

# AFGHANISTAN

## MID-YEAR REPORT 2013

### PROTECTION OF CIVILIANS IN ARMED CONFLICT



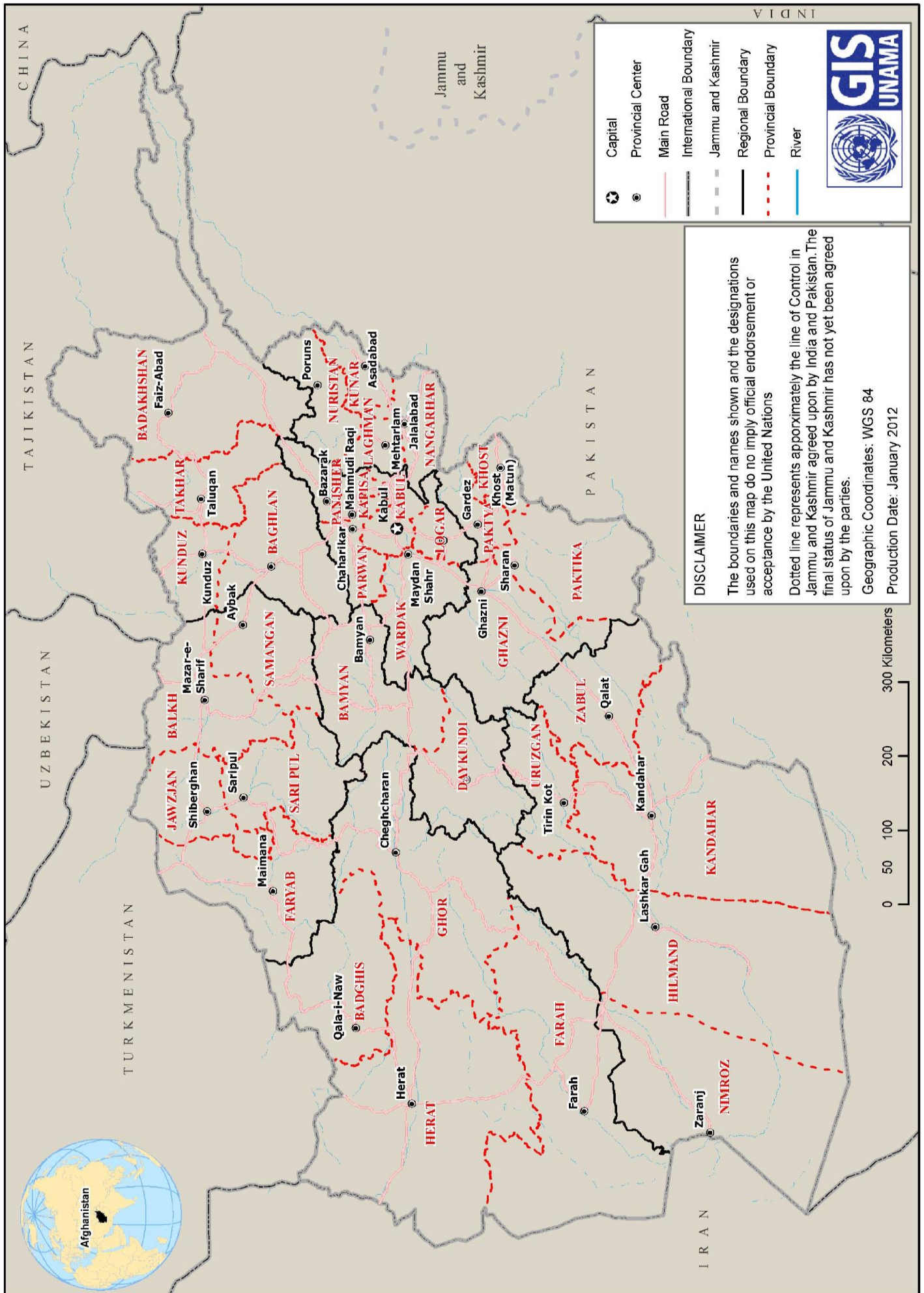
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United Nations Assistance Mission in Afghanistan

