

# AFGHANISTAN

MIDYEAR REPORT 2016

PROTECTION OF CIVILIANS IN ARMED CONFLICT



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United Nations Assistance Mission in Afghanistan

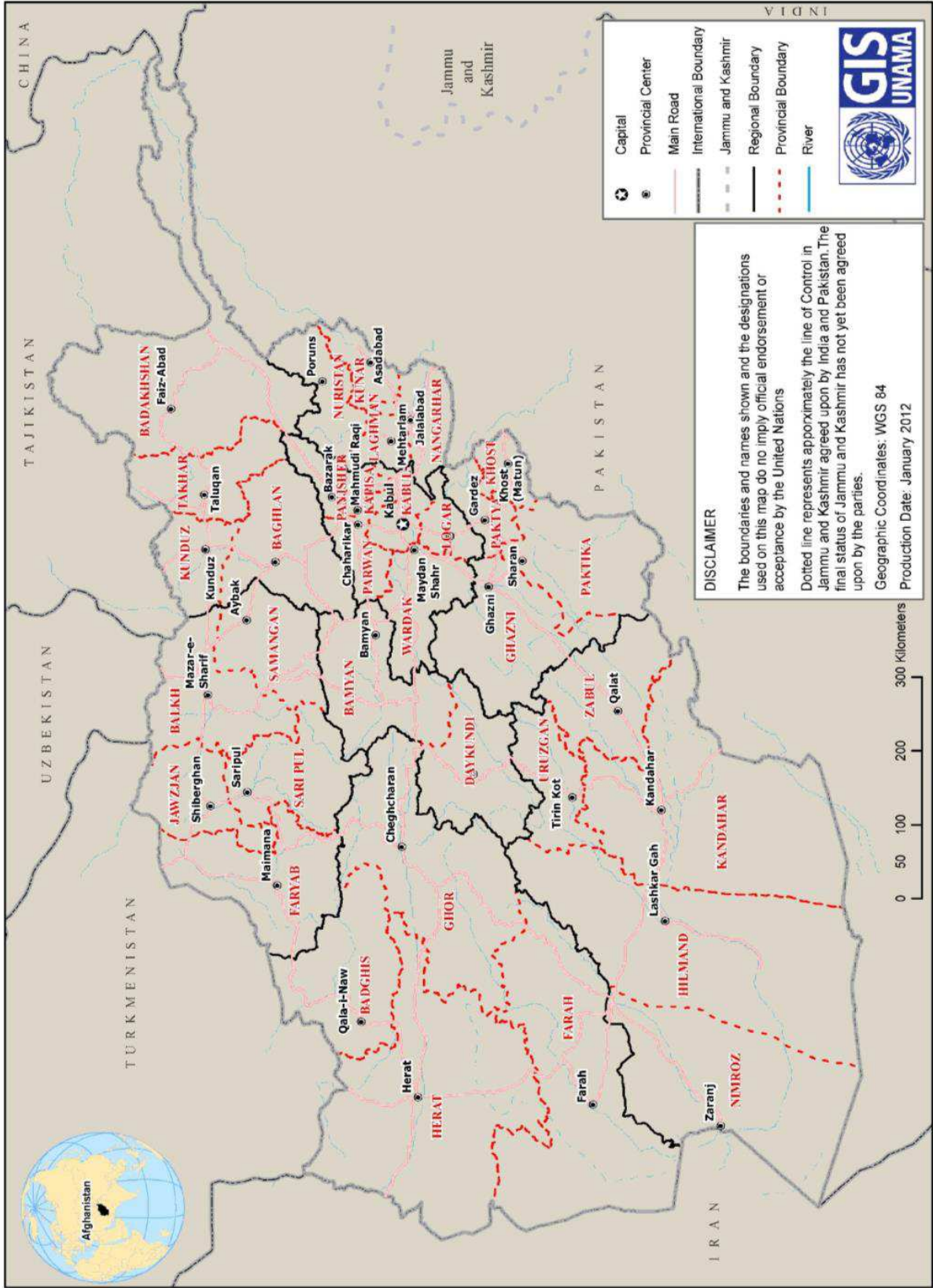


United Nations Office of the High Commissioner for  
Human Rights

Kabul, Afghanistan

July 2016

# AFGHANISTAN ADMINISTRATIVE DIVISION



Source: UNAMA GIS January 2012

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**MIDYEAR REPORT 2016**  
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Photo on Front Cover © 2016/Aljazeera. Girls hold a photograph of their deceased father, killed in the Taliban suicide vehicle-borne improvised explosive device attack on a Moby Media Group shuttle bus on 20 January 2016.

**“This report once again lays bare the suffering inflicted on civilians by parties to the conflict in Afghanistan and shows how the conflict deprives them of basic human rights protection, displacing Afghans within their own country and forcing many to seek refuge abroad. As recent events have shown, this sets in motion a cascade of potential human rights abuses and violations that stretch from Afghanistan to the Mediterranean and beyond. The violations documented by UNAMA and my staff must be used by the authorities to hold perpetrators to account if we are to see improvements in human rights protection for Afghans at home and to change the calculus that compels Afghan men, women and children to take enormous risks to flee their country.”**

Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, Geneva, July 2016.

**"Every single casualty documented in this report, every woman, girl, or boy denied access to education or adequate healthcare and every man or woman deprived of their livelihood, represents a failure of commitment and should be a call to action for parties to the conflict to take meaningful, concrete steps to reduce civilian suffering and increase protection. Platitudes not backed by meaningful action ring hollow over time. History and the long memory of the Afghan people will judge leaders of all parties to this conflict not by their well-meaning words, but by their conduct."**

Tadamichi Yamamoto, United Nations Special Representative of the Secretary-General in Afghanistan, Kabul, July 2016.

## **Mandate**

The Midyear report on the Protection of Civilians in Armed Conflict in Afghanistan for 2016 was prepared by the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) and covers the period from 1 January to 30 June 2016.

The UNAMA Human Rights Unit prepared this report pursuant to the UNAMA mandate under United Nations Security Council resolution 2274 (2016) “to monitor the situation of civilians, to coordinate efforts to ensure their protection, to promote accountability, and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights.”

Security Council resolution 2274 (2016) recognizes the importance of on-going monitoring and reporting to the Security Council on the situation of civilians in the armed conflict, particularly on civilian casualties.

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

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

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## Methodology

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

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

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

Where UNAMA is not satisfied with information concerning an incident, it will not be considered verified nor will unverified incidents be reported. In some instances, investigations may take several weeks before conclusions can be drawn. This may mean that conclusions on civilian casualties from an incident may be revised as more information becomes available and is incorporated into the analysis. Where information is unclear, conclusions will not be drawn until more satisfactory evidence is obtained, or the case will be closed without conclusion and will not be included in the statistical reporting.

In some incidents, the civilian status of the reported victims cannot be conclusively established or is disputed. In all cases, UNAMA's assessment is guided by the applicable norms of international humanitarian law and does not presume fighting-age males are either civilians or fighters. Rather, such claims are assessed and documented based upon the facts available on the incident in question and where insufficient information is available such casualties will not be included in the statistical reporting.

UNAMA established an electronic database in 2009 to support its analysis and reporting on protection of civilians in armed conflict. The UNAMA Protection of Civilians database

is designed to facilitate the systematic, uniform and effective collection and analysis of information, including disaggregation by age, gender, perpetrator, tactic, weapon and other categories.

As multiple parties are engaged in the conflict, UNAMA makes every effort to identify as precisely as possible the party responsible for a particular civilian casualty, for example, Taliban or Afghan National Army. Due to limitations associated with the operating environment, such as the joint nature of some military operations, and the inability of primary sources in many incidents to identify clearly or distinguish between diverse military actors or insurgents, or where no party claims responsibility for an incident, it might not be possible to ascertain which specific military actor, security force or Anti-Government Elements group was responsible for a particular civilian casualty. UNAMA attributes responsibility for each civilian casualty incident to either Pro-Government Forces or Anti-Government Elements, jointly to both groups, or as perpetrator-undetermined in the case of explosive remnants of war that cannot be conclusively attributed to one party and may be remnants from previous conflicts.

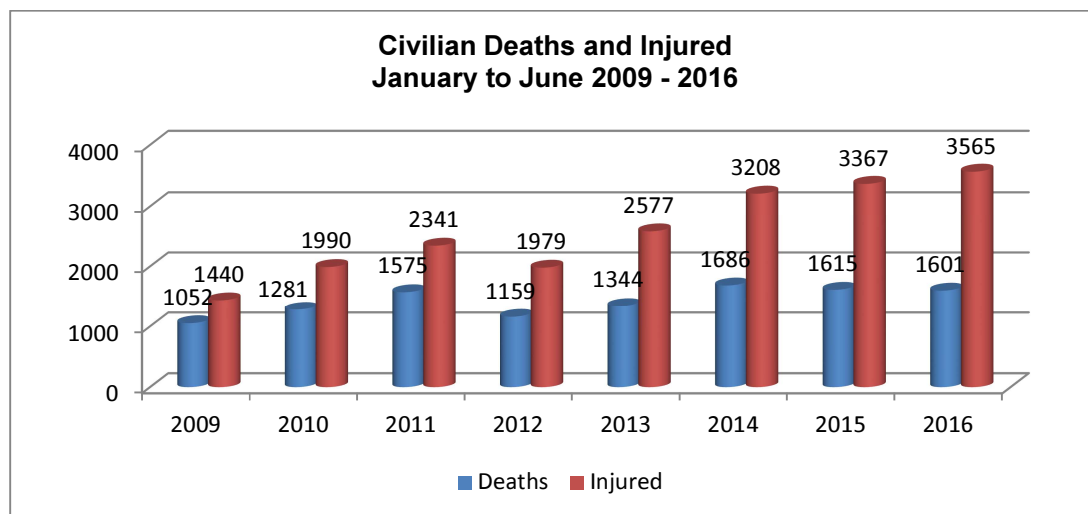
In cases of ground engagements between Pro-Government Forces and Anti-Government Elements in which a civilian casualty cannot be attributed to one party, UNAMA attributes responsibility to both groups and records them in a separate category, entitled Pro-Government Forces and Anti-Government Elements.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

## Executive Summary

*“It was in the evening time and my wife, children, and mother were at home. Taliban attacked an Afghan National Army checkpoint and they both started firing mortars and rockets at each other. A mortar round exploded in my house, killing my eight year-old daughter and injuring my seven year-old son and my wife. We were hysterical, running from one side of the house to another thinking that another mortar round would hit the house. Since that moment, I have no life any more. My mother, brothers, sisters and relatives buried my daughter and took the injured to hospital for treatment. I am in sorrow for the death of my daughter and the injury of my beloved son and wife. Now I cannot afford their treatment or to feed my mother and the rest of my family.”<sup>1</sup>*

-- Father and husband of victims killed and injured from a mortar that killed one girl and injured one woman and one boy during fighting between Taliban and Afghan National Army on 4 May in Bidak village, Ghorak district, Kandahar province.

In the first six months of 2016, the armed conflict in Afghanistan continued to cause civilian casualties at similar rates to 2015, which saw the highest total number of civilian casualties recorded by UNAMA since 2009. Between 1 January and 30 June, UNAMA documented 5,166 civilian casualties (1,601 deaths and 3,565 injured), marking a one per cent decrease in civilian deaths and a six per cent increase in civilians injured,<sup>2</sup> an overall increase of four per cent in total civilian casualties compared to the same period last year. Since UNAMA began systematically documenting civilian casualties on 1 January 2009 up to 30 June 2016, UNAMA recorded 63,934 civilian casualties (22,941 deaths and 40,993 injured).



<sup>1</sup> UNAMA telephone interview with the father and husband of victims, Kandahar city, 5 May 2016.

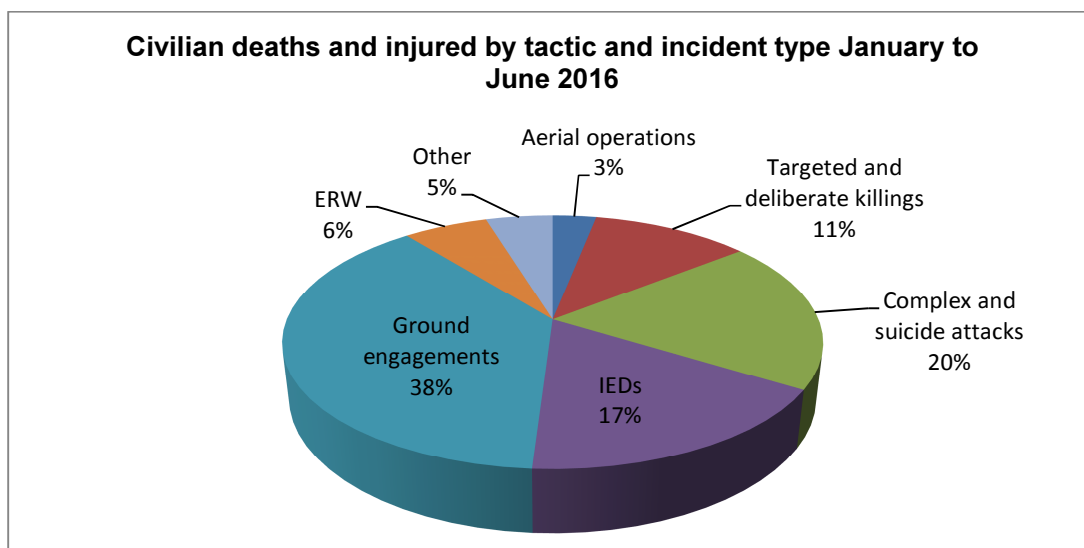
<sup>2</sup> Between 1 January and 30 June 2015, UNAMA documented 4,982 civilian casualties (1,615 deaths and 3,367 injured).

This report documents the immediate harm – death, injury, abduction, displacement – to the civilian population of Afghanistan from conflict related violence in the first six months of 2016. The full extent of the harm and limitations imposed on the Afghan people to realize all their interrelated human rights due to the conflict are beyond the scope of this report. The current, grinding conflict tragically continued to kill and maim thousands of civilians, destroy livelihoods and property, displace tens of thousands, and restrict freedom of movement of civilians and access to education, health and other services.

In the first six months of 2016, UNAMA documented 507 women casualties (130 deaths and 377 injured). Women casualties decreased by 11 per cent compared to the same period in 2015<sup>3</sup> - corresponding to the decrease in overall civilian casualties from improvised explosive devices - although women casualties from ground engagements increased compared to the first half of 2015.

The conflict increasingly affected children in the first six months of 2016. Nearly one in three casualties was a child. UNAMA documented 1,509 child casualties (388 deaths and 1,121 injured) an increase of 18 per cent compared to the same period in 2015.<sup>4</sup>

Ground engagements between parties to the conflict continued to cause the highest number of civilian casualties (deaths and injured), followed by suicide and complex attacks and improvised explosive devices (IEDs).



Increased civilian casualties from complex and suicide attacks by Anti-Government Elements coupled with steadily rising civilian casualties from ground engagements and aerial operations by Pro-Government Forces largely drove the increase in civilian

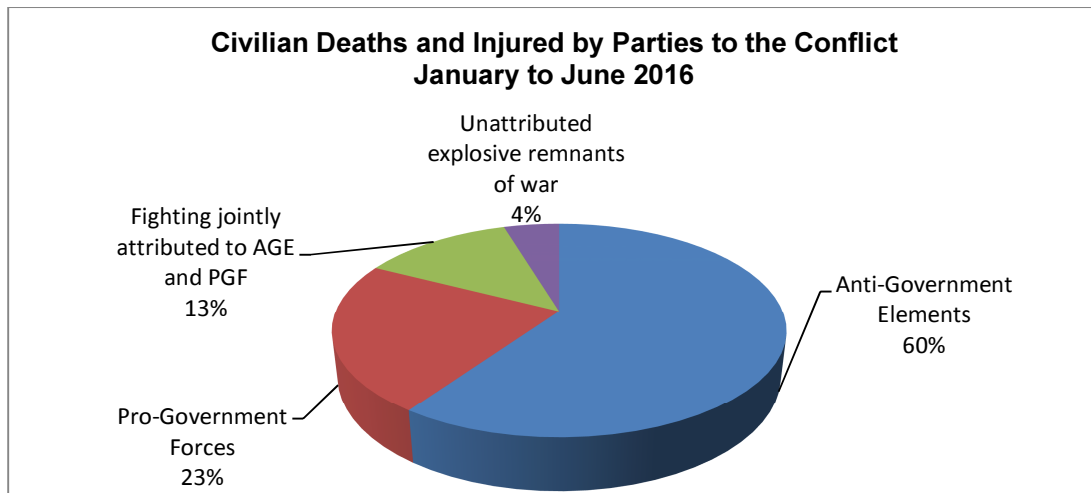
<sup>3</sup> Between 1 January and 30 June 2015, UNAMA documented 567 women casualties (167 deaths and 400 injured).

<sup>4</sup> Between 1 January and 30 June 2015, UNAMA documented 1,283 child casualties (323 deaths and 960 injured).

casualties, despite decreases from IEDs and targeted killings by Anti-Government Elements.

### Attribution of Responsibility for Civilian Casualties

UNAMA attributed 60 per cent of all civilian casualties to Anti-Government Elements<sup>5</sup> and 23 per cent to Pro-Government Forces<sup>6</sup> (20 per cent to Afghan national security forces, two per cent to pro-Government armed groups, and one per cent to international military forces). Thirteen per cent of all civilian casualties resulted from ground engagements between Anti-Government Elements and Afghan national security forces jointly attributed to both parties while four per cent<sup>7</sup> of civilian casualties resulted from unattributed explosive remnants of war.<sup>8</sup>



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

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

<sup>7</sup> UNAMA attributed less than half of one per cent to cross-border shelling from Pakistan into Afghanistan.

<sup>8</sup> Unattributed explosive remnants of war where the responsible party could not be determined or the explosive remnant of war resulted from a previous conflict.

### *Anti-Government Elements*

Between 1 January and 30 June, UNAMA documented 3,475 civilian casualties (1,228 deaths and 2,116 injured) from operations carried out by all Anti-Government Elements, an 11 per cent decrease from the same period in 2015.<sup>9</sup> The decrease resulted primarily from the 21 per cent decrease in civilian casualties attributed to Anti-Government Elements from IEDs and the 29 per cent decrease in civilian casualties from targeted killings.<sup>10</sup> The reduction in civilian casualties from IEDs results from a combination of factors, including increased counter-IED efforts by Afghan national security forces and potential improvements in targeting practices by Anti-Government Elements. However, UNAMA documented a six per cent increase in civilian casualties attributed to Anti-Government Elements from complex<sup>11</sup> and suicide attacks, including attacks deliberately targeting civilians.

UNAMA documented a two per cent increase in civilian casualties from ground engagements solely attributed to Anti-Government Elements, reversing the trend documented by UNAMA in 2015. The increase in Anti-Government Elements-attributed civilian casualties from ground engagements should be read in conjunction with the rising numbers of unattributed civilian casualties from ground engagements for which both Anti-Government Elements and Pro-Government Forces bear responsibility.

### *Pro-Government Forces*

Consistent with trends documented in the UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, Pro-Government Forces continued to cause increasing civilian casualties in the first half of 2016, with UNAMA documenting 1,180 civilian casualties (383 deaths and 797 injured) caused by Pro-Government Forces, a 47 per cent increase compared to the same period in 2015.<sup>12</sup> The majority of civilian casualties caused by Pro-Government Forces continued to result from the use of indirect and explosive weapons such as artillery, mortars, rockets, and grenades during ground engagements; UNAMA also documented increasing civilian casualties from Afghan security forces' aerial operations. UNAMA notes that while this increase is likely linked to continuing growth in security operations conducted by Afghan security forces throughout Afghanistan, strengthened tactical directives, training, and targeting practices in the use of indirect and explosive weapons could offset the continuing growth in civilian casualties.

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<sup>9</sup> Between 1 January and 30 June 2015, UNAMA attributed 3,475 civilian casualties (1,228 deaths and 2,247 injured) to all Anti-Government Elements groups.

<sup>10</sup> UNAMA documented 525 civilian casualties (236 deaths and 289 injured) from targeted killings perpetrated by Anti-Government Elements in the first half of 2016 compared to 742 civilian casualties (442 deaths and 300 injured) in the same period in 2015.

<sup>11</sup> UNAMA defines complex attack as a deliberate and coordinated attack which includes a suicide device (i.e., body-borne IEDs or suicide vehicle-borne IEDs), more than one attacker and more than one type of device (i.e., body-borne-IEDs and mortars). All three elements must be present for an attack to be considered complex.

<sup>12</sup> Between 1 January and 30 June 2015, UNAMA documented 804 civilian casualties (239 deaths and 565 injured) caused by Pro-Government Forces.

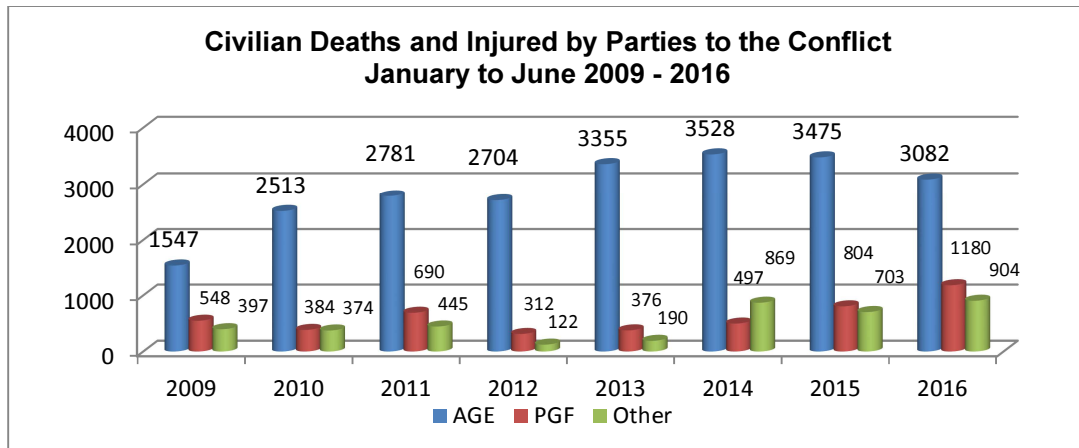
UNAMA notes with particular concern the 110 per cent rise in civilian casualties from aerial operations (161 civilian casualties – 57 deaths and 104 injured), primarily due to an increase in aerial operations carried out by Afghan security forces. Afghan security forces’ aerial operations caused 111 civilian casualties (19 deaths and 92 injured) surpassing casualties from international military forces aerial operations (50 civilian casualties (38 deaths and 12 injured) the first time since UNAMA began systematic monitoring of civilian casualties in 2009.

*Civilian Casualties not Attributed to a Specific Party*

Of the 5,166 civilian casualties documented by UNAMA – 13 per cent – 184 deaths and 477 injured (661 civilian casualties) – could not be attributed to one specific party. Of these thirteen per cent of all civilian casualties resulted from ground engagements between Afghan security forces and Anti-Government Elements jointly attributed to both parties. The remaining four per cent of civilian casualties - 65 deaths and 168 injured (233 civilian casualties) resulted mainly from unattributed explosive remnants of war.

**Ground Engagements**

Consistent with UNAMA’s findings in 2014 and 2015, ground engagements continued to cause the highest number of civilian casualties in the first half of 2016, causing 1,972 casualties (549 deaths and 1,423 injured), an increase of 23 per cent compared to the same period in 2015.<sup>13</sup> Civilian casualties from ground engagements solely attributed to Pro-Government Forces caused 41 per cent (813 casualties – 232 deaths and 581 injured), while Anti-Government Elements caused 27 per cent (530 casualties – 145 deaths and 385 injured). UNAMA attributed casualties jointly to both parties in 31 per cent (619 casualties – 169 deaths and 450 injured). The remaining one per cent (10 casualties – three deaths and seven injured) resulted from cross-border engagements from Pakistan into Afghanistan.



<sup>13</sup> Between 1 January and 30 June 2015, UNAMA documented 1,602 civilian casualties (387 deaths and 1,215 injured) from ground engagements.



## Observations

In the first six months of 2016, against a backdrop of continued insecurity and a fractious political environment, civilians continued to suffer unprecedented harm in the on-going armed conflict. Fighting between rival Anti-Government Elements groups as well as rival pro-Government armed groups<sup>14</sup> created additional, complex challenges for civilians in affected areas.

Taliban continued using indiscriminate tactics, including carrying out devastating complex and suicide attacks in civilian areas. They also continued attempts to control territory and engage in various efforts to fill the perceived governance gap in terms of law and order, education and development.

At least in part due to the temporary fall of Kunduz in September 2015 and continuing security challenges, the United States increased its tactical support to Afghan security forces against Anti-Government Elements, including Taliban and groups pledging allegiance to ISIL/Daesh.<sup>15</sup> While various efforts to advance towards a peace process generated expectations, current political and security conditions point toward continued fighting in the short-term while the contours of a durable peace process coalesce into a true cessation of hostilities.

The dynamics set out above created an incredibly challenging environment for human rights and in many areas contributed to an erosion of human rights protection for civilians.

Ground engagements between parties to the conflict continued to cause the highest number of civilian casualties with fighting in and around population centres in Uruzgan, Helmand, Baghlan, and Kunduz provinces causing extreme harm to civilian communities, including killing, maiming, displacement, property destruction and impeded access to services. UNAMA documented increasing numbers of civilian casualties from unexploded ordinance, directly correlating to locations affected by ground engagements. To date, neither Afghan security forces nor Anti-Government Elements indicated any policy or directives requiring their forces to mark, clear, or remove unexploded ordinance.

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<sup>14</sup> The term “pro-Government armed group” refers to an organized armed non-State actor engaged in conflict and distinct from Government Forces, rebels and criminal groups. Pro-Government armed groups do not include the Afghan Local Police, which fall under the command and control of the Ministry of Interior. These armed groups have no legal basis under the laws of Afghanistan. Armed groups have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. In some cases, armed groups receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to, the following groups: national uprising movements, local militias (ethnically, clan or otherwise based), and civil defence forces and paramilitary groups (when such groups are clearly not under State control).

<sup>15</sup> In Afghanistan, groups affiliated with the ISIL are referred to by the Arabic acronym “Daesh”, although in some parts of the country the term is used to refer to any foreign fighter, regardless of their allegiance. The word ‘Daesh’ is an acronym from “Islamic State of Iraq and the Levant” (*al-Dawla al-Islamiya al-Iraq al-Sham*).



Despite the decrease in civilian casualties attributed to Anti-Government Elements in the first half of 2016, such groups, including Taliban, continued to intentionally target civilians with suicide and complex attacks that caused immense civilian harm, especially when employed in urban areas, including mosques. Suicide and complex attacks rose to become the second leading cause of civilian casualties so far in 2016. The civilian population of Kabul city suffered in particular – 62 per cent of casualties from suicide and complex attacks took place in the capital, including the Taliban-claimed complex attack on 19 April targeting the VIP Protection Directorate of the Office of the President that resulted in 393 civilian casualties alone. Although reductions in the use of IEDs,<sup>16</sup> in particular pressure-plate IEDs, contributed to a decrease in civilian casualties caused by Anti-Government Elements, this reduction must be credited in part to the result of continuing efforts of Afghan security forces to locate and make safe IEDs.

While UNAMA notes the initial steps taken by Taliban to take responsibility for causing civilian casualties by publicly acknowledging such harm, they must adopt a definition of 'civilian' that is consistent with international law and prohibit the deliberate targeting of civilians in line with their obligations under international humanitarian law. Such a policy shift, if enforced at the tactical level would immediately and drastically reduce the number of civilians killed and maimed as a result of the conflict.

UNAMA notes with concern the continuing impact of the conflict on women and girls in Afghanistan, who were not only killed or injured in high numbers, but suffered restricted access to education and healthcare and freedom of movement. Disturbingly, Anti-Government Elements increasingly enforced 'moral' standards through violence. UNAMA observed an increase in parallel justice punishments of women for so-called 'moral crimes' by Anti-Government Elements in the first half of the year. Women continue to face additional difficulties when they are displaced by conflict or have to become primary breadwinners in their families.

While Anti-Government Elements continue to cause the majority of civilian casualties, UNAMA notes particular concern with the significant increase in civilian casualties attributed to Pro-Government Forces, primarily due to the use of explosive weapons by Afghan security forces during ground engagements. Another concern, already highlighted by UNAMA in its 2015 Midyear and Annual Reports on the Protection of Civilians in Armed Conflict, is the increasing use of offensive aerial operations by the Afghan Air Force, which for the first time since UNAMA began systematic documentation caused more harm than aerial operations by international military forces. UNAMA also remains concerned by the Government's continued reliance on pro-Government armed groups reportedly linked to prominent power brokers to maintain security and conduct operations, particularly in Faryab, Jawzjan, and Khost provinces. Such groups continue

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<sup>16</sup> See, United States Department of Defense, 'Report on Enhancing Security and Stability in Afghanistan', page 30, June 2016, available at: [http://www.defense.gov/Portals/1/Documents/Enhancing\\_Security\\_and\\_Stability\\_in\\_Afghanistan-June\\_2016.pdf](http://www.defense.gov/Portals/1/Documents/Enhancing_Security_and_Stability_in_Afghanistan-June_2016.pdf), last accessed 19 June 2016.

to enjoy general impunity for any abuses committed, reportedly due to their affiliation with power brokers.

In the midst of these challenges, UNAMA observed some progress by parties to the conflict to reduce civilian harm including efforts at developing policies on the protection of civilians in armed conflict and changes in certain aspects of targeting practices. UNAMA continued to engage with the Government of Afghanistan to develop a national policy on civilian casualty mitigation (reportedly finalized after the period covered by this report), establish a dedicated entity to investigate all incidents of conflict-related harm to civilians, and support high-level Government engagement on civilian protection – the first steps in developing systems aimed at effectively reducing civilian casualties.

Anti-Government Elements, for their part, reduced the number of civilians killed in targeted killings and emplaced fewer IEDs than in the same period in 2015. As a matter of policy, Taliban and other Anti-Government Elements continued to deliberately target civilians protected under international humanitarian law.

While acknowledging these developments, record high civilian casualties persist, underscoring the urgent need for the parties to the conflict to build upon these initial steps to put into place concrete, effective measures to protect civilians in the on-going armed conflict in compliance with their obligations under international humanitarian law.

UNAMA reiterates that international humanitarian law requires all parties to the conflict to take meaningful measures to protect the civilian population from conflict-related harm, including measures to ensure accountability for violations of international humanitarian law and international human rights law, and compensation and support for affected civilians.

UNAMA reinforces its call for all parties to the conflict to ensure accountability for those armed forces and individuals deliberately, indiscriminately or recklessly killing and injuring civilians.

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

## **Recommendations**

### **Anti-Government Elements**

In compliance with obligations under international humanitarian law:

- Cease the deliberate targeting of civilians and civilian locations, in particular, aid workers, civilian Government officials, journalists, human rights defenders, judges and prosecutors and places of worship and culture; apply a definition of 'civilian(s)' that is consistent with international humanitarian law.

- Cease the use of IEDs, particularly in indiscriminate and disproportionate complex and suicide attacks, in all areas frequented by civilians, and stop using illegal pressure-plate IEDs.
- Cease firing mortars, rockets and grenades from and into civilian-populated areas.
- Enforce statements by Taliban leadership that prohibit attacks against civilians and in civilian-populated areas; implement directives ordering Taliban members to prevent and avoid civilian casualties, make public Taliban civilian protection policies, and hold accountable those members who target, kill or injure civilians, and ensure that all directives and orders are compliant with international humanitarian law.
- Uphold statements by Taliban leadership regarding the human rights of women and girls in areas under Taliban influence; cease attacks and threats against girls' education, teachers and the education sector in general.
- Ensure that Anti-Government Elements do not use schools, hospitals, clinics and other protected sites for military purposes, and cease all attacks and threats against healthcare workers, including polio vaccinators and polio vaccination campaigns, and refrain from any acts that impede individuals rights' of access to the highest attainable standards of education and healthcare.

### **Government of Afghanistan**

- Cease the use of mortars, rockets, grenades, other indirect weapons, and aerial attacks in civilian-populated areas. Develop and implement clear tactical directives, rules of engagement and other procedures in relation to the use of explosive weapons and armed aircraft.
- Implement the national policy on civilian casualty mitigation and finalize the action plan which should include concrete objectives and measures to prevent civilian casualties in the conduct of hostilities, and ensure the establishment of a dedicated entity within the Government to investigate all incidents of conflict-related harm to civilians.
- Immediately disband and disarm all illegal armed groups, militias and 'national uprising movements'.
- Investigate all allegations of violations of international humanitarian law and international human rights law and human rights abuses by Afghan security forces and pro-Government armed groups; and prosecute and punish those found responsible, as required under Afghan and international law.
- Ensure that victims of violations have an effective remedy; strengthen procedures

for compensation to families of civilians killed and injured in conflict-related violence; raise public awareness of procedures to obtain compensation and access to basic services; and ensure that women and girls have equal access to claim compensation and basic services.

- Prioritize the further capacity development of Afghan national security forces to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation.<sup>17</sup> Dedicate all necessary resources to ensure the full implementation of the national counter-IED strategy.
- Immediately cease the use of schools, hospitals and other medical facilities for military purposes, and ensure respect for medical facilities as neutral facilities. Ensure that all persons have access to the highest attainable standards of education and healthcare.

#### **International Military Forces**<sup>18</sup>

- Support the Government of Afghanistan to implement a national policy on civilian casualty mitigation in the conduct of hostilities and to develop an appropriate action plan, which should include concrete objectives to prevent civilian casualties in the conduct of hostilities.
- Continue to provide training, resources and related support to Afghan national security forces beyond 2016 at policy and operational levels and expand to the tactical level, noting in particular the need for appropriate protocols, training and civilian casualty mitigation measures in relation to the use of indirect fire weapons and armed aircraft so as to ensure compliance with obligations under international humanitarian law.
- Continue support to Afghan national security forces to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation, in 2016 and beyond.
- Take steps to ensure that an independent, impartial, transparent and effective investigation of the October 2015 airstrike on the MSF hospital in Kunduz is conducted and make the findings public. Individuals reasonably suspected to have engaged in criminal acts, including the Uniform Military Code of Justice, should be

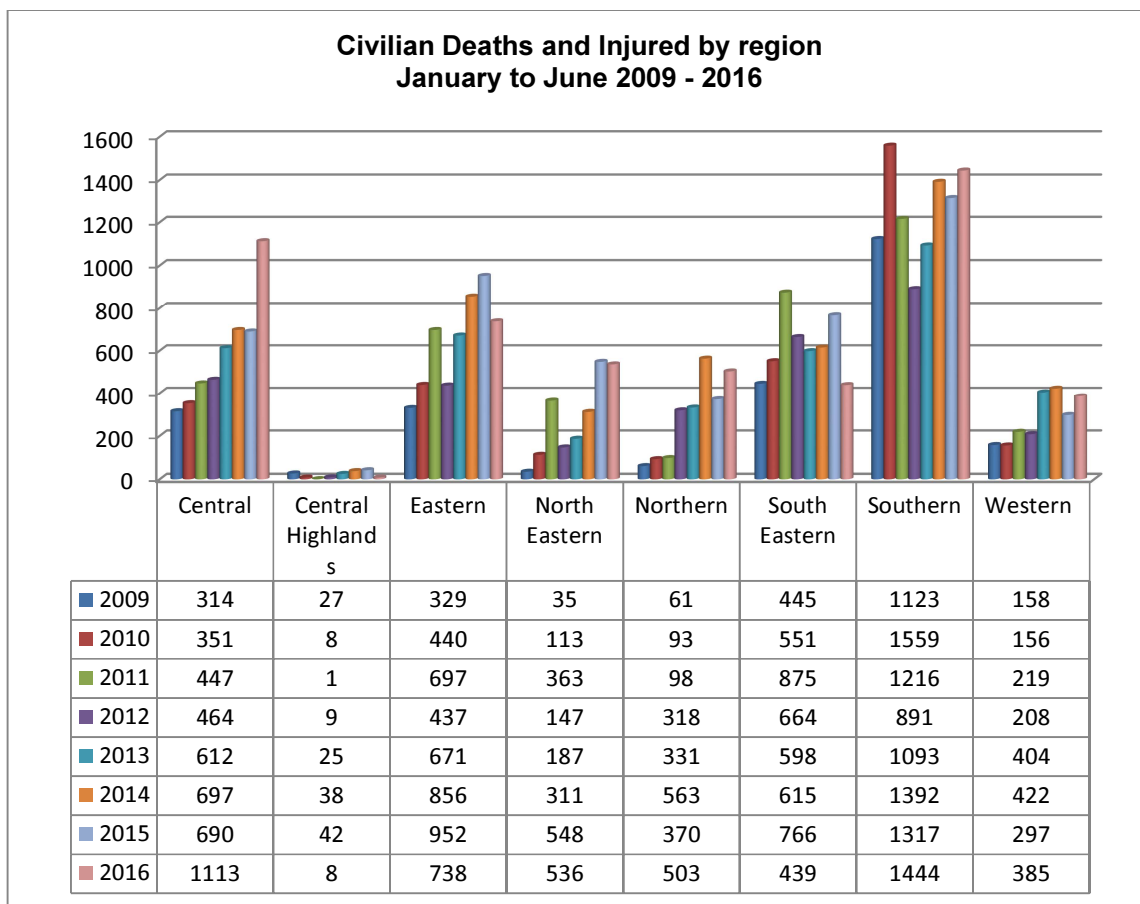
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<sup>17</sup> IED Exploitation is the process of identifying, collecting, processing and disseminating information and material gathered from an IED incident site to gain actionable intelligence, to improve counter-IED procedures and methods, to decrease the resources of insurgents and to support prosecutions. It includes preservation, identification and recovery of IED components for technical, forensic and biometric examination and analysis and is carried out by authorised specialist facilities. IED exploitation is a critical component of effective and sustainable counter-IED measures.

