caused by the Taliban’s widespread use of pressure-plate IEDs, which function as improvised anti-personnel mines.¹⁷ Civilian casualties from

these victim-activated devices have increased by 50 per cent during the first half of 2020 as compared to the same time period in 2019, reversing the trend of sizeable decreases over the last two years. UNAMA also notes that the week after the three-day Eid ceasefire, pressure-plate IEDs rose to the leading cause of civilian casualties.

Children comprise over one-third of the civilian casualties from pressure-plate IEDs; UNAMA consistently verifies incidents in which these devices detonate from the mere weight of a child, underscoring their nature as improvised anti-personnel mines. For instance, on 23 May in Badghis province, Muqur district, three boys (5-12 years old) were killed when they triggered the detonation of a pressure-plate IED emplaced by the Taliban near an Afghan Local Police check post. They were herding

“I was in my shop when I heard that my three children were seriously injured in an explosion... When I saw them red with their own blood, I cannot say in words how much panic I felt. I thought neither the sky nor the earth would give me a place to be in. One of my children was hit in the jaw by the shrapnel, which broke his jaw and caused his teeth to fall out. We have to give him food with a spoon everyday... My children are getting injured in front of my house, so how can I say that security is good? There is no security for us at all.”

-Father whose daughter was killed and two sons were injured on 28 March 2020 in Paktya province, Gardez city by a pressure-plate IED emplaced by the Taliban.

their sheep at the time. Similarly, on 8 June in Far-yab province, Gurziwan district, seven boys (9-15 years old) were walking with their donkey near an Afghan National Army check post when the animal stepped on pressure-plate IED emplaced by the Taliban, causing it to detonate. All seven boys were injured and the animal was killed in the incident.

UNAMA reiterates that the use of these pressure-plate IEDs, which are victim-operated and function as improvised anti-personnel mines in Afghanistan, are indiscriminate by nature and therefore considered to be unlawful at all times. UNAMA repeats its call on the Taliban to immediately stop using these devices and uphold previous commitments made to ban them.¹⁸

UNAMA remains concerned about the deliberate targeting of civilians by Anti-Government Elements, as well as cases of threats, intimidation and harassment. From 1 January to 30 June, UNAMA documented 770 civilian casualties (342 killed and 428 injured) resulting from attacks in which civilians were deliberately targeted by Anti-Government Elements, with more than half of those attributed to the Taliban.¹⁹ The months of March and May had the highest number of civilian casualties from these deliberate attacks. Incidents of deliberate targeting of civilians by Anti-Government Elements during the first half of 2020 included attacks on religious leaders (18 incidents), healthcare personnel (13 incidents), judiciary members (11 incidents), civil society activists (nine inci-

dents), personnel of non-governmental organizations (eight incidents) and journalists (three incidents). UNAMA also continued to document attacks from ISIL-KP on religious minorities in Afghanistan, including the Sikh community and the Shi'a Muslim population, most of whom also belong to the Hazara ethnic group.

For a number of incidents of deliberate targeting of civilians, the responsible party and individual perpetrators remain unknown. These include the 12 May attack by unknown gunmen on a maternity ward run by *Médecins sans Frontières* in a Kabul hospital; the 22 June attack on a vehicle by two shooters on motorbike, which killed all five passengers inside, including one prosecutor, working in the Bagram detention facility; and the 27 June attack, also in the capital, on an Afghanistan Independent Human Rights Commission vehicle, which killed a staff member and a driver (see below). UNAMA encourages the Government of Afghanistan to complete its investigations into these incidents, publish its findings, hold perpetrators to account, and take steps to ensure that the victims and their families are provided with appropriate relief.

Deliberate targeting of civilians or civilian objects is explicitly prohibited under international humanitarian law and may amount to a war crime.

IED attack against an Afghanistan Independent Human Rights Commission vehicle on 27 June 2020, killing two staff members

On the morning of 27 June in Kabul city, a remote-controlled IED detonated against an Afghanistan Independent Human Rights Commission (AIHRC) vehicle, injuring the two passengers inside: Fatima “Natasha” Khalil, a donor relations officer for the Commission, and Javid Folad, a long-time employee and driver for the Commission. The two injured staff members were transported to the hospital and died shortly thereafter from their injuries.

The vehicle was one of a fleet used by the Commission for staff transportation and had government plates. At the time of writing, investigative entities in Afghanistan have neither been unable to confirm the party or group behind the attack, nor the particular individuals involved; as such it remains unclear whether the Commission was specifically targeted due to its human rights work. The night of 27 June, a Taliban spokesperson denied responsibility for the incident and condemned the killings over Twitter.²⁰

Staff members of the Commission have previously been targeted by Anti-Government Elements in Afghanistan. On 3 September 2019, Abdul Samad Amiri, the acting head of the AIHRC office in Ghor province, was abducted in Jalrez district, Wardak province by the Taliban and held for two days before he was shot and

killed. According to UNAMA information, Mr Amiri was shot four times in the back. The Taliban Commission for the Prevention of Civilian Casualties and Complaints conducted an investigation into the case; the findings were not made public; and neither communicated to UNAMA nor to AIHRC.

On 26 October 2015, in Jalalabad city, Nangarhar province a roadside remote-controlled IED detonated against an AIHRC staff shuttle, killing two employees and wounding six others. No party to the conflict ever claimed responsibility for the attack.²¹

The AIHRC is an independent national human rights institution that holds the highest level of accreditation of the Global Alliance of National Human Rights Institutions. Its mandate is to protect and promote the human rights of all individuals in Afghanistan through impartial fact-finding, advocacy and other activities. As human rights defenders, AIHRC employees must be protected from attack and enabled to carry out their work free from fear and intimidation. UNAMA calls for the Government of Afghanistan to complete its investigation, publish its findings, hold perpetrators to account, and ensure that the family members of Ms. Khalil and Mr. Folad are provided with appropriate relief.

UNAMA continued to document a worrying increase in abductions of civilians by the Taliban, including those that led to ill-treatment and summary executions. During the first six months of 2020, UNAMA verified 28 incidents of abductions of civilians that resulted in 68 civilian casualties (40 killed and 28 injured), which represents more than a five-fold increase in civilian casualties resulting from this incident type as compared to the first six months of 2019.