Kabul, Afghanistan  
July 2013

# AFGHANISTAN ADMINISTRATIVE DIVISION



**Legend:**

- Capital (Star in circle)
- Provincial Center (Circle)
- Main Road (Solid black line)
- International Boundary (Dashed grey line)
- Jammu and Kashmir (Dotted grey line)
- Regional Boundary (Solid black line)
- Provincial Boundary (Dashed red line)
- River (Blue line)

**UNAMA GIS**

**DISCLAIMER**

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

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

Geographic Coordinates: WGS 84  
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**AFGHANISTAN**  
**MID-YEAR REPORT 2013**  
**PROTECTION OF CIVILIANS IN ARMED CONFLICT**



**United Nations Assistance Mission in Afghanistan**

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Photo on Front Cover: Civilians fleeing a complex attack on a compound in Kabul city on 24 May 2013. The attack which killed four civilians and injured 22 others was carried out by four suicide bombers armed with PK machine guns, rocket launchers and improvised explosive devices, including a vehicle borne-improvised explosive device. The Taliban claimed responsibility for the attack.

**Civilians are at the heart of suffering in the conflict in Afghanistan.  
Every measure must be taken to protect them.**

Ján Kubiš, United Nations Special Representative for the Secretary-General, 30 June  
2013

## **Mandate**

This mid-year report on the Protection of Civilians in Armed Conflict in Afghanistan for 2013 was prepared by the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) and covers the period 1 January to 30 June 2013.

The report is prepared pursuant to UNAMA's mandate under United Nations Security Council Resolution 2096 (2013) "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 2096 (2013) recognizes the importance of ongoing monitoring and reporting to the United Nations Security Council on the situation of civilians in Afghanistan's armed conflict and in particular 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 activities to strengthen protection of civilians affected by the armed conflict; and, initiatives to promote compliance with international humanitarian and human rights law, and the Constitution and laws of Afghanistan among all parties to the conflict.

## Glossary

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

**ABP:** Afghan Border Police

**ALP:** Afghan Local Police

**ANA:** Afghan National Army

**ANP:** Afghan National Police

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

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

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

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

**AXO:** Abandoned Explosive Ordnance. 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 control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fuzed, armed or otherwise prepared for use. (*Convention on Certain Conventional Weapons Protocol V*).

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

## **Civilian Casualties:** Killed and injured civilians

May be of two classifications:

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

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

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

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

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

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

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

**IDP:** Internally Displaced Person.

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

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



**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 authorized 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's reports on civilian casualties.

**IHL:** International Humanitarian Law

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

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

**ISAF:** International Security Assistance Force in Afghanistan. ISAF operates under a peace enforcement mandate pursuant to Chapter VII of the UN Charter. ISAF is deployed under the authority of the UN Security Council. In August 2003, on the request of the Government of Afghanistan and the United Nations, NATO took command of ISAF. As of 24 June 2013, the ISAF force comprised approximately 97,920 from 49 Troop Contributing Nations, organized in six regional commands plus ISAF Headquarters in Kabul. Since November 2008, the Commander of ISAF also serves as Commander of US Forces Afghanistan, although the chains of command remain separate. Security Council Resolution 2069 (2012) reaffirms previous resolutions on ISAF and extends the authorization of ISAF for 12 months until 13 October 2013.

**Mol:** Ministry of Interior

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

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

**NGO:** Non-governmental Organization

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

**SOPs:** Standard Operating Procedures

**Targeted Killing:** Intentional, premeditated and deliberate use of lethal force by States or their agents acting under color of law (or by an organized armed group in armed conflict) against a specific individual who is not in the perpetrator's physical custody. Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal<sup>3</sup>.