<sup>18</sup> UNAMA notes that the NATO Resolute Support mission provided an update on the implementation of recommendations in a Memorandum of Record dated 18 July 2016. See Annex 4 of this report.

prosecuted.

- Conduct transparent post-operation reviews and investigations following allegations of civilian casualties on operations involving international security or intelligence forces, especially regarding airstrikes and search operations to ensure operational practice in line with obligations under international humanitarian law and international human rights law;
- Ensure independent, impartial, transparent and effective investigations into all credible allegations of violations of international humanitarian law, international human rights law, or criminal conduct by international military forces, with a view to ensuring accountability for perpetrators and compensation for victims and survivors.



## I. Human Rights Protections in Conflict-Affected Areas

### Women and Armed Conflict

*“On that day, Afghan security forces surrounded some houses in our village and put in place movement restrictions. It seemed like they were preparing to fight and the village was quiet – everyone stayed at home. It was late morning and I was in a room inside our home, tailoring clothes. I was by the door when suddenly there was a loud explosion. I lost consciousness and woke up in a clinic with my relatives surrounding me. My female relatives told me that a mortar detonated in our yard and exploded, injuring my thigh, back and shoulder.”<sup>19</sup>*

-- A 20 year-old woman injured by mortar shrapnel during a ground engagement between Anti-Government Elements and Afghan security forces in Shindand district, Herat province, on 18 April.

Conflict-related violence continues to erode the protection of fundamental human rights of women and girls in Afghanistan. Throughout the first six months of 2016, UNAMA continued to document the killing and maiming of women as a result of conflict related violence as well as a continued pattern of Anti-Government Elements deliberately restricting the rights of women, including the rights to education, health and freedom of movement.

#### *Women Casualties from Conflict Related Violence*

Between 1 January and 30 June 2016, UNAMA documented 507 women casualties (130 deaths and 377 injured), an 11 per cent decrease compared to the same period in 2015.<sup>20</sup> This decrease follows two consecutive years of increasing women casualties from the armed conflict and is largely attributed to the decline in overall civilian casualties from IEDs, which dropped to the third leading cause of women casualties after ground engagements and suicide and complex attacks. Women casualties still accounted for 10 per cent of all civilian casualties in the first half of 2016, down from 11 per cent in the same period of 2015. On average, the conflict continued to kill or injure more than 19 women each week in the first half of the year.

Ground engagements continued to cause the clear majority of women casualties – 63 per cent – as fighting between parties to the conflict continued in civilian populated areas. Between 1 January and 30 June 2016, UNAMA documented 319 women casualties (83 deaths and 236 injured) from ground engagements, a 16 per cent increase compared to the first half of 2015.<sup>21</sup>

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<sup>19</sup> UNAMA interview with a victim, Herat city, 2 March 2016.

<sup>20</sup> Between 1 January and 30 June 2015, UNAMA documented 567 women casualties (167 deaths and 400 injured).

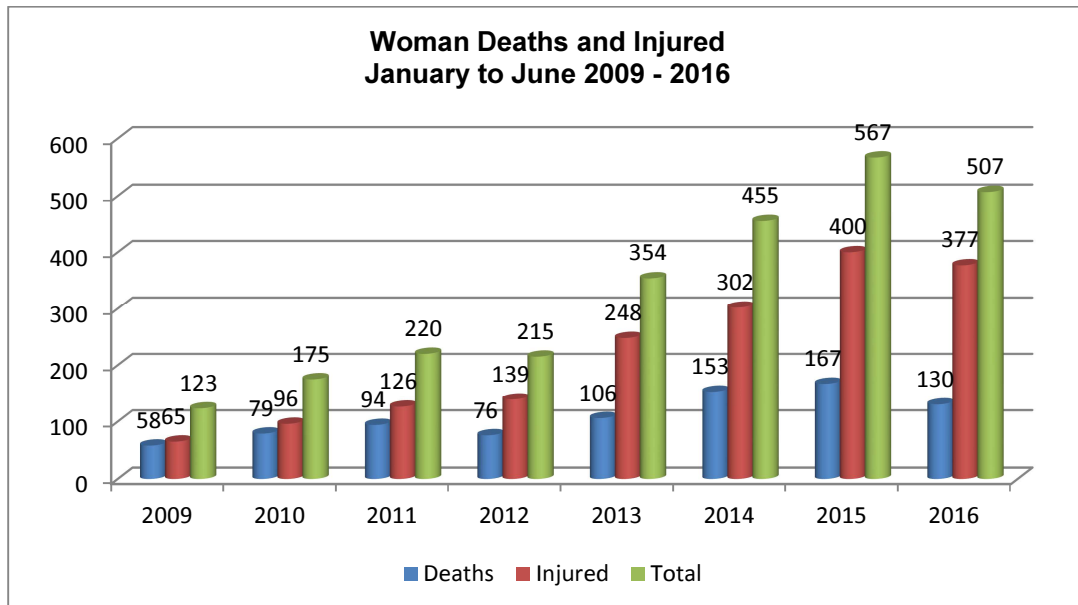
<sup>21</sup> Between 1 January and 30 June 2015, UNAMA documented 276 women casualties (70 deaths and 206 injured) as a result of ground engagements.

Despite a 55 per cent decrease<sup>22</sup> in women casualties from complex and suicide attacks in civilian-populated areas by Anti-Government Elements in the first half of 2016, such attacks remained the second leading cause of women casualties, leading to 46 women casualties (six deaths and 40 injured).

Women casualties from IEDs decreased in the first half of 2016, corresponding to the overall decrease in such casualties in the general population. This tactic caused 45 women casualties (18 deaths and 27 injured), a 57 per cent decrease compared to the same period in 2015.<sup>23</sup>

In the first half of 2016, Anti-Government Elements caused 39 per cent of all women's deaths and injuries while Pro-Government Forces caused 42 per cent. The remaining casualties among women resulted from crossfire incidents between Pro-Government Forces and Anti-Government Elements where UNAMA could not attribute responsibility to one party (17 per cent), with two per cent caused by explosive remnants of war.

Women civilian casualties attributed to Pro-Government Forces increased by 42 per cent in the first half of 2016,<sup>24</sup> primarily due to the continuing use of mortars and other explosive weapons in civilian-populated areas – 143 out of 210 of the women casualties attributed to Pro-Government Forces – 68 per cent of the total, resulted from the use of explosive weapons.



<sup>22</sup> Between 1 January and 30 June 2015, UNAMA documented 103 women casualties (16 deaths and 87 injured) as a result of suicide and complex attacks.

<sup>23</sup> Between 1 January and 30 June 2015 UNAMA documented 105 women casualties (54 deaths and 51 injured) as a result of IEDs

<sup>24</sup> Between 1 January and 30 June 2015 Pro-Government Forces caused 148 women casualties (32 deaths and 116 injured).

*Deliberate Targeting of Women in the Public Sphere*

In the first six months of 2016, Anti-Government Elements continued to target prominent women working in public life, including women police. UNAMA documented three separate attacks on women police in Kandahar and Herat provinces. In all three incidents members of Anti-Government Elements groups on motorcycles shot female police officers: killing a female Afghan National Police officer on her way to work in Kandahar city on 14 March; injuring another female officer returning home from her workplace on 4 May in Kandahar city; and injuring two female officers on their way to work on 24 January in Herat city.

UNAMA also received multiple reports that such attacks, coupled with rising insecurity, restricted women's participation in civil society organizations, in some cases reducing their participation in public functions to symbolic roles for fear of becoming targets for Anti-Government Elements.

*Restrictions on Women and Girls' Enjoyment of Fundamental Human Rights*

In addition to the number of women casualties caused by the armed conflict, Anti-Government Elements continued to restrict women and girls' fundamental human rights in areas under their control or influence. In line with the trend documented in 2015, UNAMA continued to record instances of Anti-Government Elements deliberately limiting the freedom of movement of women and girls, preventing their access to medical care and forbidding girls' education beyond primary levels. The mission also continues to receive reports that the Government's ability to adequately support – or recognize – women-headed households that had lost their primary breadwinners due to the conflict remains limited.<sup>25</sup>

Consistent with trends in 2015,<sup>26</sup> between 1 January and 30 June 2016, UNAMA documented six parallel justice punishments<sup>27</sup> of women accused of so-called "moral

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<sup>25</sup> Beyond the direct impact of the conflict on women, UNAMA recalls that women who are left as sole income-providers for their households after their husbands have been killed or injured in the conflict suffer long-term negative social and economic consequences and are particularly vulnerable to other forms of violence and abuse. UNAMA reiterates the need for relevant Government institutions to take urgent action to meet the basic needs of women and children widowed by conflict-related violence. See UNAMA/OHCHR 2014 Annual Report on Protection of Civilians in Armed Conflict, pages 14-16.

<sup>26</sup> See UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, pages 15-16.

<sup>27</sup> All incidents of civilian casualties from parallel judicial system punishments recorded by UNAMA were carried out by Anti-Government Elements. UNAMA recorded instances of deaths and injuries from such procedures, whether the punishment was directly linked to the conflict (i.e. execution of the father of an ANA soldier) or was carried out by Anti-Government Elements against a civilian in relation to a non-conflict-related infraction, i.e. public lashing for adultery. Common Article 3 of the Geneva Conventions protects civilians through the explicit prohibition of murder, violence, passing of sentences and carrying out of executions without respect for fair trial standards, torture, mutilation and other forms of violence. These acts are prohibited at any time and in any place whatsoever. See the *Legal Framework* section of this report for further details on



crimes”, resulting in the execution of two women, and the severe physical punishment (lashings) of four women by Anti-Government Elements.<sup>28</sup> Additionally, the mission documented one case in Takhar province where local elders prevented Anti-Government Elements from carrying out a punishment of death by stoning of a woman and a man accused of adultery.

Punishments such as executions and mutilations carried out by these Anti-Government Elements’ structures violate the Constitution of Afghanistan, are criminal acts under the laws of Afghanistan and amount to human rights abuses. Moreover, acts such as executions, amputations and mutilation are considered to be grave breaches of the Geneva Conventions and amount to war crimes. The illegality of these punishments is compounded by the impunity enjoyed by perpetrators and the absence of redress mechanisms for victims or their families. UNAMA notes that the Government’s inability to hold perpetrators accountable for such crimes may amount to a violation of human rights, under the principle of due diligence.<sup>29</sup>

The imposition of extreme punishments on women – including executions and lashings amounting to torture – combined with deliberate restrictions on women’s and girls’ human rights evoke concern, recalling the violence and violations of women’s rights in the pre-2001 period. The increase in such incidents documented during the reporting period signals possible intent by Anti-Government Elements to impose an extreme interpretation of Islam<sup>30</sup> and entrench a diminished role for women.<sup>31</sup> UNAMA notes grave concern that rising violent extremism,<sup>32</sup> as evidenced in the examples above,

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the applicability of Common Article 3 in Afghanistan. UNAMA considers parallel judicial structure executions to include those intentional, premeditated and deliberate killings of an individual who is present in the perpetrator’s physical custody (as opposed to targeted killings that require the victim not to be in the perpetrator’s physical custody) when the killing is imposed for the purpose of punishment, e.g. killing of religious leader for delivering a funeral ceremony to a deceased Afghan national security force member, despite warnings not to do so. UNAMA considers such incidents as ‘murder’, as defined under international humanitarian law applicable in the non-international conflict in Afghanistan.

<sup>28</sup> Anti-Government Elements also executed one man and inflicted a physical punishment on one man in these incidents. During the same period in 2015, UNAMA documented two parallel justice punishments resulting in the execution of a woman and the physical punishment of another for “moral crimes”.

<sup>29</sup> The due diligence standard states the following: “Although an illegal act which violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it”. Inter-American Court of Human Rights, 1988 judgment in the Velasquez-Rodriguez case (a series of disappearances committed by non-state actors).

<sup>30</sup> See for example, Taliban article, *Sharia “Hudood” is oppression or justice?* (9 November 2015) supporting the imposition of death by stoning as a punishment for adultery, available in Pashto language at <http://alemara1.org/?p=33982>, last accessed 19 July 2016.

<sup>31</sup> See also UNAMA/OHCHR report, *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan* (December 2010), page 34.

<sup>32</sup> See Security Council resolution 2242 (2015) which focuses on the impact of violent extremism and radical ideologies on women’s rights. Available at

perpetuates practices that are incompatible with basic respect for women's fundamental human rights.

UNAMA reiterates that Anti-Government Elements, including Taliban, must immediately cease imposing parallel justice punishments, particularly against women and girls, which are contrary to international human rights law, international humanitarian law, and domestic law.

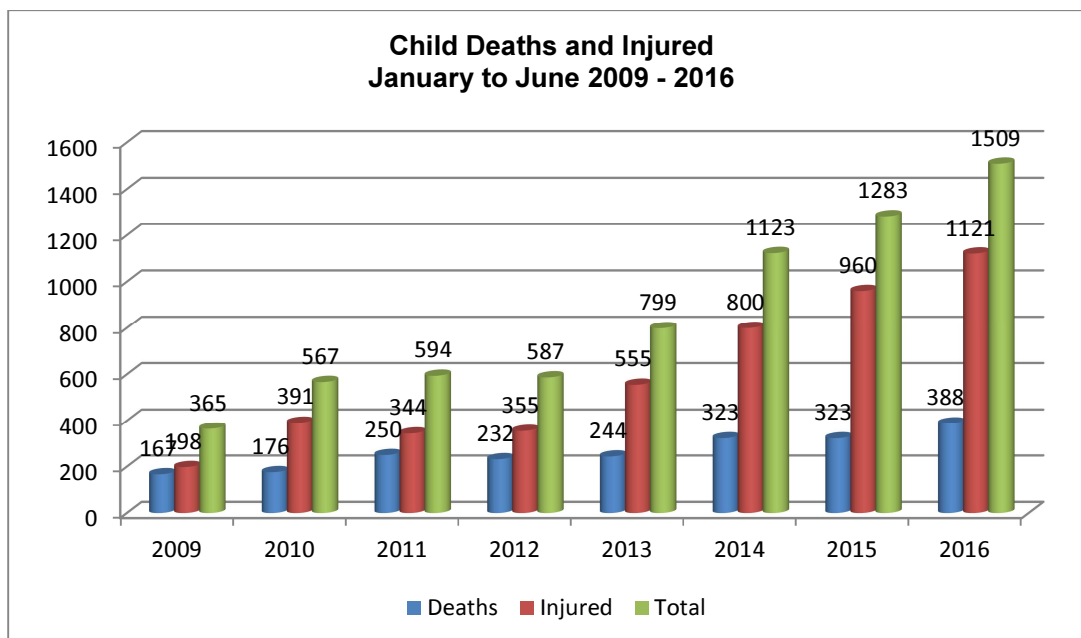
## Children and Armed Conflict

*"I am a ten year-old boy. While playing in the streets of my village, something suddenly exploded. I heard a loud noise and felt a wave coming towards me, like wind. Shrapnel hit me and I fell down. I don't remember what happened after that. Before the explosion, some children were playing with something."<sup>33</sup>*

-- Only survivor of an unexploded ordnance detonation on 27 May in Pul-i-Khumri district, Baghlan province. The detonation killed four boys and injured one after they found the unexploded ordnance while playing outside.

### Leading Causes of Child Casualties

UNAMA observed with concern that child casualties as a result of conflict related violence continued to increase in the first six months of 2016, reflecting the on-going and severe impact of the armed conflict on children. Between 1 January and 30 June 2016, UNAMA documented 1,509 child casualties (388 deaths and 1,121 injured), an 18 per cent increase compared to the same period in 2015.<sup>34</sup> Child casualties now comprise 29 per cent of all civilian casualties.



Consistent with 2015 trends, ground engagements remained the leading cause of child casualties, accounting for over half of all child casualties in the first six months of 2016.

<sup>33</sup> UNAMA interview with the victim, Pul-i-Khumri city, Baghlan province, 31 May 2016.

<sup>34</sup> In the first six months of 2015, UNAMA documented 1,283 child casualties (323 deaths and 960 injured) as a result of armed conflict.

UNAMA documented 806 child casualties (186 deaths and 620 injured) as a result of this tactic – a 25 per cent increase compared to the same period in 2015.<sup>35</sup>

ERW caused 264 child casualties (83 deaths and 181 injured) and became the second leading cause of child casualties in the first half of 2016, accounting for 18 per cent of all child casualties. UNAMA notes that child casualties caused by ERW surged by 53 per cent compared to the first half of 2015,<sup>36</sup> indicating an increase in the impact of these devices on children in correlation with an increase in ground engagements and the continued use of explosive weapons by both parties to the conflict.<sup>37</sup>

The third leading cause of child casualties, IEDs, caused 209 child casualties (66 deaths and 143 injured), a 19 per cent decrease compared to the first half of 2015.<sup>38</sup> While IEDs still accounted for 14 per cent of all child casualties between 1 January and 30 June, the decrease in child casualties attributed to this tactic is consistent with the overall trend of a decline in civilian casualties caused by IEDs identified by UNAMA, possibly as a result of a decrease in their use by Anti-Government Elements.<sup>39</sup> Complex and suicide attacks caused 71 child casualties (eight deaths and 63 injured) in the first half of 2016, a 25 per cent decrease compared to the same period in 2015.<sup>40</sup>

Of concern, UNAMA documented an increase in child casualties as a result of aerial operations in the first half of 2016. UNAMA documented 62 child casualties (13 deaths and 49 injured), twice the number of child casualties from this tactic compared to the same period in 2015.<sup>41</sup> Afghan security forces caused 52 of the child casualties resulting from air operations, with international military forces responsible for the remaining 10.

Also of concern, contrary to the overall reduction in civilian casualties from targeted killings across all age groups in the first half of the year, UNAMA documented a significant increase in children becoming casualties from targeted killing incidents, primarily as bystanders. So far in 2016, UNAMA recorded 76 child casualties (21 deaths and 55 injured), a 55 per cent increase compared to the same period in 2015.<sup>42</sup>

UNAMA documented decreases in child casualties as a result of abduction incidents, and incidents of threats and intimidation.

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<sup>35</sup> In the first half of 2015, UNAMA documented 644 child casualties (138 deaths and 506 injured) as a result of ground engagements.

<sup>36</sup> In the first six months of 2015, UNAMA documented 173 child casualties (39 deaths and 134 injured) as a result of ERW.

<sup>37</sup> See the sections of this report on Explosive Remnants of War and Ground Engagements for more information.

<sup>38</sup> In the first half of 2015, UNAMA documented 257 child casualties (84 deaths and 173 injured) caused by IEDs.

<sup>39</sup> See section of this report on Improvised Explosive Devices for more information.

<sup>40</sup> In the first half of 2015, UNAMA documented 95 child casualties (18 injured and 77 injured) as a result of complex and suicide attacks.

<sup>41</sup> In the first half of 2015, UNAMA documented 31 child casualties (13 deaths and 18 injured) caused by aerial operations.

<sup>42</sup> In the first six months of 2015, UNAMA documented 49 child casualties (19 deaths and 30 injured) as a result of targeted and deliberate killings incidents.

*Recruitment and Use of Children in the Armed Conflict*<sup>43</sup>

UNAMA continued to receive reports of recruitment and use of children by Anti-Government Elements and Afghan security forces, with the United Nations Country Task Force on Monitoring and Reporting (CTFMR) recording 15 incidents of recruitment and use of children by parties to the conflict involving 34 children. CTFMR recorded 26 children recruited and used by Taliban, four children by other Anti-Government Elements, and four children by Afghan Local Police (ALP).

Anti-Government Elements recruited and trained at least three boys to be used as suicide bombers, including a (reportedly mentally-ill) nine year-old boy killed when his suicide vest detonated prematurely in Kandahar province on 30 March and an 11 year-old boy arrested by Afghan security forces in the eastern part of the country in March 2016 who surrendered prior to carrying out a suicide attack.

Given the high likelihood of under-reporting, UNAMA notes that this data may not accurately reflect the actual scale of child recruitment by parties to the conflict.

*Rape and Other Forms of Sexual Violence*

UNAMA continued to receive allegations of incidents of sexual violence against children in the context of the armed conflict. In the first half of 2016, UNAMA documented two incidents of sexual violence against children yet acknowledges that a combination of cultural issues and stigma associated with being a victim result in significant under-reporting.

In the first half of 2016, UNAMA verified two incidents of ALP using boys for sexual purposes in Baghlan and Kunduz provinces. In one incident, an ALP commander in Kunduz province abducted a 16 year-old boy from his home, brought him to his check-post and kept him in captivity for three days, during which he also raped the boy. In another incident, UNAMA confirmed that an ALP unit used at least one boy as a bodyguard and for sexual exploitation in Baghlan province, with unconfirmed reports of additional boys used by that unit.

Sexual abuse of children, including the practice of *bacha bazi*,<sup>44</sup> is a violation of the laws of Afghanistan, international human rights law, and international humanitarian law. The

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<sup>43</sup> Recruitment and use of children by armed forces and groups refers to “any person below 18 years of age who is... recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes.” See, Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, available at [https://childrenandarmedconflict.un.org/publications/ParisPrinciples\\_EN.pdf](https://childrenandarmedconflict.un.org/publications/ParisPrinciples_EN.pdf).

<sup>44</sup> *Bacha Bazi* is a term loosely translated as “boy play” and practiced in some parts of Afghanistan by commanders and other influential men, usually associated with sexual exploitation and abuse of young boys. See, National Inquiry on the causes and consequences of *Bacha Bazi* in Afghanistan, Afghanistan Independent Human Rights Commission, 8 August 2014, at [http://www.aihrc.org.af/home/research\\_report/3324](http://www.aihrc.org.af/home/research_report/3324), last accessed 10 July 2016.

Government of Afghanistan is obliged to prevent sexual exploitation of children, protect them from any kind of exploitation, and ensure accountability for perpetrators and support for survivors. UNAMA urges the Government to enact legislation proposed by the Afghanistan Independent Human Rights Commission (AIHRC) to criminalize *bacha bazi* and other forms of sexual abuse at the earliest opportunity.

*Incidents Related to Schools and Education*<sup>45</sup>

*“Anti-Government Elements closed all of the schools in the district. They don’t want girls to go to schools. All of these girls will be illiterate their whole lives despite their desires to be doctors, nurses, engineers and teachers. They will suffer their entire lives. Half of society is female so if half of the population is denied their education rights then half of the population will be illiterate and it will have a very bad impact on our society.”*<sup>46</sup>

-- Principal of a girls’ school in Zurmat district, Paktiya province that was threatened by Taliban and ordered to close. During the first half of 2016, all 15 girls schools in the district were closed as a result of Taliban threats.

During the first half of 2016, UNAMA documented 46 conflict-related incidents targeting education and education-related personnel - a decrease of 35 per cent compared to the first half of 2015<sup>47</sup> – that resulted in 15 civilian casualties (five deaths and 10 injured).<sup>48</sup>

All of the civilian casualties from incidents targeting the education sector occurred as a result of incidents perpetrated by Anti-Government Elements – 14 casualties from targeted killings and one from the severe beating of an education official for failure to pay an illegal tax on his salary. UNAMA also documented four abduction incidents targeting the sector that resulted in the abduction of 10 civilians, although without casualties. The mission furthermore documented five incidents of intentional damage to educational facilities, two IED incidents targeting the education sector, and one incident of looting of school property.

Incidents of intimidation and threats against education-related personnel accounted for the majority of incidents targeting education in the first half of 2016. While UNAMA documented a 39 per cent decrease in incidents compared to the same period in 2015,<sup>49</sup> the mission continued to document threats and intimidation intended to prevent girls’

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<sup>45</sup> See also, Education and Healthcare at Risk, Key Trends and Incidents Affecting Children’s Access to Healthcare and Education in Afghanistan, UNAMA/OHCHR/UNICEF/OCHA, April 2016, available at: [http://unama.unmissions.org/sites/default/files/education\\_and\\_healthcare\\_at\\_risk.pdf](http://unama.unmissions.org/sites/default/files/education_and_healthcare_at_risk.pdf).

<sup>46</sup> UNAMA interview with witness, Zurmat district centre, Paktiya province, 9 June 2016.

<sup>47</sup> In the first half of 2015, UNAMA documented 71 conflict-related incidents targeting education.

<sup>48</sup> Between 1 January and 30 June 2015, UNAMA documented 19 civilian casualties (nine deaths and 10 injured) from incidents targeting education.

<sup>49</sup> Between 1 January and 30 June 2016, UNAMA documented 25 incidents of threat and intimidation targeting education compared to the same period in 2015 when UNAMA documented 41 incidents of threat and intimidation targeting schools.

access to education after grade six or impose conditions on their attendance.<sup>50</sup> For example, on 7 January, in Khoja Dokoh district, Jawzjan province, around 15 masked armed men carrying rifles and rockets entered Khoja Dokoh Female High School and warned that female students over the age of 12 must wear burqas, a requirement the school director imposed on the students following the threat. UNAMA also verified two incidents of threats and intimidation by Anti-Government Elements in Jawzjan and Badakhshan provinces aimed at excluding certain subjects, including science, from the school curriculums in order to focus instead on Islamic studies.

Of particular concern, UNAMA documented the military use of 18 schools during the first half of 2016 for periods variedly ranging between days and months – 15 schools used by Afghan security forces and three by Anti-Government Elements. For example, from the end of January 2016 through April 2016, the ANA occupied four schools – including one primary school, one secondary school, and two high schools in the Dand-e-Ghori area of Pul-i-Khumri district, Baghlan province, impeding 3,500 students, including 200 girls, from access to education and 250 teachers, including 50 women, from exercising their right to work.<sup>51</sup>

The mission notes that in April 2016, the Ministry of Education issued a directive urging Afghan security forces to refrain from using schools for military purposes in line with Government commitments in line with the Safe Schools Declaration<sup>52</sup> signed by the Government of Afghanistan in May 2015.

UNAMA re-emphasises that in addition to preventing children from accessing education, the military use of schools places schools at risk of becoming a target during the armed conflict which may lead to civilian casualties and cause damage to the buildings, impacting children's medium and long-term access to education. This in turn may affect a child's future ability to realize the rights to an adequate standard of living, housing, and food, amongst other rights, due to the subsequent limitations on future employment and economic opportunities stemming from the lack of a formal education. UNAMA once again urges all parties to the conflict to cease the use of schools for military purposes.

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<sup>50</sup> UNAMA documented 13 incidents of threat, intimidation, and harassment targeting girls' schools in the first six months of 2016.

<sup>51</sup> The incidents of military use of schools are also included in statistics of threats, intimidation, and harassment in the preceding section.

<sup>52</sup> Education and Healthcare at Risk, Key Trends and Incidents Affecting Children's Access to Healthcare and Education in Afghanistan, UNAMA/OHCHR/UNICEF/OCHA, April 2016, page 21, available at: [http://unama.unmissions.org/sites/default/files/education\\_and\\_healthcare\\_at\\_risk.pdf](http://unama.unmissions.org/sites/default/files/education_and_healthcare_at_risk.pdf).



*The Impact of Armed Conflict on Health Care*<sup>53</sup>

*“At 7.00 a.m., three armed men entered the clinic and started arguing with us, saying we worked for infidels and that we should not work for the government because it is run by funds from non-Muslim countries. The number of armed men kept increasing until 20 were present. They continued arguing with us and told us to leave the clinic as soon as possible and hand over the keys to them. They said they would not kill us because we had treated them in the past. The armed men looted all of the equipment and now live in the clinic.”<sup>54</sup>*

-- Witness of the forcible occupation of a health facility by Anti-Government Elements in [location withheld] on 16 April.

UNAMA notes with concern that in the first six months of 2016, conflict-related incidents targeting health care personnel and facilities increased by 45 per cent compared to the same period in 2015.<sup>55</sup> UNAMA documented 64 conflict-related incidents targeting healthcare and health personnel resulting in 11 civilian casualties (five deaths and six injured), including seven healthcare personnel.

UNAMA attributed the majority of the incidents targeting healthcare personnel and facilities in the first half of 2016 to Anti-Government Elements – 45 incidents compared to 37 in the same period of 2015. Afghan security forces perpetrated 16 incidents targeting healthcare during the first six months of 2015, while pro-Government armed groups perpetrated one, and the perpetrators of two incidents remained unattributed.

Over half of the incidents targeting healthcare personnel and facilities during the first half of 2016 comprised incidents of threat and intimidation, with 36 incidents documented during the first half of the year compared to 23 during the same period in 2015. Examples of threat and intimidation against healthcare personnel and facilities recorded by UNAMA include the blocking of the provision of medical supplies to Anti-Government Element controlled areas by Afghan security forces and military use of medical facilities by parties to the conflict (see below). UNAMA also documented cases of Anti-Government Elements threatening medical personnel in relation to polio vaccination campaigns (see below), the use of medical facilities by women without an accompanying male escort and in order to pressure medical organizations to open clinics in certain areas. For example, on 16 March, Anti-Government Elements ordered a health centre run by a non-governmental organization in Nahhr-e-Saraj district, Helmand province, to cease operations until they opened a clinic in Musa Qala district bazaar. As a result, the clinic closed its main outpatient ward for one week.

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<sup>53</sup> See also, Education and Healthcare at Risk, Key Trends and Incidents Affecting Children’s Access to Healthcare and Education in Afghanistan, UNAMA/OHCHR/UNICEF/OCHA, April 2016, available at: [http://unama.unmissions.org/sites/default/files/education\\_and\\_healthcare\\_at\\_risk.pdf](http://unama.unmissions.org/sites/default/files/education_and_healthcare_at_risk.pdf).

<sup>54</sup> UNAMA interview with doctor of health facility, [location withheld], 12 June 2016.

<sup>55</sup> UNAMA documented 44 cases of conflict-related violence targeting healthcare in the first half of 2015.



In addition, UNAMA documented 14 incidents of abduction involving 27 civilian healthcare personnel (including 15 polio vaccinators) that resulted in five civilian casualties (four deaths and one injured), five incidents of theft of medical facility equipment by parties to the conflict, four incidents of intentional damage to health facilities, two incidents of searches of health clinics, one attempted targeted killing of healthcare personnel that resulted in injury, one incident of damage to a clinic after two rockets landed in the clinic building, and three searches of medical facilities.

UNAMA emphasises that in accordance with international humanitarian law, medical personnel are obliged to treat all wounded persons without distinction.<sup>56</sup> Furthermore, on 3 May, the Security Council adopted resolution 2286 (2016) condemning attacks and threats against the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties.<sup>57</sup> UNAMA strongly urges all parties to the conflict to abide by the international humanitarian law and international human rights law protecting the right to health, including access to health care, during armed conflict.

### **Afghan Security Forces Interference with the Provision of Medical Care**

In the first six months of 2016, UNAMA observed a significant increase in the number of incidents of Pro-Government Forces conducting search operations in hospitals and clinics, delaying or impeding the provision of medical supplies, and using health facilities for military purposes. Between 1 January and 30 April, UNAMA documented 15 such incidents, compared to two in the first six months of 2015.<sup>58</sup>

#### *Search Operations*

Notwithstanding the right of the Government to conduct legitimate counter-insurgency and law enforcement activities,<sup>59</sup> UNAMA is concerned by the harm caused by search operations of medical facilities. For example, on the night of 17 to 18 February, an Afghan Ministry of Interior Special Forces unit conducted a search operation in the Tangi

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<sup>56</sup> See Common Article 3 to the Geneva Conventions of 1949, Articles 7, 8 of Additional Protocol II to the Geneva Conventions of 1949, ICRC Customary Law Study, Rule 110.

<sup>57</sup> See *preamble* and para. 3 of Security Council Resolution 2286 (2016). In the resolution, the Security Council also condemns attacks against medical and humanitarian personnel's means of transport and equipment, as well as hospitals and other medical facilities and demanding, *inter alia*, that all parties to armed conflict facilitate safe and unimpeded passage for medical and humanitarian personnel, their equipment, transport and supplies, including surgical items, to all people in need, consistent with obligations under international humanitarian law

<sup>58</sup> In the first half of 2016, UNAMA also documented one case in which ALP harassed and threatened medical staff at a clinic in Qarabagh district, Ghazni province after they failed to treat an injured colleague in a timely manner. During the first six months of 2015, UNAMA also documented three incidents of intimidation and harassment of medical staff.

<sup>59</sup> UNAMA notes that in the current non-international armed conflict, the Government of Afghanistan has the right to conduct legitimate counter-insurgency and law enforcement activities in medical facilities on the territory of Afghanistan provided they are "an exceptional measure [...] carried out in a manner that minimises any negative impact on the provision of care" in compliance with Afghanistan's obligations stemming from Article 3 Common to the Geneva Conventions of 1949.

Sayedana area of Daimirdad district, Maidan Wardak province. During the operation, an Afghan police Special Forces unit entered a health clinic supported by the Swedish Committee for Afghanistan, tied up the head of the health clinic, and forced all of the staff members into a room while they carried out a search of the facility. Members of the Special Forces unit subsequently forced two Taliban patients – including a 16 year-old child fighter – and a 15 year-old boy acting as their caregiver to a nearby shop, and summarily executed all three. Multiple credible sources reported to UNAMA the presence of international military forces during the operation, stationed less than one kilometre from the clinic. A Resolute Support mission spokesperson stated to media that their inquiry “found no evidence to support the allegation” that international military forces took part in the operation.<sup>60</sup>

UNAMA condemned the incident and calls upon the Government of Afghanistan and Resolute Support to conduct an independent, impartial, transparent and effective investigation into the incident and to ensure accountability for those responsible.

#### *Impeding the Provision of Medical Supplies and Medical Care*

UNAMA documented four incidents of Afghan security forces impeding the provision of medical supplies or confiscating medical equipment or property, including ambulances, in the first six months of 2016. UNAMA notes that the obligation to protect the wounded and sick also requires that parties to a conflict facilitate, or at least not to unnecessarily interfere with, the provision of medical services or the delivery of medical supplies.<sup>61</sup> For example, on 24 April, Afghan National Civil Order Police (ANCOP) seized an international humanitarian organization’s pick-up vehicle in Baghlan-e-Jadid district, Baghlan province, and detained the driver, accusing him of supplying medicines to Anti-Government Elements.

In addition, UNAMA recorded three incidents of Afghan security forces stealing or damaging non-medical equipment necessary for the effective operation of health facilities, including the theft of a motorbike used by vaccinators for outreach programmes, fire-wood stockpiled for winter, and solar panels.

#### *Use of Medical Facilities for Military Purposes*

UNAMA documented eight separate incidents of military use of civilian medical facilities in the first six months of 2016 in Kunduz, Baghlan, Helmand, Nangarhar and Paktya provinces. The military use of medical facilities by parties to the conflict renders such facilities legitimate military targets for the duration of such use and increases the

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<sup>60</sup> See “Nato Probes Raid on Afghan Clinic, Speaks to Few, Finds Out Little”, 6 May 2016, reported by IRIN News, at: <https://www.irinnews.org/analysis/2016/05/06/nato-probes-raid-afghan-clinic-speaks-few-finds-out-little>, last accessed 16 June 2016.

<sup>61</sup> See ICRC Commentary of 2016, Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12 August 1949, Article 3: Conflicts not of an international character, commentary paragraph 339.

likelihood of damage and destruction during military use itself. In turn, this decreases the likelihood that civilians will seek medical treatment and limits their ability to access the right to adequate medical care. For example, on 1 January, ANA entered a health clinic in Zurmat district, Paktya province, during a military operation and stayed there for three nights. The ANA eventually left after discussions with the head of the clinic.

### **Conflict-Related Violence Threatens a Polio-free<sup>62</sup> Future for Afghan Children**

Afghanistan is one of only two countries in the world that remain polio-endemic.<sup>63</sup> As of 5 July, Afghanistan reported a total of six polio cases, four from Kunar province and one each from Helmand and Kandahar provinces.<sup>64</sup> Each of these cases came from children living in areas under the influence of Anti-Government Elements.

In the first half of 2016, UNICEF and WHO recorded 15 conflict-related incidents involving polio vaccination workers, although none that directly targeting the polio programme.<sup>65</sup> Six of the recorded incidents involved the death or injury of polio workers in conflict related incidents while the remaining nine incidents involved the abduction of polio workers. UNICEF and WHO also reported short- and long-term bans on the implementation of polio vaccination campaigns in parts of Afghanistan.

According to UNICEF and WHO estimates, during the May 2016 national polio campaign, approximately 358,000 children missed their polio vaccination as a result of insecurity, compared to 184,000 children during the comparable nationwide campaign in March 2016.

In May 2016, the majority of the children that missed their vaccinations due to insecurity were in the northeastern region (165,000 children) and eastern region (130,000 children) with the later recording a significant increase in children that missed their vaccinations due to insecurity.