For instance, on 9 April in Herat province, Kohsan district, on the Herat-Islam Qala Highway, three armed Taliban fighters stopped a private vehicle heading in the direction of Herat city. The Taliban fighters abducted all five male passengers, who were employees of Da Afghanistan Bank (the central bank of Afghanistan), drove them to a different area, and then shot and killed them a few hours later. According to sources, one of the employees had previously received threats from the Taliban to quit his job and was told to pass this same message on to his colleagues.

Afghanistan: Deliberate Attacks on Civilians

1 January to 30 June 2020



342 killed

428 injured



Public execution of two men by the Taliban in Faryab province on 26 June 2020

During the first half of 2020, UNAMA documented five incidents of Taliban members resorting to cruel, inhuman or degrading punishment under the guise of enforcing decisions of their parallel justice structure, particularly in areas under their control where people had very limited access to formal judicial mechanisms. Punishments carried out by the Taliban included beatings and amputations, as well as executions, for alleged ‘crimes’ such as ‘moral transgressions’.

Of particular concern are the public executions of two civilian men carried out in the morning of 26 June in Qaysar and Pashtun Kot districts of Faryab province. Both men, around 35 years old, were executed in front of hundreds of people, including children, in busy areas of local bazaars. They were brought blindfolded with their hands and feet shackled into the bazaars and the judgment of the Taliban’s ‘court’ was read out loud by a Taliban member over a loudspeaker. In Qaysar district, the man had been captured a year prior on accusation of kidnapping a child; in Pashtun Kot district, the man had been captured two months prior on accusation of kidnapping, armed robbery and murder. Both men were hanged immediately after their death sentence was pronounced to the crowds and their bodies left on display to the public for at least twenty minutes. A third man, who had also been captured, charged and sentenced to death in connection to the same crimes and who is believed to be a Taliban member, remains in Taliban custody.

While UNAMA has verified a number of executions by the Taliban over the years, including those carried out in the presence of others, public executions in front of crowds for demonstrative purposes are much rarer. The last such incident documented by UNAMA was in June 2019 in Farah province in which a Mullah was shot dead by the Taliban in front of dozens of people following adjudication of his case on charges of murder. Prior to the executions in Faryab on 26 June, UNAMA had only verified one other case of execution by hanging.

UNAMA reiterates that punishments carried out by Anti-Government Elements are criminal acts pursuant to the laws of Afghanistan and amount to human rights violations and abuses. Moreover, severe punishments by Anti-Government Elements such as executions constitute serious violations of international humanitarian law that may amount to war crimes.²² Public executions are particularly dehumanizing, and increase the mental trauma of persons sentenced to death,²³ as well as those who bear witness, especially children.²⁴

UNAMA urges the Taliban to immediately cease imposing cruel, inhuman or degrading treatment or punishment on individuals. UNAMA reiterates the position of the UN Secretary-General, who remains “resolutely opposed to the dehumanizing, cruel, inhuman and degrading practice of public executions.”²⁵ Carrying out public executions, particularly in front of children, must stop immediately.

On 30 May in Badakhshan province, Wardoj district, armed Taliban men entered residential homes, beat 13 civilians (including a woman), abducted them and brought them to a Taliban base in the village. Six abductees, including the woman, were released the next day following intervention by tribal elders; the remaining seven men were transferred by the Taliban to another village. The Taliban severely beat the abductees and subjected one of them to electric shocks. Another person was released on 3 June, but the remaining abductees were not released until 26 June. The Taliban reportedly carried out the abductions and beatings as punishment against the civilians for allegedly assisting the Afghan National Army.

UNAMA reiterates that deliberate targeting of civilians or civilian objects is prohibited under international humanitarian law; the killing, by any party to the conflict, of persons taking no active part in hostilities is explicitly prohibited by Common Article 3 of the Geneva Conventions at any time and any place, and may amount to a war crime.

UNAMA encourages the Taliban's Commission for the Prevention of Civilian Casualties and Complaints to continue its investigations of civilian casualty incidents and urges the Taliban to share its findings with UNAMA and with the public.

IV. PRO-GOVERNMENT FORCES

Pro-Government Forces were responsible for 28 per cent of all civilian casualties during the first six months of the year, causing 982 civilian casualties (392 killed and 590 injured). Continuing the worrying trend noted after the first quarter, Pro-Government Forces remained responsible for more child deaths than Anti-Government Elements.²⁶ UNAMA attributed 23 per cent of all civilian casualties to the Afghan national security forces,²⁷ three per cent to international military forces²⁸ and the remainder to pro-Government armed groups²⁹ and undetermined or multiple Pro-Government Forces.³⁰

The last civilian casualty incident during the first six months of the year attributed to international military forces from active hostilities occurred on 17 February in Herat province as a result of an airstrike.³¹

Over the first half of 2020, UNAMA documented an nine per cent increase in civilian casualties attributed to Afghan national security forces as compared to the first half of 2019, mainly due to an increase in civilian casualties from airstrikes and from the use of indirect fire incidents during ground engagements.³²

Ground engagements remained the leading cause of civilian casualties by Pro-Government Forces during

the first half of 2020, causing 546 civilian casualties (157 killed and 389 injured).³³ Eighty per cent of these civilian casualties were caused by the use of indirect fire, often employed in civilian-populated areas.³⁴ UNAMA has repeatedly raised concern about the indiscriminate effects of using such weapons, particularly in densely populated areas, and the harm to ci-

vilians that often results. For example, on 23 May in Laghman province, Alishang district, an artillery round fired by the Afghan National Army in response to a Taliban attack hit a residential compound killing four children (three girls aged 2-8 years old and a 15-year-old boy) and wounding another 12 civilians (six children, three women and three men).³⁵

Afghan National Army mortar attack in response to Taliban fire in Helmand province on 29 June 2020

On the morning of 29 June in Helmand province, Sangin district, Afghan National Army ground troops of 215 Maiwand Corps fired three mortars that landed in a busy marketplace, resulting in at least 50 civilian casualties (19 killed, including six children and 31 injured, including 11 children). According to sources, the Afghan National Army attack was carried out in response to a Taliban mortar attack from behind the marketplace. A first aid outpost run by non-governmental organization EMERGENCY located approximately 200 meters from the strike location was damaged in the incident, but continued to provide medical services to victims.³⁶