**UNDSS:** United Nations Department of Safety and Security

**UNAMA:** United Nations Assistance Mission in Afghanistan

**UNHCR:** United Nations High Commissioner for Refugees

**USSOF:** United States Special Operations Forces

**UXO:** Unexploded Ordnance

**War Crimes:** The Statute of the International Criminal Court (Rome Statute) defines war crimes as, *inter alia*, "serious violations of the laws and customs applicable in international armed conflict" and "serious violations of the laws and customs applicable in an armed conflict not of an international character."<sup>4</sup> War crimes include serious violations of common Article 3 of the Geneva Conventions applicable in a non-international conflict, including violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; committing 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 recognized as indispensable.

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<sup>3</sup> See United Nations General Assembly, Human Rights Council 14th Session, Agenda item 3, Report of the Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions, Philip Alston. Addendum, 'Study on Targeted Killings'. A/HRC/14/24/Add.6. 10 May 2010.

<sup>4</sup> ICC Statute, Article 8 (cited in Vol. II, Ch. 44, #3). Customary international law applicable in both international and non-international armed conflicts defines war crimes as serious violations of international humanitarian law. State practice establishes this rule as a norm of customary international law. Rule 156. Definition of War Crimes. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}. See Additional Protocol II, article 13(2). See Article 8 (2) (c) (i) of the Elements of Crime, Rome Statute of the International Criminal Court. War crimes include serious violations of the laws and customs of war applicable in non-international armed conflicts (based primarily on Article 3 common to the four Geneva Conventions of 1949, their Additional Protocol II of 1977, the 1999 Optional Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1989 Convention on the Rights of the Child, the 1994 Convention on the Safety of United Nations and Associated Personnel, the Statutes of the International Criminal Tribunals for Rwanda and the former Yugoslavia, and the Statute of the Special Court for Sierra Leone). See War Crimes under the Rome Statute of the International Criminal Court and their source in International Humanitarian Law Comparative Table, ICRC Advisory Service on International Humanitarian Law.

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## Methodology

UNAMA investigates reports of civilian casualties by conducting on-site investigations wherever possible and consulting a broad range of sources and types of information that are evaluated for their credibility and reliability. In undertaking investigation and analysis of each incident, UNAMA exercises due diligence to corroborate and cross-check information from as wide a range of sources as possible including accounts of eyewitnesses and directly affected persons, military actors (including Government of Afghanistan and international military forces), local village/district and provincial authorities, religious and community leaders. These are obtained through direct site visits, physical examination of items and evidence gathered at sites of incidents, visits to hospitals and medical facilities, still and video images, reports of the UN Department of Safety and Security and other UN agencies, secondary source accounts, media reports, and information gathered by NGOs and other third parties.

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

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

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

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

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

## Legal Responsibilities of Parties to the Armed Conflict

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

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

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

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

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

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

The classification of Anti-Government Elements does not apply to armed criminal groups, except if the group directly engages in hostile acts in the armed conflict on behalf of a party to conflict.<sup>5</sup>

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

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

Afghanistan is a party to the four Geneva Conventions of 1949 and to Additional Protocol II 1977<sup>6</sup> which addresses the protection of civilians in a non-international armed conflict. The Protocol prohibits attacks against civilians and objects indispensable to the survival of the civilian population.

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<sup>5</sup> This section on “definitions” follows the legal framework set out in: Definition of Combatant, 4.2 to 4.3 in UK Ministry of Defence. *The Manual of the Law of Armed Conflict*. Oxford University Press, Oxford, 2004, and ICRC, Customary IHL. Rule 3. All members of the armed forces of a party to the conflict are combatants, except medical and religious personnel.

<sup>6</sup> Afghanistan ratified Additional Protocol II 1977 on 10 November 2009 which entered into force on 24 December 2009.