UNAMA once again urges all parties to the conflict to facilitate polio vaccination efforts, which are necessary for the survival and healthy development of children. UNAMA also reiterated that the Government of Afghanistan that it is obliged to ensure that all persons on its territory have access to health-related services<sup>66</sup> and that third parties do not obstruct such access.

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<sup>62</sup> Polio (poliomyelitis) is a highly infectious, viral disease that attacks the nervous system. Frequently, its victims display no symptoms, but about one in 200 infected children suffers from paralysis and sometimes death. Anyone can contract the disease, but children under five years of age are the most vulnerable. Timely immunization with the oral polio vaccine is the most effective way to prevent infection." See WHO factsheet: Poliomyelitis, available at <http://www.who.int/mediacentre/factsheets/fs114/en/>. Last accessed 6 July 2016.

<sup>63</sup> The other polio-endemic country is Pakistan. See WHO factsheet: Poliomyelitis, available at <http://www.who.int/mediacentre/factsheets/fs114/en/>. Last accessed 6 July 2016.

<sup>64</sup> Information received from UNICEF and WHO by email on 5 July 2016.

<sup>65</sup> Information received from UNICEF and WHO by email on 5 July 2016.

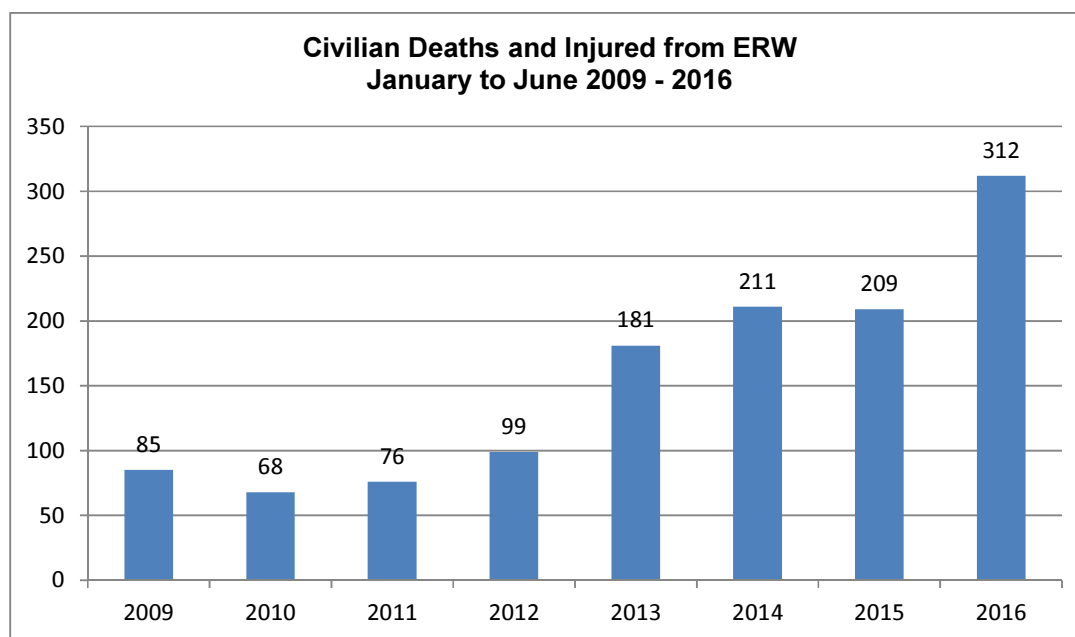
<sup>66</sup> Committee on Economic, Social and Cultural Rights, General Comment 14 on the right to the highest attainable standard of health, paragraph 35, available at:

## Explosive Remnants of War (ERW)

*"I had gone to the bazaar to buy some items for my children. When I returned home, I was shocked to see many people gathered at my house. I went inside and saw children lying on my bed and people crying. I asked what happened and they told me that two of my children were dead. I was distraught but after a while I calmed down and could recognise the bodies of my two sons on the bed. My wife informed me that they were playing with unexploded ordnance that detonated and killed them. I started crying."<sup>67</sup>*

-- Father of two boys killed by unexploded ordnance remaining from recent clashes between Afghan National Police and Anti-Government Elements in Shah Joy district, Zabul province, on 6 May. The detonation killed three boys and injured another after they found it while playing outside.

Between 1 January and 30 June 2016, UNAMA documented 136 incidents of ERW<sup>68</sup> detonation resulting in 312 civilian casualties (95 deaths and 217 injured),<sup>69</sup> a 49 per cent increase compared to the same period in 2015.



Since 2013, UNAMA public reports have routinely highlighted a correlation between increases in ground engagements and rises in civilian casualties from ERW,<sup>70</sup> with this

[http://www2.ohchr.org/English/bodies/crc/docs/GC/CRC\\_C\\_GC\\_14\\_ENG.pdf](http://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf), last accessed 26 June 2016.

<sup>67</sup> UNAMA telephone interview with victims' relative, Kandahar city, Kandahar province, 10 May 2016.

<sup>68</sup> Explosive Remnants of War (ERW) refers to unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

<sup>69</sup> Between 1 January and 30 June 2015, UNAMA documented 209 civilian casualties caused by ERW (47 deaths and 162 injured).

trend continuing into the first half of 2016.<sup>71</sup> The increase roughly correlates to increased civilian casualties from ground engagements – the seven provinces with the highest number of ERW civilian casualties are among the ten provinces with the highest numbers of civilian casualties from ground engagements in 2015 and the first six months of 2016<sup>72</sup> – highlighting the dangers associated with the use of explosive weapons in civilian populated areas, in particular indirect and explosive weapons such as mortars, rockets, and grenades, which may produce dud ordnance.

UNAMA reiterates concern of the disproportionate impact on children of ERW.<sup>73</sup> In the first six months of 2016, child casualties accounted for 85 per cent of all civilian casualties caused by ERW and surpassed IEDs as the second leading cause of child deaths and injuries after ground engagements. In the majority of incidents affecting children, ERW detonated after being found by children tending livestock, farming, searching for scrap metal, or playing outside of the home.

The overwhelming majority of civilian casualties occurred as children attempted to play with ERW, in particular by throwing stones at the devices, or attempting to handle and carry them elsewhere.<sup>74</sup> For example, on 18 January, an unexploded rocket-propelled grenade killed three boys after they discovered it in a field while grazing cattle in Pachir wa Agam district, Nangarhar province. The grenade - reportedly a remnant of clashes between Taliban and militants affiliated to groups pledging allegiance to ISIL/*Daesh* in the area in September 2015 – detonated as the boys attempted to carry the device back to their village. On 13 April, an unexploded mortar round detonated, killing one boy and injuring two other children in Pul-Khumri district, Baghlan province. The children had tossed the mortar round onto a paved road after unsuccessfully trying to exchange it for ice cream.

Communities in areas where Anti-Government Element offensives and Afghan security counter-insurgency operations occur remain at risk of being maimed or killed by undetonated explosive devices long after the fighting ends. For example, on 26 May, an ERW detonated in Darqad district, Takhar province, killing a boy and injuring five other

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<sup>70</sup> See UNAMA/OHCHR 2013 Annual Report on Protection of Civilians in Armed Conflict, page 69; UNAMA/OHCHR 2014 Annual Report on Protection of Civilians in Armed Conflict, page 20; UNAMA/OHCHR 2015 Mid-Year Report on Protection of Civilians in Armed Conflict, page 22.

<sup>71</sup> See section on Ground Engagements: Civilians Caught in Cross-Fire.

<sup>72</sup> In the first half of 2016, ERW caused the most civilian casualties in Kandahar, Nangarhar, Zabul, Ghazni, Kunar, Helmand, Herat, Faryab, Paktya, Badghis, and Samangan provinces. In comparison, during the first six months of 2016, ground engagements caused the highest numbers of civilian casualties in Helmand, Uruzgan, Kandahar, Kunduz, Baghlan, Kunar, Faryab, Nangarhar, Zabul, and Ghazni provinces. In 2015, ground engagements caused the most civilian casualties in Kandahar, Helmand, Kunduz, Nangarhar, Kunar, Ghazni, Zabul, Uruzgan, Faryab, and Farah provinces.

<sup>73</sup> See UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict: 2015, page 21.

<sup>74</sup> Of 136 documented incidents, 111 incidents consisted of children playing with ERW, including throwing stones at ERW, hitting ERW with sticks, throwing ERW in fires, and picking up ERW or trying to move ERW.

children, after they beat the device with a stick. Sources reported that Afghan security forces used artillery in the area approximately three weeks prior to the incident while targeting Anti-Government Elements controlling the area.

UNAMA reminds all parties to the conflict that international humanitarian law requires that every effort be made during the conduct of military operations to spare civilian populations from the ravages of war, and that all necessary precautions be taken to avoid injury, loss or damage to civilian populations.<sup>75</sup> UNAMA urges that all parties adopt measures to track and mark locations of possible contamination from UXO.

In light of increasing civilian casualties from ERW, particularly child casualties, UNAMA reiterates its recommendation that Afghanistan become a State party to Protocol V on Explosive Remnants of War to the 1980 Convention on Certain Conventional Weapons. This protocol recognizes the severe humanitarian consequences of ERW and directs measures to minimise the occurrence, effects, and risks of ERW.

UNAMA also reiterates its recommendation that the Government of Afghanistan develop appropriate policies and procedures that require security forces to ensure marking and clearance of ERW from battlefields resulting from Afghan security force operations involving weapons systems that may produce UXO. In particular, the mission urges the Government to include this requirement in the final version of the National Civilian Casualty Prevention and Mitigation policy (see chapter on Development of a National Policy on Civilian Casualty Mitigation).

### **Attacks Targeting Humanitarian De-mining Organizations**

Between 1 January and 30 June 2016, UNAMA documented 16 conflict-related incidents targeting humanitarian de-mining organizations that resulted in 19 civilian casualties (nine deaths and 10 injured) as well as the abduction of 52 civilians – an 89 per cent increase in civilian casualties and 65 per cent increase in abductions compared to the same period in 2015.<sup>76</sup>

Anti-Government Elements perpetrated all recorded incidents targeting humanitarian de-miners in the first six months of 2016, most of which occurred in proximity to areas under Taliban control and influence. Taliban claimed responsibility for one attack against humanitarian de-miners that caused four civilian casualties (three killed and one injured) and involved the abduction of two civilians.<sup>77</sup>

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<sup>75</sup> See Article 13, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977; Rules 15, 22 ICRC *Study on Customary International Human Rights Law* (2005).

<sup>76</sup> In the first half of 2015, UNAMA documented five conflict-related incidents targeting humanitarian de-miners that resulted in one civilian death and 34 abducted civilians.

<sup>77</sup> See Taliban Statement, "Five Killed, 11 Injured in Nangarhar Operation", 10 March 2016, previously accessible at: <http://shahamat-english.com/5-killed-11-injured-in-nangarhar-operation/>. Removed from internet but on file with UNAMA Human Rights Unit.

These incidents included three instances of targeted killings of humanitarian de-miners that resulted in 14 civilian casualties (six deaths and eight injured) and eight incidents of abduction. Anti-Government Elements ultimately released all humanitarian de-miners abducted during the reporting period following mediation by local elders or intervention by Afghan security forces. UNAMA also observed that Anti-Government Elements frequently stole or destroyed vehicles and de-mining equipment while carrying out attacks – materials essential to the safe removal of UXO.

Geographically, Anti-Government Elements targeted humanitarian de-miners primarily in the central and eastern regions, particularly in Nangarhar, Logar and Maidan Wardak provinces although attacks resulting in civilian casualties occurred in Nangarhar, Helmand, Kandahar and Zabul provinces.

Examples of attacks against humanitarian de-miners include:

- On 9 March, Taliban attacked a group of security guards providing security for a team of humanitarian de-miners in Muhmand Dara district, Nangarhar province, killing three guards and injuring another. The Taliban also took two wounded guards hostage. Taliban claimed responsibility for the attack.<sup>78</sup>
- On 2 April, Anti-Government Elements abducted 16 de-miners working for a non-profit organisation in Ghoryan district, Herat province. Mediation by local elders led to the release of all 16 de-miners later the same day; however, the Anti-Government Elements stole four vehicles and other de-mining equipment, including mine detectors, GPS, and communication systems.

UNAMA emphasises that humanitarian de-miners risk their lives on a daily basis to protect civilians from unexploded remnants of war left behind from current and previous conflicts. UNAMA further underlines that humanitarian de-miners and their security guards and watchmen are civilians and therefore protected from attack.<sup>79</sup> Targeting humanitarian de-miners is therefore a violation of international humanitarian law that may amount to war crimes.<sup>80</sup>

### **Impact of the Conflict on Freedom of Expression**

During the first six months of 2016, UNAMA observed worrying trends concerning the commitment of parties to the conflict to ensure respect for freedom of expression and the

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<sup>78</sup> See Taliban Statement, “Five Killed, 11 Injured in Nangarhar Operation”, 10 March 2016, previously accessible at: <http://shahamat-english.com/5-killed-11-injured-in-nangarhar-operation/>. Removed from internet but on file with UNAMA Human Rights Unit.

<sup>79</sup> See Common Article 3 to the Geneva Conventions of 1949.

<sup>80</sup> See Common Article 3 to the Geneva Conventions of 1949; Article 13 (2) of Additional Protocol II to the Geneva Conventions of 1949; Articles 48 and 52 of Additional Protocol 1 to the Geneva Conventions of 1949. See also, articles 8(e) (i) and 8(e)(xii) of the Rome Statute. See also Rule 7 ICRC, *Customary International Humanitarian Law*, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) (ICRC Study).



rights of Afghans to receive and impart information. The mission notes with concern that conflict and general insecurity in the first half of the year, coupled with direct threats and attacks on media workers deterred journalists from seeking to exercise their right to seek and disseminate information.

Taliban in particular continued their campaign of threats and intimidation against specific media outlets, as documented in the UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, labelling such outlets “military targets”. Taliban carried out their 2015 threat against Tolo TV on 20 January 2016, when Taliban conducted a suicide vehicle borne-IED attack against a shuttle bus of the Moby Group (the parent company of Tolo TV) killing eight civilians (including three women) and injuring 30 others (including two women and three boys). Seven of the dead were Tolo TV staff members working with one of their subsidiary production companies. Taliban claimed responsibility for the attack on their website stating that it was in retaliation for Tolo TV’s “severe hostility” against Islam, serving as “an apparatus and propaganda mechanism of the US”, “disrespecting Kunduz citizens and false accusations of executions, plunder, kidnappings, and other abuses”.<sup>81</sup>

UNAMA notes with particular concern regarding a series of threatening statements – at least 10 in the first six months of 2016<sup>82</sup> – by Taliban against independent media outlets, before and after Taliban conducted the aforementioned 20 January suicide attack.

UNAMA reiterates that attacks directed at journalists are prohibited under international humanitarian law.<sup>83</sup> Journalists are not participants in the conflicts they cover and do not lose their status as civilians.<sup>84</sup> As such, this deliberate attack on the Moby group’s shuttle bus likely constitutes a war crime.

UNAMA also documented two incidents of threats and intimidation perpetrated by Anti-Government Elements against radio stations in Jalalabad city, Nangarhar province. On 24 January, Anti-Government Elements sent a threatening letter to a journalist accusing him of spreading pro-Government propaganda, including by condemning the Taliban attack on TOLO Television staff. On 8 June, members of groups pledging allegiance to

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<sup>81</sup> Full statement available at <http://shahamat-english.com/many-killed-as-martyr-attack-hits-invaders-run-media-vehicle/>. Taliban also issued at least two additional statements seeking to justify the attack on their website, <http://shahamat-english.com/remarks-by-spokesman-of-islamic-emirate-concerning-attack-on-tolo-intelligence-network/> and <http://shahamat-english.com/taliban-compel-tolo-to-air-free-azan/> and at least one article ‘Why Tolo was led to sunset?’ <http://shahamat-farsi.com/?p=20603>. All statements subsequently removed from internet but on file with UNAMA Human Rights Unit.

<sup>82</sup> Taliban statements posted on their website have subsequently been removed but remain on file with UNAMA Human Rights Unit.

<sup>83</sup> See ICRC Rule 34, “Civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they are not taking direct part in hostilities. *Study on Customary International Human Rights Law* (2005),

<sup>84</sup> Article 13(2) Additional Protocol II to the Geneva Conventions and customary international humanitarian law explicitly prohibits attacks against civilians and acts or threats of violence aimed at terrorizing the civilian population.



ISIL/Daesh threw several home-made explosives into the compound of a private radio station with anti-Anti-Government Element programming but caused no property damage or civilian casualties.<sup>85</sup>

UNAMA notes that human rights defenders from national civil society institutions reported that the combination of attacks on journalists coupled with increasing insecurity also impacted their ability to advocate for human rights, creating a climate of fear with little Government support to ensure their safety.<sup>86</sup> The work of journalists and human rights defenders is critical in providing independent information about the on-going conflict.

The mission recalls that international human rights law protects the rights of journalists to life, security and freedom of expression.<sup>87</sup> The actions and threats made against journalists by Taliban and other Anti-Government Elements amount to human rights abuses and perpetrators must be held to account.

Journalists must be guaranteed the highest degree of protection by State and non-State actors, including Taliban, and, as civilians, may never be the object of attack. In this regard, UNAMA notes that on 31 January 2016, the President of the Islamic Republic of Afghanistan issued a Decree affirming his commitment to freedom of expression in the media, and subsequently established a Committee to examine past cases of attacks on journalists.<sup>88</sup> During the Afghanistan-European Union Human Rights Dialogue in Kabul on 1 June, the Government committed to establishing an information sharing arrangement between security ministries on threats against journalists and members of civil society by the end of 2016.

UNAMA reiterates that all attacks and threats against media workers must cease immediately.

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<sup>85</sup> On 10 June 2016, a news broad-cast on ISIL/Daesh FM Radio 90.1 claimed responsibility for the attack, stating that internal mujahedeen active in government controlled areas attacked the radio station with hand grenades and wounded two staff members of the two media outlets in Jalalabad city. The broadcast further stated that ISIL/Daesh carried out the attack because the outlet broadcast propaganada against ISIL/Daesh and expressing support for the Afghan security forces in messages broadcast by the radio station, and misleading the community in relation to infidelity and western Islamic beliefs.

<sup>86</sup> UNAMA telephone interviews with human rights defenders throughout Afghanistan, 26-27 June 2016.

<sup>87</sup> The Universal Declaration of Human Rights and the International Covenant on Civil and Political rights guarantee the right to freedom of expression both in Article 19.

<sup>88</sup> UNAMA notes that the Decree also contains language indicating that the Government may seek to control or to limit journalistic freedom of expression on the grounds of national security. On this basis, whilst UNAMA welcomes the Decree, and views it as an entry point for further engagement over media freedom, the welcome remains cautious and conditional until its full impact on journalistic freedom of expression can be assessed.

### **Conflict-Related Displacement of Civilians: Internally Displaced Persons<sup>89</sup>**

In the first six months of 2016, the conflict displaced 157,987 Afghans from their place of origin, a 10 per cent increase compared to the same period in 2015<sup>90</sup> and resulting in an estimated 1.2 million conflict-induced Internally Displaced Persons (IDPs) in Afghanistan.<sup>91</sup>

Trends observed in 2015 continued into 2016, with civilians displaced by conflict between Taliban, ISIL/Daesh affiliated groups, and Afghan security forces in Kot and Achin districts, Nangarhar province, and fighting between Afghan security forces and Taliban in Helmand<sup>92</sup>, Faryab, Kunduz, Takhar and Wardak provinces.

The conflict intensified in other areas, creating new patterns of displacement in Baghlan province – with more than 32,500 individuals displaced by intense fighting in Dand-e-Ghori and Dand-e-Shabaudin districts in the beginning of 2016, as well as Dehrawud district, Uruzgan province. Fighting cut supply routes to affected districts in both provinces during the reporting period, straining the ability of humanitarian actors to reach affected communities.

The consequences of displacement upon the civilian population were particularly harsh for children. Aside from physical injuries, psychological well-being of children emerged as a primary concern during assessments of IDPs. Children displaced by conflict-related violence also experienced limited access to education due to insufficient education facilities in receiving communities and documentation requirements for enrolment. Furthermore, poverty placed additional pressure on children to contribute to income-generating activities at the expense of their education.

### **Cross-Border Engagement**

Between 1 January and 30 June 2016, UNAMA documented seven incidents of cross-border shelling from Pakistan into Afghanistan in Kunar and Nangarhar provinces that caused ten civilian casualties (three deaths and seven injured), a 33 per cent reduction compared to the same period in 2015.<sup>93</sup> UNAMA also documented one incident of cross-border engagement on 31 May in Kunar province that resulted in no casualties but set fire to an area of forest.

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<sup>89</sup> Analysis of protection trends provided by UNHCR-Afghanistan by email, 25 June 2016.

<sup>90</sup> Data provided by the United Nations Office for the Coordination of Humanitarian Affairs – Afghanistan by email, 18 July 2016.

<sup>91</sup> See “UNHCR chief laments world focus shifting away from Afghanistan”, 20 June 2016, available at <http://www.unhcr.org/news/latest/2016/6/5767ea764/unhcr-chief-laments-world-focus-shifting-afghanistan.html>, last accessed 27 June 2016.

<sup>92</sup> The majority of violence in Helmand province occurred in the northern part of the province, particularly in Musa Qala and Sangin districts.

<sup>93</sup> Between 1 January and 30 June 2015, UNAMA documented 15 civilian casualties (six deaths and nine injured) from cross-border engagements.

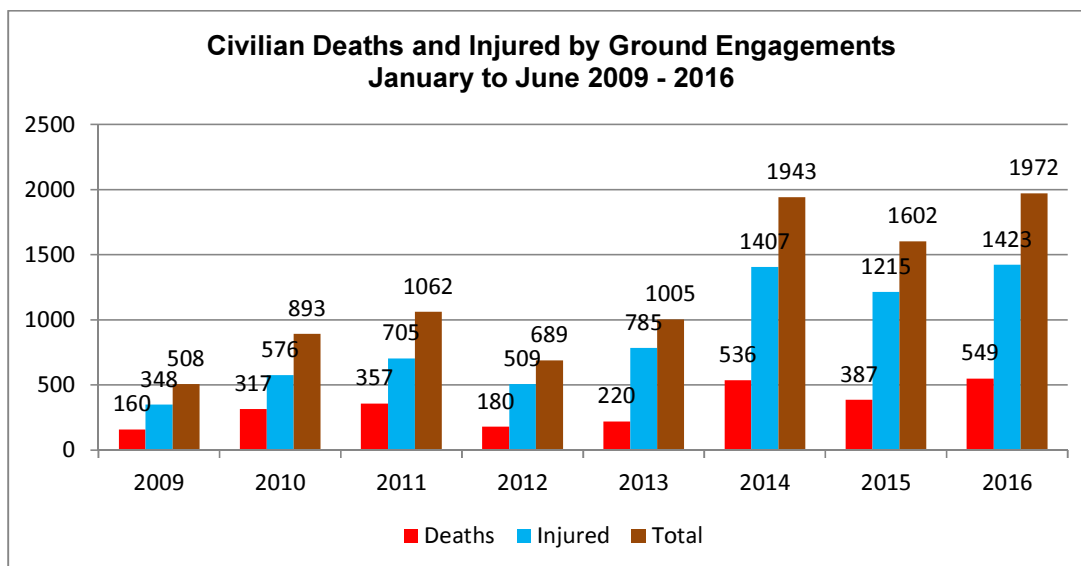
The majority of civilian casualties caused by cross-border engagement occurred in Muhmand Dara district, Nangarhar province as a result of shelling by Pakistan military forces from 8 to 13 June when Afghan and Pakistan security forces clashed over Pakistan's attempt to erect a gate at the Torkham crossing that resulted in seven civilian casualties (two deaths and seven injured) and displacement of families in Muhmand Dara district. For example, on 12 June, stray bullets fired from Pakistan wounded two men in Torkham bazaar. On 13 June, an explosive weapon round fired by Pakistan military forces impacted a civilian home in the Ghorakay area of Muhmand Dara district, killing two boys and damaging civilian properties.

## II. Ground Engagements – Civilians Caught in the Crossfire

*“It was around 9.00 am, I was working on my farm when I saw a lot of smoke coming from my village. I immediately ran towards the village and saw smoke coming from my house. I lost all hope. I hardly reached my house when I saw the bodies of my two nephews and two nieces inside and heard their elder sister and mother screaming due to their wounds. Other villagers arrived to help bury our dead and evacuate the injured to hospital. ANA fired the mortar rounds that hit our house.”<sup>94</sup>*

-- Relative of six victims of an ANA mortar impact during a ground engagement with Taliban in Sangin district, Helmand province, on 3 March that killed four children in the same family (two girls aged 10 and 12 years and two boys aged eight and 10 years) and injured two women.

Between 1 January and 30 June 2016, ground engagements accounted for 38 per cent of civilian casualties in Afghanistan and remained the leading cause of both civilian deaths and injuries. UNAMA documented 1,972 civilian casualties (549 deaths and 1,423 injured), a 23 per cent increase compared to the same period in 2015.<sup>95</sup> UNAMA notes with concern that ground engagements are becoming deadlier for civilians, with a 42 per cent increase in civilians deaths compared to the first six months of 2015.

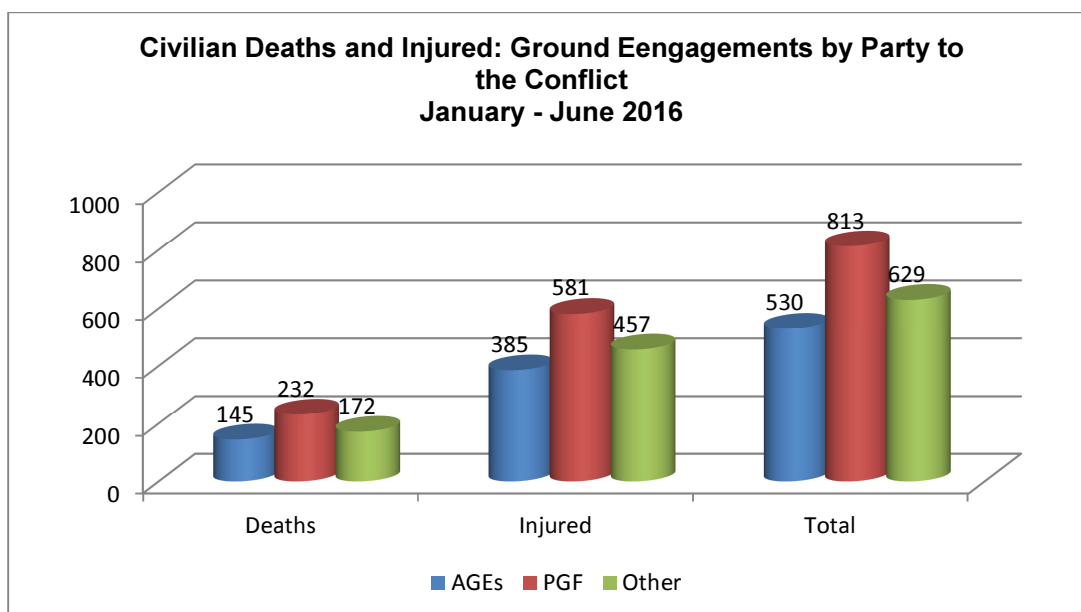


Consistent with the first half of 2015, Pro-Government Forces caused 41 per cent of all civilian casualties from ground engagements, Anti-Government Elements caused 27 per cent, while 32 per cent resulted from ground engagements between Anti-

<sup>94</sup> UNAMA telephone interview with relative, Kandahar city, Kandahar province, 10 April 2016.

<sup>95</sup> Between 1 January and 30 June 2015, UNAMA documented 1,602 civilian casualties (387 deaths and 1,215 injured) from ground engagements.

Government Elements and Pro-Government Forces where UNAMA attributed the casualties jointly to both.<sup>96</sup>



UNAMA is extremely concerned by the substantial increase in civilian casualties from ground engagements in 2016. UNAMA recalls that it observed a significant increase in civilian casualties from ground engagements in 2015 as a consequence of the transition of responsibility for counter-insurgency operations to Afghan security forces and a corollary increase in Anti-Government Element offensives, including the Taliban offensive in Kunduz province in September-October 2015.<sup>97</sup> This continuing trend underscores the urgent need for all parties to the conflict to re-evaluate their conduct before, during, and following ground operations in order to take all feasible precautions to protect civilians in planned, on-going, and future operations.

Of particular concern, women and children continued to bear the consequences of ground engagements and accounted for the majority – 57 per cent – of civilian casualties caused by ground engagements between 1 January and 30 June 2016. Specifically, UNAMA documented 319 women casualties (83 deaths and 236 injured) from ground fighting, a 16 per cent increase compared to the same period in 2015. Child casualties from ground engagements also increased by 25 per cent in the first half of 2015 with 806 child casualties (186 deaths and 620 injured) attributed to ground engagements.<sup>98</sup>

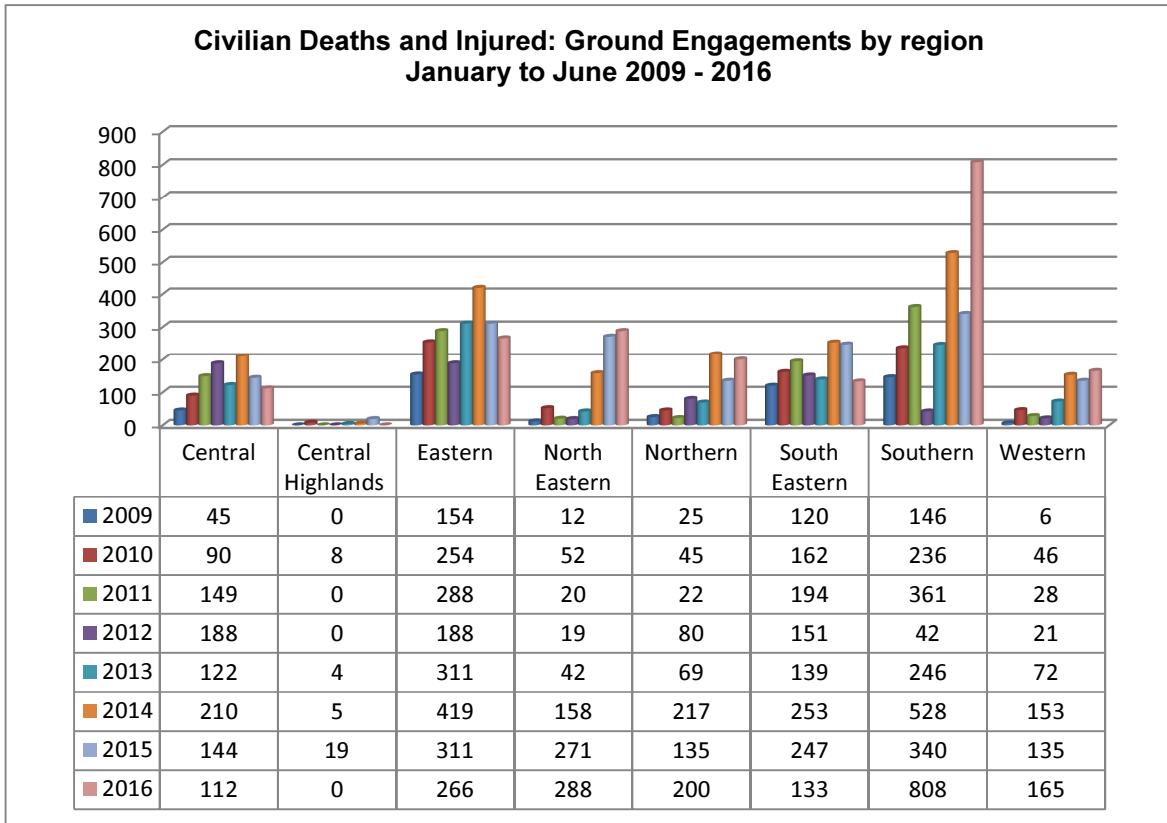
<sup>96</sup> UNAMA attributed 10 ground engagement civilian casualties (three deaths and seven injured) to Pakistan Military Forces, approximately one-half of one per cent of the total figure.

<sup>97</sup> See UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, pages 28, 29.

<sup>98</sup> Overall, ground engagements caused 63 per cent of all women casualties and 53 per cent of all child casualties during the first six months of 2016.

Ground engagements therefore persist as the leading cause of women and child casualties in Afghanistan during the first half of 2016.<sup>99</sup>

During the first six months of 2016, civilian casualties from ground engagements more than doubled in the southern region<sup>100</sup> where UNAMA documented 808 civilian casualties, rendering it the worst affected area of the country, predominantly as a result of increased Anti-Government Element offensives in Helmand and Uruzgan provinces. Ground engagements also significantly impacted the north-eastern region,<sup>101</sup> causing 288 civilian casualties - a six per cent increase compared to the same period in 2015 – largely due to a four-fold increase in Baghlan province and increased ground engagements in Takhar province.<sup>102</sup>



<sup>99</sup> This is the third consecutive UNAMA/OHCHR report highlighting ground engagements as the primary cause of women and child casualties. See UNAMA/OHCHR 2015 Midyear Report on Protection of Civilians in Armed Conflict, p. 28; UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, p. 16

<sup>100</sup> The southern region consists of Kandahar, Helmand, Uruzgan, Zabul, and Nimruz provinces.

<sup>101</sup> The northeastern region consists of Kunduz, Badakhshan, Takhar, and Baghlan provinces.

<sup>102</sup> In the first half of 2016, ground engagements most affected Helmand, Uruzgan, Kunduz, Herat, Kandahar, and Kunar provinces.

### Taliban Offensive in Uruzgan province - March 2016

In March, the Taliban launched co-ordinated attacks against Afghan security forces in Dehrawud district, Uruzgan province, leading to heavy fighting between 7 and 15 March and causing significant harm to civilians. The fighting resulted in at least 73 civilian casualties (26 deaths and 47 injured), including 10 women and 43 children.

The majority of civilian casualties – 79 per cent – resulted from ground fighting between Taliban and Afghan security forces where UNAMA attributed casualties jointly to both parties. However, the remaining 21 per cent of civilian casualties were attributed to the Afghan security forces, predominantly the ANA, largely as a result of the use of explosive weapons.

The conflict displaced approximately 1,500 families from surrounding villages to the Dehrawud district administration centre with many more unable to re-locate due to the on-going violence. The main roads remained blocked due to fighting for months, preventing humanitarian convoys from delivering emergency assistance to vulnerable and conflict-affected civilians despite the availability of supplies in Tirin Kot.

The situation also prevented residents of Dehrawud district from accessing services in Tirin Kot, including health care and education for the duration of the fighting. As of the writing of this report, the road is passable following an Afghan security forces operation on 15 June, although sources reported that local people remain afraid to travel.

### Civilian Casualties Attributed to Afghan National Security Forces

*"I was resting on a bed in my yard while my family members were inside the house. My mother had just returned from the agricultural fields and was preparing to recite the Holy Quran when a mortar round fired by ANA from Managay base impacted my house. Shrapnel hit and killed my mother. Shattered glass injured my five year-old son, eight year-old daughter and me. My house was also damaged. Anti-Government Elements attacked the ANA base two hours earlier with small weapons and machine guns but did not use heavy weapons."<sup>103</sup>*

-- Victim of ANA mortar impact in Wata Pur district, Kunar province on 8 March that killed one woman and injured three civilians, including two children.

In the first half of 2016, Pro-Government Forces caused 41 per cent of all civilian casualties that resulted from ground engagements. UNAMA attributed 813 civilian casualties (232 deaths and 581 injured) from ground engagements to Pro-Government Forces, a 39 per cent increase compared to the same period in 2015.<sup>104</sup>

<sup>103</sup> UNAMA interview with victim, Wata Pur district, Kunar province, 8 March 2016.

<sup>104</sup> Between 1 January and 30 June 2016, UNAMA documented 587 civilian casualties (148 deaths and 439 injured) attributed solely to Pro-Government Forces.



As in 2015, fighting continued in and around civilian populated areas as Afghan national security forces continued conducting clearance operations and counter-offensives to maintain and regain control of population centres.<sup>105</sup> Of the 813 civilian casualties caused by Afghan national security forces during ground engagements, UNAMA attributed 53 per cent to ANA, nine per cent to ANP, two per cent to ANCOP, one per cent to ALP. Operations conducted jointly by multiple branches of the Afghan security forces or where the specific unit could not be identified caused the remaining 35 per cent.

UNAMA notes with concern that the continuing increase in civilian casualties attributed to Pro-Government Forces during ground engagements is largely a result of the continued use of indirect<sup>106</sup> and explosive weapons – mortar, rockets, grenades, recoilless rifles and artillery – in civilian populated areas. UNAMA documented 645 civilian casualties (176 deaths and 469 injured) caused by Pro-Government Forces' use of explosive weapons in the first half of 2016, a 26 per cent increase compared to the same period in 2015.<sup>107</sup> The use of explosive weapons caused 79 per cent of all ground engagement civilian casualties attributed to Pro-Government Forces in the first six months of 2016 and 12 per cent of all civilian casualties caused by all parties to the conflict in the first six months of 2016.

As emphasised in 2015, UNAMA reiterates the critical need for the Government of Afghanistan to put in place robust, practical measures to reduce civilian casualties from the use of explosive weapons by Afghan security forces, and ensure accountability for those personnel responsible for negligent or intentional harm caused to civilians.