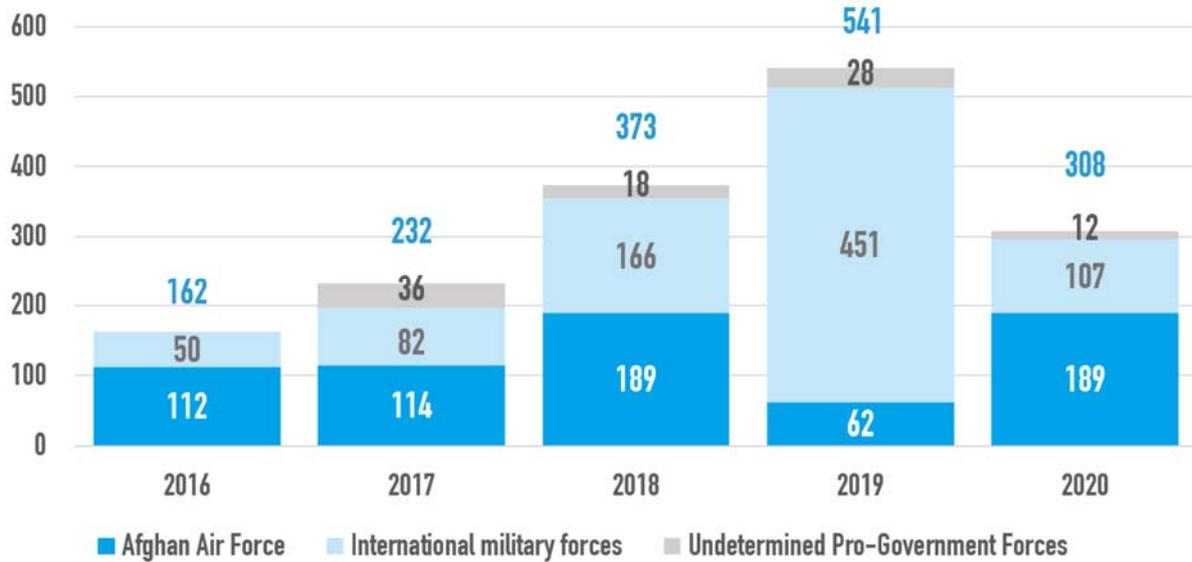
In a statement on the day of the incident, President Ghani condemned the incident and described it as a “terrorist attack” and called on the Taliban to stop fighting.³⁷ On 30 June, the Afghan National Army 215 Corps Commander stated that an investigation team had been tasked by the Provincial Governor, while rejecting that the Afghan National Army had caused civilian casualties.³⁸ On 8 July, a delegation dispatched by President Ghani arrived in Helmand and travelled to the incident site in Sangin district.

UNAMA reminds both the Afghan national security forces and the Taliban of their obligation under international humanitarian law to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects, and to protect the civilian population under their control against the effect of attacks.³⁹ This includes the duty to take all feasible precautions in the choice of means and methods of warfare, including the obligation to use the most precise weapons reasonably available, as well as the obligation to avoid, to the extent possible, locating military objects in civilian-populated areas.⁴⁰ The Taliban’s reported initial attack launched from a civilian-populated area and the Afghan National Army’s firing of weapons with wide area effects in the direction of a busy marketplace raises serious questions about adherence by both parties to this principle.

UNAMA urges the Government to complete its investigation, hold perpetrators accountable, share its findings with the public, and take steps to remedy the harm caused, including by placing limits on the use of indirect fire in civilian populated areas.

Civilian Casualties from Airstrikes

1 January to 30 June 2020



UNAMA is also concerned about civilian casualties from airstrikes by the Afghan Air Force. While overall civilian casualties from airstrikes has decreased by 43 per cent, this is due to a significant drop in activity by international military forces after the signing of the 29 February US-Taliban agreement. Civilian casualties resulting from airstrikes by the Afghan Air Force during the first six months of 2020 have tripled as compared to the same time period in 2019,⁴¹ with April and May showing the highest numbers. Women and children comprised over half of the civilian casualties from airstrikes by all Pro-Government Forces, and 65 per cent of the civilian casualties from airstrikes by the Afghan Air Force alone. More than half of all civilian casualties caused by Afghan Air Forces airstrike occurred in Kunduz and Balkh provinces.

UNAMA is particularly concerned about numerous Afghan Air Force airstrikes on residential buildings that have resulted in high numbers of civilian casualties, particularly women and children. These include: two airstrikes that hit two homes on 20 May in Jawzjan province, Maradyan district, resulting in six civilians killed (three children, one woman and two men) and one girl injured; an airstrike that hit a home on the same day in Kunduz province, Khan Abad district, resulting in three civilians killed (two women and a man) and five injured (four children and a woman); and an airstrike on 24 June at midnight in Balkh province, Balkh district, that hit a house killing four members of a family (two children under the age of five, a woman and a man) and wounded five others (two children under the age of four, two women and a man).

UNAMA notes that in a number of these cases, the Afghan Air Force were reportedly attempting to target a different building but missed and accidentally hit residential homes instead. In other cases, UNAMA has received reports of Anti-Government Elements carrying out attacks from residential homes, exposing them to the risk of counterattack by Pro-Government Forces.

Another incident of concern occurred on 11 May in Balkh province, Balkh district. The Afghan Air Force conducted an airstrike on a group of civilians who had been forced by the Taliban to de-

stroy a road in an attempt to block the Afghan national security forces from passing. The airstrike resulted in 22 civilian casualties (nine killed and 13 injured). The following day, approximately 250 community members staged a demonstration against the airstrike, blocking the main road and preventing an Afghan National Army convoy from crossing. The protesters carried the dead bodies of the victims from the airstrike and attempted to set one of the Afghan National Army tanks on fire. In response, the Afghan National Army fired gunshots at the protesters, killing one adult male and wounding four others.

“The Taliban, who were positioned in our village, attacked the Afghan National Army while they were passing on the highway. A bomb from an airplane suddenly hit my home and I became unconscious. After 20 minutes I woke up and found my family members were severely injured... The incident has had a very serious physical and psychological impact on our family. My left hand, which was injured in that incident, now does not work very well. This creates problems for my job as I usually work on farms – I can no longer perform heavy duties. My wife cannot speak very well. At night, she is scared and wakes up. She cannot take care of my child. My family members need further medical care, but I do not have money.”

-Victim of an Afghan Air Force strike on 3 April in Baghlan province, Pul-e-Khumri district, that killed three children and injured three more in his family, along with himself.