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 protects civilians through the explicit prohibition of murder<sup>7</sup>, violence, extrajudicial executions, torture, mutilation and other forms of violence.<sup>8</sup> These acts are prohibited at any time and in any place whatsoever.

Several rules of the four Geneva Conventions of 1949 and their Additional Protocols have become part of customary international law,<sup>9</sup> and the most relevant principles that apply to the conduct of Afghan armed forces and international military forces, and non-State armed groups as parties to Afghanistan's non-international armed conflict are the following:

- Distinction: The civilian population as such, as well as individual civilians, shall not be the object of attack.<sup>10</sup> “[The Parties]...shall at all times distinguish between the civilian population and combatants” and “between civilian objects and military objectives.”<sup>11</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>12</sup>
- Precautions in attack: “...civilians shall enjoy general protection against the dangers arising from military operations”.<sup>13</sup> In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects” and that all feasible precautions must be taken with the “view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.”<sup>14</sup>

All States contributing to the international military forces in Afghanistan are signatories to the four Geneva Conventions of 1949. While not all troop-contributing States are

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<sup>7</sup> Regarding the war crime of murder as defined by the Rome Statute of the International Criminal Court, UNAMA uses the term ‘deliberate killing of civilians’, which includes targeted killing, to describe an alleged act that may amount to the war crime of murder to distinguish such acts from the crime of murder committed by a private actor outside the context of the armed conflict. Terms such as ‘targeted killing’, ‘extrajudicial killing’, and ‘willful killing’ are sometimes used to describe deliberate killing of a civilian by a party to the armed conflict occurring in the context of the non-international armed conflict in Afghanistan.

<sup>8</sup> Common Article 3 of the Geneva Conventions of 12 August 1949, is applicable during conflicts not of an 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, color, 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>9</sup> See ICRC, Customary International Humanitarian Law, ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

<sup>10</sup> Additional Protocol II, article 13(2).

<sup>11</sup> Additional Protocol I, article 48. See further article 51 (2) where civilians “shall not be the object of attack,” and article 52 (2) where “attacks shall be limited strictly to military objectives.”

<sup>12</sup> Additional Protocol I, article 51(5)(b). See further article 57 on Precautions in Attacks.

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

<sup>14</sup> Additional Protocol I, article 57 (1) and 2(a)(ii).

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

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

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

Afghanistan is a signatory to several international human rights treaties,<sup>15</sup> including the International Covenant on Civil and Political Rights (ICCPR) which obligates the Government of Afghanistan to provide basic human rights protection to all persons within the territory or jurisdiction of the State.

While non-State actors in Afghanistan, including armed groups, cannot formally become parties to international human rights treaties, non-State actors which exercise de facto control over some areas, such as the Taliban, are increasingly deemed to be bound by international human rights obligations.<sup>16</sup>

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

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

States whose military forces are among the International military forces party to the conflict in Afghanistan, also have a responsibility to investigate and prosecute alleged crimes that may have been committed by their nationals in Afghanistan.<sup>17</sup>

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

**UN Security Council Resolution 1325**

As the UN Security Council underlined in Security Council Resolution 1325, it is critical for all States to fully apply the relevant norms of international humanitarian and human

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<sup>15</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 of the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 19 October, 2002; and Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, ratified on 24 September 2003 [http://www.aihrc.org.af/English/Eng\\_pages/X\\_pages/conventions\\_af\\_z\\_party.html](http://www.aihrc.org.af/English/Eng_pages/X_pages/conventions_af_z_party.html).

<sup>16</sup> See UN Secretary-General, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011, para. 188. Also see Report of the International Commission of Inquiry to investigate all Alleged Violations of International Human Rights Law in the Libyan Arab Jamahiriya A/HRC/17/44, 1 June 2011.