The following are examples of civilian casualties from ground engagements caused by Afghan security forces:

- On 28 May, artillery fired by ANA during clashes with Anti-Government Elements in Sozma Qala district, Sari Pul province, impacted a civilian house in Chaharyak village, injuring 14 civilians, including eight children and five women.
- On 1 June, a mortar round fired by an ANA check-post impacted next to a civilian house in Dehrawud district, Uruzgan province, killing three boys and one girl while they played outside during a wedding party and injured six others, all between the ages of five and eight years. The ANA targeted Anti-Government Elements in a neighbouring village.

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<sup>105</sup> See UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, page 32.

<sup>106</sup> Indirect fire weapons, such as mortars, rockets and grenades are high explosive weapons systems which fire projectiles to a location without a direct line of visibility to the target. Mortars cannot be guided to hit a specific target and have a wide-area of impact; when used in civilian-populated areas the risk of civilian casualties is very high.

<sup>107</sup> Between 1 January and 30 June 2015, UNAMA documented 511 civilian casualties (119 deaths and 392 injured) from Pro-Government Forces' use of indirect or explosive weapons.

## Civilian Casualties Attributed to Anti-Government Elements

*“Taliban fired rockets at Afghan security forces located behind my house. As my family and I ran from the clash, one rocket impacted my house killing my son and injuring my wife, my mother and I. My son was only ten years old. My injuries were slight but my wife and mother were seriously injured. My wife spent one month in hospital. The rocket also destroyed the living room and kitchen of our house and we lost everything in there.”<sup>108</sup>*

-- Victim of Anti-Government Elements rocket impact in Baghlan-e-Jadid district, Baghlan province on 28 April that killed one boy and injured three civilians, including two women.

Between 1 January and 30 June 2016, UNAMA documented 530 civilian casualties (145 deaths and 385 injured) caused by Anti-Government elements during ground engagements, a two per cent increase compared to the same period in 2015.<sup>109</sup> Anti-Government Elements caused 27 per cent of all civilian casualties from ground engagements in the first half of 2016. UNAMA observed that 336 civilian casualties (89 deaths and 247 injured) - 63 per cent - of ground engagement civilian casualties caused by Anti-Government Elements resulted from the use of indirect and explosive weapons.

The majority of civilian casualties attributed to Anti-Government Elements occurred in the context of attacks or offensives against Afghan national security forces, primarily check-posts and patrols. However, Anti-Government Elements continued to attack civilian populated areas during ground engagements, particularly district administration centres. For example, in the first half of 2016, UNAMA documented 32 incidents of ground engagements targeting civilian government administration or other civilian targets that resulted in 91 civilian casualties (11 deaths and 80 injured).

Incidents in which Anti-Government Elements caused civilian casualties during ground engagements include:

- On 13 April, Taliban attacked several Afghan security force check-posts around Marawara district centre, Kunar province with small arms fire and mortar rounds. Several mortar rounds fired by Taliban impacted in residential areas, killing two civilians and injuring eight others, including six children. The Taliban claimed responsibility for attacking the check-posts on their website.<sup>110</sup>

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<sup>108</sup> UNAMA telephone interview with victim, Kunduz city, Kunduz province, 31 May 2016.

<sup>109</sup> Between 1 January and 30 June 2015, UNAMA documented 518 civilian casualties (138 deaths and 380 injured) attributed solely to Anti-Government Elements during ground engagements.

<sup>110</sup> See Taliban statement, “10 including Commander Killed, Two Posts Overrun on Second Day”, 14 April 2016, previously accessible at: <http://shahamat-english.com/10-including-commander-killed-2-posts-overrun-on-day-2nd/>. Removed from internet but on file with UNAMA Human Rights Unit.

- On 22 May, Taliban fired several rockets at the Provincial Governor of Herat's compound in Herat city, Herat province killing one male civilian – a passing rickshaw driver – and injuring six civilians, including two boys. The Taliban claimed responsibility for attacking the compound on their website.<sup>111</sup>

### **Fighting between rival Anti-Government Elements in Shindand district, Herat province, 7-9 March 2016**

Divisions within the Afghan Taliban created by the confirmation of Mullah Omar's death in 2015 created a schism between rival Taliban factions in Shindand district, Herat province. In-fighting between the pro-Mullah Mansour faction and pro-Mullah Rasoul faction broke out in December 2015 and lasted several days before local influential people mediated a truce. Although no civilian casualties occurred as a result of this clash, sources reported that Taliban forced men and boys to join the armed conflict, announcing in mosques that parents should allow their children to join the conflict, and threatening to kill those who rejected their demands.

Fighting erupted again following an IED detonation on 7 March 2016 that killed a supporter of the leader of the pro-Mullah Rasoul faction. Both factions mobilised large numbers of fighters against each other in the Zirkoh valley area of the district. From 7 to 10 March, UNAMA documented 62 civilian casualties (43 deaths and 19 injured) as a result of the fighting and ground engagements with Afghan security forces, with some being caught in cross-fire and others deliberately targeted, possibly as a result of perceived connections with one of the two factions. When the front-line of fighting reached Zirkoh clinic, medical staff fled leaving local civilians without accessible health care. In addition to the casualties, the conflict temporarily displaced 1,600 families to nearby villages and the area around Herat city.

Afghan security forces' clearance operations in the days, weeks, and months after the 7 to 10 March in-fighting led to further civilian casualties and property damage in the valley. UNAMA documented 37 civilian casualties (11 deaths and 26 injured) as a result of ground engagements between Afghan security forces and Taliban factions and between Taliban factions as well as targeted killings carried out by the two rival Taliban factions in Shindand district in April and May. The situation in Shindand highlights another aspect of the increasingly complex and dangerous environment for civilians caught between multiple conflict-actors.

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<sup>111</sup> The claim of responsibility was posted on the Taliban website under the following URL: <http://alemara1.org/?p=51296>, last accessed 9 June 2016.

### **Ground Engagements Causing Civilian Casualties in which Attribution to a Specific Party was not possible**

*"I was fetching water from the well when I heard the sound of firing. I thought that the Taliban had attacked an Afghan security force check-post on the hill near my house. As I rushed back towards my house a bullet struck my abdomen and I fell unconscious."<sup>112</sup>*

-- A 15 year-old girl wounded by crossfire in Khwaja Sabz Posh district, Faryab province, on 20 March 2016.

In the first six months of 2016, UNAMA recorded 619 civilian casualties (169 deaths and 450 injured) caused from ground engagements where attribution to a specific party was not possible. The majority of civilian casualties caused by crossfire occurred in clashes between Afghan security forces and Taliban. However, UNAMA also recorded 11 civilian casualties (one death and 10 injured) caused by crossfire during clashes between Anti-Government Elements groups and six civilian casualties (one death and five injured) from crossfire between Pro-Government militia groups and Anti-Government Elements.

The following are examples of civilian casualties from unattributed ground engagements between Anti-Government Elements and Pro-Government Forces:

- On 30 April, Anti-Government Elements attacked Afghan security forces as they escorted a logistical convoy in Sayedabad district, Maidan Wardak province. During the ensuing fighting, crossfire injured six civilians (including four children and a woman) in nearby villages and in a vehicle on the road, and several fuel tankers were set alight.
- On 20 April, in Khwaja Bahauddin district, Takhar province, a stray bullet from an armed clash between Anti-Government Elements and ALP struck the headmaster of a school in his chest while teaching a class, killing him in front of his students.

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<sup>112</sup> UNAMA interview with victim, Maimana public hospital, Faryab province, 28 March 2016.

## Explosive Weapons during Ground Engagements<sup>113</sup>

*“On the day of the incident there was fighting a few kilometres from the village earlier in the morning but there was no fighting in our village. Our family was in the house and just as the children went outside to play, a mortar round impacted nearby. It fragmented my son’s body into pieces. He was 13 years old. We collected him in a plastic bag. It was terrible for us. My family members could not control ourselves and just cried. It was like the end of the world. The mortar also injured my other son who is hospitalised in Kabul.”<sup>114</sup>*

-- Father of two victims of a mortar round fired by Afghan security forces that impacted a village in Nirkh District, Maidan Wardak Province, on 13 May killing four boys and injuring three others.

Of the 1,972 civilian casualties from ground engagements documented between 1 January and 30 June 2016, UNAMA notes that 1,128 civilian casualties (308 deaths and 820 injured) resulted from the use of mortars, rockets, grenades and other indirect and explosive weapons employed by parties to the conflict, a 30 per cent increase compared to the same period in 2015.<sup>115</sup> Indirect and explosive weapons therefore accounted for 22 per cent of all civilian casualties that occurred in Afghanistan during the first half of 2016. Of particular concern, civilian fatalities caused by explosive weapons increased by 61 per cent compared to the same period in 2015.

UNAMA remains concerned by the severe impact on civilians of the use of explosive weapons by parties to the conflict in civilian populated areas. Children, in particular, are disproportionately affected by the use of explosive weapons and accounted for nearly half of all civilian casualties caused by this tactic in the first half of 2016. Explosive weapons also caused damage to civilian property and infrastructure. For example, on 9 April, Anti-Government Elements fired rockets towards the presidential palace in Kabul city, one of which hit the roof of a girls’ high school and damaged several classrooms. Furthermore, the mission notes with concern the correlation between ground engagements in civilian populated areas and rising civilian casualties from ERW. UNAMA documented 312 civilian casualties (95 deaths and 217 injured) from ERW, a 49 per cent increase compared to the same period in 2015 (see chapter on Explosive Remnants of War for further details).

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<sup>113</sup> This section concerns conventional explosive and indirect fire weapons, such as mortars, rockets, artillery, and recoilless rifles employed in ground-to-ground combat. Although some weapon systems are capable of line of sight firing, the majority are employed as indirect weapons systems that launch high explosive projectiles at a location without a direct line of visibility to the target. Mortars in particular cannot be guided to hit a specific target and have a wide-area of impact; when used in civilian-populated areas the risk of civilian casualties is very high.

<sup>114</sup> UNAMA telephone interview with relative, Kabul city, 24 May 2016.

<sup>115</sup> Between 1 January and 30 June 2015, UNAMA documented 867 civilian casualties (191 deaths and 676 injured) from the use of indirect and explosive weapons during ground engagements.

UNAMA notes that the United Nations' Secretary-General has repeatedly urged parties to conflict to refrain from using explosive weapons with a wide-area impact in densely populated areas.<sup>116</sup> The mission also reiterates its call to all parties to the conflict to cease firing mortars, rockets, and grenades and other explosive and indirect weapons into civilian-population areas, and to review procedures and rules of engagement on the use of indirect fire weapons. UNAMA re-emphasises that international humanitarian law requires all parties to the conflict to abstain from attacks that may disproportionately harm civilians and to take all feasible precautions to protect the civilian population and civilian objects against the effects of attacks.<sup>117</sup>

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

The following are examples of civilian casualties caused by explosive weapons:

- On 20 March, artillery rounds fired by ANA impacted, and destroyed, a civilian house in Dasht-e-Archi district, Kunduz province, killing three girls and injuring four children and two women - all members of the same family.
- On 10 January, Anti-Government Elements fired rockets at Bak district administration centre, Khost province. The projectiles detonated next to a middle school where children played, killing one nine year-old boy and injuring ten children and one woman.

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<sup>116</sup> See United Nations Secretary-General Report on the Protection of Civilians in Armed Conflict, S/2012/376 (2012), S/2013/689 (2013), S/2015/453 (2015), and S/2016/447 (2016).

<sup>117</sup> Rules 14 to 22 ICRC *Study on Customary International Human Rights Law* (2005).

### III. Anti-Government Elements

Anti-Government Elements,<sup>118</sup> remained responsible for the majority of conflict-related harm to the civilian population, causing 60 per cent of all civilian casualties in the first half of 2016. Between 1 January and 30 June, UNAMA documented 3,082 civilian casualties (966 deaths and 2,116 injured) from operations and attacks carried out by all Anti-Government Elements,<sup>119</sup> an 11 per cent decrease compared to the same period in 2015.

UNAMA attributed responsibility as follows:

Civilian casualties from incidents publicly claimed by Taliban	1,058
Civilian casualties from incidents attributed to Taliban commanders and affiliated groups but not publicly claimed	1,338
Civilian casualties from incidents publicly claimed by groups pledging allegiance to ISIL/Daesh <sup>120</sup>	22
Civilian casualties from incidents sources attributed to groups pledging allegiance to ISIL/Daesh but not publicly claimed	100
Civilian casualties attributed to anti-government armed groups for which there was no claim of responsibility and attribution to a specific armed group was not possible <sup>121</sup>	564
<b>Total civilian casualties attributed to Anti-Government Elements</b>	<b>3,082</b>

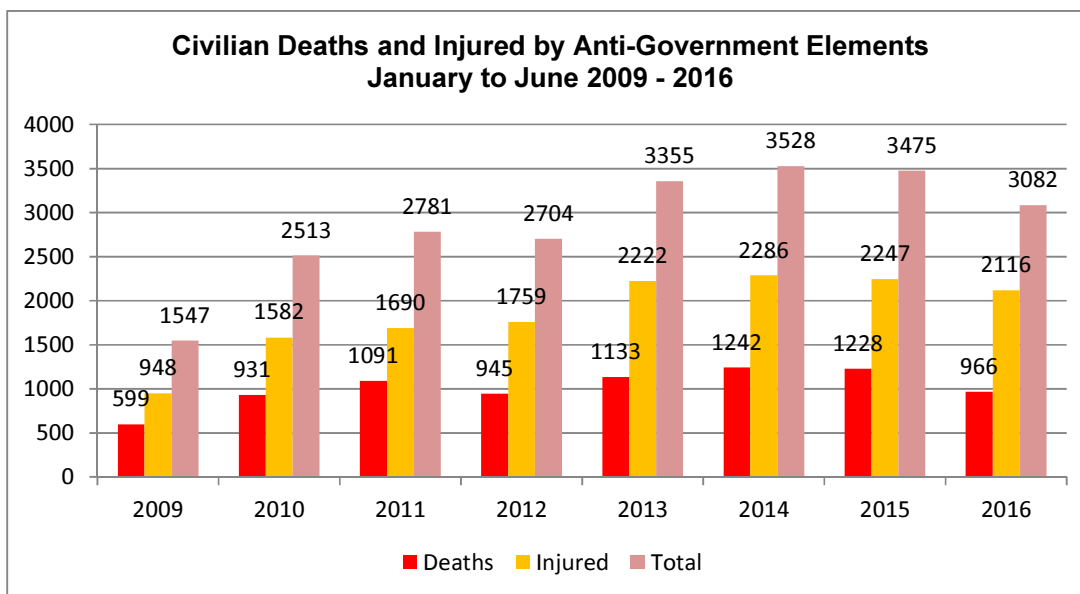
<sup>118</sup> Anti-Government Elements encompass all individuals and armed groups involved in armed conflict with or armed opposition against the Government of Afghanistan and/or international military forces. They include those who identify as ‘Taliban’ as well as individuals and non-State organised armed groups taking a direct part in hostilities and assuming a variety of labels including the Haqqani Network, Hezb-e-Islami, Islamic Movement of Uzbekistan, Islamic Jihad Union, Lashkari Tayyiba, Jaysh Muhammed, groups identified as ‘Daesh’ and other militia and armed groups pursuing political, ideological or economic objectives including armed criminal groups directly engaged in hostile acts on behalf of a party to the conflict.

<sup>119</sup> Between 1 January and 30 June 2015, UNAMA attributed 3,475 civilian casualties (1,228 deaths and 2,247 injured) to all Anti-Government Elements groups.

<sup>120</sup> UNAMA notes that this figure does not include claims of responsibility made by ISIL/Daesh that followed claims of responsibility made by Taliban and that occurred outside of their regular operational area, UNAMA determined certain claims to be opportunistic and not credible.

<sup>121</sup> UNAMA attributed fewer than 10 civilian casualties to the following groups during the first half of 2016: Haqqani Network, Hezb-i-Islami, and Tehrik-Taliban Pakistan.





### Tactics and Incident Types Causing the most Harm to Civilians

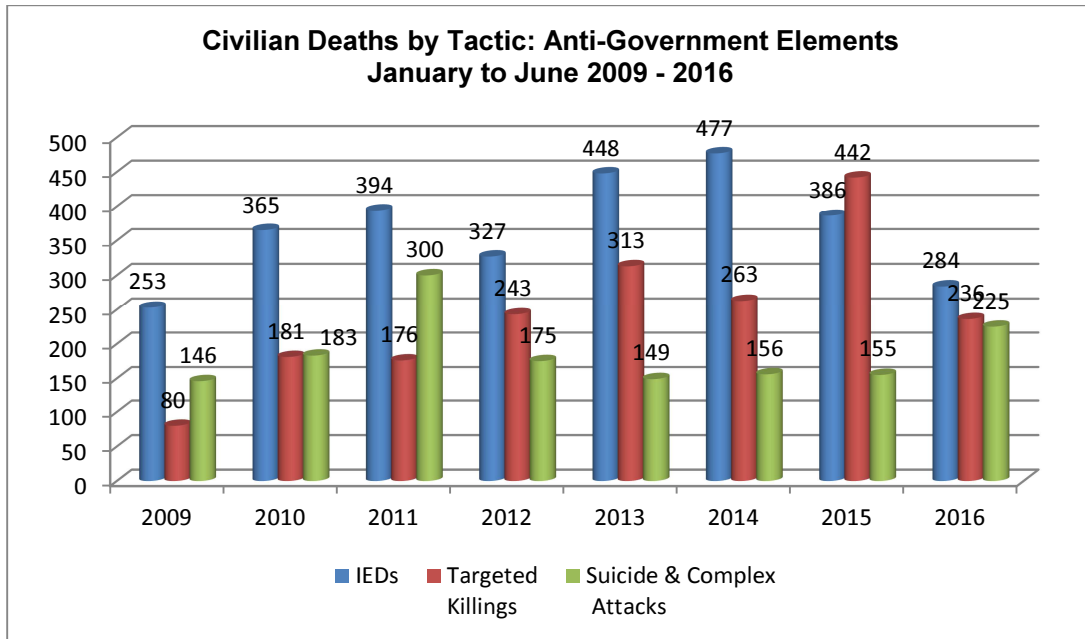
In the first half of 2016, the most harmful tactic used by Anti-Government Elements became suicide and complex attacks, which caused 32 per cent of all civilian casualties attributed to such groups, surpassing IEDs, which resulted in 29 per cent of all civilian casualties attributed to Anti-Government Elements. Ground engagements where UNAMA attributed civilian casualties solely to Anti-Government Elements and targeted killings by Anti-Government Elements, including the use of IEDs for such attacks, each caused 17 per cent of civilian casualties attributed to these groups. The remaining five per cent of casualties resulted from conflict-related abductions, parallel justice structure punishments, and physical injuries inflicted to civilians during threat, intimidation and harassment incidents.<sup>122</sup>

UNAMA notes that between 1 January and 30 June 2016, combined IED tactics (traditional IEDs, suicide and complex attacks,<sup>123</sup> and targeted killings using IEDs) by Anti-Government Elements, caused 2,059 civilian casualties (531 deaths and 1,528 injured) - accounting for 67 per cent of civilian casualties caused by Anti-Government

<sup>122</sup> Threats, intimidation and harassment is a category of tactic used by UNAMA to record incidents of threats of death or harm, intimidation and harassment which amount to a human rights violation or abuse carried out by a party to conflict against a civilian. This category includes unlawful movement restrictions or prohibition of freedom of expression, and illegal deprivation of property. The category also includes incidents of physical violence when the purpose is to threaten, intimidate or harass civilians, i.e. punishment, revenge, or other forms of deliberate assault when the purpose is to threaten, intimidate or harass civilians.

<sup>123</sup> UNAMA definition of 'complex attack' refers to a deliberate and coordinated attack which includes a suicide device (i.e., BBIED, VBIED), more than one attacker and more than one type of device (i.e., BBIED and mortars). All three elements must be present for an attack to be considered complex.

Elements. Combined IED tactics caused 40 per cent of all civilian deaths and injuries related to the conflict in the first half of 2016.



### Improvised Explosive Devices

*“I went to the bazaar to fetch supplies for the juvenile rehabilitation centre where I work. I parked my vehicle in front of the shop when the explosion happened. I didn’t know what was going on. When I opened my eyes and I found myself in the hospital. My left leg and left hand were gone. I found out later that a magnetic IED caused the explosion. I have no enmity with anyone. I’m just a poor driver and not connected to any part of the conflict. I have been a driver for over 20 years now but I am now disabled and I lost my leg and hand. Nobody helped me and I received no compensation.”<sup>124</sup>*

-- Victim of a magnetic IED detonation on 17 February in Mahmud-Raqi district, Kapisa province. The explosion injured one boy and four men. Anti-Government Elements had attached the magnetic IED to a Ministry of Justice vehicle.

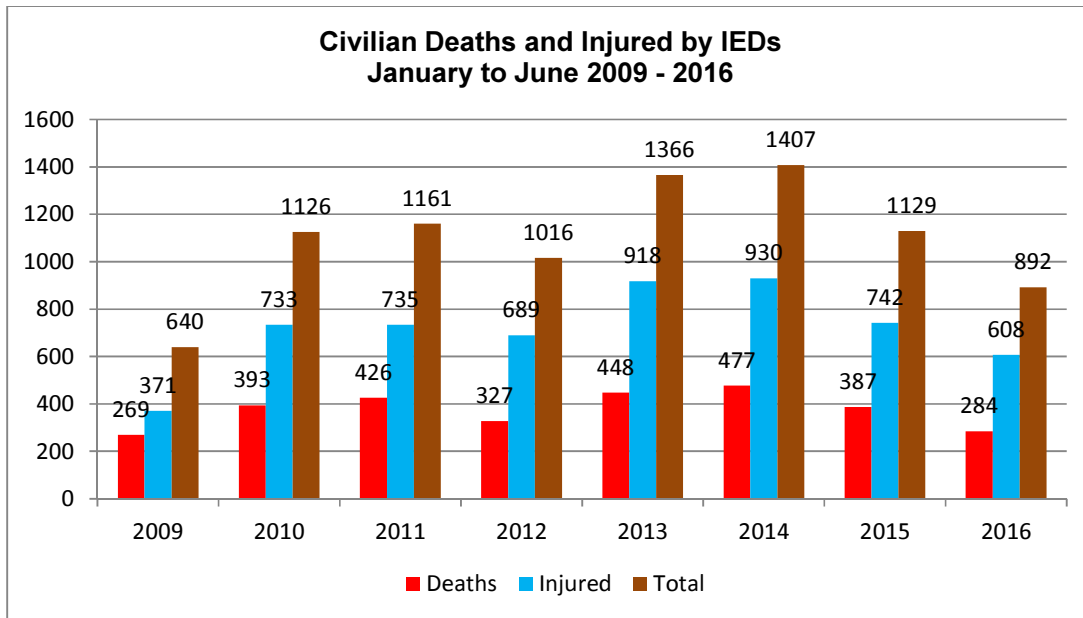
Consistent with the overall trend recorded in 2015<sup>125</sup>, in the first six months of 2016 UNAMA documented a substantial decrease in civilian casualties caused by improvised explosive devices (IEDs)<sup>126</sup>. UNAMA recorded 892 civilian casualties (284 deaths and

<sup>124</sup> UNAMA interview with the victim, Mahmud-Raqi district, Kapisa province, 3 May 2016.

<sup>125</sup> This the third consecutive decrease in civilian casualties caused by IEDs documented by UNAMA. See UNAMA/OHCHR 2015 Mid-Year Report on Protection of Civilians in Armed Conflict, page 43; UNAMA 2015 Annual Report on Protection of Civilians in Armed Conflict, page 39.

<sup>126</sup> UNAMA categorises IEDs by the basic method used to initiate detonation, including victim-activated IEDs, remote-control/radio/command operated IEDs, and suicide IEDs. The most common victim-activated-IEDs in Afghanistan are pressure-plate IEDs. Remote-controlled IEDs

608 injured) from IEDs, reflecting a decrease of 21 per cent compared to the first half of 2015.<sup>127</sup> As a result of this reduction, IEDs became the second leading cause of civilian death and injuries attributed solely to Anti-Government Elements. Despite the decrease, IEDs remain the third leading cause of civilian casualties, responsible for 17 per cent of total casualties between 1 January and 30 June 2016.<sup>128</sup>



UNAMA notes that the decrease in civilian casualties from IEDs may be attributable to a possible reduction in the number of IEDs emplaced by Anti-Government Elements and a shift in tactical focus.<sup>129</sup> Security sources reported a decrease in the number of IED incidents during the first half of 2016 in all regions with the exception of the northern

and magnetic IEDs are also commonly used by Anti-Government Elements. While UNAMA records magnetic-IEDs separately, they are technically a sub-category of remote-controlled IEDs. See Glossary for definition of each trigger-type of IED.

<sup>127</sup> Between 1 January and 30 June 2015, UNAMA documented 1,129 civilian casualties (387 deaths and 742 injured) from IEDs.

<sup>128</sup> UNAMA notes that these figures do not include civilian casualties from IEDs used in complex and suicide attacks or IEDs used in targeted killings, which are recorded separately due to the distinct nature of these tactics. Counted together, combined IED tactics accounted for 40 per cent of all civilian casualties (2,059 casualties – 531 deaths and 1,528 injured) in the first half of 2016.

<sup>129</sup> “The number of IED explosions and mine strikes this reporting period has shown a modest, but steady decline when compared to the same time period last year and over the last two years. However, insurgent use of direct fire has increased when compared to the same time period one year ago as the Taliban more frequently used massed attacks to overwhelm vulnerable ANA and ANP checkpoints and fixed positions.” See United States Department of Defense, ‘Report on Enhancing Security and Stability in Afghanistan’, page 30, June 2016, available at: [http://www.defense.gov/Portals/1/Documents/Enhancing\\_Security\\_and\\_Stability\\_in\\_Afghanistan-June\\_2016.pdf](http://www.defense.gov/Portals/1/Documents/Enhancing_Security_and_Stability_in_Afghanistan-June_2016.pdf), last accessed 19 June 2016.

region.<sup>130</sup> Notwithstanding the reduction in emplaced IEDs, the decline in civilian casualties may also be attributed to the increasing ability of Afghan security forces to detect and make safe IEDs.

While UNAMA observed an overall decrease in civilian casualties caused by IEDs, several provinces saw an increase in civilian casualties as a result of IEDs compared to the same period in 2015, including Faryab, Balkh, Logar, and Nimroz provinces,<sup>131</sup> primarily due to increasing general conflict-related violence in those provinces in the first half of the year.

IEDs caused the highest number of civilian casualties in Kandahar province during the first six months of 2016, followed by Faryab, Helmand, Ghazni, and Badakhshan provinces.<sup>132</sup>

#### *Continued Use of Improvised Explosive Devices in Civilian-Populated Areas*

UNAMA remains concerned by the continued use of IEDs by Anti-Government Elements in civilian populated areas. For example, on 31 May, Anti-Government Elements targeting a passing Afghan Local Police vehicle detonated a remote controlled-IED attached to a bicycle in Ghazni city, Ghazni province, killing four civilians and injuring 15 others including a boy. In another incident, on 2 June, Anti-Government Elements detonated a remote controlled-IED in front of a shop owned by an Afghan Local Police member located on a main street in Qillah Najil bazaar, Alishing district, Laghman province that killed two boys and a man, and injured 15 others, including four boys and two women.

The tactical use of IEDs in this manner may amount to violations of international humanitarian law and war crimes. The principles of proportionality and distinction dictate that civilians shall not be the object of the attack and require parties to refrain from attacks in which the expected incidental harm to civilians is disproportionate to the anticipated military advantage.<sup>133</sup> In addition, parties to the conflict are obliged to take constant care to spare the civilian population and all feasible precautions to minimise any incidental civilian injury, loss or life, or damage to civilian objects.<sup>134</sup>

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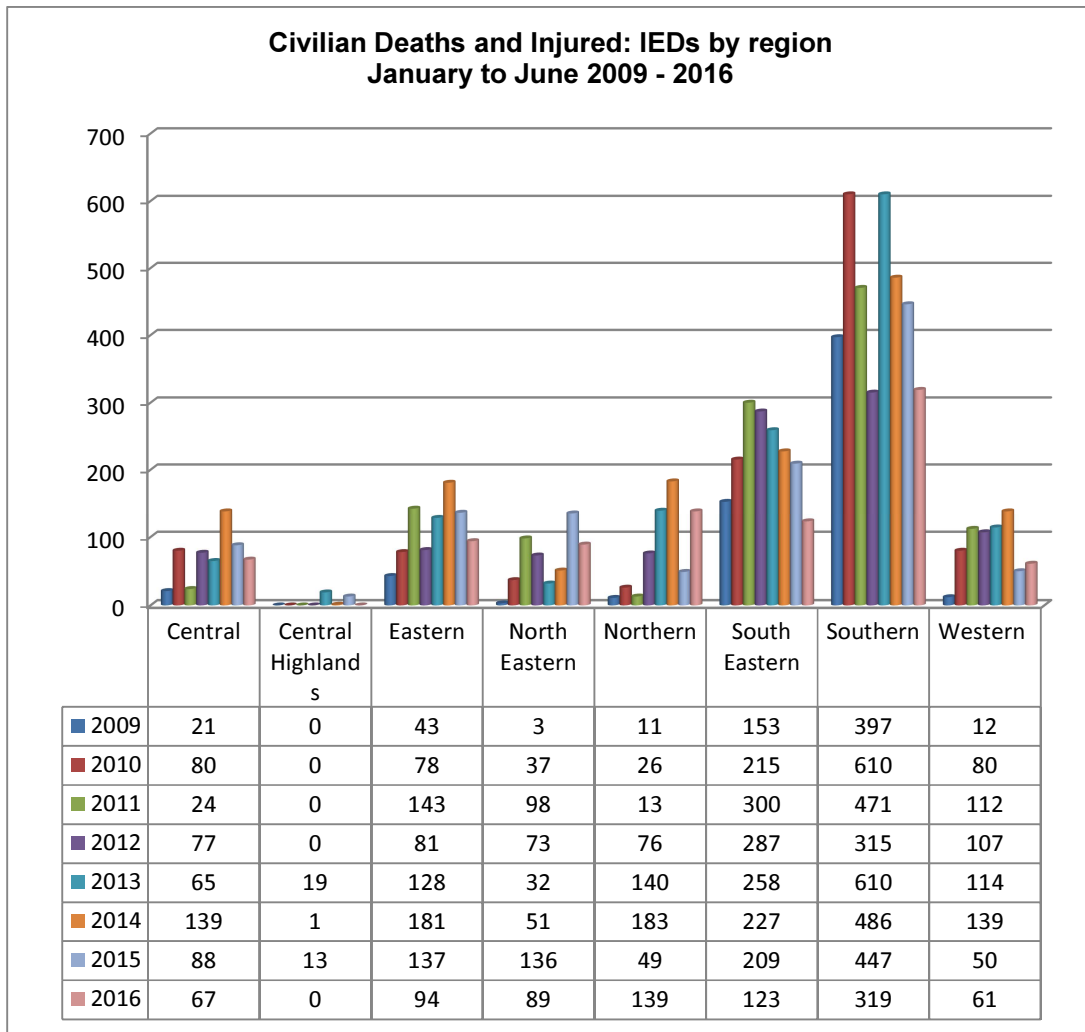
<sup>130</sup> Information received from UNAMA Department of Safety and Security on 6 June 2016 regarding the number of IEDs discovered or detonated by Afghan security forces between January and May 2016.

<sup>131</sup> In the first half of 2016, UNAMA recorded 70 civilian casualties in Faryab province compared to 31 in the first half of 2015; 54 civilian casualties in Balkh province compared to four in the same period in 2015; 43 in Logar province compared to 18 during the first half of 2015; and 22 in Nimroz province compared to eight in 2015.

<sup>132</sup> During the same period in 2015, IEDs most heavily affected Kandahar province, followed by Helmand, Ghazni, and Nangarhar provinces.

<sup>133</sup> Additional Protocol II, article 13(2); ICRC, *Customary International Humanitarian Law*, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005).

<sup>134</sup> Rules 15 to 21 ICRC *Study on Customary International Human Rights Law* (2005).



*Pressure-Plate IEDs*

*“My relatives and I decided to travel to a Taliban controlled area to work in the poppy fields to earn money to feed our family. There is no work in Herat. We were laughing as we travelled to the fields when the bus suddenly launched into the air. I did not understand what was happening because I lost consciousness. When I woke up, many passengers were on the ground. I wasn’t fully conscious and the area was full of smoke. I heard the injured shouting and crying due to their wounds. I was injured by shrapnel myself. Local people helped us get to the provincial hospital. The incident occurred on the frontline between Taliban and Government controlled territory.”<sup>135</sup>*

-- Victim of a pressure-plate IED detonation in Muqur district, Badghis province on 4 May that killed five civilians and injured five others.

<sup>135</sup> UNAMA telephone interview with victim, Herat city, Herat province, 4 May 2016.

Reversing the trend of increasing civilian casualties from pressure-plate IEDs documented in 2014 and 2015, in the first six months of 2016, UNAMA recorded a reduction in civilian deaths and injuries from the use of pressure plate IEDs.<sup>136</sup> Between 1 January and 30 June 2016, UNAMA recorded 432 civilian casualties (173 deaths and 259 injured) from the use of such devices by Anti-Government Elements, a 17 per cent decrease compared to the same period in 2015.<sup>137</sup>

The use of pressure plate IEDs in Afghanistan may amount to violations of international humanitarian law by virtue of their indiscriminate nature.<sup>138</sup> As victim-activated explosive devices, those who employ pressure-plate IEDs have no ability to direct their effects towards specific targets after the device is emplaced. Civilians are frequently maimed and killed by stepping on or driving over pressure plate IEDs without any opportunity to defend themselves. Despite the decrease in civilian casualties caused by pressure-plate IEDs, these illegal devices continued to cause nearly half of all civilian casualties from IEDs and eight per cent of total civilian casualties from all tactics by all parties in the first six months of 2016.<sup>139</sup>

Anti-Government Elements continued to emplace pressure plate IEDs on roads used by civilians. For example, on 30 March a school bus struck a pressure plate IED in Qalat city, Zabul province. The detonation killed a seven year-old boy and a ten year-old girl - siblings - and injured the bus driver. On 11 April, a shuttle bus carrying Ministry of Education government staff hit a pressure plate IED in Bagrami district, Kabul province, killing the driver and his assistant and injuring five employees of the ministry.

Other examples of civilian casualties from pressure plate IEDs include the following:

- On 4 June, in Dehrawud district, Uruzgan province, seven members of one family fled clashes between Afghan security forces and Taliban in their village in a truck. The truck struck a pressure plate IED on the road, killing seven civilians, including two boys.
- On 19 February, six family members riding on a motorcycle struck a pressure plate-IED in Waza Khah district, Paktika province. The detonation killed all six, including four girls, a woman and a man.

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<sup>136</sup> UNAMA documented 519 civilian casualties (253 deaths and 266 injured) from pressure plate IEDs in the first half of 2015, a 41 per cent increase from the same period in 2014. See *Afghanistan Mid-Year Report on Protection of Civilians in Armed Conflict: 2015*.

<sup>137</sup> In the first half of 2015, UNAMA documented 519 civilian casualties (253 deaths and 266 injured) from pressure plate IEDs.

<sup>138</sup> Afghanistan has ratified the 1997 *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* ('Ottawa Convention' or the Mine Ban Treaty). This treaty prohibits the use of factory-made anti-personnel mines and victim-activated IEDs, such as PP-IEDs. The definition of 'mine' in the Convention encompasses IEDs to the extent that they are designed to be placed under, or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or vehicle.

<sup>139</sup> Pressure-plate IEDs caused 48 per cent of civilian casualties from IEDs in the first half of 2016 compared to 46 per cent in the first half of 2015.

### Remote Controlled-IEDs

*"I saw a person park his motorcycle in front of a shop in the market area and immediately disappear. Shortly thereafter, a pro-Government armed group commander's vehicle arrived and parked near the motorbike. Suddenly, the motorcycle detonated and it became dark everywhere. I saw my father and some other men falling on the ground injured. People ran in various directions to save their lives and out of shock and fear. I ran towards my father and hugged him and saw that he was still alive. I immediately took him to the district hospital for treatment. I saw a number of dead bodies and other injured civilians."<sup>140</sup>*

-- Victim of a remote-controlled IED detonation on 31 March in Qasyar district, Faryab province that killed one civilian and injured four, including a boy.

In the first six months of 2016, UNAMA documented 327 casualties (74 deaths and 253 injured) from remote controlled-IEDs an increase of 22 per cent compared to the same period in 2015.<sup>141</sup>

Although remote controlled-IEDs are command-operated devices that enable the operator to detonate the device at a specific time against a particular target, Anti Government Elements continue to kill and maim civilians by employing these devices in public locations. In particular, UNAMA remains concerned by the continued targeting of Afghan security forces in civilian populated areas with remote controlled-IEDs.<sup>142</sup>

Examples of remote controlled-IED incidents resulting in significant civilian casualties include:

- On 20 June, in Kishem district, Badakhshan province, Anti-Government Elements detonated a remote controlled-IED in a market area on the main road, killing 12 civilians, including two girls and three boys, and injuring 36 others, including 14 children. The detonation may have been premature as there was no obvious target in the area at the time of the incident.
- On 19 May, Anti-Government Elements detonated a remote-controlled-IED targeting a vehicle carrying family members of a deceased Afghan Local Police member in Baghlan-e-Jadid district, Baghlan province, killing 12 civilians – including four girls, two boys, and two women, and injuring two boys.