UNAMA repeats its call on the Government of Afghanistan to cease the use of indirect fire (mortars, rockets and grenades) and other explosives with wide area effects in populated areas, and to continue to develop and improve tactical directives, rules of engagement and other procedures in relation to the use of armed aircraft. UNAMA reminds the Government of its obligation to take all feasible precautions to protect civilians, which is not lessened even in situations where Anti-Government Elements are firing from residential homes. UNAMA also reminds Anti-Government Elements of the prohibition under international humanitarian law of the intentional co-location of military objectives and civilians with the specific intent of trying to prevent

the targeting of those military objectives.⁴²

UNAMA stresses the importance of transparency in civilian casualty investigations and encourages the National Security Council to resume its practice of providing information to UNAMA in response to civilian casualty incidents that the mission has shared. UNAMA urges Resolute Support to maintain its “train, advise, assist” role with the Afghan national security forces as well as the National Security Council to improve civilian casualty tracking and investigations, and to use that information in after action reviews and robust lessons learned exercises.

V. INCIDENTS AFFECTING HEALTHCARE DURING THE COVID-19 PANDEMIC

UNAMA has repeatedly raised the vital importance of protecting healthcare facilities and workers during the global COVID-19 health pandemic, which has had a catastrophic effect on the civilian population in Afghanistan.⁴³ The country’s fragile healthcare system was under extreme stress even before the onset of COVID-19 in Afghanistan and as confirmed cases continue to rise, the demands on healthcare providers have only increased.

For the first half of 2020, UNAMA verified 36 inci-

idents affecting healthcare, including 27 direct attacks on healthcare facilities, including hospital and protected personnel, and 9 indirect attacks. The majority of these incidents were carried out by the Taliban. Since UNAMA released its special report on attacks on healthcare, which covered the period from 11 March to 23 May 2020, it has continued to document incidents attributed to both the Taliban and the Afghan national security forces, particularly those resulting from the use of indirect fire in and around hospitals and health clinics. For instance, on 31 May in Kapisa province, Alasai district, the Tali-

ban opened fire on an Afghan national security forces base located in the district administrative centre. The Afghan National Army responded with a mortar round, which landed approximately ten metres from the main building of the district health clinic, injuring a woman inside, shattering the clinic's windows and damaging the ambulance and private vehicle of the head of the clinic.

On 17 June 2020 in Logar province, Pul-e-Alam district, a rocket fired by the Taliban impacted the provincial hospital, resulting in damage to the roof, shattered windows and approximately 70,000 AFN of damage to health equipment. The Taliban rocket was reportedly targeting a government celebration ceremony for the appointment of the new provincial governor and missed its intended target.

Medical facilities and personnel are provided special protections under international humanitarian law.⁴⁴ UNAMA reminds parties to the conflict of their responsibility to take all feasible precautions to ensure that medical facilities and personnel are protected from attack. Deliberate acts of violence against healthcare facilities, including hospitals, and related personnel are prohibited under international humanitarian law and constitute war crimes. Such attacks also constitute one of the six grave violations against children in armed conflict, which is a trigger for listing in the annexes of the Secretary-General's annual reports on children and armed conflict.

UNAMA reiterates that attacks on healthcare, particularly during a health pandemic, endanger the lives of the entire civilian population in Afghanistan and severely compromise the right to the highest attainable standard of physical and mental health under international human rights law. UNAMA repeats the recommendations to the parties to the conflict published in its special report on the topic, including to immediately cease deliberate attacks on healthcare, cease the use of indirect fire in civilian-populated areas, particularly in the vicinity of healthcare facilities, and investigate all incidents of direct and indirect interference with healthcare services. The health and well-being of the people of Afghanistan during the COVID-19 pandemic must be prioritized.

Attacks on healthcare, particularly during the COVID-19 pandemic, endanger the lives of the entire civilian population in Afghanistan and severely compromise the right to the highest attainable standard of physical and mental health.

VI. RECRUITMENT AND USE OF CHILDREN

Children in Afghanistan are especially vulnerable to recruitment and use by parties to the conflict during the COVID-19 pandemic. In mid-March, the Government of Afghanistan closed schools and restricted business activities and movement to prevent the spread of COVID-19. While necessary to protect the population from spread of the virus, these measures have resulted in disruption of children's access to education, healthcare, and social services, while also placing new stressors on parents, guardians, and caregivers. The economic hardships associated with lockdown measures increase pressure on children to earn money for their families, particularly when they are not in school, making them more susceptible to recruitment and use.

During the first half of 2020, UNAMA verified the recruitment and use⁴⁵ of 23 children by the Taliban, 22 of whom were recruited in the north-eastern region and one in the eastern region. The incidents involved boys ranging from 13-17 years old, who were recruited, armed, and trained by the Taliban to perform combat functions against the Afghan national security forces, including suicide attacks. For example, in early February, the Taliban deployed three boys (aged 15-16 years old) to carry out a suicide attack against an Afghan Local Police commander attending an engagement ceremony in

Baghlan province. Before reaching the ceremony, one of the children accidentally detonated his IED, killing himself and injuring the two other children.

Incidents of recruitment and use of children are believed to be widely underreported in Afghanistan given the sensitivities involved and concerns about the safety of the children; as such, they are difficult to verify. During the COVID-19 period, in addition to the verified incidents of recruitment and use of children by the Taliban, UNAMA has received an increase in reports of recruitment and use of children by the Afghan national security forces across various regions of Afghanistan. Reportedly, children are currently being recruited and/or used by the Afghan National Police and Afghan Local Police for support functions such as bodyguards and drivers, combat roles at check posts, and sexual exploitation, including *bacha bazi*. UNAMA is working to verify these reports while following the child protection principles of “do no harm” and best interests of the child.

UNAMA recognizes the progress made by the Government of Afghanistan to end and prevent child recruitment and use, including through the work of the Child Protection Units in Afghan National Police recruitment centres across the country. UNAMA also notes that the Taliban's Commission for the Prevention of Civilian Casualties and Complaints took positive steps forward in 2019 through

investigating allegations of recruitment of children by Taliban commanders. However, particularly during the COVID-19 pandemic, much more needs to be done to protect children from the irreversible physical and psychological harm of recruitment and use. UNAMA encourages the Government to use the Child Protection Units more proactively in monitoring for use of children at checkpoints and

ensure the passing of the Law on the Protection of Child Rights by Parliament. UNAMA urges the Taliban to cease and prevent recruitment and use of children, including through strengthened investigations and accountability measures by the Taliban’s Commission for the Prevention of Civilian Casualties and Complaints.