<sup>17</sup> Irrespective of whether States are parties to the ICC statute, they still have obligations under customary law to investigate serious human rights and IHL violations when they are operating on the territory of Afghanistan, which is a State party to the ICC as well as obligations under international criminal law.

rights law to women and girls, and to take special measures to protect women and girls from gender-based violence during armed conflict.<sup>18</sup>

**(iv) Obligations under National Laws**

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

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

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

UNAMA uses a definition of “civilian” that reflects the standards of international humanitarian law and considers “civilians” to be persons who are not combatants (members of military/paramilitary forces) or members of organized armed groups of a party to the armed conflict, and those who are not part of *levée en masse*.<sup>19</sup> A civilian may lose his or her protected status for such time as they take a direct part in hostilities.

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

In the context of the armed conflict in Afghanistan, this report documents attacks against categories of people not taking a direct part in hostilities including public servants and Government workers, teachers, health clinic workers and others involved in public service delivery, political figures and office holders, and employees of NGOs as well as civilian police personnel who do not function as combatants and are not involved in counter insurgency operations.<sup>20</sup>

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<sup>18</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>19</sup> Compare Article 50 Paragraph 1, Additional Protocol 1 to the Geneva Conventions. Also see Nils Melzer, “Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law,” 1 July 2009.

<sup>20</sup> UNAMA considers as combatants police officers taking a direct part in hostilities. This includes members of the ANP, ALP and ANBP that routinely conduct counter-insurgency operations unless there is evidence to the contrary. UNAMA considers as non-combatants traffic police and other police officers carrying out solely civilian policing roles.



## Executive Summary

*My sister called me to inform that a suicide attack had killed our mother and injured our sister. On that day, my mother and sister were going to a dentist appointment. As the taxi drove past the Ministry of Defense, the suicide attack took place. My mother died on the spot and my sister was critically injured and spent four days in a hospital. She still has pieces of glass into her head and requires medical treatment. My sister was a teacher and my mother worked in a tailoring shop to support our family. My father is very old and sick. My sister is shocked, scared of similar incidents and she doesn't want to come out of home anymore. I don't know how we can overcome the grief and solve the family crisis.*

-- Son of a woman killed in a suicide attack near the Ministry of Defense, Kabul city, 9 March 2013.<sup>21</sup>

Escalating deaths and injuries to Afghan children, women and men led to a 23 percent resurgence in civilian casualties in the first six months of 2013 compared to the same period in 2012. UNAMA documented 1,319 civilian deaths and 2,533 injuries (3,852 casualties) from January to June 2013, marking a 14 percent increase in deaths, 28 percent increase in injuries and 23 percent increase in total civilian casualties compared to the same period in 2012.<sup>22</sup> The rise in civilian casualties in the first half of 2013 reverses the decline recorded in 2012, and marks a return to the high numbers of civilian deaths and injuries documented in 2011.

UNAMA attributed 74 percent of civilian deaths and injuries to Anti-Government Elements, nine percent to Pro-Government Forces and 12 percent to ground engagements between Pro-Government Forces and Anti-Government Elements. The remaining four percent of civilian casualties were unattributed caused mainly by explosive remnants of war.<sup>23</sup>

While improvised explosive devices used by Anti-Government Elements caused the most civilian casualties similar to previous periods, increased ground engagement between Afghan forces and Anti-Government Elements was the second leading cause of civilian deaths and injuries representing a new trend in the first half of 2013 and an increasing threat to Afghan civilians.

Midway through the year, UNAMA re-asserts the imperative for parties to the armed conflict to halt the worsening impact of conflict on Afghan civilians and take all necessary measures to improve civilian protection and comply fully with their legal obligations to prevent civilian loss of life and injury.

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<sup>21</sup> UNAMA Interview, Kabul city, 17 March 2013.

<sup>22</sup> Between 1 January and 30 June 2012, UNAMA documented 1,158 civilian deaths and 1,976 injuries (3,134 total civilian casualties). These figures are slightly higher than reported in UNAMA's 2012 *Mid-year Report on the Protection of Civilians in Armed Conflict* due to cases verified following the report's release and deaths of injured civilians.