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<sup>140</sup> UNAMA interview with victim, Maimana public hospital, Maimana district, Faryab province, 31 March 2016.

<sup>141</sup> UNAMA documented 268 casualties (59 deaths and 209 injured) during the first half of 2015 from remote controlled-IEDs.

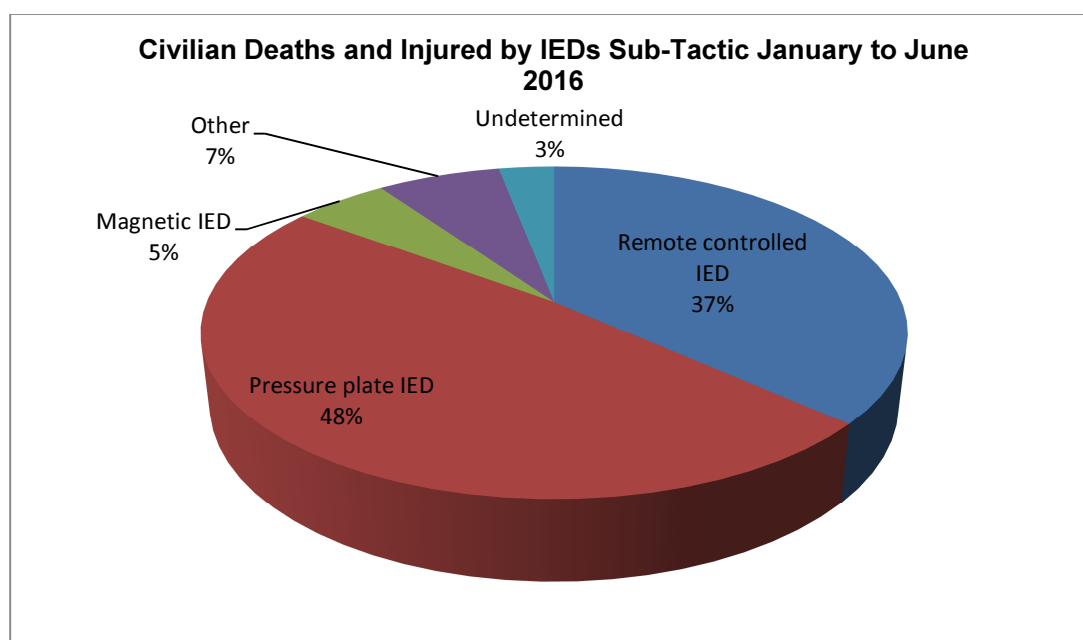
<sup>142</sup> Remote controlled-IEDs used as a method to conduct a targeted killing, including instances when the targeted individual was a civilian, are covered in the section, War Crime of Murder: Deliberate Killings of Civilians, below.



- On 28 May, Anti-Government Elements targeting an ANP vehicle detonated a remote controlled-IED in Pul-e-Alam town, Logar Province, killing one woman and injuring 21 others, including one woman and three boys.

#### *Magnetic IEDs*

Between 1 January and 30 June 2016, UNAMA documented 46 civilian casualties (two deaths and 44 injured), a 28 per cent decrease from the same period in 2015.<sup>143</sup> Although the majority of magnetic IEDs involved emplacement on Afghan security forces vehicles, detonations in populated areas often resulted in civilian deaths and injury. For example, on 1 February, a magnetic IED attached to an ANP vehicle in Mihterlam city, Laghman province, detonated near a bank, injuring 12 civilians, including one woman and four boys. On 29 March, a magnetic IED attached to an ANP vehicle detonation injured four civilians at a bazaar in the Company area of Kabul city.



<sup>143</sup> During the first half of 2015, UNAMA documented 64 civilian casualties (six deaths and 58 injured) as a result of magnetic IEDs.

### Suicide and Complex Attacks<sup>144</sup>

*“My uncle and I attended a gathering at a tribal elder’s home to celebrate the recent release of the elder’s son, who was recently released from Anti-Government Element captivity. Two bodyguards searched the people entering the guesthouse. As guests sat or walked inside the compound, I saw the suicide attacker quickly enter the compound. The bodyguards shouted at him and asked where he was going. He just angrily responded with “what?” The tribal elder, believing the intruder may be a visitor, asked the bodyguards to allow him in. When he approached the gathering, he detonated his suicide vest and the explosion filled the house with dust. After a few minutes, I saw some people lying on the ground in their own blood and others killed still in their chairs. I was also wounded along with others.”<sup>145</sup>*

-- A 17 year-old boy wounded in a suicide attack targeting an influential Pro-Government tribal elder in Jalalabad city, Nangarhar province, on 17 January. The attack killed 13 civilians and injured 14 others.

During the first six months of 2016, suicide and complex attacks increasingly killed and maimed the civilian population, causing 999 civilian casualties (225 deaths and 774 injured), a six per cent increase compared to the same period in 2015.<sup>146</sup> Suicide and complex attacks accounted for 19 per cent of all civilian casualties in the first six months of 2016 and became the second leading cause of civilian casualties by all parties to the conflict after ground engagements.

Taliban claimed responsibility for 14 of the 26 documented complex and suicide attacks that resulted in civilian casualties, accounting for 796 civilian casualties (168 deaths and 628 injured), 80 per cent of all civilian casualties caused by complex and suicide attacks in the first half of 2016.

Urban areas continued to be most affected by suicide and complex attacks. Kabul city bore the brunt of such tactics with 619 civilian casualties (108 deaths and 511 injured) – 62 per cent of casualties – from suicide and complex attacks. The Taliban-claimed<sup>147</sup> complex attack on 19 April targeting the VIP Protection Directorate of the Office of the President (see below) in the Pul-e-Mahmood Khan area of Kabul city resulted in 393

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<sup>144</sup> UNAMA definition of ‘complex attack’ refers to a deliberate and coordinated attack that includes a suicide device (i.e. body-borne IED, suicide vehicle borne-IED), more than one attackers and more than one type of device (i.e. body-borne IED and mortars). All three elements must be present for an attack to be considered complex.

<sup>145</sup> UNAMA Interview with victim, Jalalabad city, Nangarhar province, 17 January 2016.

<sup>146</sup> Between 1 January and 30 June 2015, UNAMA documented 941 civilian casualties (155 deaths and 786 injured) as a result of complex and suicide attacks.

<sup>147</sup> See Taliban statement, “Kabul martyr attack final report”, previously accessible at: <http://shahamat-english.com/kabul-martyr-attack-final-report/>. Removed from internet but on file with UNAMA Human Rights Unit. Taliban issued multiple statements claiming responsibility for the attack. See footnote 155, below.

civilian casualties alone.<sup>148</sup> Nangarhar province also suffered high numbers of civilian casualties from suicide and complex attacks, mainly in Jalalabad city, recording 95 civilian casualties (30 deaths and 65 injured) during the first six months of 2016. Of note, UNAMA recorded 57 casualties (15 killed and 42 injured) from two suicide attacks in the bazaar area of Sia Gird district, Parwan province that occurred six weeks apart in February and April. The Taliban claimed responsibility for the attack targeting an ALP commander 15 metres from the Sia Gird district health facility.<sup>149</sup> On 27 February, a suicide attacker on a motorcycle detonated his explosive device at a gathering of tribal elders in Asadabad city, Kunar province, killing 14 civilians and injuring 37 others, including eight boys.

UNAMA reiterates that attacks directed at the civilian population as well as the indiscriminate use of suicide IED tactics are serious violations of international humanitarian law that may amount to war crimes. The mission once again reminds Anti-Government Elements, in particular Taliban, that international humanitarian law prohibits attacks which may cause incidental loss of civilian life, injury to civilians or damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.<sup>150</sup>

Examples of civilian casualties from suicide attacks:

- On 4 January, a Taliban suicide attacker detonated a truck full of explosives between two compounds housing international civilian contractors, and other civilians including United Nations staff, in proximity of Kabul International Airport in Kabul city. The attack killed five civilians and injured 66 others. Taliban claimed responsibility.<sup>151</sup>
- On 11 April, a Taliban suicide attacker detonated a rickshaw containing explosives against an ANA shuttle bus transferring newly recruited ANA members to Kabul in Surkh Rod district, Nangarhar province, killing three civilians and

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<sup>148</sup> On 8 May, Taliban published an article titled: "Invaders and Kabul regime are responsible for 78% civilian casualties", previously accessible at <http://shahamat-english.com/invaders-and-kabul-regime-are-responsible-for-78-civilian-casualties/>. Removed from internet but on file with UNAMA Human Rights Unit. In the Pashto version of that article, available at <http://alemara1.org/?p=49447>, Taliban noted that "62 civilians were injured by broken glass" but defended the targeting of the VIP protection unit.

<sup>149</sup> See Taliban Statement, "Martyr Attack Kills Arbaki Commander and Three Others", 22 February 2016, previously accessible at: <http://shahamat-english.com/martyr-attack-kills-arbaki-commander-3-others/>. Removed from internet but on file with UNAMA Human Rights Unit.

<sup>150</sup> *Customary International Humanitarian Law*, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}, Proportionality in Attacks.

<sup>151</sup> See Taliban statement, "Martyr Attack Hits Foreign Camp Close to Kabul Airport, Tens of Foreigners Killed", 4 January 2016, previously accessible at: <http://shahamat-english.com/martyr-attack-hits-foreign-camp-close-to-kabul-airport-tens-of-foreigners-killed/>. Removed from internet but on file with UNAMA Human Rights Unit.

injuring four others in the vicinity. Taliban claimed responsibility.<sup>152</sup> The attack also killed nine ANA members and injured 41 others.

**Taliban complex attack on the VIP Protection Directorate in Kabul city causes 56 civilian deaths and injuries 337 others**

On 19 April 2016, Taliban carried out a complex attack against the VIP Protection Directorate in the Pul-e-Mahmood Khan area of Kabul city, killing 56 civilians and injuring 337 others – the highest number of casualties from a single incident recorded by UNAMA since it began documenting civilian casualties in 2009. The attack began with the detonation of a massive vehicle-borne IED in a busy civilian parking lot adjacent to the VIP Protection Directorate in Kabul city that instantly killed several civilian shuttle bus drivers and staff members of the VIP Protection Directorate, severely injured many others, and caused extensive damage to civilian property in the area. Following the blast, armed attackers entered the VIP Protection Directorate compound and shot dead more than ten unarmed staff members.

One injured bus driver described the devastation caused by the blast as: *“horrible [...] barbaric. I will never forget it. The doctors did a lot for us and I appreciate their hard work. There were horrific cries and sounds from each vehicles. Somebody lost his hand, someone lost his legs and I saw others seriously injured. When I heard the sounds, I became so sad.”*

Another civilian injured in the parking lot described regaining consciousness and finding *“everyone around me was covered in blood. My co-worker was shouting “My hands are broken; my back is broken”.*<sup>153</sup> *When I lifted my head and looked through the shattered window, I saw a terrible sight. Every single car was destroyed and there were lots of dead bodies and body parts all over the place – you could smell the awful stench of burnt flesh. I am truly amazed that I am still alive.”*<sup>154</sup>

UNAMA received reports indicating that several hundred kilograms of explosives had been packed in the vehicle, causing an extremely heavy blast which damaged buildings as far as 1.5 kilometres away and caused injuries to hundreds of civilians from broken glass and falling objects. Civilians hospitalised with serious injuries included construction workers blown off their platforms by the force of the blast and others seriously injured by broken glass while shopping in Mandawi market, over one kilometre away. Aside from the destruction of the private parking lot, the explosion also damaged local markets, schools, and religious facilities, including the Eidgah mosque – a historical and religious site.

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<sup>152</sup> Claim of responsibility posted on Taliban website at following URL: <http://alemara1.org/?p=46607>, last accessed 16 June 2016.

<sup>153</sup> UNAMA interview with victim, Wazir Akhbar Khan Hospital, Kabul City, 20 April 2016.

<sup>154</sup> UNAMA interview with victim, Emergency Hospital, Kabul City, 20 April 2016.

Taliban claimed responsibility for the attack, stating that they targeted the “10<sup>th</sup> Directorate NDS building” causing “the death and injury of hundreds of intelligence agency workers and operatives”<sup>155</sup>. Despite this characterisation, the Government of Afghanistan had removed the VIP Protection Directorate from the operational control of the National Directorate of Security in 2006 and placed the unit under the authority of the Office of Administrative Affairs of the Office of the President. The VIP Protection Directorate is tasked with providing close protection and security for high ranking civilian Government officials, including members of the executive and cabinet ministers – a primarily law enforcement function. Despite being widely referred to as “NDS 10” or “Department 10”, the target of this attack was not part of a military structure or the intelligence directorate’s chain of command, performed no task related to the armed conflict (aside from potential defensive protection of civilian Government personnel), and no members of the unit were considered to be otherwise directly participating in hostilities at the time of the attack.

The United Nations Security Council condemned the attack “in the strongest terms”,<sup>156</sup> and UNAMA emphasised that “[t]he use of high explosives in civilian populated areas, in circumstances almost certain to cause immense suffering to civilians, may amount to war crimes.”

UNAMA once again urges the Taliban to immediately cease all suicide and complex attacks against civilian targets and in civilian-populated areas.<sup>157</sup>

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<sup>155</sup> See Taliban statement, “Kabul martyr attack final report”, previously accessible at: <http://shahamat-english.com/kabul-martyr-attack-final-report/>. Removed from internet but on file with UNAMA Human Rights Unit. Taliban issued several other statements on the incident, including the following: “NDS 10<sup>th</sup> Directorate under Martyrdom Attack in Kabul”, previously accessible at: <http://shahamat-english.com/nds-10th-directorate-under-martyrdom-attack-in-kabul/>; “Claims of Civilian Casualties in Yesterday’s Attack is Part of Enemy Propaganda”, previously accessible at: <http://shahamat-english.com/claims-of-civilian-casualties-in-yesterdays-attack-is-part-of-enemy-propaganda/>; “Kabul Attack Photos of Civilian Casualties are Fake”, previously accessible at <http://shahamat-english.com/kabul-attack-photos-of-civilian-casualties-are-fake-2/>; and “Who Were Actually Killed in the Recent Kabul Attack?”, previously accessible at <http://shahamat-english.com/who-were-actually-killed-in-the-recent-kabul-attack/>. All removed from internet but on file with UNAMA Human Rights Unit.

<sup>156</sup> “United Nations Security Council Condemns Terrorist Attack in Kabul”, 20 April 2016, <https://unama.unmissions.org/united-nations-security-council-condemns-terrorist-attack-kabul>, last accessed 13 June 2016.

<sup>157</sup> “UNAMA Condemns Taliban Attack in Kabul”, 19 April 2016, <https://unama.unmissions.org/unama-condemns-taliban-attack-kabul>, last accessed 13 June 2016.

## Anti-Government Elements Targeted Killings of Civilians

*“Taliban killed my husband about four months ago while he was coming home. We were a happy family when my husband was alive. He took care of me and our seven children. Before his death, all my children were studying. But now, as we don’t have any income, my 16 year-old eldest son has left school. He is working as a labourer to feed the family. Moreover, we are living in a rented house and have to pay rent every month. It’s very difficult for us. Our life has become miserable since my husband’s death. I received 200,000 Afghanis from the Government but we spent it for the funeral ceremony. We have nothing now. The Government should at least support us until my children finish their education and find jobs.”<sup>158</sup>*

-- Widow of an (off-duty) ANP killed by Taliban in Ahmadabad district, Paktya province on 29 February while travelling home from duty.

Civilian casualties from targeted and deliberate killings<sup>159</sup> declined significantly during the first half of 2016. UNAMA documented 583 civilian casualties from targeted killings (279 killed and 304 injured), a 25 per cent decrease compared to the same period in 2015.<sup>160</sup> Targeted killings accounted for 11 per cent of total civilian casualties and 17 per cent of civilian fatalities. As a result of this decrease, targeted killings became the third leading cause of civilian fatalities after ground engagements and IEDs.<sup>161</sup> UNAMA welcomes this reduction in targeted killings of civilians and calls on parties to the conflict, in particular Taliban, to immediately cease the deliberate targeting of civilians as defined by international humanitarian law.

UNAMA attributed 525 civilian casualties (236 deaths and 289 injured) to Anti-Government Elements – 90 per cent of all casualties from this tactic.<sup>162</sup> Afghan security forces and pro-Government armed groups caused the remaining 10 per cent (see

<sup>158</sup> UNAMA interview with relative, Gardez city, Paktya province, 8 June 2016.

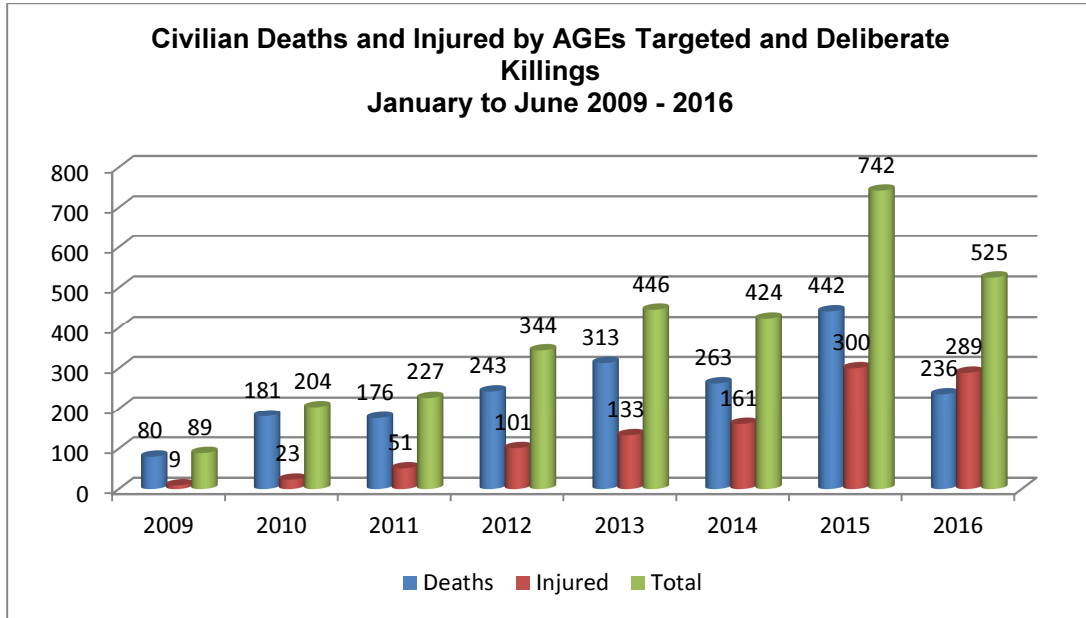
<sup>159</sup> Intentional, premeditated and deliberate use of lethal force by States or their agents acting under colour of law (or by an organised armed group in armed conflict) against a specific individual who is not in the perpetrator’s physical custody. Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal provided the relevant provisions of IHL and human rights law are respected. See United Nations General Assembly, Human Rights Council 14<sup>th</sup> 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. In UNAMA, for database recording purposes, the category of targeted killings also includes some cases of killings where the victim was briefly in the perpetrator’s custody at the time of the killing but the custody did not amount to an abduction, i.e. the person identified to be killed is stopped by armed persons, their identity is confirmed, and then the attackers kill the person, commonly at illegal checkpoints.

<sup>160</sup> Between 1 January and 30 June 2015, UNAMA documented 782 civilian casualties (470 deaths and 312 injured) from targeted killings.

<sup>161</sup> In comparison, between 1 January and 30 June 2015, targeted killings accounted for 29 per cent of civilian fatalities while ground engagements and IEDs accounted for 24 per cent each.

<sup>162</sup> During the same period in 2015, UNAMA attributed 395 incidents that caused 742 civilian casualties (442 deaths and 300 injured) to Anti-Government Elements.

chapters on extrajudicial killings by Afghan security forces, Afghan Local Police, and pro-Government armed groups).



Of the 221 documented targeted killing incidents attributed to Anti-Government Elements, Taliban claimed responsibility for 34 incidents that caused 92 civilian casualties (36 deaths and 56 injured). This reflects the overall decrease in civilian casualties from targeted killings compared to the first half of 2015, when Taliban claimed responsibility for 98 incidents resulting in 258 civilian casualties (115 deaths and 143 injured).<sup>163</sup> Just over half – 53 per cent – of the Taliban-claimed incidents in the first half of 2016 targeted Afghan security forces.

Incidents claimed by Taliban included attacks against judicial staff, civilian government administration, religious persons, and elders. Examples include:

- On 5 March, Taliban shot and killed a mosque custodian in front of the mosque he worked at in Kandahar city, Kandahar province. Taliban claimed responsibility for the incident, alleging that the victim also worked for the intelligence services.<sup>164</sup>

<sup>163</sup> See chapter on Pro-Government Forces for discussion of statistics on targeted killings perpetrated by Afghan security forces and pro-Government armed groups.

<sup>164</sup> Taliban report, "Afghanistan in the Month of March", previously available at: <http://shahamat-english.com/afghanistan-in-the-month-of-march-2016/>. Removed from internet but on file with UNAMA Human Rights Unit.



- On 18 May, Taliban shot and killed a prominent and influential elder in Farah city, Farah Province, and injured another civilian man shopping nearby. Taliban claimed responsibility for the incident on their website.<sup>165</sup>

UNAMA attributed seven incidents of attempted or successful targeted killings of civilians in Nangarhar province to groups pledging allegiance to ISIL/Daesh, including the shooting and injury of a teacher in Nazian district, Nangarhar province, on 16 March after he spoke out against the group.

### Attacks Directed at Civilians and Civilian Objects

*"I work at the Logar Provincial Court and Prosecution Office. On the morning of the incident, the Logar Deputy Provincial Governor introduced the new Chief of Appeals at an inauguration on his first day of his new job. I had just gone to the new chief prosecutor's office to congratulate him and introduce myself when the four of us inside the room heard gunfire coming from outside. The door of the office opened and a young person wearing white local-style clothes opened fire on us with an AK-47. He did not speak. He just fired bullets at us. I threw myself to the ground but I was hit by two bullets in my back and leg and could not move. He fired at everybody in the room and continued to fire at the new prosecutor until he died. I woke up in hospital."<sup>166</sup>*

-- Victim injured during Taliban mass shooting at Logar Provincial Court and Prosecution Offices in Pul-e-Alam, Logar Province on 5 June. The attackers killed seven civilians and injured 23 others. Taliban claimed responsibility for the attack on twitter.<sup>167</sup>

In the first six months of 2016, the trend of attacks directly and deliberately targeting civilians persisted, resulting in significant numbers of civilian casualties.<sup>168</sup> In the first six months of 2016, Taliban claimed responsibility for 51 attacks directed at civilians, including judicial bodies and staff, civilian government works, religious personnel and media professionals.<sup>169</sup> In contravention of the explicit prohibition of attacks directed against civilians under international humanitarian law, Taliban justified such attacks by designating some civilian objects as military objectives. For example, the Taliban issued public statements which referred to judicial officials as "legitimate military targets",<sup>170</sup>

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<sup>165</sup> Claim of responsibility posted on the Taliban website under the following URL on 18 May 2016: <http://alemara1.org/?p=50861>, last accessed 7 June 2016.

<sup>166</sup> UNAMA interview with victim, Emergency Hospital, Kabul city, 7 June 2016.

<sup>167</sup> Claim of responsibility posted on Twitter at the following URL on 5 June 2016: <http://www.twitter.com/Zabihulla13>, last accessed 5 June 2016.

<sup>168</sup> See UNAMA/OHCHR 2015 Mid-Year Report on Protection of Civilians in Armed Conflict, pages 54, 55.

<sup>169</sup> The attacks and civilian casualties discussed in this section are also included in the other sections of this report detailing the various tactics used, e.g., suicide attacks, complex attacks, IEDs.

<sup>170</sup> See Taliban statement, "Statement of Islamic Emirate regarding intent of executing prisoners by Ghani administration", 29 April 2016, previously available at: <http://shahamat-english.com/statement-of-islamic-emirate-regarding-intent-of-executing-prisoners-by-the-ghani-administration/>. Removed from internet but on file with UNAMA Human Rights Unit.

certain media organisations as “an intelligence network” and “invader-run (propaganda machine)”;<sup>171</sup> and a civilian restaurant as a guesthouse of “foreign-invader[s]”.<sup>172</sup>

UNAMA re-iterates that direct attacks against civilians or civilian objects – which include judicial officials, courts, civilian government workers, consulates, and journalists – are a serious violation of international humanitarian law and may amount to war crimes.<sup>173</sup>

#### *Attacks against Judges, Prosecutors, and Judicial Staff*

In the first half of 2016, UNAMA documented 23 incidents targeting judges, prosecutors, and judicial staff that resulted in 104 civilian casualties (36 deaths and 68 injured), a decrease of 42 per cent compared to the same period in 2015.<sup>174</sup> Taliban claimed responsibility for 12 incidents that caused 93 civilian casualties (31 deaths and 62 injured).

While UNAMA documented an overall reduction in civilian casualties from targeted attacks against judicial authorities during the first half of 2016 compared to the same period in 2015,<sup>175</sup> Taliban attacks against judicial authorities and prosecutors significantly increased following the Government’s execution on 8 May of six Taliban prisoners. On 29 April, prior to the executions, Taliban published a statement asserting that “[t]he enemy’s supposed judicial bodies could possibly once again pay a hefty price for their crimes [...] their workers advocating implementation of such [executions] shall categorically be classified as legitimate military targets”.<sup>176</sup> Following the executions,

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<sup>171</sup> See Taliban statement, “Many Killed as Martyr Attack Hits Invaders Run Media Vehicle”, 20 January 2016, previously accessible at: <http://shahamat-english.com/many-killed-as-martyr-attack-hits-invaders-run-media-vehicle/>. Removed from internet but on file with UNAMA Human Rights Unit.

<sup>172</sup> On 1 January, Taliban targeted a French restaurant in the Taimani area of Kabul city, killing two civilians and injuring a further 18, including women and children. See Taliban statement, “Attacks on Guesthouse in Kabul Underway Many Killed”, 1 January 2016, previously accessible at: <http://shahamat-english.com/attacks-on-guesthouse-in-kabul-underway-many-killed/>. Removed from internet but on file with UNAMA Human Rights Unit.

<sup>173</sup> See Articles 48 and 52 of Additional Protocol 1 to the Geneva Conventions of 1949. See also, articles 8(e) (i) and 8(e)(xii) of the Rome Statute. See also Rule 7 ICRC, *Customary International Humanitarian Law*, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

<sup>174</sup> Between 1 January and 30 June 2015, UNAMA documented 26 incidents targeting judges, prosecutors and judicial staff that caused 178 civilian casualties (43 deaths and 135 injured).

<sup>175</sup> UNAMA documented a wave of attacks against judges, prosecutors, and judicial staff in April and May 2015 that resulted in 161 civilian casualties (33 deaths and 128 injured) claimed by Taliban during these two months alone. See UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, page 54.

<sup>176</sup> See Taliban statement, “Statement of Islamic Emirate regarding intent of executing prisoners by Ghani administration”, 29 April 2016, previously available at: <http://shahamat-english.com/statement-of-islamic-emirate-regarding-intent-of-executing-prisoners-by-the-ghani-administration/>. Removed from internet but on file with UNAMA Human Rights Unit.

Taliban published a statement identifying “enemy bodies involved in martyring Mujahideen inmates” as a “top priority during military planning”.<sup>177</sup>

Subsequent to this announcement, Taliban carried out three major attacks against judicial officials:

- On 5 June, Taliban attacked a compound in Pul-e-Alam town, Logar province, that holds the provincial justice department, court of appeal, primary city court, and appeals and ANP prosecution offices with silenced pistols and grenades. The attack killed seven civilians, including the chief provincial appeals prosecutor, and injured 23 others, including three judges. Taliban claimed responsibility.<sup>178</sup>
- On 1 June, Taliban carried out a complex attack against Ghazni provincial appellate court that killed four civilians, including one woman and two court staff members, and injured 15 others, including the head of the court. Taliban claimed responsibility on their website.<sup>179</sup>
- On 25 May, a Taliban suicide bomber detonated himself against a government shuttle bus transporting staff members of Maidan Wardak provincial court to Maidan Shahr as it traversed the Pul-e-Bagh Daud area of Kabul city. The attack killed 12 civilians, including two judges, and injured nine others. Taliban claimed responsibility.<sup>180</sup>

In the same context, Taliban also claimed responsibility for the targeted killing of a retired Supreme Court judge in the Jadidabad-Qalacha area of Kabul city on 20 May,<sup>181</sup> the shooting and injury of a judge in Tirin Kot city, Uruzgan province on 31 May,<sup>182</sup> and the abduction and killing of a prosecutor in Qarabagh district, Kabul province on 22 June.<sup>183</sup>

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<sup>177</sup> See Taliban statement, “Remarks by spokesman of Islamic Emirate concerning execution of six prisoners Mujahideen”, 8 May 2016, previously available at: <http://shahamat-english.com/remarks-by-spokesman-of-islamic-emirate-concerning-execution-of-6-imprisoned-mujahideen/>. Removed from internet but on file with UNAMA Human Rights Unit.

<sup>178</sup> Claim of responsibility posted on Twitter at the following URL on 5 June 2016: <http://www.twitter.com/Zabihulla13>, last accessed 5 June 2016.

<sup>179</sup> Claim of responsibility posted on Taliban website at the following URL on 1 June 2016: <http://alemara1.org/?p=52809>, last accessed 7 June 2016.

<sup>180</sup> Claim of responsibility posted on Taliban website at the following URL on 25 May 2016: <http://alemara1.org/?p=51548>, last accessed 7 June 2016.

<sup>181</sup> Claim of responsibility posted at the following URL on 22 May: <https://justpaste.it/uha1>, last accessed 7 June 2016.

<sup>182</sup> Claim of responsibility posted on Taliban website at the following URL on 1 June: <http://alemara1.org/?p=52803>, last accessed on 7 June 2016.

<sup>183</sup> Claim of responsibility posted on Taliban website at the following URL on 22 June: <http://alemarah-english.com/?p=608>, last accessed 19 July 2016.

UNAMA emphasises that judicial officials and prosecutors are civilians and are protected from direct attack in accordance with international humanitarian law, to which all parties to the armed conflict are bound.<sup>184</sup>

*Attacks against Other Civilian Government Officials*

In the first half of 2016, UNAMA documented 77 attacks targeted at civilian government officials (not including judges, prosecutors, and judicial institutions), that caused 128 civilian casualties (19 deaths and 109 injured). Notably, these statistics reflect a 72 per cent decrease compared to the same period in 2015.<sup>185</sup> The mission attributed all incidents to Anti-Government Elements, with Taliban claiming responsibility for 14 incidents that resulted in 45 civilian casualties (seven deaths and 38 injured).

Examples of attacks targeting civilian government officials include:

- On 23 January, a magnetic IED attached to a Custom Department vehicle detonated and injured two employees, including the driver, in Surkh Rod district, Nangarhar province.
- On 24 April, Taliban targeting a presidential advisor detonated a remote-controlled IED against an ANP commander's private vehicle while he escorted the presidential advisor in Garm Ser district, Helmand province. The attack killed two men, including a tribal elder, and injured three shopkeepers. Taliban claimed responsibility on their website.<sup>186</sup>

*Threats and Attacks against Religious Figures and Places of Worship*

UNAMA notes that the number of attacks deliberately targeting civilian mullahs and places of worship decreased from 14 attacks in the first six months of 2015 to five attacks in 2016, although the number of civilian casualties increased almost three-fold. In the first six months of 2016, UNAMA documented six civilian deaths and 86 injured (92 civilian casualties), a 283 per cent increase from the same period in 2015.<sup>187</sup>

The vast majority of casualties resulted from an IED attack at a mosque in Rodat district, Nangarhar province. On 10 June, a remote control IED placed at the pulpit of the Hisarak Jami Mosque detonated during the Juma (Friday) prayer. The attack killed the imam of

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<sup>184</sup> See Articles 48 and 52 of Additional Protocol 1 to the Geneva Conventions of 1949. See also, articles 8(e) (i) and 8(e)(xii) of the Rome Statute. See also Rules 5, 7 ICRC, *Customary International Humanitarian Law*, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

<sup>185</sup> During the first half of 2015, UNAMA documented 457 civilian casualties (89 deaths and 368 injured) from attacks targeting civilian Government officials.

<sup>186</sup> Claim of responsibility posted at the following URL on 24 April 2016: <http://alemara1.org/?p=48401>, last accessed 12 June 2016.

<sup>187</sup> Between 1 January and 30 June 2015, UNAMA documented 19 civilian deaths and five injured (24 civilian casualties) from attacks targeting religious figures and places of worship.

the mosque, who reportedly was the target of the attack, and two other civilians including a 15 year-old boy, and wounded 78 civilians, including 31 boys.

International humanitarian law prohibits deliberate attacks against civilians and civilian property, including places of worship, and places a specific obligation on parties to the conflict to enable religious personnel to carry out their work. Article 9 of Protocol II to the Geneva Conventions states that “Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties.”<sup>188</sup> International humanitarian law further prohibits acts directed against people and places of worship which constitute the cultural or spiritual heritage of peoples.<sup>189</sup>

UNAMA also notes the Government’s specific responsibility to protect mullahs and mosques from attacks.<sup>190</sup>

#### *Attacks against Other Civilian Targets*

During the first half of 2016, UNAMA documented 474 attacks directed against civilians other than government officials<sup>191</sup> that resulted in 621 civilian casualties (271 deaths and 350 injured), a four per cent increase compared to the same period in 2015.<sup>192</sup> Taliban and Anti-Government Elements conducted several major attacks directed at civilians and civilian locations. For example, in addition to the examples noted above, on 19 May, Anti-Government Elements detonated a remote-controlled IED against a vehicle in Baghlan-e-Jadid district, Baghlan province, carrying 14 family members of a deceased ALP officer. The detonation killed 12 civilians, including six children and two women, and injured two others.

Anti-Government Elements also attacked Indian consulates in Jalalabad, Nangarhar province, and Mazar-e-Sharif, Balkh province, and groups pledging allegiance to ISIL/Daesh claimed responsibility for an attack on the Pakistan consulate in Jalalabad. These attacks resulted in a combined total of 39 civilian casualties (nine deaths and 30 wounded). UNAMA emphasises that diplomatic missions and consulates are civilian objects and therefore protected from attack pursuant to international humanitarian law.

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<sup>188</sup> Article 9 on protection of medical and religious personnel, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. UNAMA also notes Article 18 ICCPR: 1. “Everyone shall have the right to freedom of thought, conscience and religion”. Under Article 4 2. “no derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.”

<sup>189</sup> *Ibid.* See also ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

<sup>190</sup> The obligation to respect and protect religious personnel is set forth in Article 9 of Additional Protocol II. The protection of religious personnel is also included in military manuals which are applicable in or have been applied in non-international armed conflicts. ICRC, Customary International Humanitarian Law, Rule 27- Religious Personnel.

<sup>191</sup> The 296 attacks include attacks directed at judges, prosecutors, and judicial institutions.

<sup>192</sup> In the first half of 2015, UNAMA recorded 536 incidents that caused 598 casualties (344 deaths and 254 injured).

## Conflict-Related Abduction of Civilians

*"I was travelling on a public bus in [withheld] district. A group of armed fighters stopped the bus and forced the passengers out. One of the passengers – a staff member of a humanitarian NGO - screamed and begged the Anti-Government Elements not to take him out. They paid no attention to his pleas and took him away to an unknown location. There was an ANP check-post a few metres away from the scene but they did not even attempt to prevent the abduction."*

-- Eye-witness of an abduction of a bus passenger by Anti-Government Elements on 16 January 2016 in [withheld] district, [withheld] province. Following negotiations with elders, the Anti-Government Elements released the bus passenger unharmed on 19 January.

Between 1 January and 30 June, UNAMA documented 195 incidents of conflict-related abduction that resulted in 85 civilian casualties (46 deaths and 39 injured) and the abduction of 1,141 people. This represents a decrease of two per cent in the number of abduction incidents, an increase of four per cent in civilian casualties related to abductions, and an increase of 67 per cent in civilians abducted compared to the same period in 2015.<sup>193</sup> Abductions accounted for two per cent of all civilian casualties in the first half of 2016.

UNAMA attributed 191 out of 195 incidents of abduction in the first half of 2016 to Anti-Government Elements. Taliban claimed responsibility for eight incidents of abduction that resulted in the deaths of two civilians and the abduction of over 210 persons.

Of particular concern are the two mass abductions of vehicle passengers by Taliban Kandahar and Kunduz provinces in May and June:

On the night between 30 and 31 May, Taliban stopped three civilian busses transporting passengers from Kabul to Takhar and Badakhshan provinces in Ali Abad district, Kunduz province. Taliban forced 185 passengers, including at least 157 civilians (including 30 women and children) to disembark the busses and took them to the Chahar Darah river. There, the abductors identified 28 individuals believed to be connected to the Afghan security forces and released the 157 passengers the Taliban considered to be civilians. Taliban later executed 12 serving Afghan security forces members and released eight others. On 25 June, an international military forces airstrike killed the eight passengers who remained in Taliban captivity along with a number of their captors. Taliban claimed responsibility for the abduction incident, describing the men they detained as 'enemy troops travelling in a civilian bus and wearing civilian clothes' and highlighting that 'the ordinary civilians also travelling to their respected areas were set free after a brief investigation'.<sup>194</sup>

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<sup>193</sup> In the first six months of 2015, UNAMA documented 199 incidents of abduction that resulted in 82 civilian casualties (68 deaths and 14 injured) and 682 persons abducted.