Afghanistan: Children and Armed Conflict

1 January to 30 June 2020



340

killed



727

injured



Ground engagements

were the leading cause of child casualties



More than 80 per cent

of civilian casualties from explosive remnants of war are children



More than one-third

of civilian casualties from pressure-plate IEDs are children



More than 4 out of 10

of civilian casualties from airstrikes are children



VII. IMPACT OF THE ARMED CONFLICT ON VICTIMS AND RELATIVES

The civilian population of Afghanistan has suffered incalculable harm and loss as a result of the armed conflict, both individually and collectively, including physical harm, emotional and psychological suffering, financial devastation, and other negative impacts on the enjoyment of their fundamental human rights. The initial harm caused by a specific incident of the armed conflict is often further compounded by the parties' failures to address that harm. The current and future well-being of the civilian population in Afghanistan is of common interest to both the Government of Afghanistan and the Taliban. Prioritizing the experiences, needs, and rights of victims of the conflict will be essential for both parties in cre-

“When I am sitting in a room and the windows slam shut in the wind, I am very scared that there has been a bomb blast. Even sometimes, I cannot answer the phone when someone calls me as I am afraid that they might be calling to tell me bad news.”

ating a conducive environment for the peace talks, as well as for ensuring a sustainable peace.

To provide broader context to UNAMA civilian casualty documentation, the mission began in the second quarter of 2020 to systematically monitor the human rights impact of the armed conflict on victims and their relatives, focusing on incidents from the beginning of the year onwards. The monitoring is designed to collect information on how the enjoyment of economic, social and cultural rights are affected by incidents of the armed conflict on select cases, as well as the degree to which victims' rights to truth, justice, and reparations are being addressed. For the purposes of this report, UNAMA interviewed 36 individuals from all regions of Afghanistan, including women, who were impacted by incidents in 2020 attributed either to Anti-Government Elements or to Pro-Government Forces (for further details, see the methodology section below).

While the Government of Afghanistan has the primary responsibility under international human rights law to respect, protect and fulfil the rights of all individuals in Afghanistan to an adequate standard of living,⁴⁶ non-state armed groups that exercise de facto control over some areas, such as the Taliban, and exercise government-like functions are obliged

to respect human rights norms when their conduct affects the human rights of the individuals under their control. While they cannot become parties to international human rights treaties, they are not precluded from being subject to human rights obligations under customary international law,⁴⁷ and are increasingly deemed to be bound by certain international human rights obligations.⁴⁸ Increasingly, the role of non-state armed groups in addressing certain victims' rights is also being recognized.⁴⁹

Impact of the armed conflict on the enjoyment of economic, social and cultural rights

During situations of armed conflict, the protection of economic, social, and cultural rights is crucial, in addition to civil and political rights. These include the rights to the highest attainable standard of physical and mental health; the right to education; the right to food, clothing and housing; and the right to work and to participate in social and culture life, in line with the principle of non-discrimination. Initial monitoring by UNAMA highlights how the ability

Afghanistan: Impact of the Armed Conflict on Victims



58% of victims interviewed suffered long-term or permanent disabilities



100% of victims interviewed reported negative effects on their emotional well-being



92% of victims interviewed suffered financial loss



31% of victims interviewed were forced to move homes



64% of victims interviewed reported negative effects on their ability to participate in social life

“We are tired of this current war; both sides of the conflict should stop. They should care for civilians and the properties of civilians. They should sit together and decide for a peace and prosperity instead of killing each other.”

of victims and their families to enjoy these rights is impacted by civilian casualty incidents long after they occur, compounding their suffering. Every person interviewed by UNAMA continued to be affected in some way after the incident, whether physically, psychologically, financially, socially, or otherwise.

Of the 36 individuals UNAMA interviewed, 21 of them stated that they or their relatives suffered from long-term or permanent disabilities as a result of the conflict, including loss of limbs, loss of mobility or paralysis. While most interviewees reported having access to initial medical care to address their acute needs following the incident, the availability and accessibility of longer-term medical care remains a concern. The cost of medical care following civilian casualty incidents was often raised in interviews. One woman, aged 20, was injured in a mortar attack by the Afghan National Army on 30 March 2020 in Balkh province, along with her sisters. She described to UNAMA how her continuing health issues were

affecting her daily life, including her ability to practice her religion:

Since getting injured, I am not able to move as easily as I could previously. I can hardly even perform my prayers. I have difficulty working at home because of my injury. I sometimes feel pain in my legs and my back; I feel traumatized and go into deep thinking. After the incident, I have not felt happy. I am almost disabled and cannot do my routine housework.

All individuals interviewed reported that their emotional well-being had been negatively affected by the incident; however, only one person reported receiving psychological support. Numerous individuals recounted experiences of emotional trauma, grief, depression, and anxiety to the extent that their daily lives were deeply affected. UNAMA spoke with one man, aged 38, about his experience surviving an IED attack against him and his two brothers earlier in the year. He and one of his brothers were injured, and the other was killed on 29 January 2020 in Paktya province, Gardez city when a magnetic IED emplaced by the Taliban detonated against their vehicle as they drove home from visiting a shop:

When I am sitting in a room and the windows slam shut in the wind, I am very scared that there has been a bomb blast. Even sometimes, I cannot answer the phone when someone calls me as I am afraid that they might be calling to tell me

bad news. My parents are also worried so much about us and are always advising us not to stay late in the shop in the evening. If we are running even ten minutes late, they are repeatedly calling us to check that we are fine and see that nothing has happened to us.

The majority of interviewees (33) suffered financial loss from the incident that affected them or their family members, including as a result of the costs of medical care and funerals, as well as from lost income as a result of the death or injury of a breadwinner in the family. UNAMA spoke with a man whose father, uncle, brother and cousin were killed by the Taliban on 31 May in Badakhshan province when they were driving home from an engagement ceremony:

Besides losing our loved ones, both my family and my uncle's family lost their guardians and breadwinners. We are left without any supporters. We are a poor family and my father and uncle were working on a daily basis to bring food to the family...[now] my uncle's nine small children and my father's eleven small children don't have access to basic services. My siblings and cousins won't be able to continue their education without financial support.