<sup>23</sup> Explosive Remnants of War (ERW) means unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

Women and children experienced increased suffering from the effects of the armed conflict. Conflict-related violence killed 106 women and injured 241 (347 casualties) from 1 January to 30 June 2013, up 61 percent from the same span in 2012 with ground engagements involving parties to the conflict the leading cause of female casualties followed by improvised explosive devices (IEDs) used by Anti-Government Elements. In the same period, 231 children were killed and 529 injured (760 casualties), up 30 percent from the previous year, with improvised explosive devices the leading cause, followed by ground engagements and explosive remnants of war.<sup>24</sup>

Overall, the main factors driving the escalation in deaths and injuries to Afghan civilians in the first half of 2013 were an increase in the indiscriminate use of IEDs by Anti-Government Elements, and suicide and/or complex attacks<sup>25</sup> in areas populated or frequented by civilians, including civilian Government offices. UNAMA also documented increased civilian casualties attributed to Anti-Government Elements including targeted killings, attacks against civilian Government workers, abductions and killings, and high levels of threats and intimidation.

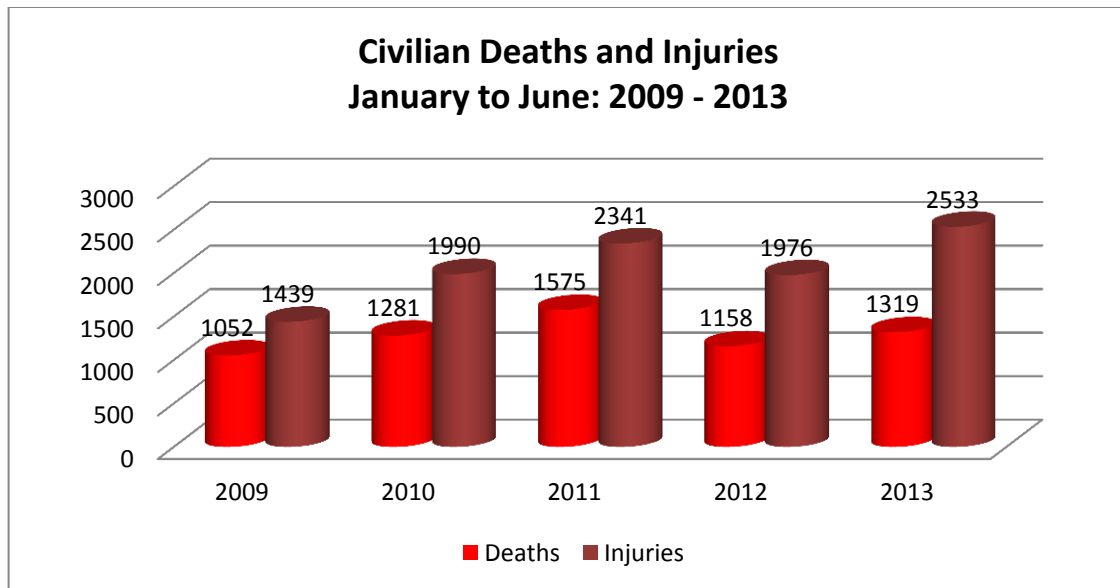
Changing political and security dynamics in the first six months of 2013 impeded protection of civilians and restricted access to human rights. The stepped-up transition of security responsibilities from international military forces to Afghan forces and closure of international forces' military bases was met with increased attacks by Anti-Government Elements on Afghan National Security Forces mainly at checkpoints, on strategic highways, in some areas that had been transitioned and in districts bordering neighboring countries. These efforts by Anti-Government Elements to assert territorial influence in contested areas led to increased ground engagement between Anti-Government Elements and Pro-Government Forces, particularly Afghan forces with civilians increasingly being killed or injured in the crossfire or by improvised explosive devices planted by Anti-Government Elements.