<sup>194</sup> See Taliban Statement, posted in Pashto on 31 May 2016 at: <https://justpaste.it/uugm>, last accessed 26 June 2016.



On 21 June, Taliban stopped at least three vehicles on Highway I in Nahrissaj district, Helmand province, carrying passengers from Kandahar to Herat and abducted at least 45 passengers. Taliban temporarily detained the bus passengers and 'investigated' them for links to the Afghan national security forces, releasing all passengers within 24 hours. Taliban claimed responsibility for the incident, disputing that it was an abduction situation and describing it as '*a normal search operation against enemy personnel performed after accurate intelligent information, in such operation [the] general public suffer no problems, they [are] treated respectfully and given permission to travel, but those who got practical military part with invaders and their slaves will have to satisfy their actions.*'<sup>195</sup>

Geographically, the eastern region suffered the highest number of conflict-related abductions (53 incidents - particularly Kunar and Nangarhar provinces)<sup>196</sup>, followed by the western region (44 incidents - particularly Farah and Herat provinces).<sup>197</sup>

UNAMA observed that civilians were frequently kidnapped based on suspicions that they had connections to, or worked for, the Government, in addition to the intentional and targeted abduction and kidnapping of civilian Government employees, including off-duty ANP. However, civilians were also kidnapped by Anti-Government Elements for financial gain, with release predicated on payment of a substantial ransom payment. In addition, UNAMA recorded seven incidents of abduction or attempted abduction of humanitarian de-miners and fifteen cases concerning civilian contractors and labourers. Many civilians were released unharmed following payment of ransoms or negotiation with local elders.

Hazara civilians continued to be abducted during the first half of 2016. UNAMA documented one case of abduction of civilians of Hazara ethnicity in Maidan Wardak province, and two incidents in Sari Pul province during the first six months of 2016, resulting in the abduction of 36 Hazara ethnicity civilians in total.<sup>198</sup> The group of civilians abducted from three vehicles on 21 June in Nahrissaj district, Helmand province, (see above) also included several Hazara civilians though the precise number is unknown. For example, on 1 June, Anti-Government Elements stopped two civilian vehicles in a Taliban-controlled area of Sancharak district, Sari Pul province and abducted 22 civilians of Hazara ethnicity, including three women and one child. Anti-Government Elements released all of the abducted civilians by 17 June, with sources reporting that the abductors intended to put pressure on the provincial government to release a Taliban commander held by the Government.

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<sup>195</sup> See Taliban Statement, "Suspects were Placed Down for Investigations from 3 Cars in Gerishk district", 21 June 2016, accessible at: <http://shahamat-english.com/?p=508>, last accessed 26 June 2016.

<sup>196</sup> In the first six months of 2015, UNAMA documented 22 incidents of conflict-related abductions in Kunar province and 20 incidents in Nangarhar province.

<sup>197</sup> During the first half of 2016, UNAMA documented 16 incidents of conflict-related abductions in Farah province and 13 incidents in Herat province.

<sup>198</sup> UNAMA also documented one incident of targeted killing on 14 February in which unidentified gunmen shot dead three Hazara male civilians in Dara-i-Suf Bala district, Samangan province. The motivation behind the killings remains unclear.



### Abductions in Maidan Wardak Province

UNAMA documented 12 incidents of abduction in Maidan Wardak province in the first half of 2016 compared to three during the same period in 2015. Sources reported that Taliban carried out the abductions, with the release of abductees frequently contingent on the payment of a ransom.

Six of the incidents occurred on, or in the vicinity of, Highway I, a major road connecting Kabul and Kandahar that passes through Maidan Shahr and Sayedabad districts, Maidan Wardak province. Targets of abduction included de-miners, construction workers, and supply convoys, with equipment also being stolen during some incidents.

In one incident, Taliban attempted to abduct two Ghazni Primary Court judges on 26 March on Highway I in Saydebad district. During the incident, Taliban shot and killed one judge as he attempted to escape during a rescue attempt. Taliban claimed responsibility for the incident.<sup>199</sup> In another incident, on 4 March, Taliban abducted 15 construction workers from the same road, killing one and injuring two others in the process.

The abductions, as well as the reported conditions of captivity and financial repercussions created fear amongst travellers, impacting freedom of movement on the highway. One victim provided this account of his ordeal: *“The Taliban locked us in a basement during the day and beat us a lot by slapping and kicking us and hitting us with pistols and an AK-47. During meal times, they used to threaten us, saying ‘this may be your last meal’. We spent several days with the Taliban and they beat us whenever they wanted. After we were released we went to hospital to get treatment from the injuries we received on our backs, legs, and arms. The security of the road is a big concern. There is no way for me to travel out of my province now and I have no money to live and study after paying the ransom for my release.”*<sup>200</sup>

UNAMA emphasises that the abduction of civilians by parties to the conflict for any purpose violates Afghan criminal law, international humanitarian and human rights law. UNAMA also notes that abduction for ransom is also prohibited by the 2010 Taliban code of conduct.<sup>201</sup>

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<sup>199</sup> See Taliban Statement, posted in Pashto on 26 March 2016 at: <http://justpaste.it/smfj>, last accessed 26 June 2016.

<sup>200</sup> UNAMA interview with victim, Kabul city, 21 April 2016.

<sup>201</sup> See UNAMA/OHCHR 2010 Midyear and Annual Reports on Protection of Civilians in armed Conflict. Full translation of the Taliban Code of Conduct available at: [http://www.afghanistan-analysts.org/wp-content/uploads/downloads/2012/10/Appendix\\_1\\_Code\\_in\\_English.pdf](http://www.afghanistan-analysts.org/wp-content/uploads/downloads/2012/10/Appendix_1_Code_in_English.pdf), last accessed 29 June 2016.

## Parallel Justice Structure Punishments

*"I arrived in the morning to the village and three types of Taliban were present: one group ensured security, one group wore military style uniforms and managed the programme, and the third group wore white clothes and their mouths and faces were covered so they could not be recognised. Thousands of local people attended and Taliban security checked all of them. The programme started and the Taliban called on the audience to switch off their mobile phones. Taliban senior members gave speeches and then a judge announced the details of the case against the 30 year-old man [accused of] killing a shopkeeper. The relatives of the shopkeeper were also present. The Taliban proposed three punishments: (i) release him; (ii) fine him and release him; or (iii) kill him. The shopkeeper's relatives insisted that he should be killed. The Taliban brought the man on trial before the audience so he could deliver a final message. He confessed to killing the shopkeeper and asked the audience to pray. The Taliban handed over a knife to the son of the shopkeeper and he beheaded the man. Later on, Taliban lashed a woman, around 27 years-old, and two Taliban accused of adultery in accordance with Islamic law."<sup>202</sup>*

-- Witness of Taliban administered parallel justice punishments in Shah Joy district, Zabul province. On 3 June, Taliban executed a civilian man after finding the victim had murdered a shopkeeper. Following the killing, Taliban lashed a civilian woman accused of adultery.

In the first half of 2016, UNAMA continued to document killings, torture and other abuses carried out by Anti-Government Elements, including Taliban, to 'punish' civilians for perceived crimes or offenses. Parallel justice structures are illegal and have no legitimacy under the laws of Afghanistan.<sup>203</sup> The executions and severe punishments meted out by these structures amount to criminal acts under the laws of Afghanistan, and in some circumstances, war crimes. Compounding the illegality of such proceedings is the absence of government redress mechanisms for victims of human rights abuses carried out by parallel judicial structures run by Anti-Government Elements.

Between 1 January and 30 June 2016, UNAMA documented 26 incidents of Anti-Government Elements, including Taliban, punishing civilians for alleged infractions of Sharia law, perceived offences, and allegations of spying or connections with government and Afghan security forces.<sup>204</sup> UNAMA documented summary executions,

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<sup>202</sup> UNAMA telephone interview with witness, Kandahar city, 5 June 2016.

<sup>203</sup> Due to the inherent illegality of these mechanisms, UNAMA views the existence of these structures and resulting punishments as abuses of human rights. Thus, UNAMA's analysis does not evaluate the procedural elements reported by communities according to recognized international human rights standards, for example, fair trial standards.

<sup>204</sup> All incidents of civilian casualties from parallel judicial system punishments recorded by UNAMA were carried out by Anti-Government Elements. UNAMA recorded instances of deaths and injuries from such procedures, whether the punishment was directly linked to the conflict (i.e. execution of the brother of an ANA) or was carried out by Anti-Government Elements against a civilian in relation to a non-conflict related infraction i.e. public lashing for adultery. Common Article 3 of the Geneva Convention protects civilians through the explicit prohibition of murder, violence, passing of sentences and carrying out of executions without respect for fair trial standards, torture, mutilation and other forms of violence. These acts are prohibited at any time

lashings, beatings, illegal detention, and orders to pay financial restitution. The majority of recorded parallel justice structure punishments occurred in the western region, particularly Farah and Badghis provinces.

Death sentences and lashings or beatings resulted in 29 civilian casualties (24 deaths and five injured) in the first half of 2016, a 28 per cent decrease in civilian casualties compared to the same period in 2015.<sup>205</sup> The majority of death sentences related to the commission of alleged crimes, including abduction and murder. However, UNAMA also documented several cases in which Anti-Government Elements executed civilians for allegedly spying for the Afghan security forces, being family members of Afghan security forces, or working for the Government. Six cases concerned 'moral crimes', with two women and one man executed and four women and a man lashed. On 2 January, Anti-Government Elements illegally detained three alleged human smugglers in Pusht Rod district, Farah province, and issued a 'decision' requiring the accused to refund the money they charged to smuggle persons to Iran.

The following are examples of parallel justice structure punishments:

- On 11 March, in Burka district, Baghlan province, Taliban executed two civilian men by shooting for kidnapping and murder. A third man died during interrogation by the Taliban during their 'investigation' into the incident.<sup>206</sup>
- On 30 March, Taliban executed a civilian man by hanging in Delaram district, Nimroz province after conducting a trial and finding him guilty of kidnapping.<sup>207</sup>

Punishments such as executions and mutilations carried out by these structures violate the Constitution of Afghanistan, are criminal acts under the laws of Afghanistan, and amount to human rights abuses. Moreover, acts such as executions, amputations and mutilation are considered to be grave breaches of the Geneva Conventions and amount to war crimes.

The Government's inability to hold perpetrators accountable for such crimes may amount to a violation of human rights, under the principle of due diligence.<sup>208</sup> The failure of

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and in any place whatsoever. See the *Legal Framework* section of this report for further details on the applicability of Common Article 3 in Afghanistan.

<sup>205</sup> In the first half of 2015, UNAMA documented 40 civilian casualties (34 deaths and six injured) as a result of Anti-Government Element administered parallel justice punishments.

<sup>206</sup> See Taliban Statement, "Qisas Applied Against Two Kidnappers Guilty of Murder", 26 April 2016, previously accessible at: <http://shahamat-english.com/qisas-applied-against-2-kidnappers-guilty-of-murder/>. Removed from internet but on file with UNAMA Human Rights Unit.

<sup>207</sup> See Taliban Statement: "Kidnapper Sentenced to Death in Delaram", 30 March 2016, previously accessible at: <http://shahamat-english.com/kidnapper-sentenced-to-death-in-delaram/>. Removed from internet but on file with UNAMA Human Rights Unit.

<sup>208</sup> The due diligence standard states the following: "Although an illegal act which violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself, but because of the lack of

legitimate judicial institutions and government to address the use of these illegal structures may stem from continued insecurity and large gaps in the rule of law. Moreover, the apathy towards what amounts to egregious human rights abuses may indicate a reluctant acceptance of what should be an intolerable practice at the heavy cost of fundamental human rights protection for Afghans. UNAMA reiterates that parallel judicial structures are illegal and have no legitimacy or basis under the laws of Afghanistan. UNAMA calls upon Anti-Government Elements, including Taliban, to immediately cease imposing parallel justice punishments and release all persons detained to lawful authorities. The mission also reiterates that the Government ultimately bears responsibility to protect fundamental human rights in Afghanistan and must prioritize the suppression of these illegal procedures.

### **Taliban Claims of Responsibility for Attacks Impacting Civilians**

In the first six months of 2016, Taliban claimed responsibility for 122 incidents that caused 1,058 civilian casualties (257 deaths and 801 injured).<sup>209</sup> These casualties include only those civilian deaths and injuries resulting from attacks publicly claimed by Taliban on their website or Twitter.<sup>210</sup> This number represents a six per cent increase in civilian deaths and injuries from Taliban-claimed incidents compared to the same period in 2015.<sup>211</sup> Civilian casualties from incidents claimed by Taliban accounted for 20 per cent of all civilian casualties in the first half of the year and 34 per cent of civilian casualties attributed to Anti-Government Elements.

Out of the 122 incidents claimed by Taliban, 71 attacks targeted Afghan security forces, international military forces and pro-Government armed groups, while Taliban deliberately targeted civilians or civilian locations in 51 incidents, including tribal elders, civilian members of the Government, and judicial personnel. See Annex 1 for the breakdown of claimed attacks by target type.

In the first half of 2016, three-fourths – 75 per cent – of the civilian casualties in Taliban-claimed attacks resulted from complex and suicide attacks targeting civilian objects or military targets in civilian-populated areas. UNAMA reminds Taliban once again that banning the use of suicide and complex attacks in civilian-populated areas would result in an immediate reduction in harm they cause to civilians in Afghanistan. The mission also reminds Taliban that any attack deliberately targeting civilians is illegal under international humanitarian law and would likely amount to a war crime.

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due diligence to prevent the violation or to respond to it". Inter-American Court of Human Rights, 1988 judgment in the Velasquez-Rodriguez case (a series of disappearances committed by non-state actors).

<sup>209</sup> Between 1 January and 30 June, UNAMA attributed 1,243 incidents to Anti-Government Elements which caused 3,082 civilian casualties (966 deaths and 2,116 injured). Taliban claimed responsibility for 122 of these incidents.

<sup>210</sup> Those civilian casualties attributed by UNAMA to Taliban, for which Taliban made no claim of responsibility, are included under the umbrella term Anti-Government Elements.

<sup>211</sup> The increase in civilian casualties from incidents publicly claimed by Taliban does not necessarily mean that civilian deaths and injuries caused by Taliban have increased. The statistic reflects the number of attacks causing civilian casualties that were claimed by Taliban.

Taliban-claimed attacks also included the deliberate targeting of individual civilians, indiscriminate IED attacks, and attacks targeting Afghan security forces that killed and injured civilians.

### Taliban Statements on Civilian Protection

In the first six months of 2016, Taliban issued 15 public statements related to protecting civilians and civilian property during operations and continued to claim in such statements that civilian protection is a core objective. Despite such statements, UNAMA continued to document indiscriminate attacks carried out by Taliban in public places - which harmed civilians - as well as Taliban denials of responsibility for attacks and incidents which caused high numbers of civilian casualties.<sup>212</sup>

Building on a trend documented in 2015, Taliban continued to publicly admit to causing minor injuries to civilians in their operations while understating the actual impact of their operations on the civilian population.<sup>213</sup> For example, Taliban published a four-month report on civilian casualties covering the period 1 January to 30 April 2016 produced by a “special organ” that “examines incidents of civilian losses and casualties caused by all sides, investigates them and records their numbers.”<sup>214</sup> The English language version of the report indicates that Taliban prepared a special “Modus Operandi” for the functioning of this “special organ”, Article 2 of which states,

*“This Organ is bound by availing all its resources to make Mujahidin realize that according to Islamic Sharia, civilian losses and casualties are in no way acceptable or tolerable to the Leadership of the Islamic Emirate, therefore, every possible measure should be taken during Jihadi operations for its avoidance.”*<sup>215</sup>

According to this report, 2,027 civilians became casualties in that four month period (640 deaths and 1,378 injured), with Pro-Government forces responsible for 78 per cent, Taliban and “other unknown armed groups” responsible for 17 per cent, and five per cent resulting from unexploded ordinance.<sup>216</sup> UNAMA notes that in the Taliban rejection of the

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<sup>212</sup> For example, see Taliban statement, “Kabul martyr attack final report”, previously accessible at: <http://shahamat-english.com/kabul-martyr-attack-final-report/>. Removed from internet but on file with UNAMA Human Rights Unit. Taliban issued several other statements on the incident, including the following: “NDS 10th Directorate under Martyrdom Attack in Kabul”, previously accessible at: <http://shahamat-english.com/nds-10th-directorate-under-martyrdom-attack-in-kabul/>; “Claims of Civilian Casualties in Yesterday’s Attack is Part of Enemy Propaganda”, previously accessible at: <http://shahamat-english.com/claims-of-civilian-casualties-in-yesterdays-attack-is-part-of-enemy-propaganda/>; “Kabul Attack Photos of Civilian Casualties are Fake”, previously accessible at <http://shahamat-english.com/kabul-attack-photos-of-civilian-casualties-are-fake-2/>; and “Who Were Actually Killed in the Recent Kabul Attack?”, previously accessible at <http://shahamat-english.com/who-were-actually-killed-in-the-recent-kabul-attack/>. All removed from internet but on file with UNAMA Human Rights Unit.

<sup>213</sup> *Ibid.*

<sup>214</sup> See, Taliban statement “Invaders and Kabul regime are responsible for 78% civilian casualties”, available at <http://shahamat-english.com/?p=240>, last accessed 26 June 2016.

<sup>215</sup> *Ibid.*

<sup>216</sup> *Ibid.*

mission's 2015 Annual Report on Civilian Casualties in Armed Conflict, Taliban claimed that Pro-Government Forces caused 800 civilian casualties in a 17-day period in Dand-e-Ghori district, Baghlan province, which would amount to nearly 40 per cent of all civilian casualties documented by Taliban throughout Afghanistan in a four-month period.<sup>217</sup>

UNAMA welcomes public reporting by all parties to the conflict, including Taliban, concerning civilian casualties and encourages Taliban to make public the full "Modus Operandi" applied by this organ. This includes the definition of civilian used in their reporting, Taliban codes of conduct regarding civilian casualty prevention, mechanisms to ensure accountability within its structure, and information concerning accountability among their members who failed to comply with civilian protection measures.

Notwithstanding the importance of public reporting, UNAMA highlights the criticality of internal review of battlefield actions impacting civilian protection, to ensure that Taliban public statements are not simply a public relations exercise without impact on the ground.

Further steps must be taken to reduce the harm caused to civilians through Taliban operations, namely an immediate prohibition of attacks in civilian populated areas and application of a definition of civilian that complies with international humanitarian law.

#### **Islamic State of Iraq and the Levant/Daesh<sup>218</sup>**

Consistent with trends documented by UNAMA in 2015, groups claiming allegiance to the organization self-identified as Islamic State of Iraq and the Levant (ISIL) - known in Afghanistan by the Arabic acronym *Daesh* continued to cause civilian casualties, in Nangarhar province, although groups claiming allegiance to ISIL/*Daesh* are reportedly operational in Kunar, Logar, and Wardak provinces. In the first six months of 2016, ISIL/*Daesh* continued to initiate attacks against both Government and Taliban forces, as well as carrying out attacks and intimidation campaigns directed at civilians perceived to be aligned with either group. Of additional concern, the group established a radio station, "*Khilafat Ghag Radio*" in Nangarhar province that broadcasts pro-ISIL/*Daesh* propaganda, including calls for youth to join them as fighters, and issues threats to various groups and individuals.

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<sup>217</sup> See, Taliban statement, "We reject impartial civilian casualty report of UNAMA", previously accessible at: <http://shahamat-english.com/we-reject-impartial-civilian-casualty-report-of-unama/>. Removed from internet but on file with UNAMA Human Rights Unit. In a separate statement, Taliban provided the figure of 775 civilian casualties in Dand-e-Ghori district in that timeframe, see Taliban statement, "Targeting Health Facilities is a grave Felony!!!", previously accessible at: <http://shahamat-english.com/targeting-health-facilities-is-a-grave-felony/>. Removed from internet but on file with UNAMA Human Rights Unit.

<sup>218</sup> In Afghanistan, groups affiliated with the ISIL are referred to by the Arabic acronym "*Daesh*" in Afghanistan, although in some parts of the country the term is used to refer to any foreign fighter, regardless of their allegiance. The word '*Daesh*' is an acronym from "Islamic State of Iraq and the Levant" (*al-Dawla al-Islamiya al-Iraq al-Sham*).



In the first half of 2016, UNAMA documented 122 civilian casualties (25 deaths and 97 injured) attributed to ISIL/Daesh, compared to 13 casualties (nine deaths and four injured) during the same period in 2015. UNAMA documented civilian casualties from ISIL/Daesh targeted and deliberate killings,<sup>219</sup> IEDs, and one complex attack in Nangarhar province. UNAMA also documented two incidents of threat, intimidation, and harassment perpetrated by ISIL/Daesh during the reporting period. In one incident, ISIL/Daesh detonated two IEDs inside a radio station in Jalalabad city, Nangarhar province on the evening of 8 June that did not cause civilian casualties. In another incident, on 4 January, and ISIL/Daesh commander threatened district officials to close all but three girls schools in Bati Kot district, Nangarhar province, which remained closed until Afghan security forces killed that commander on 19 January.<sup>220</sup>

In Nangarhar province, ISIL/Daesh fighters continued to impact on children's access to education – as noted above – yet refrained from targeting healthcare facilities in the first half of the year.

Examples of civilian casualties attributed to ISIL/Daesh include the following incidents:

- On 13 January, ISIL/Daesh carried out a complex attack against the Pakistani Consulate in Jalalabad city, Nangarhar province, killing six civilians and injuring 10, including two boys. ISIL/Daesh claimed responsibility for the attack on a website maintained in Raqqa, Syria.
- On 16 April, ISIL/Daesh shot and killed two civilian men while the men worked on their farm in Chaparhar district, Nangarhar province. ISIL/Daesh reportedly accused the men of providing intelligence to Taliban.

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<sup>219</sup> Including the 10 June remote controlled-IED attack in a mosque that caused 81 civilian casualties – see Threats and Attacks against Religious Figures and Places of Worship.

<sup>220</sup> UNAMA notes that the three girls' schools that remained functioning were located in Taliban controlled areas of the district. Reportedly, once Taliban regained influence in the area after the Afghan security forces clearing operation, girls' schools reopened for girls up to 12<sup>th</sup> grade.



#### IV. Pro-Government Forces

Pro-Government Forces caused 1,180 civilian casualties in the first six months of 2016 (383 deaths and 797 injured) - a 47 per cent increase compared to the same period in 2015, accounting for 23 per cent of total civilian casualties.

UNAMA attributed under half of the civilian casualties from Pro-Government Forces – 47 per cent – solely to the Afghan National Army (557 civilian casualties: 154 deaths and 403 injured), with the majority caused during ground engagements. Pro-Government armed groups<sup>221</sup> and Afghan National Police<sup>222</sup> each caused nine per cent of civilian casualties attributed to Pro-Government Forces while international military forces caused five per cent<sup>223</sup> and Afghan Local Police caused two per cent.<sup>224</sup> The remaining 28 per cent of civilian casualties attributed to Pro-Government Forces resulted from combined operations of Pro-Government Forces or operations where UNAMA could not determine the responsible security force.

The following are examples of civilian casualties attributed to Pro-Government Forces:

- On 13 June, in Bala Buluk district, Farah province, two Afghan Air Force helicopters attacked a funeral ceremony for a Taliban member with rockets and machine gun fire, killing a woman and two boys and injuring four women, two girls, and six boys. The attack also killed and injured Taliban members present for the ceremony.
- On 30 May, in Khogyani district, Ghazni province, ANA fired a mortar targeting Taliban positions that impacted a civilian home, killing two women and injuring four others, including a woman and two children – all members of one family.

#### Tactics and Incident Types Causing the most Harm to Civilians

Continuing trends documented in 2015, in the first half of 2016, Pro-Government Forces caused the most harm to the civilian population during ground engagements (see previous chapter on civilian casualties attributed to Afghan national security forces in ground engagements), which caused 69 per cent of all civilian casualties attributed to such forces. Aerial operations remained the second leading cause of civilian casualties by Pro-Government Forces, resulting in 14 per cent of all civilian casualties attributed to these forces. Targeted killings by Pro-Government Forces and search operations each

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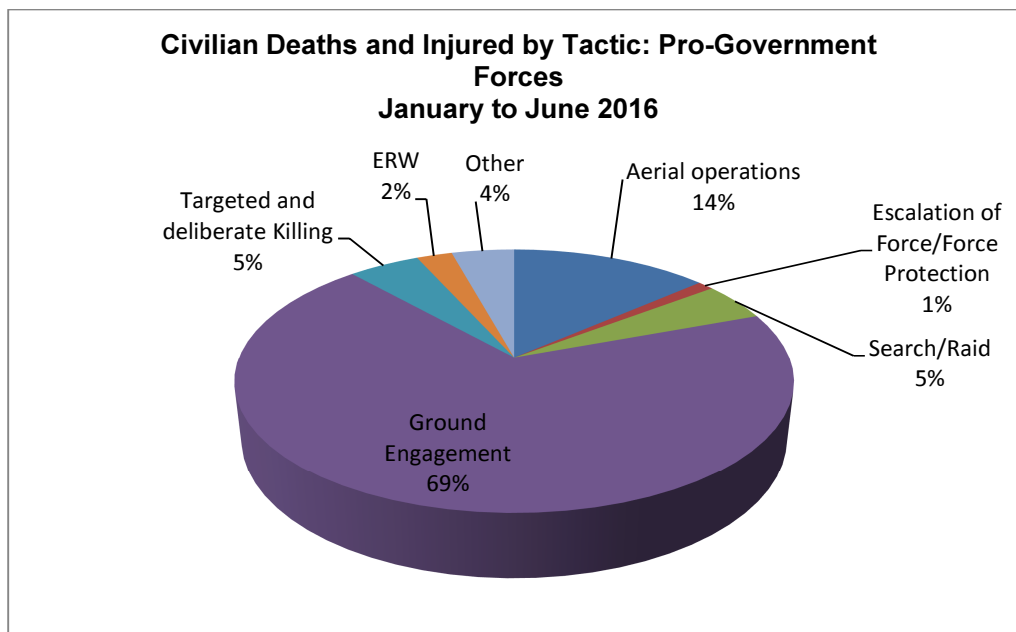
<sup>221</sup> Between 1 January and 30 June 2016, UNAMA documented 103 civilian casualties (28 deaths and 75 injured) attributed solely to pro-Government armed groups.

<sup>222</sup> Between 1 January and 30 June 2016, UNAMA documented 102 civilian casualties (43 deaths and 59 injured) attributed solely to Afghan National Police.

<sup>223</sup> UNAMA attributed 55 civilian casualties (39 deaths and 16 injured) solely to international military forces in the first six months of 2016.

<sup>224</sup> UNAMA attributed 29 civilian casualties (12 deaths and 17 injured) solely to Afghan Local Police in the first six months of 2016.

caused five per cent of casualties. The remaining seven per cent of casualties resulted from conflict-related threat, intimidation and harassment<sup>225</sup> and escalation of force incidents.



### Aerial Operations

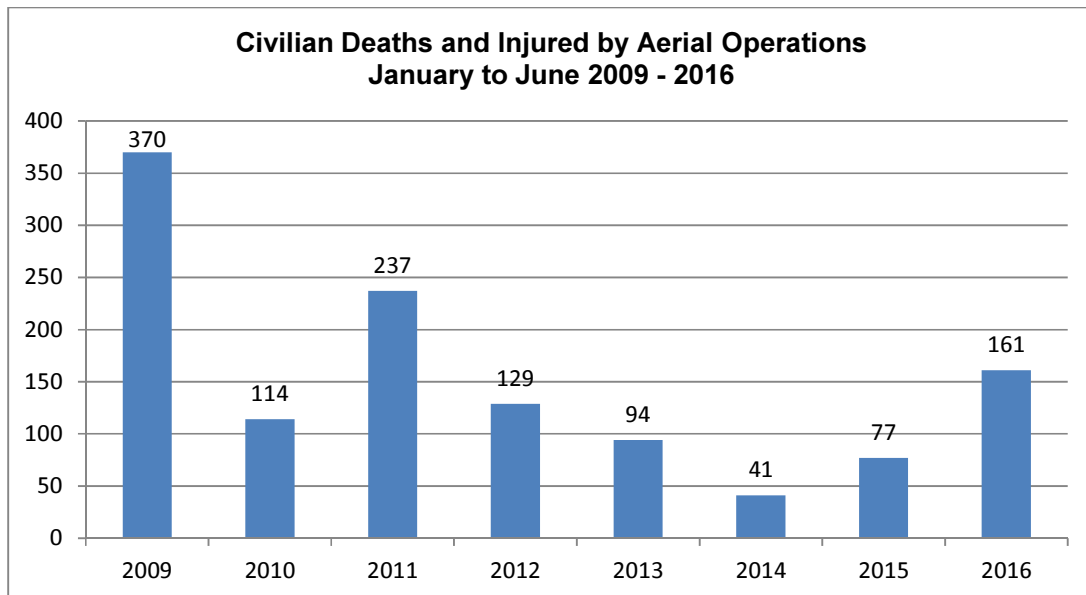
*"It was around 10 am and I was sitting with my children and relatives in my house, when the bomb struck. The blast killed my guests and my 5-year-old daughter and injured me and my two other daughters, who are around six and eight years old. It destroyed five houses including mine...fortunately my neighbors were at a wedding. The wave of the bomb threw some trees a few meters away from my house. I don't know why all this misery came upon me. I already lost my husband – who was an ALP – in 2014, and since his death I am responsible for six children. I am poor and I don't have anyone supporting me, except for my brothers who sometimes bring me food...I don't care about my own situation, but I am worried about my injured children. My heart is burning because I lost my innocent daughter"*<sup>226</sup>.

-- Victim of aerial attack on 20 April in Yamgan district, Badakhshan province, that killed the victim's five year-old daughter and two civilian men and injured her six and eight year-old daughters.

<sup>225</sup> Threats, intimidation and harassment is a category of tactic used by UNAMA to record incidents of threats of death or harm, intimidation and harassment which amount to a human rights violation or abuse carried out by a party to conflict against a civilian. This category includes unlawful movement restrictions or prohibition of freedom of expression, and illegal deprivation of property. The category also includes incidents of physical violence when the purpose is to threaten, intimidate or harass civilians, i.e. punishment, revenge, or other forms of deliberate assault when the purpose is to threaten, intimidate or harass civilians.

<sup>226</sup> UNAMA interview with the victim, Faizabad city, Badakhshan province, 21 April 2016.

Consistent with trends documented in the UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, civilian casualties from aerial operations more than doubled in the first six months of 2016 compared to the same period last year. Aerial operations caused 161 civilian casualties (57 deaths and 104 injured) in the first half of the year.<sup>227</sup> In contrast with 2015, the Afghan Air Force (AAF) caused the majority - 69 per cent - of casualties from aerial operations while international military forces caused 31 per cent.



*Afghan Air Force Aerial Operations*

Following trends documented in 2015, aerial attacks by the AAF resulted in increasing harm to the civilian population, causing 111 civilian casualties (19 deaths and 92 injured) in the first six months of 2016 – more than triple the number of casualties documented in the same period in 2015.<sup>228</sup> UNAMA notes particular concern that AAF operations appear to have a disproportionate impact on women and children – 85 of 111 civilian casualties comprised women (33 casualties) and children (52 casualties).

As of 1 June, the AAF operated at least 41 aircraft capable of conducting offensive aerial operations, including eight<sup>229</sup> fixed-wing attack planes, three Mi-35 attack helicopters,<sup>230</sup>

<sup>227</sup> Between 1 January and 30 June 2015, UNAMA documented 77 civilian casualties (32 deaths and 45 injured) from all aerial operations in Afghanistan.

<sup>228</sup> Between 1 January and 30 June 2015, UNAMA documented 28 civilian casualties (five deaths and 23 injured) from Afghan Air Force operations.

<sup>229</sup> On 15 January 2016, the AAF received four fixed-wing A-29 Super Tucano aircrafts and on 1 March, received four additional Super Tucano aircraft.

<sup>230</sup> Documentation available to UNAMA often refers to the aircraft as Mi-35, which is the export version of the Mi-24 attack helicopter.

18 MD-530 light attack helicopters<sup>231</sup> and 12 Mi-17 transport helicopters<sup>232</sup> modified with fixed forward-firing machine guns.<sup>233</sup>

Notwithstanding the capabilities of the fixed-wing aircraft, the majority of civilian casualties from AAF operations resulted from helicopter operations, as armed helicopters continue to conduct the majority of offensive Afghan Air Force operations.<sup>234</sup> Of the 111 documented civilian casualties from Afghan Air Force aerial operations, helicopter strikes caused 88 per cent – 98 civilian casualties, fixed-wing caused 12, while UNAMA could not determine the aerial platform for the one remaining casualty.<sup>235</sup> Of particular concern, UNAMA notes that the increase in aircraft capable of conducting airstrikes has not been matched with a corresponding increase in Afghan security forces ground personnel trained to coordinate and direct airstrikes, referred to as Afghan Tactical Air Coordinators (ATACs).<sup>236</sup> Although the AAF is now equipped with an inventory of 41 aircraft with such capabilities, there are only “34 fully trained ATACs” and “115 additional personnel in ANA corps trained to utilize ATAC equipment and procedures.”<sup>237</sup>

The mission notes that civilian casualties from AAF operations now exceed those conducted by international military forces and the majority of casualties from such operations are women and children. UNAMA urges an immediate halt to the use of airstrikes in civilian-populated areas and calls for greater restraint by air crews in the use of airstrikes in areas where civilians are likely to be present.

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<sup>231</sup> The Mi-35, MD-530, and seven of the modified Mi-17 helicopters also have the capacity to deploy unguided rocket systems.

<sup>232</sup> United States Department of Defense, ‘Report on Enhancing Security and Stability in Afghanistan’, pages 61-67, June 2016, available at: [http://www.defense.gov/Portals/1/Documents/Enhancing\\_Security\\_and\\_Stability\\_in\\_Afghanistan-June\\_2016.pdf](http://www.defense.gov/Portals/1/Documents/Enhancing_Security_and_Stability_in_Afghanistan-June_2016.pdf), last accessed 19 June 2016. There are also an additional 29 Mi-17 aircraft used by the Special Mission Wing under the Afghan Ministry of Defense, with plans to “arm a limited number of Mi-17 V5s with fixed forward firing capability” in 2016. See, *Ibid*, at pages 72-73.

<sup>233</sup> The first four ‘Super Tucanos’ became operational in April 2016 and with their deployment, the AAF now has the capability for the first time since 2001 to release 250-500 pound (110-220 kilograms) “dumb” bombs from aircraft. News Transcript: Department of Defense Press Briefing by Brig. Gen. Cleveland via Teleconference from Afghanistan, Brigadier General Charles H. Cleveland, deputy chief of staff for communications, Resolute Support Mission, Afghanistan, available at: <http://www.defense.gov/News/News-Transcripts/Transcript-View/Article/788323/department-of-defense-press-briefing-by-brig-gen-cleveland-via-teleconference-f>, last accessed 10 June 2016.

<sup>234</sup> UNAMA notes that this closely mirrors United States Department of Defense reporting that “armed Mi-17s accounted for over 81 per cent of aerial fires missions tasked in support” of Afghan security forces operations during the period 1 December 2015 to 31 May 2016. *Ibid.*, footnote 232, at page 65.

<sup>235</sup> See explanatory text, *ibid* at footnote 234.

<sup>236</sup> For an example of the importance of tactical air coordinators/controllers to mitigate possible civilian casualties, see section on United States military investigation in to the attack on the *Médecins Sans Frontières* (MSF) Hospital in Kunduz on 3 October 2015, below, and in particular footnotes 328 and 335.

<sup>237</sup> *Ibid*, footnote 232, at page 67.

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

UNAMA recommends that current levels of support from international military forces to Afghan Air Force be increased in order to strengthen the capacity of Afghan security forces to mitigate civilian casualties in air operations. Enhanced support could include the provision of additional training, closer monitoring/mentoring and assisting with the development and implementation of clearer tactical guidance and strengthened of rules of engagement. The mission also urges the ANA and the AAF in particular to adapt and adopt mechanisms, measures and practices used by the former NATO ISAF mission<sup>239</sup> to the AAF to strengthen compliance with international humanitarian law.

The following are examples of civilian casualties caused by AAF aerial operations:

- On 12 April, in the afternoon, two ANA helicopters fired rockets at Taliban in Qushtepa village, Chahar Dara district, Kunduz province. The rockets impacted a civilian residence, injuring 15 civilians, including seven women, five girls, and three boys. One of the rockets also impacted a clinic but did not cause casualties or major damage.
- On 5 June, in the early evening, ANA helicopters fired rockets and machine guns at locations in Kari and Dubai areas, Hesarak district, Nangarhar province, killing a girl and injuring another as they took water from a spring and injured two boys. The two villages are reportedly pro-Government: the helicopters allegedly struck the areas due to a miscommunication of grid coordinates. The attack also killed five bulls and six sheep.