The man detailed how his mother felt his life was at risk and so he fled his village as a result. He is now living apart from his family, homeless, and without contact with his family due to concerns about his

and their safety. Based on UNAMA's interviews, his experience was unfortunately not uncommon. Almost all interviewees (30) reported that they felt their safety and security has been affected by the conflict. Eleven people – almost one-third of all interviewees – reported having to move locations as a result of the incident that affected them, mainly due to concerns of insecurity.

The majority of interviewees (23) reported negative effects on their ability to participate in social and cultural life as a result of the armed conflict, including attendance at weddings, engagement ceremonies, mosque, and other important events. UNAMA interviewed a male relative, aged 35, of one of three men killed by a pro-Government armed group on 30 March 2020 in Takhar province, who stated:

Since the incident took place, we have not attended wedding parties in the village and on Eid-ul-Fitr days, we did not visit our relatives. Every moment the incident is in front of our eyes.

The initial results of UNAMA's monitoring reveals that civilian casualty incidents have a wide-ranging negative impact on the human rights of the victims and their family members, affecting every aspect of daily life. UNAMA reiterates the importance for civilians affected by armed conflict to receive timely and adequate support, including affordable medical treatment, and economic and social assistance, so that they may work to rebuild their lives.

Efforts by the parties to the conflict to address harm caused

International human rights law recognizes certain rights and duties relative to the rights of victims to truth,⁵⁰ justice,⁵¹ reparations⁵² (including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition) and guarantees of non-recurrence of violations (duty of prevention).⁵³ Only by addressing the harm caused in the past will the parties be able to effectively prevent it from occurring in the future. Of concern, initial monitoring by UNAMA indicates that many victims and their families are left in the wake of civilian casualty incidents without access to information, compensation, acknowledgement of harm or an apology.

In only approximately one-third of cases that UNAMA followed up on did victims or their family members receive information about what happened to them or their loved ones, and the information was often received from community members or health professionals, rather than the parties to the conflict.

In only six cases were affected individuals aware of any formal investigation taking place. In almost half of all cases (17), UNAMA was the only entity to speak to them about the incident. Members of the Government or Afghan national security forces reached out to victims or their families in only eleven cases, and the Taliban in just three.

"I hope that all the [fighters] will acknowledge and address the harm they caused to victims like me....they must provide us with compensation for our injuries and loss of life. They must respect human life and security, and not simply kill people."

Almost all victims and their family members (30) interviewed by UNAMA reported receiving neither an acknowledgement of harm nor an apology for what occurred. Despite claims for compensation being made in nearly half of the cases (16), assistance was only provided in five of the 36 cases, although not necessarily the full amount to which the victims and their relatives were entitled under domestic law.

When asked what was most important to them going forward, almost all individuals interviewed (30) indicated financial compensation for harm suffered, with almost two-thirds citing justice (22) and efforts to prevent reoccurrence (22) as priority considerations. A man, aged 27, who was injured by an Afghan National Army rocket on 23 April 2020 in Laghman province stated:

Afghanistan: Efforts by Parties to the Conflict to Address Harm



28% of victims interviewed received information about what happened to them or their loved ones



17% of victims interviewed were aware of formal investigations taking place



47% of victims interviewed reported that UNAMA was the only entity to speak to them about the incident



14% of victims interviewed received acknowledgement of harm from parties to the conflict



14% of victims interviewed received financial compensation

 UNAMA Protection of Civilians 2020 Midyear Report

Protect Civilians – End the Fighting

I hope that all the armed groups [and forces] will acknowledge and address the harm they caused to victims like me. If they are at fault, they must provide us with compensation for our injuries and loss of life. They must respect human life and security, and not simply kill people.

Overwhelmingly, a number of the individuals with whom UNAMA spoke indicated a strong desire for

the fighting to stop:

We are tired of this current war; both sides of the conflict should stop. They should care for civilians and the properties of civilians. They should sit together and decide for a peace and prosperity instead of killing each other. - Grandfather, aged 55, of two boys who were killed in a Taliban IED attack on 1 January 2020 in Balkh province

We hope for the war to end so that we can return back home in a secure environment for the remainder of our lives. We have left everything and we are trying to stay alive. -

Man whose younger sister was killed and younger brother and sister were injured on 27 February 2020 in Ghazni province when they found a hand grenade in their yard and it detonated.

UNAMA urges the parties to the conflict to acknowledge and address the experiences, needs

and rights of victims and their families. The parties must take appropriate steps to address the harm they have caused in the past in order to prevent it from occurring again in the future. By placing the protection and well-being of the civilian population at the forefront, the Government of Afghanistan and the Taliban will be able to create a more conducive environment for peace talks and help build a foundation for sustainable peace.

VIII. METHODOLOGY

For the purposes of its reports on the protection of civilians, UNAMA only includes verified civilian casualties. Civilian casualties are recorded as ‘verified’ where, based on the totality of the information reviewed by UNAMA, it has determined that there is ‘clear and convincing’ evidence that civilians have been killed or injured. In order to meet this standard, UNAMA requires at least three different and independent types of sources, i.e. victim, witness, medical practitioner, local authorities, confirmation by a party to the conflict, community leader or other sources. Wherever possible, information is obtained from the primary accounts of victims and/or witnesses of the incident and through on-site fact-finding. Where UNAMA is not satisfied with the reliability

and credibility of information concerning civilian casualties, it will not consider it as verified. Unverified incidents are not included in this report. UNAMA does not claim that the statistics presented in this report are complete and acknowledges possible under-reporting of civilian casualties given limitations inherent in the operating environment, particularly considering the recent challenges posed by movement restrictions in place due to the COVID-19 pandemic.

UNAMA shares information about verified incidents with parties to the conflict to ensure accuracy in its reporting and to help them better understand the impact of their operations on the civilian population so that they may address the harm they cause

and implement measures to better protect civilians. UNAMA continues to invite the parties to initiate their own investigations and share the results with UNAMA and the broader public.