#### *Aerial operations carried out by International Military Forces*

In the first half of 2016, aerial operations carried out by international military forces in support of Afghan security forces and independent counterterrorism operations caused 50 civilian casualties (38 deaths and 12 injured) - a slight increase of two per cent compared to the same period in 2015.<sup>240</sup>

UNAMA continues to record civilian casualties from aerial operations in which Resolute Support acknowledges carrying out operations yet contests the civilian status of those

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

<sup>239</sup> In particular, UNAMA draws attention to the recommendations made in its 2011 Midyear Report on Protection of Civilians in Armed Conflict concerning the rise in civilian casualties caused by ISAF Apache helicopters during close air support operations at pages 3, 9, 24-25.

<sup>240</sup> Between 1 January and 30 June 2015, UNAMA documented 49 civilian casualties from international military forces aerial operations (27 deaths and 22 injured).

killed or injured. For example, on 6 April, in Gomal district, Paktika province, international military forces conducted an airstrike on a civilian vehicle that killed 12 civilian men in Naimat village followed by a second airstrike that killed five civilian men in Chamtovi area. A Resolute Support spokesperson publicly acknowledged the aerial operations but denied the civilian status of the victims. Local sources, including Government officials, consistently described the victims as civilians and sources reported no fighting in either area at the time of the airstrikes. Following protest by tribal elders, the Government and Resolute Support indicated that they would conduct investigations into the airstrikes. The results of neither investigation have been made public as of the writing of this report.

While noting international military forces' efforts to minimize civilian casualties during aerial operations, UNAMA encourages the NATO/Resolute Support to increase the level of transparency during investigations into civilian casualties and provide adequate and timely redress for civilians impacted by their operations.

*United States military investigation into the attack on the Médecins Sans Frontières (MSF) Hospital in Kunduz on 3 October 2015*<sup>241</sup>

On 29 April 2016, the United States military released a redacted version of its "Investigation Report of the Airstrike on the *Médecins Sans Frontières/Doctors Without Borders* Trauma Center in Kunduz, Afghanistan on 3 October 2015 (hereafter referred to as "United States MSF Investigation Report")<sup>242</sup> setting out its analysis of the 3 October 2015 airstrike that caused at least 85 casualties (42 deaths and 43 injured). The attack also destroyed the main hospital building, and subsequently deprived residents of northern Afghanistan access to high-quality trauma care. The hospital remains closed as of the writing of this report.

The United States MSF Investigation Report states that multiple United States personnel involved in the incident violated the laws of armed conflict, including the principles of distinction and proportionality, and at least one officer wilfully violated the rules of engagements and tactical guidance from the commander.<sup>243</sup> As a result, the United States military took administrative or disciplinary action against 16 United States service members including "suspension and removal from command, letters of reprimand, formal counselling, and extensive retraining... [letters of] admonishment...directing boards to

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<sup>241</sup> For a detailed account of the airstrike and aftermath, see UNAMA OHCHR Annual Report on Protection of Civilians in Armed Conflict 2015, pages 68-69 and UNAMA/OHCHR Special Report on Human Rights and Protection of Civilians in Armed Conflict in Kunduz province, 12 December 2015, pages 7-12.

<sup>242</sup> 'Investigation Report of the Airstrike on the Médecins Sans Frontières/Doctors Without Borders Trauma Center in Kunduz, Afghanistan on 3 October 2015', hereafter referred to as United States MSF Investigation Report, available at <http://www.centcom.mil/news/press-release/april-29-centcom-releases-kunduz-investigation>, last accessed 19 June 2016.

<sup>243</sup> Ibid, United States MSF Investigation Report, pages 75-94.

evaluate...flight certification...and recertification.”<sup>244</sup> The press release summarizes the issue of liability for the commission of war crimes as follows:

*“The Commander of USFOR-A concluded that certain personnel failed to comply with the rules of engagement and the law of armed conflict. However the investigation did not conclude that these failures amounted to a war crime. The label “war crimes” is typically reserved for intentional acts – intentionally targeting civilians or intentionally targeting protected objects. The investigation found that the tragic accident resulted from a combination of unintentional human errors and equipment failures and that none of the personnel knew that they were striking a medical facility.”*<sup>245</sup>

While the mission welcomes the release of the investigation report and steps taken to strengthen operational practices,<sup>246</sup> UNAMA nevertheless reiterates that the report raises serious issues concerning the independence, impartiality, transparency, and effectiveness of the investigation as well as the appropriateness of the actions taken based on its findings.

The United States military Army Regulation 15-6 investigation is essentially an administrative fact-finding tool for the United States military that makes recommendations to the convening officer who can then decide whether to accept or reject findings of fact as well as recommendations. While the Commander of U.S. Forces Afghanistan appointed general officers from outside of his chain of command to conduct the fact-finding investigation, the ultimate authority for taking actions, including recommending any criminal investigation, essentially remained with the command responsible for the incident. This calls into question whether the AR 15-6 procedure is

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<sup>244</sup> Press release, “U.S. Central Command releases U.S. Forces-Afghanistan Investigation into Airstrike on Doctors Without Borders Trauma Center in Kunduz, Afghanistan”, 19 April 2016, available at <http://www.centcom.mil/news/press-release/april-29-centcom-releases-kunduz-investigation>, last accessed 19 June 2016.

<sup>245</sup> Ibid.

<sup>246</sup> In addition to the operational changes made by the NATO Resolute Support mission, detailed in their Memorandum of Record dated 3 February 2016, reprinted in Annex 3 of the UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, on 28 April 2016 the United States Secretary of Defence also issued a “Memorandum for Secretaries of the Military Department and Commanders of the Combatant Commands”, subject: “Investigation Review – Secretary of Defence Guidance” that requires the addressed commands to take certain actions within 120 days of the issuance of the memo, including among others, “Conduct a comprehensive review of relevant policies, tactical directives, and rules of engagement (ROE) to clarify conflicting or confusing directives. Ensure they provide appropriate guidance for mission accomplishment, including the prevention of civilian casualties, in the complex, changing operational environment”; “Review mission command systems – including those of our partners – to identify effective methods to maintain unified understanding of the battlespace and enhance interoperability”; and, “Assess command climates for complacency and unnecessary assumption of risk and identify and implement specific corrective measures.” Complete document available at <http://www.defense.gov/Portals/1/Documents/pubs/SD-ROE-Guidance-post-Kunduz.pdf>, last accessed 20 June 2016. See also United States MSF Investigation Report *ibid* at footnote 242, page 75, concerning the use of a PowerPoint presentation as a substitute for Operations Orders that allowed Resolute Support to avoid determining risk tolerance for missions.



sufficiently independent, impartial, transparent<sup>247</sup> and effective to determine whether criminal offences occurred in relation to the 3 October 2015 airstrike. Furthermore, neither the press release nor the investigation itself addressed the issue of criminal liability for recklessness in the commission of war crimes,<sup>248</sup> nor criminal liability under the United States Uniform Code of Military Justice.

The mission notes that after a review of the redacted United States MSF Investigation Report, even absent findings of specific intent, there are *prima facie* grounds to warrant further investigation into whether United States personnel committed war crimes and other criminal offences in relation to the 3 October 2015 airstrike on the MSF Hospital in Kunduz (see Annex 3).

UNAMA therefore reiterates its call for a fully independent, impartial, transparent and effective investigation of the airstrike on the MSF hospital. Any personnel found to have committed such crimes must be held accountable. If the investigation finds that no criminal charges are warranted there must be a clear, public accounting as to why such a decision was taken.

### **Afghan Security Forces and International Military Forces Partnered Operations**

Despite the transition of international military forces to a non-combat train, assist, and advise mission under the NATO Resolute Support mission on 1 January 2015, international military forces continued to provide direct military support to Afghan security forces throughout 2015 and 2016, particularly Afghan Special Forces in the form of “tactical-level advising”<sup>249</sup> referred to by UNAMA as partnered operations. The mission

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<sup>247</sup> In addition, to access the text of the report on the CENTCOM website, users must click consent to a set of conditions that includes the following language, “The USG [United States Government] routinely intercepts and monitors communications on this IS for the purpose including, but not limited to, penetration testing, COMSEC monitoring, network operations and defense, personnel misconduct (PM), law enforcement (LE), and counterintelligence (CI) investigations” and “Communications using, or data stored on, this IS are not private, are subject to routine monitoring, interception, and search, and may be disclosed or used for any USG authorized purpose.” Requiring such consent to access the report conditions viewing the report on consent to unclear legal terms effectively limits public access and decreases the likelihood that interested persons will view the ‘public’ report.

<sup>248</sup> For example, in relation to the prohibition on making civilians the object of attack set out in Article 51(2) of Additional Protocol I – accepted as a serious violation of international humanitarian law and war crime by customary international law in both international and non-international armed conflicts - the ICRC commentary to Article 85 of Additional Protocol I states that such attacks must be perpetrated “willfully”, which “encompasses ‘recklessness’”. See *Rule 156, ICRC Customary International Humanitarian Law Study; ICRC Commentary to Article 85(3) of Additional Protocol I*. In this regard, see also the International Criminal Tribunal for the Former Yugoslavia judgements: *Prosecutor v. Galić*, Case No. IT-98-99-A, Appeal Judgement, 30 November 2006, para. 140; *Prosecutor v. Galić*, Case No. IT-98-99-A, Trial Judgement, 5 December 2003, paras. 54, 55; *Prosecutor v. Strugar*, Case No. IT-01-42-A, Appeal Judgement, 17 July 2008, paras. 270, 271; *Prosecutor v. Perišić, IT-04-81-T, Trial Judgement, 6 September 2011*, paras. 101, 102.

<sup>249</sup> United States Department of Defense, ‘Report on Enhancing Security and Stability in Afghanistan’, pages 8-9, June 2016, available at:

notes that as of 15 June 2016, United States Forces in Afghanistan, including those serving as part of Resolute Support, are authorized to “more proactively support Afghan convention forces” through providing “close air support” and “accompanying and advising Afghan conventional forces”.<sup>250</sup>

In the first half of 2016, UNAMA continued to document civilian casualties resulting from partnered operations of international military forces and Afghan security forces in Kandahar, Uruzgan, and Wardak provinces. UNAMA documented eight civilian deaths that occurred during four partnered search operations.<sup>251</sup> UNAMA is concerned by the continuation of such incidents in the first half of 2016, following the trend documented by UNAMA in the final months of 2015.<sup>252</sup>

The mission notes particular concern regarding the incident involving the Swedish Committee for Afghanistan (SCA) clinic in Wardak province on 18 February 2016 (See text under incidents affecting healthcare for further details). The mission urges all parties to the conflict to respect the protected status of medical facilities, to safeguard the civilian character of such institutions, to keep search operations of such facilities to a minimum, and to ensure that any operations in the vicinity of health facilities are carried out so as to limit the impact on hospital staff, patients, equipment, and infrastructure.<sup>253</sup> Under no circumstances is the extrajudicial execution of civilians or persons *hors de combat* permissible under international humanitarian law.

Following continued civilian casualties in partnered operations and the recent expansion in United States forces authorization to tactically assist Afghan security forces, the mission once again recommends that international military forces and Afghan security forces redouble efforts to take all feasible precautions in the conduct of such operations to protect the civilian population. UNAMA urges international military forces and the Government to conduct prompt, impartial, and thorough investigations into civilian casualty incidents implicating such forces and in particular the 18 February 2016 incident at the SCA clinic in Wardak province.

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[http://www.defense.gov/Portals/1/Documents/Enhancing\\_Security\\_and\\_Stability\\_in\\_Afghanistan-June\\_2016.pdf](http://www.defense.gov/Portals/1/Documents/Enhancing_Security_and_Stability_in_Afghanistan-June_2016.pdf), last accessed 25 June 2016.

<sup>250</sup> News Transcript: Press Conference with Secretary Carter at NATO Headquarters, Brussels, Belgium, 15 June 2016, available at: <http://www.defense.gov/News/News-Transcripts/Transcript-View/Article/800230/press-conference-with-secretary-carter-at-nato-headquarters-brussels-belgium>, last accessed 25 June 2016.

<sup>251</sup> Between 1 January and 30 June 2015, UNAMA did not document any civilian casualties from partnered operations or operations conducted by Afghan security forces with an embedded presence of international forces.

<sup>252</sup> In the second half of 2015, UNAMA documented 30 civilian casualties (23 deaths and seven injured) from partnered operations or operations conducted by Afghan security forces with an embedded presence of international forces. See UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, page 71.

<sup>253</sup> The protection afforded to medical facilities under international humanitarian law is not absolute, and a hospital may lose its protected status for such time that it is used to commit acts harmful to the enemy, but only after due warning has been given with a reasonable time limit and that warning has gone unheeded. See ICRC Customary International Humanitarian Law, rules, 15, 22, 25, 26, and 28, available at: [https://www.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://www.icrc.org/customary-ihl/eng/docs/v1_rul).

### Extrajudicial killings<sup>254</sup> by Afghan Security Forces

Of concern, UNAMA documented an increase in extrajudicial killings by regular Afghan security forces (excluding Afghan Local Police and pro-Government armed groups) during the first half of 2016.<sup>255</sup> UNAMA documented 21 incidents that caused 25 civilian casualties (20 deaths and five injured), compared to seven incidents that caused seven civilian casualties (four deaths and three injured) during the same period in 2015. The rise is largely attributable to an increase in targeted killings by Afghan National Police in southern Afghanistan and ANA in southern and north-eastern Afghanistan.<sup>256</sup>

In some incidents Afghan security forces detained and summarily executed civilians for perceived links to Anti-Government Elements. For example, on 28 February, Afghan National Police stopped three civilian IDPs at a checkpoint in Nahri Saraj district, Helmand province because their relative was a local Taliban commander. The Afghan National Police shot and killed all three, threw their bodies into the nearby Boghra river, and stole their car. Following complaints to the district Government officials, Afghan National Police reportedly arrested one suspect although the results of any subsequent investigation are still pending.<sup>257</sup>

In other instances, Afghan security forces deliberately shot civilians in the immediate aftermath of an IED incident that happened to be nearby. For instance, on 21 January, ANA shot and killed a civilian man and injured another in Shay Joy district, Zabul province after a remote controlled-IED detonated against their vehicle in the Shah Joy Bazaar.

UNAMA notes that in some instances, Government authorities conducted investigations following the killings, while in others Government authorities concluded that the victims were Anti-Government Elements without further investigation or requested families to submit formal, written complains to initiate investigations – a difficult burden given the low literacy rates among large segments of the population.

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<sup>254</sup> Note, UNAMA records such incidents in the category of targeted killings for the purposes of recording cases in the database, but uses the term extrajudicial killings in this section of the report due to the involvement of state security forces.

<sup>255</sup> Civilian casualties occurring as a result of drone strikes targeting specific individuals are reported under the Aerial Operations section. Targeted killings by Afghan Local Police and pro-Government armed groups are addressed in the Afghan Local Police and pro-Government armed groups sections of this report.

<sup>256</sup> In the first half of 2016, UNAMA attributed eight incidents of targeted killing resulting in civilian casualties to Afghan National Police compared to one in the same period in 2015. During the first six months of 2016, UNAMA documented 10 incidents of targeted killings by ANA that caused 12 civilian casualties (eight deaths and four injured) compared to one incident during the first half of 2015.

<sup>257</sup> See also *Afghan Security Forces Interference with the Provision of Medical Care* section which details extrajudicial killings carried out by members of an Afghan Ministry of Interior Special Forces unit of two Taliban patients – including a 16 year-old child fighter – and a 15 year-old boy acting as their caregiver, in Daimirdad district, Maidan Wardak province on the night of 17 to 18 February.

UNAMA reiterates that extrajudicial killings of civilians by any party to the conflict are explicitly prohibited by Article 3 common to the four Geneva Conventions of 1949 at any time and at any place. The mission also reiterates that under international human rights law, States must investigate the use of lethal force by their agents,<sup>258</sup> particularly those involved in law enforcement, and including those arising during armed conflict. The Government bears the burden to initiate such investigations once they become aware of credible allegations, and requirements that victims and family members must first submit written complaints are contrary to both international human rights and Afghan law.<sup>259</sup>

UNAMA is concerned by this increase and calls on the Afghan authorities to launch comprehensive and fully transparent investigations into the incidents and to ensure accountability for those responsible for violations of international human rights law or international humanitarian law.<sup>260</sup>

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<sup>258</sup> See Paragraphs 9, 10 and 17 of the *United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, adopted on 24 May 1989 by the Economic and Social Council Resolution 1989/65. See also United Nations Security Council and General Assembly resolutions concerning non-international armed conflict, calling for all parties to respect international human rights law.

<sup>259</sup> Article 57(1) of the Afghanistan Criminal Procedure Code (CPC), “Duties of Citizens and Officials When Informed of a Crime”, states “The citizens by observing the other provisions of this law, when informed of or witness to a crime, are required to inform the police or other judicial officer or prosecution either verbally or in writing, or with the use of electronic devices.” Article 58 of the CPC, “Obligations of the Notified Organization”, states, “The notified organization is required to receive the complaints and notifications about the committed crime, make a decision as soon as possible or submit it to the relevant organization for making decision and inform informer of the date and time of the decision along with his/her identity and position.” Article 63 of the CPC, “Preventing the Initiation of a Criminal Case”, only requires a written complaint by the victim when the perpetrator is a relative of the victim for certain crimes. Official Gazette of the Islamic Republic of Afghanistan (OG/117), 7 October 2013, UNAMA unofficial translation.

<sup>260</sup> See Article 3 Common to the Geneva Conventions of 1949; Additional Protocol II of the Geneva Conventions of 1949, Article 4(2)(a); ICC Statute Article, Article 8(c)(i). Afghanistan acceded to the ICC Statute on 10 February 2003.

## Pro-Government Armed Groups

*“While grazing cattle alongside several other shepherds, four white vehicles appeared carrying armed men wearing uniforms. They asked me to give them my gun. I responded that I am a poor shepherd and don’t have a gun. They took my shepherding stick and severely beat me until the stick was broken. When I mentioned the name of one of my relatives who works for the Afghan security forces, they stopped beating me. However, they had already broken my chest bone and my leg. I haven’t complained to any government authorities because I still can’t walk and I believe if I did so, I would face even more problems.”<sup>261</sup>*

-- Civilian severely beaten by a pro-Government armed group in Mardyan district, Jawzjan province on 22 April. The pro-Government armed group beat six shepherds - five men and one boy.

Between 1 January and 30 June 2016, UNAMA documented 103 civilian casualties (28 deaths and 75 injured) caused by pro-Government armed forces,<sup>262</sup> a 23 per cent increase compared to the first six months of 2015.<sup>263</sup> The mission remains concerned by the continued commission of human rights abuses by pro-Government armed groups and the prevailing environment of impunity in which they operate. These groups do not have any legal basis under the laws of Afghanistan, are usually linked to powerbrokers or politicians, and generate fear among the populations in their areas of operation.

The leading cause of civilian casualties by Pro-Government armed groups continued to be ground engagements, which accounted for 48 civilian casualties (10 deaths and 38 injured), consistent with the first half of 2015. UNAMA continued to document instances of regular Afghan security forces partnering with pro-Government armed groups during operations despite their lack of training, discipline, clear reporting lines, and accountability.

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<sup>261</sup> UNAMA telephone interview with victim, Sheberghan city, Jawzjan province, 22 April 2016.

<sup>262</sup> The term “pro-Government armed group” refers to an organized armed non-State actor engaged in conflict and distinct from Government Forces, rebels and criminal groups. Pro-Government armed groups do not include the Afghan Local Police, which fall under the command and control of the Ministry of Interior. These armed groups have no legal basis under the laws of Afghanistan. Armed groups have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. In some cases, armed groups receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to, the following groups: national uprising movements, local militias (ethnically, clan or otherwise based), and civil defence forces and paramilitary groups (when such groups are clearly not under State control).

<sup>263</sup> During the same period in 2015, UNAMA documented 84 civilian casualties (28 deaths and 56 injured) from the activities of pro-Government armed groups.

UNAMA continued to document civilian casualties from targeted killings perpetrated by such groups, causing 17 civilian casualties (14 deaths and three injured), a slight decrease compared to the same period in 2015.<sup>264</sup>

#### **Pro-Government armed forces and Afghan security forces combined operation in Dawlatabad district, Faryab province**

On 26 June, a combined force of regular Afghan security forces and pro-Government armed groups conducted a military operation against a Taliban operations base in Faryab province, with efforts focused on Shordarya area, Dawlatabad district (that also affected part of Qaram Qol district). UNAMA confirmed that the operation resulted in 41 civilian casualties (nine deaths and 32 injured). During the initial fighting with Taliban, the combined Pro-Government Forces caused 24 civilian casualties (four deaths and 20 injured) as a result of ground engagements (17 casualties<sup>265</sup>) and Afghan security forces aerial operations (seven casualties<sup>266</sup>). According to sources, Taliban fled the area as the Pro-Government Forces approached and engaged, leaving behind a large amount of equipment.

Following the initial engagements, pro-Government armed groups, led by six different commanders, conducted operations in at least four villages<sup>267</sup> in the area, resulting in 17 additional civilian casualties (five deaths and 12 injured). Regular Afghan security forces remained in the area but did not enter the villages. In Sheshpar village, pro-Government armed groups shot and killed at least three civilian men on accusation of supporting Taliban and severely beat 14 other civilian men on similar accusations. Two of the 14 later died of their injuries (two deaths and 12 injured). UNAMA is also investigating reports that pro-Government armed groups looted and burned civilian homes in the Shordarya area.

Pro-Government armed groups also “arrested” 82 men from the affected villages and transferred them to the National Directorate of Security (NDS) detention facility in Shebergan city, Jawzjan province. After two days of interrogation, NDS reportedly released at least 70 of the men after determining they were not Anti-Government Elements. As of the writing of this report, the mission has not received allegations of mistreatment by regular Afghan security forces.

UNAMA notes that the findings contained in this section concerning the activities of pro-Government armed groups are consistent with information received from various Government sources although sources in the ANA have rejected any civilian casualties

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<sup>264</sup> Between 1 January and 30 June 2015, UNAMA documented 18 civilian casualties (15 deaths and three injured) from pro-Government armed group-perpetrated targeted killings.

<sup>265</sup> UNAMA documented three deaths and 14 injured from ground engagements: 14 civilian casualties (three deaths and 11 injured) by Afghan security forces and three injured by pro-Government armed groups.

<sup>266</sup> UNAMA documented one death and six injuries from aerial operations in relation to this incident.

<sup>267</sup> Sheshpar, Edi Zayee, Patta Baba and Jangal-Mirza Qom villages.



from this operation or the activities of pro-Government armed groups. UNAMA urges the Government to ensure that allegations of civilian casualties and human rights abuses by pro-Government armed groups, and Afghan security forces, are impartially investigated and that the perpetrators are held accountable. UNAMA notes that in response to allegation of civilian casualties and human rights abuses, the Government arrested a commander and seven men from the same armed group. At the time of writing this report, four men remain in NDS custody while the investigation is on-going.

The mission also recommends that the Government immediately disband and disarm all illegal armed groups and ensure accountability for those who commit human rights abuses. The mission further recommends that Afghan security forces cease any operations with illegal armed groups.

UNAMA also documented ten incidents of threat, intimidation and harassment that resulted in 32 civilian casualties (two deaths and 30 injured). For example, on 22 April, members of a pro-Government armed group in Mardyan district, Jawzjan province, beat six shepherds, including one boy, they accused of supporting Anti-Government Elements. The following day in the same area, on 23 April, members of the same pro-Government group beat six tribal elders they considered Taliban supporters as they returned home from a government meeting and handed them over to the NDS, who then released the elders. UNAMA received no indications that authorities undertook any action to hold the perpetrators of these abuses accountable for their actions.

The majority of incidents causing civilian casualties attributed to pro-Government armed groups transpired in the northern region of Afghanistan, with 61 per cent of all civilian casualties nation-wide occurring in Faryab province as a result of inter-pro-Government armed group activities.<sup>268</sup> Pro-Government armed group human rights abuses also took place in Jawzjan, Sari Pul, Samangan, Takhar, Kunduz, Khost, Balkh, and Ghazni provinces.

The following are examples of civilian casualties caused by pro-Government armed groups:

- On 16 May, members of a pro-Government armed group arrested, severely beat, and then killed, two men from Tukzar village in Sancharak district, Sari Pul province, after wrongly suspecting them of being affiliated with Anti-Government Elements.
- On 23 May, a pro-Government armed group attacked a vehicle transporting the director of Kunduz Justice Department with small arms in Warsaj district, Takhar province due to a personal dispute, injuring one of the passengers.

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<sup>268</sup> In the first six months of 2016, UNAMA documented 38 incidents attributed to pro-Government armed groups in the northern region – with 24 incidents in Faryab province, 6 incidents in Jawzjan province, three incidents in Samangan province, three incidents in Balkh province and two incidents in Sari-Pul province.



UNAMA underlines the Government's responsibility to protect the right to life and security in Afghanistan. The mission notes particular concern regarding the Government's "National Uprising Support Strategy"<sup>269</sup> and its support for the creation of additional armed groups outside of the legal framework of Afghanistan.<sup>270</sup> UNAMA renews its call to disband all pro-Government armed groups and hold perpetrators accountable for abuses.

### **Pro-Government armed group impunity in Faryab province**

In the first half of 2016, most civilian casualties caused by pro-Government armed groups occurred in Faryab province with fighting and impunity highlighting the on-going risks associated with the tolerance of these illegal and unaccountable forces and the perpetuation of armed groups linked to sectarian political agendas with legacies dating back to the civil war period. On 17 May, intense fighting erupted between commanders and supporters of two pro-Government armed groups aligned to two rival political parties in Almar district. Fighting between the two groups using small arms and explosive weapons resulted in 15 civilian casualties (three deaths and 12 injured), mostly women and children. In addition, the fighting and tension between the two groups created an environment of insecurity and fear for civilians living in the area. Previously, in March, clashes between the groups in Maimana city – the provincial capital – killed a man and injured another man and two children as a result of small arms and rocket propelled grenade cross-fire.

On 20 May, the Government established a delegation comprised of representatives of the Ministry of Interior, Ministry of Defence, National Directorate of Security, and the Independent Directorate of Local Governance to investigate the incident. The delegation visited affected villages in Almar district where it met with both pro-Government armed groups. It also met with the leaders of the political parties supported by the groups, civil society organisations and members of the Provincial and Ulema councils. On 22 May, a group of seventy representatives from affected villages met the delegation to ensure the Government holds perpetrators accountable on behalf of civilians killed and injured during the fighting. The delegation returned to Kabul without making any statement on their findings. As of 21 June 2016, the findings of the delegation have not been publically released. While UNAMA welcomes the establishment of the delegation and its subsequent investigation, it calls on the Government to ensure that allegations of civilian casualties caused by pro-Government armed groups are impartially investigated in a timely manner and that the results of any investigations are officially conveyed to the affected communities, if not publically released.

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<sup>269</sup> For further details on the Government "National Uprising Movement Strategy", see UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, pages 72-75.

<sup>270</sup> UNAMA Meeting with Ministry of Interior Chief of Operations, Kabul city, 10 January 2016, UNAMA meeting with ALP Directorate, Kabul, 13 January 2016, UNAMA meeting with Office of National Security Council, Kabul city, 11 January 2016.

UNAMA reiterates that the perpetrators must be held accountable for abuses of human rights acts, victims' rights to effective remedy must upheld and measures should be taken to prevent future abuses and protect and promote human rights.

#### *Khost Protection Force*

UNAMA notes concern about the increasing number of civilian casualties perpetrated by the Khost Protection Force, primarily in Sabri district, Khost province. The Khost Protection Force is a paramilitary pro-Government armed group that has operated from bases in districts of Khost and Paktya since at least 2007. It does not exist in the official Government *tashkil* (structure).<sup>271</sup>

In the first six months of 2016, UNAMA documented three separate incidents<sup>272</sup> involving Khost Protection Force that resulted in 12 civilian casualties (eight deaths and four injured), including two search operations and one targeted killing of civilians for which authorities arrested one Khost Protection Force member.<sup>273</sup> For example, on 22 April, Khost Protection Forces conducted a nighttime search operation in Noori village, Sabri district, searching 15 houses. One civilian man opened fire on Khost Protection Forces when they entered his home, reportedly believing them to be robbers. In the subsequent exchange of fire, Khost Protection Forces killed the homeowner, one woman and one boy, and injured one girl. In another search incident on 5 June in Yaqubi area, Sabri district, Khost Protection Forces killed three civilian men, including two former ANA, believing them to be Anti-Government Elements. The victims' family members claimed that Khost Protection Force received faulty information from local rivals that led to the operation and killings.

Many interlocutors consulted by UNAMA expressed support for the Khost Protection Force and credit the force with strengthening security in the province. While this may be the case, UNAMA notes concern that Khost Protection Force operates outside the operational control of the Government and civilians generally lack recourse for harm caused by Khost Protection Force activities.

UNAMA calls on the Government to ensure that Khost Protection Force are regularized into Afghan security forces, with clear reporting lines to the Government and that jurisdiction for the investigation of any allegations against them are clearly defined in law. Until such time as these forces are regularized, their activities are contrary to the laws of Afghanistan and the Constitution of the Islamic Republic of Afghanistan.

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<sup>271</sup> UNAMA meeting with senior Government officials, Kabul city, 27 June 2016.

<sup>272</sup> UNAMA also documented one incident of an international military forces aerial attack in support of Khost Protection Force operations that resulted in two civilian casualties (one death and one injured) during the reporting period.

<sup>273</sup> Between 1 January and 30 June 2015, UNAMA documented one search operation by Khost Protection Force that resulted in the killing of two civilian men. In the second half of 2015, UNAMA documented eight civilian deaths resulting from Khost Protection Force search operations.

Regardless of decisions concerning the status of the Khost Protection Force, UNAMA urges the Government to conduct prompt, impartial, and thorough investigations into civilian casualty incidents implicating such forces and to hold perpetrators accountable.

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

*"I received a call from my family asking me to relocate them to a safe place because they were caught in cross-fire between Taliban and Afghan security forces. My family sounded really scared. I closed my shop and headed towards home. On the way, I came across two arbakis [ALPs] who asked me to raise my hands in the air. I complied and dropped my mobile phone. They asked me where I was going and I explained that I was going to move my family to a safe location. The ALP said I lied and shot at my hand."<sup>274</sup>*

-- Civilian shot by ALP on suspicion of being a Taliban member in Aqcha district, Jawzan province, on 24 January.

In the first six months of 2016, Afghan Local Police (ALP) continued to serve in remote areas of Afghanistan, primarily to protect villages and rural areas from attacks, to protect facilities, and to conduct local counter-insurgency missions.<sup>275</sup> Between 1 January and 30 June 2016, civilian casualties attributed to ALP decreased slightly compared to the same period in 2015, with UNAMA recording 29 civilian casualties (12 deaths and 17 injured).<sup>276</sup> As of 29 June 2016, the total number of ALP members stood at 28,704, covering 197 districts in 30 provinces.<sup>277</sup>

Although ground engagements and force protection incidents caused most civilian casualties attributed to ALP,<sup>278</sup> UNAMA continued to document serious abuses by ALP, including targeted killings of civilians, one case of sexual abuse, one case of occupation of a health clinic, and continuing threats to local populations – coupled with limited accountability.

UNAMA documented 11 civilian casualties (seven deaths and four injured) as a result of eight targeted killing incidents – including six incidents in which ALP deliberately targeted civilians. For example, on 14 February, ALP in Khak-e-Safid district, Farah province, detained, tortured, and executed a 35 year-old shepherd after a remote controlled-IED killed two ALP members. Sources reported that although aware of the incident, the ANP

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<sup>274</sup> UNAMA telephone interview with victim, Aqcha city, Jawzan province, 26 January 2016.

<sup>275</sup> United States Department of Defense, 'Report on Enhancing Security and Stability in Afghanistan', page 91, June 2016, available at: [http://www.defense.gov/Portals/1/Documents/Enhancing\\_Security\\_and\\_Stability\\_in\\_Afghanistan-June\\_2016.pdf](http://www.defense.gov/Portals/1/Documents/Enhancing_Security_and_Stability_in_Afghanistan-June_2016.pdf), last accessed 20 June 2016.

<sup>276</sup> During the same period in 2015, UNAMA documented 27 incidents that resulted in 39 civilian casualties (12 deaths and 27 injured) attributed to ALP.

<sup>277</sup> UNAMA meeting with ALP Directorate, 29 June 2016, Kabul city. The ALP programme is not present in Bamyan, Khost, Nimroz, and Panshir provinces.

<sup>278</sup> Between 1 January and 30 June 2016, UNAMA documented 10 civilian casualties (four deaths and six injured) attributed to ALP in ground engagements and two civilian casualties (one death and one injured) from force protection incidents.

prosecution office did not yet initiate any investigation or arrest any suspects.<sup>279</sup> In another example, on 25 May an ALP shot and killed a man in Pul-e-Alam district, Logar province after robbing him of 150,000 Afghanis. The ANP prosecution office arrested the suspect who is under investigation as of the writing of this report.

UNAMA also documented three incidents of threat, intimidation, and harassment<sup>280</sup> carried out by ALP that resulted in four injured civilians, including two incidents targeting health care facilities. For example, on 11 January, two ALP stopped a public transport vehicle in Darqad district, Takhar province, singled out a civilian man and beat him, reportedly because of allegations that the man informed Taliban that one of their brothers worked for the ANA. On 3 March, an ALP member beat and threatened two health workers at a clinic in Qarabagh district, Ghazni province after they failed to treat his injuries from a road traffic accident in a timely manner.

UNAMA welcomes the slight decrease in civilian casualties attributed to ALP during the first half of 2016, noting that such decreases may be attributable to increased accountability for abuses committed by ALP in 2015,<sup>281</sup> continued reduction of the numbers of ALP personnel on the ground in problematic areas, and restructuring efforts of the ALP program that reportedly led to the dismissal of approximately 2,000 ALP linked to power brokers in the first half of 2016.<sup>282</sup> UNAMA reiterates however that the Government must increase accountability for human rights violations committed by ALP throughout Afghanistan.

Other examples of civilian casualties attributed to ALP include:

- On 7 March, ALP fired towards a residential area in Urgun district, Paktika province in response to an attack on their check-post by Anti-Government Elements, killing a civilian man inside of a shop. Local people peacefully demonstrated against the killing in the district administration centre, demanding

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<sup>279</sup> UNAMA notes that this incident is similar to another incident documented in neighbouring Bala Buluk district, Farah province in 2013. See, UNAMA/OHCHR Update on the Treatment of Conflict-Related Detainees in Afghan Custody: Accountability and Implementation of Presidential Decree 129 (February 2015), page 65.

<sup>280</sup> Threats, intimidation and harassment is a category of tactic used by UNAMA to record incidents of threats of death or harm, intimidation and harassment which amount to a human rights violation or abuse carried out by a party to conflict against a civilian. This category includes unlawful movement restrictions or prohibition of freedom of expression, and illegal deprivation of property. The category also includes incidents of physical violence when the purpose is to threaten, intimidate or harass civilians, i.e. punishment, revenge, or other forms of deliberate assault when the purpose is to threaten, intimidate or harass civilians.

<sup>281</sup> See UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, page 76, footnote 179.

<sup>282</sup> United States Department of Defense, 'Report on Enhancing Security and Stability in Afghanistan', page 91, June 2016, available at: [http://www.defense.gov/Portals/1/Documents/Enhancing\\_Security\\_and\\_Stability\\_in\\_Afghanistan-June\\_2016.pdf](http://www.defense.gov/Portals/1/Documents/Enhancing_Security_and_Stability_in_Afghanistan-June_2016.pdf), last accessed 20 June 2016. This appears to be the same group of ALP identified in the previous "Report on Enhancing Security and Stability in Afghanistan. See UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, page 77.

that the local government instruct the ALP to improve their behavior towards the local population.

- On 7 April, ALP opened fire on a civilian home in Muqur district, Badghis province, killing a baby and injuring a civilian woman. Sources reported that the ALP attacked the house in retaliation for the killing of an ALP member by Taliban that they believed used the house.

### **Government Policies and Mechanisms for Civilian Casualty Mitigation**

UNAMA welcomes the continued initiatives by the Government to mitigate civilian casualties in this reporting period and encourages it to undertake robust, concrete efforts to reduce civilian casualties in its operations. As documented in the present report, the continued rise in civilian casualties resulting from operations carried out by Afghan security forces reinforce the need for the Government to maintain its momentum in the development of policies to increase protection for civilians and to take robust steps to ensure immediate implementation.

#### *Development of a National Policy on Civilian Casualty Mitigation*

In its 2015 Midyear Report on Protection of Civilians in Armed Conflict, UNAMA recommended that the Government develop a national policy on civilian casualty mitigation that binds all ministries, departments and elements of the armed forces, and that the international community - particularly the Resolute Support Mission - support the Government in this regard. UNAMA further recommended that this national policy be developed by an inter-ministerial working group, embedded in Afghan law, and supported by an action plan for implementation, with concrete measurable objectives.

The Government began the drafting and consultation process for this policy shortly after<sup>283</sup> and staff of the Office of the National Security Council reported that the Government intended to finalize it in February 2016.<sup>284</sup> The Government reported that it approved the policy prior to the NATO Warsaw Summit on 8-9 July and will now begin preparation of the action plan to implement the policy.<sup>285</sup>

UNAMA welcomes the continuing commitment of the Government to strengthen policies to protect civilians in the conduct of hostilities. UNAMA reiterates its call for the

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<sup>283</sup> The Government undertook to develop and implement such a policy following a meeting of the National Security Council, on 26 August 2015, during which President Ghani directed the Council to prepare a “plan on reduction of civilian casualties and launching of the campaign on raising public awareness about protection of civilians”. See, <http://president.gov.af/en/news/51701>.

<sup>284</sup> The first working session of the civilian casualty working group with the office of the National Security Council (ONSC) was held on 6 September 2015. During this meeting, the Office of the National Security Council reported that the ONSC completed a first draft that was under inter-ministerial review. The ONSC planned to hold a consultative meeting with external counterparts in February 2016 prior to the final approval of the national policy. UNAMA meeting with Office of the National Security Council, Kabul city, 11 January 2016.

<sup>285</sup> UNAMA meeting with Office of the National Security Council, Kabul city, 11 July 2016.

Government to prioritize the implementation of this policy and the completion of the action plan, and for the international community to provide sufficient support to enable this process. The mission reminds the Government that the policy itself is only the first step. It must be supported by an action plan for implementation with measurable objectives. UNAMA continues to offer its technical advice in this regard.

*Afghan Government civilian casualty tracking mechanisms*

UNAMA recognizes the work carried out by the *Tawheed*, formerly the Presidential Information Coordination Centre (PICC), and the efforts undertaken by the staff in that office to track and mitigate civilian casualties. The mission notes, however, that the *Tawheed* currently lacks structure and staffing to ensure that each incident involving Afghan security forces that causes civilian casualties is systematically investigated.

The mission notes, however, that the most recent draft policy on civilian casualty mitigation viewed indicates a continued reliance on *ad hoc* delegations to investigate civilian casualty incidents rather than a standing professional body adequately resourced to investigate all incidents in which Afghan security forces cause civilian casualties.

While such delegations may be appropriate in certain situations, UNAMA reiterates its longstanding recommendation<sup>286</sup> that the Government create, or empower an existing body, to replicate the function of the NATO Civilian Casualty Mitigation Team (CCMT),<sup>287</sup> and subsidiary bodies as necessary. Such a body would ensure that each civilian casualty incident involving Afghan security forces is impartially investigated and that the information is utilized with a view to improving policy, training, and tactical guidance to reduce civilian casualties and to strengthen accountability. The Resolute Support Mission should continue to support the Government in this regard to ensure that the Government benefits from lessons already learned by NATO.

*Afghan Civilian Casualties Avoidance and Mitigation Board*

As noted in the UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, NATO Resolute Support and the Government transitioned the Civilian Casualties Avoidance and Mitigation Board (CAMB)<sup>288</sup> from NATO to Afghan

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<sup>286</sup> See UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, pages 11-12 and 79, and UNAMA/OHCHR 2012 Annual Report on Protection of Civilians in Armed Conflict, pages 37-39.

<sup>287</sup> UNAMA notes the Government committed to establishing a body in its 14 February 2016, "Statement by the Government of the Islamic Republic of Afghanistan on the 2015 UNAMA (United Nations Assistance Mission in Afghanistan) Report on Civilian Protection", in which the Government notes that, "Under our national policy on civilian casualty mitigation and the accompanying action plan, a dedicated professional unit will be established to further investigate all conflict-related harm to civilians." Statement available at <http://president.gov.af/en/news/66833>, last accessed 29 June 2016.

<sup>288</sup> The Afghan-led CAMB meets every three months and is chaired by the First Deputy National Security Adviser, with representatives from the Ministries of Defense and Interior as well as the National Directorate for Security and the Independent Directorate for Local Governance. See



Government auspices, with its inaugural meeting held on 26 January 2016 and its second meeting on 8 May 2016.<sup>289</sup> UNAMA encourages the Government to ensure that the Afghan-led CAMB is used as a focused, operational mechanism, to identify areas to improve civilian casualty mitigation efforts and welcomes international community support to strengthen the CAMB.

*Inauguration of the Senior Level Protection Working Group*

On 30 June, the Chief Executive Officer (CEO) of Afghanistan convened the first meeting of the Senior Level Protection working group, which aims to facilitate policy-led dialogue on existing protection of civilian concerns and to support implementation of improved practices with a view to reducing civilian casualties. The working group is chaired by the CEO and is meant to reinforce other Government-led initiatives to reduce civilian casualties by ensuring high-level Government engagement<sup>290</sup> outside primarily security body-led forums outlined in this section. UNAMA notes that the terms of reference for this group are being finalized as of the writing of this report, and the mission encourages the Government to utilize this forum to contribute to civilian-led oversight of Afghan security forces and ensure greater protection for civilians and respect for their human rights.

*Ministry of Interior Policy on Gross Violations of Human Rights*

In December 2015, the Ministry of Interior developed a policy on the handling of Gross Violations of Human Rights (GVHR) and established a committee composed of representatives from the ANP Human Rights and Gender Directorate, ANP Criminal Investigation Department, the Afghanistan Independent Human Rights Commission (AIHRC), and NATO advisers, with responsibility for reporting and tracking GVHR investigations.<sup>291</sup> UNAMA welcomes this development and encourages the Government to ensure that the policy and the committee are used to strengthen accountability within the Ministry of Interior through better coordination between the ministry and the Attorney-General's Office for the prompt investigation of human rights violations or abuses and prosecution as appropriate.<sup>292</sup>

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UNAMA/OHCHR 2015 Annual Report on Protection of Civilians in Armed Conflict, page 79 for more information.

<sup>289</sup> UNAMA attended both meetings as an observer.

<sup>290</sup> Participants included deputy ministers of all security ministries and other relevant ministries, the Afghanistan Independent Human Rights Commission (AIHRC), the Resolute Support mission, the United Nations, and international humanitarian organizations as observers.

<sup>291</sup> UNAMA meeting with Resolute Support Advisers, Kabul city, 7 April 2016.

<sup>292</sup> See also United States Department of Defense, 'Report on Enhancing Security and Stability in Afghanistan', page 32, June 2016. Consistent with UNAMA monitoring, the report observes that, "The MoI has not demonstrated the resolve independently to push the AGO to prosecute cases, and there is little evidence that allegations of GVHRs committed by the ANP are appropriately reported or that MoI senior leaders are emphasizing incident detection." Available at: [http://www.defense.gov/Portals/1/Documents/Enhancing\\_Security\\_and\\_Stability\\_in\\_Afghanistan-June\\_2016.pdf](http://www.defense.gov/Portals/1/Documents/Enhancing_Security_and_Stability_in_Afghanistan-June_2016.pdf), last accessed 19 June 2016.



## V. Legal Framework

The legal framework used for this report includes international human rights law, international humanitarian law, international criminal law, and binding United Nations Security Council resolutions on Afghanistan.<sup>293</sup> All contain obligations relevant to protection of civilians during armed conflict in Afghanistan, which are explained below.

### Legal Responsibilities of Parties to the Armed Conflict

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

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

In resolution 1325 (2000), the Security Council underlined that it is critical for all States to fully apply the relevant norms of international humanitarian law and international human rights law to women and girls, and to take special measures to protect them from gender-based violence during armed conflict.<sup>294</sup>

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

Afghanistan is a party to the four Geneva Conventions of 1949 and to Additional Protocol II of 1977,<sup>295</sup> which addresses the protection of civilians in a non-international armed conflict and prohibits attacks against civilians and objects indispensable to the survival of the civilian population.

Article 3 common to the four Geneva Conventions of 1949 establishes minimum standards that parties, including State and non-State actors, shall respect in non-international armed conflict. Common Article 3 explicitly prohibits murder,<sup>296</sup> violence,

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<sup>293</sup> United Nations Security Council Resolution 2274 (2016) highlights the obligations of all parties to the armed conflict in Afghanistan to comply with international law “including international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians.”

<sup>294</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>295</sup> Afghanistan ratified Additional Protocol II 1977 on 10 November 2009. It entered into force on 24 December 2009.

<sup>296</sup> Regarding the war crime of murder, as defined by the Rome Statute of the International Criminal Court, UNAMA records alleged acts that may amount to the war crime of murder under

extrajudicial executions, torture, mutilation and other forms of violence,<sup>297</sup> at any time and in any place.

The contents of the four Geneva Conventions of 1949 and several rules similar to those found in their Additional Protocols are also largely part of customary international humanitarian law.<sup>298</sup> Among the most relevant principles that apply to the conduct of all the parties to Afghanistan's non-international armed conflict are the following:

- Distinction: The civilian population as such, as well as individual civilians, shall not be the object of attack.<sup>299</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>300</sup>
- Precautions in attack: "...civilians shall enjoy general protection against the dangers arising from military operations".<sup>301</sup> "In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects" and all feasible precautions must be taken with the "view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects."<sup>302</sup>

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different tactic-types, including targeted killing, suicide and complex attacks, IED, etc. although use of such tactics does not automatically amount to the war crime of murder and in certain circumstances may be lawful. UNAMA distinguishes such acts from the crime of murder committed by a private actor outside the context of the armed conflict and incidents lacking the requisite nexus with the ongoing armed conflict are not included in this report.

<sup>297</sup> Common Article 3 of the Geneva Conventions of 12 August 1949 is applicable during conflicts of a non-international character. "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ' *hors de combat* ' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples."

<sup>298</sup> See ICRC, *Customary International Humanitarian Law*, ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

<sup>299</sup> Additional Protocol II, article 13(2).

<sup>300</sup> ICRC, *Customary International Humanitarian Law*, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005).

<sup>301</sup> Additional Protocol II, article 13(1).

<sup>302</sup> Rules 15 to 21 ICRC *Study on Customary International Human Rights Law* (2005).

- All States contributing to the international military forces in Afghanistan are signatories to the four Geneva Conventions of 1949. While not all troop-contributing States are signatories of Additional Protocol II 1977, they are still bound by the relevant rules of customary international humanitarian law applicable in non-international armed conflicts.

## (ii) Obligations under International Human Rights Law

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

Afghanistan is a party to numerous international human rights treaties,<sup>303</sup> including the International Covenant on Civil and Political Rights (ICCPR) which obligates the Government to provide basic human rights protections to all persons within the territory or jurisdiction of the State.

While they cannot become parties to international human rights treaties, non-State actors, including armed groups, are increasingly deemed to be bound by certain international human rights obligations, particularly those exercising *de facto* control over some areas, such as Taliban.<sup>304</sup>

Under international human rights law, States must investigate the use of lethal force by their agents,<sup>305</sup> particularly those involved in law enforcement. This duty, together with

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<sup>303</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 26 June 1987; Convention on the Rights of the Child, ratified on 27 April 1994; Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 19 October 2002; Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, ratified on 24 September 2003; and Convention on the Rights of Persons with Disabilities, acceded to on 18 September 2012. See [http://www.aihrc.org.af/English/Eng\\_pages/X\\_pages/conventions\\_af\\_z\\_party.html](http://www.aihrc.org.af/English/Eng_pages/X_pages/conventions_af_z_party.html).

<sup>304</sup> See United Nations Secretary-General, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011, para. 188. Also see Report of the International Commission of Inquiry to investigate all Alleged Violations of International Human Rights Law in the Libyan Arab Jamahiriya A/HRC/17/44, 1 June 2011; the Report of the International Commission of Inquiry on the Situation of Human Rights in the Syrian Arab Republic, A/HRC/19/69, para. 106; United Nations Mission in the Republic of South Sudan (UNMISS), Conflict in South Sudan: A Human Rights Report, 8 May 2014, para. 18.

<sup>305</sup> See Paragraphs 9, 10 and 17 of the *United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, adopted on 24 May 1989 by the Economic and Social Council Resolution 1989/65. See also United Nations Security Council and General Assembly resolutions concerning non-international armed conflict, calling for all parties to respect international human rights law.

potential liability for failure to comply, flows from the obligation to protect the right to life.<sup>306</sup> For State investigations to be effective, they must be as prompt as possible, exhaustive, impartial, independent<sup>307</sup> and open to public scrutiny.<sup>308</sup> A State's duty to investigate applies to all law enforcement contexts, including those arising during armed conflict.<sup>309</sup>

### (iii) Obligations under International Criminal Law

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

States whose military forces are among the international military forces party to the conflict in Afghanistan, also have a responsibility to investigate and prosecute alleged crimes that may have been committed by their nationals in Afghanistan.<sup>310</sup>

For example, 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

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<sup>306</sup> UNHRC, General Comment No. 31 (2004), § 15; UNHRC, General Comment No. 6 (1982), § 4; ECtHR, *McCann case*, § 169; ECtHR, *Kaya case*, § 86; ECtHR, *Ergi v. Turkey*, Application No. 23818/94, Judgment of 28 July 1998, §§ 82, 86; ECtHR, *Isayeva v. Russia*, Application No. 57950/00, Judgment of 24 February 2005, §§ 208-9, 224-5; IACiHR, *Abella (La Tablada) case*, § 244; IACiHR, *Alejandre case*, § 47; IACiHPR, *Civil Liberties case*, § 22.

<sup>307</sup> IACiHR, *Abella (La Tablada) case*, § 412; ECtHR, *Özkan case*, § 184; ECtHR, *Orhan v. Turkey*, Application No. 25656/94, Judgment of 18 June 2002, § 335; ECtHR, *Isayeva et al. case*, § 210-11; ECtHR, *McCann case*.

<sup>308</sup> ECtHR, *Hugh Jordan v. the United Kingdom*, Application No. 24746/94, Judgment of 4 May 2001, § 109; ECtHR, *Özkan case*, § 187; ECtHR, *Isayeva et al. case* § 213; ECtHR, *Isayeva case*, § 214. See also Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>.

<sup>309</sup> See C. Droege, "Distinguishing Law Enforcement from Conduct of Hostilities", pp. 57-63, contained in the Report on the Expert Meeting "Incapacitating Chemical Agents", Law Enforcement, Human Rights Law and Policy Perspectives, held in Montreux, Switzerland 24-26 April 2012, at <http://www.icrc.org/eng/assets/files/publications/icrc-002-4121.pdf>; Nils Melzer, "Conceptual Distinction and Overlaps between Law Enforcement and the Conduct of Hostilities," in *The Handbook of the International Law of Military Operations* (Oxford: Oxford University Press, 2010), pp. 43-44; Nils Milzer, *Human Rights Implications Of The Usage Of Drones and Unmanned Robots In Warfare*, Directorate-General For External Policies Of The Union, Policy Department (2013) at <http://www.europarl.europa.eu/delegations/en/studiesdownload.html?languageDocument=EN&file=92953>.

<sup>310</sup> Irrespective of whether States are parties to the ICC statute, they all have obligations under customary law to investigate serious violations of international human rights and international humanitarian law when they are operating on the territory of Afghanistan.

the civilian population as such, or against individual civilians not taking direct part in hostilities” constitutes a war crime in non-international armed conflict.

#### **(iv) Definition of Civilian(s)**

In relation to the conduct of hostilities, UNAMA recalls that civilian(s) are defined under international law as persons who are not members of military/paramilitary forces or fighters of organized armed groups of a party to the conflict who are taking direct part in hostilities. Civilians may lose their protection against attacks if and for such time as they take direct part in hostilities.<sup>311</sup>

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

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

Persons who are not or no longer taking direct part in hostilities are to be protected and must not be attacked.<sup>312</sup>

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

UNAMA notes that other actors and parties to the armed conflict in Afghanistan have been developing their own definition of the term, as described in this report.<sup>313</sup>

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<sup>311</sup> Rule 5, Customary international humanitarian law, available at: [https://www.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule6](https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule6), last accessed 8 June 2015. “In non-international armed conflict, organized armed groups constitute the armed forces of a non-State party to the conflict,” and persons that directly participate in hostilities on a continuous basis as part of such an armed force are not protected from attack. See N. Melzer, ICRC ‘Interpretive Guidance on the Notion of Direct Participation in the Hostilities under International Humanitarian Law’, ICRC, Geneva, 2009.

<sup>312</sup> Ibid. UNAMA conducts an analysis of each individual casualty to determine whether they directly participated in hostilities at the time they became casualties in order to assess their civilian or other protected status. Individuals that are protected from attack but are not civilians under international humanitarian law are not included in the casualty figures in this report.

<sup>313</sup> See the definition of ‘civilian’ used by Taliban earlier in this report.

## VI. Glossary<sup>314</sup>

**AAF:** Afghan Air Force.

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

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

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

**ALP:** Afghan Local Police.

**ANA:** Afghan National Army.

**ANP:** Afghan National Police.

**ANCOP:** Afghan National Civil Order Police.

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

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

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

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<sup>314</sup> Definitions contained in this Glossary are only for the purposes of this report.

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>315</sup> Some armed groups operate in a manner generally aligned with the Government, although not under their control, and are referred to as pro-Government armed groups.

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

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

**Civilian Casualties:** Killed or injured civilians.

UNAMA documents civilian casualties resulting from conflict-related violence including: civilian deaths and injuries resulting directly from armed conflict – including those arising from military operations by Afghan security forces and/or international military forces such as force protection incidents, aerial attacks, search and seizure operations, counter-insurgency or counter-terrorism operations. It includes casualties from the activities of non-State armed groups such as targeted killings (assassinations), deliberate killings, improvised explosive devices or direct engagement in hostilities with Pro-Government Forces. It also includes civilian deaths and injuries resulting from the conflict-related violence, including: casualties caused by explosive remnants of war, deaths from probable underlying medical conditions that occurred during military operations, or due to unavailability or denial of medical care.

**Children:** The Convention on the Rights of the Child, ratified by Afghanistan in 1994, defines a "child" as any person under the age of 18 (0-17 inclusive). The Rome Statute of the International Criminal Court, ratified by Afghanistan in 2003, establishes as a war crime the conscription or enlisting of children under the age of 15 years into State armed forces or non-State armed groups and using children to participate actively in hostilities (see Articles 8(2)(b) (xxvi) and 8(2) (e) (vii)).

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

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<sup>315</sup> *United Nations Humanitarian Negotiations with Armed Groups: A Manual for Practitioners*, Gerard McHugh and Manuel Bessler, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), New York, January 2006. See Section 2.3 on *Characteristics of Armed Groups*.



Person hors de combat or protected personnel: A person who is *hors de combat* (wounded, sick, shipwrecked, detained or surrendering) or who belongs to the medical or religious personnel of the armed forces must be protected from attack.

**Complex attack:** UNAMA defines complex attack as a deliberate and coordinated attack which includes a suicide device (i.e., body-borne IEDs or suicide vehicle-borne IEDs), more than one attacker and more than one type of device (i.e., body-borne-IEDs and mortars). All three elements must be present for an attack to be considered complex.

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

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

ISAF defines EoFs as: “a defensive process which seeks to determine the presence of a threat, its eventual extent and when applicable to match the threat with an appropriate defensive response for Force protection.”<sup>316</sup>

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

**Explosive weapons:** Explosive weapons are not explicitly defined by international law. Explosive weapons generally consist of a casing with a high-explosive filling and whose destructive effects result mainly from the blast wave and fragmentation produced by detonation. Mortars, artillery shells, aircraft bombs, rocket and missile warheads, and many improvised explosive devices (IEDs) fall under this term. Certain types of explosive weapons may be categorised as **light weapons** (e.g. hand-held under-barrel and mounted grenade launchers, portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres of less than 100 mm). Many explosive weapons, such as aircraft bombs, rockets systems, artillery and larger mortars are categorised as heavy weapons.<sup>317</sup>

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

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<sup>316</sup> UNAMA interview with ISAF HQ, 31 January 2014, Kabul.

<sup>317</sup> Borrie, J. and Brehm, M., ‘Enhancing civilian protection from use of explosive weapons in populated areas: building a policy and research agenda’, in *International Review of the Red Cross*, Volume 93, Number 883.

**Heavy weapons:** Although the term 'heavy weapons' is widely used, there is no commonly agreed international definition.<sup>318</sup> Typical examples include large mortars, rockets systems and artillery. (See Explosive weapons above).

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

**IDP:** Internally Displaced Person(s). According to the Guiding Principles on Internal Displacement, internally displaced persons (also known as "IDPs") are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border."

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

*Command-Operated IEDs* – Radio or remote controlled IEDs (RC-IEDs) operated from a distance that can enable operators to detonate a pre-placed device at the precise time a target moves into the target area.<sup>319</sup> RC-IEDs include user-detonated IEDs, such as roadside IEDs, and objects and animals rigged with IED devices, such as vehicles, bicycles, motorcycles and donkeys. Magnetic-IEDs are IEDs attached by a magnetic or other device and are a sub-category of command-operated IEDs; UNAMA records these devices separately due to the common delivery method in Afghanistan, *i.e.*, placement on vehicles of targeted individuals.

*Victim-Operated IEDs* – A victim-operated IED detonates when a person or vehicle triggers the initiator or switch which could be a pressure plate (PP-IED) or pressure release mechanism, trip wire or another device, resulting in an explosion.<sup>320</sup>

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

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

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<sup>318</sup> Heavy weapons are not mentioned in international human rights or international humanitarian law standards. Moyes, R., Brehm, M. and Nash, T., *Heavy weapons and civilian protection*, Article 36 (2012).

<sup>319</sup> Small Arms Survey, *Improvised Explosive Devices*, Chapter 10 'Infernal Machines,' pp. 220-221.

<sup>320</sup> *Ibid.*

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

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

**IHL:** International humanitarian law.

**Imam:** A religious scholar who leads prayers.

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

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

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

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

missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.<sup>321</sup>

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

**Mol:** Ministry of Interior.

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

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

**NGO:** Non-Governmental Organisation.

**Pro-Government armed groups:** The term "pro-Government armed group" refers to an organized armed non-State actor engaged in conflict and distinct from Government Forces, rebels and criminal groups. Pro-Government armed groups do not include the Afghan Local Police, which fall under the command and control of the Ministry of Interior. These armed groups have no legal basis under the laws of Afghanistan. Armed groups have the capacity to employ arms in the use of force to achieve political, ideological or other objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. In some cases, armed groups receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to, the following groups: 'national uprising movements'<sup>322</sup>, local militias (ethnically, clan or otherwise based), and civil defence forces and paramilitary groups (when such groups are clearly not under State control).

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

Afghanistan National Security Forces include: ANA, which reports to the Ministry of Defence and is formally incorporated into the armed forces of Afghanistan; and forces under the authority of the Ministry of Interior which include: Afghan Local Police, which are considered a *de facto* part of the armed forces because of their function and do not

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<sup>321</sup> International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, Adopted by the United Nations General Assembly on 8 December 2005, A/CONF.192/15, available at: [http://www.un.org/events/smallarms2006/pdf/international\\_instrument.pdf](http://www.un.org/events/smallarms2006/pdf/international_instrument.pdf).

<sup>322</sup> See UNAMA/OHCHR 2014 Annual Report on Protection of Civilians in Armed Conflict for definitions and details of engagement of members of national uprising movements in the conflict.

have the legal protection afforded to civilians; and ANP, ANCOP and ABP, which are law enforcement agencies not formally incorporated into the armed forces of Afghanistan and report to the Ministry of Interior. Members of law enforcement agencies lose their protection as civilians when they function as part of the armed forces or directly participate in hostilities. For members of police units which never have combat functions, the use of force in self-defence is not considered to result in a loss of protection as a civilian.

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

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

**Resolute Support Mission (RSM):** On 1 January 2015, the North Atlantic Treaty Organization (NATO) transitioned from its International Security Assistance Force (ISAF) mission in Afghanistan to its non-combat Resolute Support Mission (to train, assist and advise Afghan national security forces). Unlike ISAF, which was authorized by the United Nations Security Council, the legal basis for RSM is provided by a Status of Forces Agreement (SOFA), signed in Kabul on 30 September 2014 and ratified by the Afghan Parliament on 27 November 2014. United Nations Security Council resolution 2189 (2014) welcomed the bilateral agreement between the Islamic Republic of Afghanistan and NATO to establish RSM. As of May 2015, the RSM force comprised 13,199 soldiers from 42 Troop Contributing Nations, organized in four regional Train, Advise Assist Commands (TAACs), plus RSM Headquarters and TAAC-Air, which seeks to support ANSF in the development of a professional, capable, and sustainable Air Force. The Commander of RSM also serves as Commander of US Forces Afghanistan, although the chains of command remain separate.

**Small arms:** Weapons designed for individual use. They include, *inter alia*, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns.<sup>323</sup>

**SOPs:** Standard Operating Procedures.

**Targeted Killing:** Intentional, premeditated and deliberate use of lethal force by States or their agents acting under colour of law (or by an organised armed group in armed conflict) against a specific individual who is not in the perpetrator's physical custody.<sup>324</sup>

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<sup>323</sup> International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, Adopted by the United Nations General Assembly on 8 December 2005, A/CONF.192/15, available at: [http://www.un.org/events/smallarms2006/pdf/international\\_instrument.pdf](http://www.un.org/events/smallarms2006/pdf/international_instrument.pdf).

<sup>324</sup> Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal provided that relevant provisions of IHL and human rights law are respected. See United Nations General Assembly, Human Rights Council 14th Session, Agenda item 3, Report of the Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions, Philip Alston. Addendum, 'Study on Targeted Killings'. A/HRC/14/24/Add.6.

**Tashkil:** Dari word meaning “structure” that refers to the official staffing table and equipment allocations authorized by the Government of Afghanistan for a particular Government entity, including both security forces and civilian Government.

**UNDSS:** United Nations Department of Safety and Security.

**UNAMA:** United Nations Assistance Mission in Afghanistan.

**UNHCR:** United Nations High Commissioner for Refugees.

**USSOF:** United States Special Operations Forces.

**UXO:** Unexploded Ordnance.

**War Crimes:** War crimes are serious violations of treaty or customary international humanitarian law. Under the definition of ‘war crimes’ of the Statute of the International Criminal Court (Rome Statute), war crimes<sup>325</sup> include serious violations of common Article 3 of the Geneva Conventions, including violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; outrages upon personal dignity, in particular humiliating and degrading treatment; taking of hostages; the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable.

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10 May 2010. In UNAMA, for database recording purposes, the category of targeted killings also includes some cases of killings where the victim was briefly in the perpetrator’s custody at the time of the killing but the custody did not amount to an abduction, i.e. the person identified to be killed is stopped by armed persons, their identity is confirmed, and then the attackers kill the person, commonly at illegal checkpoints.

<sup>325</sup> ICC Statute, Article 8. Customary international law applicable in both international and non-international armed conflicts defines war crimes as serious violations of international humanitarian law. Rule 156. Definition of War Crimes. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

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

<b>Attacks directed at Afghan security forces, international military forces and pro-Government armed groups</b>	
Afghan National Police	25
Afghan Local Police	14
Afghan National Army	9
Afghan national security forces	10
National Directorate of Security	8
Afghan Border Police	3
International military forces	2
<b>Total attacks against security/military forces resulting in civilian casualties and claimed by Taliban on website or twitter:</b>	<b>71</b>
<b>Attacks directed at civilians and civilian objectives</b>	
Other civilian target	17
Civilian Government Administration	14
Judges, prosecutors and judicial staff	12
Tribal Elders	2
Contractors / Labourers	2
Healthcare	1
Humanitarian de-miners	2
Private Security Company	1
<b>Total attacks claimed by Taliban directed at civilians or civilian locations which resulted in civilian casualties:</b>	<b>51</b>
<b>Total attacks claimed by Taliban which resulted in civilian casualties:</b>	<b>122</b>



**Annex 2: Table of Taliban Allegations of “War Crimes”**

TOTAL	UNAMA Documentation	Results	Attribution	
124	69 cases documented by UNAMA prior to publication of Taliban statements.	21 cases had the same number of casualties.	19 to Pro-Government Forces.	
		4 cases had the same number of casualties with different ratio between those killed and wounded.	2 to cross-fire between Pro-Government Forces and Anti-Government Elements. 4 to Anti-Government Elements.	
		24 cases had a lower number of casualties.	20 to Pro-Government Forces. 3 to cross-fire between Pro-Government Forces and Anti-Government Elements. 1 to Anti-Government Elements.	
		11 cases had a higher number of casualties.	7 to Pro-Government Forces. 4 to Anti-Government Elements.	
		1 case was not related to the armed conflict.		
		8 cases the casualties were not civilian or did not have casualties at all.		
	30 cases documented by UNAMA after publication of Taliban statements.	9 cases had the same number of casualties.	7 to Pro-Government Forces. 2 to cross-fire between Pro-Government Forces and Anti-Government Elements. 1 to Anti-Government Elements.	
		1 case had the same number of casualties with a different ratio between those killed and wounded.		
		7 cases had a lower number of casualties.	4 to Pro-Government Forces. 1 to cross-fire between Pro-Government Forces and Anti-Government Elements. 2 to Anti-Government Elements.	
		3 cases had a higher number of casualties	3 to Pro-Government Forces.	
		10 cases the casualties were not civilian or did not have casualties at all.		
		25 cases could not be confirmed by UNAMA.		

### Annex 3: Excerpts from the United States MSF Investigation Report

Among other examples, the United States MSF Investigation Report, section B(4)(D), Findings, sets out the following:

- “The [Ground Force Commander] and the aircrew’s lack of situational awareness and judgement led to an engagement that was disproportional to the described or perceived threat.” [sic.]<sup>326</sup>
- “Any use of force was disproportionate due to the non-existence of a threat. There were no legitimate circumstances requiring the crew members to make decisions to engage without clarifying or requesting more information.”<sup>327</sup>
- “The crew members, to include [redacted] could not confirm the target. They arbitrarily chose the building they engaged. There were several other buildings in the compound besides the main Trauma Center building. The aircrew assumed the T-shaped building was the prison based on the description provided by the JTAC [Joint Tactical Air Controller].”<sup>328</sup>
- “Neither the [Ground Force Commander] nor the Aircraft Commander exercised the principle of distinction. Neither commander distinguished between combatants and civilians, nor a military objective and protected property. Each commander had a duty to know and available resources to know that the targeted compound was protected property.”<sup>329</sup>
- “When select commands were notified that the Trauma Centre was being engaged with AC-130U fires, on-shift leaders took insufficient steps that could have minimally mitigated damage to personnel at the Trauma Center.”<sup>330</sup>
- “The [redacted] crew members should have known that the MSF Facility was on the [No Strike List] (NSL). With the failure of their [redacted] and lack of pre-mission brief, the aircrew should have contacted the CJSOAC-A OPCENTER to attain the critical NSL information.”<sup>331</sup>
- “[Redacted] willfully violated the [Rules of Engagement] and tactical guidance by improperly authorizing offensive operations.”<sup>332</sup>
- “[Redacted] could not have reasonably believed that a hostile act warranting engagement under [Resolute Support Rules of Engagement] existed.”<sup>333</sup>
- “[Redacted] never positively identified a hostile act originating from the MSF Trauma Center ... and no consideration was given for the potential for civilians in the compound. Therefore the navigator’s decision to provide a [redacted] to the [Ground Force Commander] after observation of nine individuals engaged in

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<sup>326</sup> Ibid at footnote 242, page 58.

<sup>327</sup> Ibid, page 59.

<sup>328</sup> Ibid, page 60.

<sup>329</sup> Ibid, page 75.

<sup>330</sup> Ibid, page 75.

<sup>331</sup> Ibid, page 81.

<sup>332</sup> Ibid, page 86.

<sup>333</sup> Ibid, page 86.

ordinary and innocuous activity was insufficient on which to make a targeting decision.”<sup>334</sup>

- “The Navigator failed to obtain positive identification of a lawful military objective. The navigator failed to transmit critical information about the aircraft’s targeting process to the [Ground Force Commander]; failed to seek clarification from the [Joint Tactical Air Controller] on critical target decisions; failed to reconcile inconsistent targeting information and situational awareness; and ignored an accurate target grid location in favor of a vaguely described compound which was later determined to be the MSF Trauma Center.”<sup>335</sup>


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<sup>334</sup> Ibid, page 89.


<sup>335</sup> Ibid, page 94.

## Annex 4: NATO Resolute Support Memorandum for Record

NATO/RS UNCLASSIFIED Ref UNAMA

  
DCOS-OPS

**HEADQUARTERS**  
Resolute Support Kabul,  
Afghanistan

  
18 July 2016

MEMORANDUM FOR RECORD

**SUBJECT:** Official response to recommendations for International Military Forces contained in UNAMA's Protection of Civilians in Conflict (PoCAC) Report.

1. The NATO Resolute Support (RS) mission would like to recognize UNAMA's work in advocating for the respect of Human Rights in Afghanistan and appreciates the comprehensive actions set forth in the Mid-2016 PoCAC report. Furthermore RS would like to commend and reinforce the importance defined in UNAMA's methodology that emphasizes an importance on verified information. Finally RS would also like to update UNAMA on all the actions taken in regards to the recommendations listed for the International Military Forces (IMF).
2. **Recommendation #1.** The RS CCMT provided a significant level of assistance to GIRoA officials in drafting and finalizing the National CIVCAS Prevention and Mitigation Policy. The policy is now in the final process of being approved by the GIRoA. The RS CCMT will continuously engage with its Train, Advise and Assist (TAA) mission at the Office of the National Security Council (ONSC) and Office of Commander in Chief (OCINC) in order to ensure that the policy is effectively implemented and action plans monitored.
3. **Recommendation #2.** The RS TAA mission is no longer mandated to train Afghan National Defense Security Forces (ANDSF) at the tactical level, except in the case of Afghan Security Special Forces (ASSF) and Afghan Air Force (AAF). The RS mission is now advising and assisting ANDSF at the Corps or Zone level and above, while government offices receive support at the institutional/ministerial level.
4. **Recommendation #3.** RS C-IED personnel continue to advise GIRoA at the institutional level and provide programs for public awareness and ANDSF C-IED training and exploitation. MoI's 119 C-IED Call Center is already operational and additional efforts in public awareness consist of the training of 123 Child Protection Officers, who are trained in UXO, IED and Mine Awareness and will teach children all over Afghanistan. RS is also supporting an initiative at the ministerial level that would place IED Public Awareness in the curriculum of all Secondary Schools in Afghanistan. ANDSF C-IED training has graduated over 500 personnel and exploitation has increased from 1% to 16% in the last 3 months.
5. **Recommendation #4.** The RS would like to reiterate that the tragic incident of the MSF Trauma Center in Kunduz has been extensively investigated. Two reports have been produced by IMF: the Combined Civilian Casualty Assessment Team (CCAT) report, which was a joint NATO-Resolute Support report, and a US national AR 15-8 investigation report. Experts from outside of Afghanistan were brought in to conduct the AR 15-8 investigation.

**Summary of US national AR 15-8 investigation:** The written report contains over 3,000 pages of documentary evidences, much of it classified. The investigation concluded that the personnel involved did not know that they were striking a medical facility. The intended target was an insurgent-controlled site which was approximately 400 meters away from the MSF Trauma Center. The investigation concluded that this tragic incident was caused by a

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combination of human error, compounded by process and equipment failures. Fatigue and high operational tempo also contributed to the incident. The investigation found that this combination of factors caused both the Ground Force Commander and aircrew to believe mistakenly that the aircrew was firing on the intended target, an insurgent-controlled site approximately 400 meters away from the MSF Trauma Center.

The Commander USFOR-A concluded that certain personnel failed to comply with the rules of engagement and the law of armed conflict. However, the investigation did not conclude that these failures amounted to a war crime. The label "war crimes" is typically reserved for intentional acts – intentionally targeting protected objects. The investigation found that tragic incident resulted from a combination of unintended human errors and equipment failures, and that none of the personnel knew that they were striking a medical facility. The investigation identified sixteen U.S. service members, whose conduct warranted administrative or disciplinary action, including a general officer. Action taken against the sixteen included suspension and removal from command, letters of reprimand, formal counseling, and extensive retraining. Five personnel involved were directed out of theatre.

In regards to condolence payments, the US has completed 240 payments out of 273 individuals identified, and has successfully expressed condolences and payments to 9 injured MSF staff members.

6. **Recommendation #5.** The RS CIVCAS Mitigation Team (CCMT) is responsible for investigating all allegations of civilian casualties and self-reported incidents. The secretary for the CIVCAS Credibility Assessment Review Board (CCARB), assess the credibility of CIVCAS allegations and makes recommendations. The Board is made up of all Coalition Forces (CF) stakeholders and Subject Matter Experts (SMEs). The Board will declare an allegation as either confirmed, disapproved, disputed or not attributable. The Board's decisions are then released to UNAMA.

7. **Recommendation #6.** Commander Resolute Support's Tactical Guidance provides clear direction and steps that are required to be followed in prevention and mitigation of civilian casualties. The retraining of the CF and GIRoA forces has been an ongoing work regarding the necessity of protecting the installations on the No Strike List. Since May 2016 the No Strike List has been extended further to enable all ICs, NGOs, governmental and civilian organizations to register their installations on the No Strike List. This awareness campaign has been launched through the International NGO Safety Organization and US Embassy LNO.

8. The point of contact for this memorandum is ICC Yam Khatri, RS CCMT, at [rsjqpac3@vassona.hq.mil](mailto:rsjqpac3@vassona.hq.mil), [rsf.nato.int](mailto:rsf.nato.int), or NATO UNCLASS at: 60-686-2344.

  
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