To better understand the broader human rights impact of civilian casualty incidents, UNAMA has expanded its protection of civilians work to encompass post-incident monitoring and reporting. This involves interviews with victims and their family members in the aftermath of civilian casualty incidents. All interviews are conducted at least one month after the date of the incident and are limited to 2020 incidents only. UNAMA selects cases for post-incident monitoring with the aim of ensuring that a variety of individuals are interviewed (genders, ethnicities, religions), and that the incidents by which they are affected relate to various

tactic types and responsible parties (both Anti-Government Elements and Pro-Government Forces). Selection of cases for post-incident monitoring is limited by the availability of victims and relatives, as well as their willingness to engage on difficult and often traumatic topics. UNAMA follows the principle of “do no harm” in selecting and conducting individuals for post-incident monitoring; every individual whose information appears in this report provided consent for its use. Unlike UNAMA’s civilian casualty documentation, UNAMA’s post-impact monitoring is not intended to be comprehensive.

For more detailed information, please consult the UNAMA annual reports on the Protection of Civilians in Armed Conflict (available at: <http://unama.unmissions.org/protection-of-civilians-reports>)

IX. ENDNOTES

1. This is also the lowest overall number of civilian casualties documented by UNAMA at the mid-year point since 2012.
2. In Afghanistan, pressure-plate improvised explosive devices function as anti-personnel landmines. UNAMA has consistently documented incidents in which pressure-plate IEDs have detonated from the weight of a person, including children.
3. For the purposes of this report, ‘targeted killing’ is defined as intentional use of lethal force by Pro-Government Forces or Anti-Government Elements against a specific individual (civilian or combatant). This term includes targeted killings by explosives as well as shooting, including mass shooting incidents. UNAMA documents civilian casualties arising directly and collaterally from such attacks. Some “targeted killings” may also qualify as a deliberate attack on civilians, while

- others constitute deliberate attacks on combatants that result in civilian casualties.
4. It is notable that Balkh province has among the highest recorded civilian casualties per province, reflecting a significant increase in civilian casualties from ground engagements during the first six months of 2020. In contrast to recent years, Helmand province was not amongst the top five provinces for civilian casualties; UNAMA recorded a significant drop in civilian casualties in the province, mainly due to a decrease in civilian casualties from airstrikes and non-suicide IEDs.
 5. See <http://alemarahenglish.com/?p=35156> (last accessed on 16 July 2020).
 6. See <https://twitter.com/ashrafghani/status/1264272518166298627?s=20> (last accessed on 16 July 2020).
 7. This was the Taliban's first publicly-declared ceasefire since the three-day Eid al-Fitr ceasefire in June 2018, although the group did also publicly acknowledge the reduction of violence period ahead of the 29 February 2020 US-Taliban Agreement. Unlike the 2018 ceasefire, the Taliban explicitly stated that their fighters were not allowed to go to Government-controlled areas and that Afghan national security forces were not allowed to the areas under control of the Taliban.
 8. UNAMA attributed 18 civilian casualties to Taliban, 14 to pro-Government militias, 10 to undetermined Anti-Government Elements, six to both Anti-Government Elements and Pro-Government Forces, and one to the Afghan National Army.
 9. From 1 January to 30 June 2020, UNAMA attributed 1,473 civilian casualties (580 killed and 893 injured) to the Taliban.
 10. From 1 January to 30 June 2020, UNAMA attributed 299 civilian casualties (95 killed and 204 injured) to ISIL-KP.
 11. From 1 January to 30 June 2020, UNAMA attributed 217 civilian casualties (77 killed and 140 injured) to undetermined Anti-Government Elements.
 12. From 1 January to 30 June 2019, UNAMA attributed 1,505 civilian casualties (435 killed and 1,070 injured) to the Taliban.
 13. From 1 January to 30 June 2019, UNAMA attributed 448 civilian casualties (91 killed and 357 injured) to ISIL-KP.
 14. Please see UNAMA First Quarter 2020 Protection of Civilians report, in which UNAMA reported a ISIL-KP attack on 6 March at a commemoration for a Hazara leader in Kabul, which killed 34 civilians and injured 78 more, and a subsequent ISIL-KP attack on 25 March on worshippers at a Sikh-Hindu temple in Kabul, which killed 25 civilians and injured 12.

15. UNAMA documented 106 civilian casualties (24 killed and 82 injured) resulting from the suicide attack at a funeral on 12 May in Kuz Kunar district, Nangarhar province.
16. In the first half of 2020, UNAMA documented 152 civilians casualties (28 killed and 124 injured) from suicide IEDs, including 106 civilian casualties from the 12 May suicide attack by ISIL-KP at a funeral ceremony in Nangarhar province and 33 civilians injured from the 14 May Taliban suicide attack in Paktya province, Gardez city targeting an Afghan National Army compound.
17. During the first half of 2020, UNAMA verified 313 civilian casualties (155 killed and 158 injured) from pressure-plate IEDs emplaced by the Taliban.
18. In 1998, one year after the adoption of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (“Mine Ban Treaty”), Mullah Mohammad Omar issued a statement strongly condemning the use of landmines, recognizing their destructive power against civilians, calling for a total ban on their use and indicating that anyone using them in ‘personal, political or any other differences’ would be punished in accordance with Islamic law. The statement expressed strong support for the Mine Ban Treaty. Yet, the Taliban have continued to use pressure-plate IEDs that function as improvised anti-personnel mines.
19. From deliberate targeting of civilians, UNAMA attributed 439 civilian casualties (211 killed and 228 injured) to the Taliban, 187 civilian casualties (69 killed and 118 injured) to ISIL-KP, 143 civilian casualties (61 killed and 82 injured) to undetermined Anti-Government Elements and one killed civilian to Tehrik-i-Taliban. In addition, UNAMA attributed to Afghan national security forces and pro-Government armed groups 81 civilian casualties (36 killed and 45 injured) from incidents of deliberate targeting of civilians.
20. See https://twitter.com/Zabehulah_M33/status/1276975692056612864 and https://twitter.com/Zabehulah_M33/status/1277107300147376129 (last accessed on 16 July 2020).
21. See <https://news.un.org/en/story/2015/10/513732-un-condemns-attack-human-rights-workers-afghanistan-killed-two-injured-six> (last accessed on 16 July 2020). In another incident, on 5 August 2007, Taliban members killed Amir Mohammad Ansari Baluch, the provincial director of AIHRC in Ghor province as he was travelling from Herat to Kabul. This incident predated UNAMA’s systematic documentation of civilian casualties and establishment of the UNAMA Protection of Civilians database.

22. According to common Article 3(d) of the Geneva Conventions and article 8(2)(c)(iv) of the 1998 ICC Statute, “the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable,” constitutes a war crime in non-international armed conflicts.
23. The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted in his report to the General Assembly that noted that public executions increase the mental trauma of persons sentenced to death and often expose them to “undignified and shameful displays of contempt and hatred.” (A/67/279, paras. 40 and 50).
24. See for example, the statement of UN Special Rapporteurs on the situation of human rights in Iran and on extrajudicial executions: “Executions staged in public have a dehumanising effect on both the victim and those who witness the execution, reinforcing the already cruel, inhuman and degrading nature of the death penalty,” available online at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=15937&LangID=E> (8 May 2015).
25. See A/72/562 at para. 13.
26. During the first half of 2020, UNAMA attributed 390 child casualties (146 killed and 244 injured) to Pro-Government Forces and 389 child casualties (118 killed and 271 injured) to Anti-Government Elements.
27. From 1 January to 30 June 2020, UNAMA attributed 789 civilian casualties (281 killed and 508 injured) to Afghan national security forces.
28. From 1 January to 30 June 2020, UNAMA attributed 109 civilian casualties (81 killed and 28 injured) to international military forces.
29. From 1 January to 30 June 2020, UNAMA attributed 54 civilian casualties (23 killed and 31 injured) to pro-Government armed groups.
30. From 1 January to 30 June 2020, UNAMA attributed 30 civilian casualties (7 killed and 23 injured) to undetermined or multiple Pro-Government Forces.
31. It should be noted, however, that UNAMA attributed a 19 May explosive remnant of war incident to international military forces. Two civilians were injured in Faryab province when the explosive remnant detonated when they were handling it as scrap metal. According to sources, two weeks prior to the incident, international military forces had brought munitions, including ones seized from the Taliban, to a nearby area for controlled demolition.
32. From 1 January to 30 June 2019, UNAMA attributed 724 civilian casualties (286 killed and 438 injured) to Afghan national security forces.
33. UNAMA attributed three quarters of Pro-Government Forces civilian casualties from

- ground engagements to the Afghan National Army, totaling 411 civilian casualties (112 killed and 287 injured).
34. UNAMA attributed 436 civilian casualties (112 killed and 324 injured) to the use of indirect fire from Pro-Government Forces.
 35. See also the Helmand province, Sangin district incident which is highlighted in a yellow text box.
 36. See <https://en.emergency.it/press-releases/afghanistan-rockets-hit-sangin-market-at-least-23-dead/>.
 37. <https://president.gov.af/da/?p=25397> last accessed on 16 July 2020).
 38. <https://twitter.com/andsfbest/status/1277995074304032769> last accessed on 16 July 2020).
 39. ICRC Customary International Humanitarian Law Study, Rule 15; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, Article 13.
 40. ICRC Customary International Humanitarian Law Study, Rule 17.
 41. During the first half of 2020, UNAMA documented 189 civilian casualties (86 killed and 103 injured) from airstrikes by the Afghan Air Force as compared to 62 civilian casualties (31 killed and 31 injured) during the first half of 2019.
 42. ICRC Customary International Humanitarian Law Study, Rule 97.
 43. See UNAMA First Quarter Protection of Civilians Report 2020 (April 2020) and UNAMA Special Report on Attacks on Healthcare During the COVID-19 Pandemic (June 2020), available at: <https://unama.unmissions.org/protection-of-civilians-reports> last accessed on 16 July 2020).
 44. Ibid.
 45. Recruitment and use of children by parties to the conflict constitutes one of the six grave violations against children in armed conflict, which is a trigger for listing in the annexes of the Secretary-General's annual reports on children and armed conflict.
 46. See generally ICCPR; ICESCR Art. 11.
 47. See United Nations High Commissioner for Human Rights, Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip - Report of the High Commissioner for Human Rights on the implementation of Human Rights Council resolution 7/1, A/HRC/8/17, 6 June 2008, para. 9; See OHCHR, The international legal protection of human rights in armed conflict, 2011, p. 24.

48. See Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Mali, A/HRC/22/33, 7 January 2012, paras 18-46. United Nations Secretary-General, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011, para. 188. See also Report of the International Commission of Inquiry to investigate all Alleged Violations of International Human Rights Law in the Libyan Arab Jamahiriya A/ HRC/17/44, 1 June 2011; the Report of the International Commission of Inquiry on the Situation of Human Rights in the Syrian Arab Republic, A/HRC/19/69, para. 106; United Nations Mission in the Republic of South Sudan (UNMISS), Conflict in South Sudan: A Human Rights Report, 8 May 2014, para. 18.
49. See, for example, the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc. A/RES/60/147, 21 March 2006, Principle 15 (where “a person, a legal person, or other entity is found liable for reparation for a victim, such party should provide reparation to the victim or compensate the state if the state has already provided reparation to the victim” (emphasis added)); International Commission of Inquiry on Darfur, “Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, Pursuant to Security Council Resolution 1564 of 18 September 2004”, Geneva, 25 January 2005, paras. 590-600 available at: http://www.un.org/news/dh/sudan/com_inq_darfur.pdf (The Commission acknowledged that an obligation to pay compensation for crimes perpetrated in Darfur fell to the Government of Sudan and a “similar obligation is incumbent upon rebels for all crimes they may have committed.”).
50. See e.g., International Covenant on Civil and Political Rights, article 2, International Convention for the Protection of All Persons from Enforced Disappearance, article 24. See also E/CN.4/2005/102/Add.1, Principles 2-5.
51. See e.g., International Covenant on Civil and Political Rights, article 2, Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment, articles 4, 5, 7 and 12, International Convention for the Protection of All Persons from Enforced Disappearance, articles 3, 6, 7 and 11. See also E/CN.4/2005/102/Add.1, Principle 19.
52. See e.g., Universal Declaration of Human Rights, article 8, International Covenant on Civil and Political Rights, article 2, International Convention on the Elimination of All Forms of Racial Discrimination, article 6, Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment, article 6, International Convention for the Protection of

All Persons from Enforced Disappearance, article 24, the Convention on the Rights of the Child, article 39. See also A/RES/60/147.

53. See e.g., International Covenant on Civil and Political Rights, article 2, Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment, article 2, International Convention for the Protection of All Persons from Enforced Disappearance, article 23. See also *LaGrand Case (Germany v. United States)*, Judgment of 27 June 2001, I.C.J. Reports 2001. See E/CN.4/2005/102/Add.1, Principle 35.