Security gaps and struggles between armed groups and powerbrokers for influence over territory and political actors also gave rise to increased security incidents such as armed clashes and targeted killings that often led to civilian casualties.

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<sup>24</sup> Between 1 January and 30 June 2012, UNAMA documented 76 women killed and 139 injured (215 women casualties), and 232 children killed and 532 injured (760 children casualties). In 2013, ground engagements killed 33 women and injured 118, accounting for 43 percent of women casualties. In 2013, IEDs killed 70 children and injured 179, a 72 percent increase compared the first half of 2012 when 63 children were killed and 82 injured from IEDs.

<sup>25</sup> UNAMA's definition of 'complex attack' is a deliberate and coordinated attack which includes a suicide device (i.e. body-borne improvised explosive device, vehicle-borne improvised explosive device), more than one attacker and more than one type of device (i.e. body-borne improvised explosive device and mortars). All three elements must be present for an attack to be considered complex.



### ***Civilian Casualties from Ground Engagements between Parties to the Conflict***

In the first six months of 2013, civilian casualties from ground engagement between Anti-Government Elements and Pro-Government Forces increased by 42 percent, with 207 civilian deaths and 764 injuries (971 total civilian casualties) documented. These figures include civilian casualties attributed to all parties to the conflict. Ground engagements caused 25 percent of all civilian casualties, the tactic causing the highest number of civilian casualties after IEDs.

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

Anti-Government Elements caused 74 percent of all civilian casualties in the first half of 2013 (1,038 civilian deaths and 1,825 civilian injuries), a 16 percent increase compared to the same period in 2012.

The indiscriminate and unlawful use of improvised explosive devices (IEDs) by Anti-Government Elements remained the biggest conflict-related threat to the lives of Afghan children, women and men, causing 35 percent of all civilian casualties. Between 1 January and 30 June 2013, IEDs killed 443 civilians and injured 917 (1,360 civilian casualties), a 34 percent increase in civilian casualties from IEDS compared to the same period in 2012.

Civilian casualties from remote-controlled IEDs (RC-IEDs)<sup>26</sup> increased by 130 percent, with 136 civilian deaths and 426 injuries (562 civilians casualties) recorded in 160 RC-IED attacks, compared with the same period in 2012.<sup>27</sup> UNAMA documented 83 civilian deaths and 144 injuries (227 civilian casualties) from 90 pressure-plate IEDs (PPIEDs) or victim-activated IED attacks, a 24 percent reduction in total civilian casualties from this tactic compared to the same span in 2012.

<sup>26</sup> Radio or RC-IEDs are a common form of Command-Operated IEDs that are operated from a distance and enable individuals to detonate a pre-placed device at the precise time a target moves into the target area.

<sup>27</sup> In the first six months of 2012, UNAMA documented 55 civilian deaths and 189 injuries (244 civilian casualties) from 71 attacks.

UNAMA notes the decrease in civilian casualties from PPIED attacks. UNAMA stresses however that victim-activated IEDs function effectively as anti-personnel landmines and are indiscriminate as they do not distinguish between a civilian and military objective, making their use illegal under international humanitarian law. UNAMA reiterates its call on Anti-Government Elements to stop using victim-activated IEDs completely, and to cease the indiscriminate use of IEDs particularly in public places frequented by civilians such as bazaars and parks.

IEDs and suicide and complex attacks accounted for 52 percent of total civilian casualties documented by UNAMA during this period.

Incidents of Anti-Government Elements deliberately targeting and killing civilians perceived to be supporting the Government of Afghanistan rose sharply. Between 1 January and 30 June 2013, UNAMA documented 312 killed and 131 injured (443 civilian casualties) resulting from 262 incidents of targeted and deliberate killings by Anti-Government Elements. This represents an increase of 29 percent from the same period in 2012. After IED attacks and ground engagements, targeted and deliberate killings were the third highest tactic killing and injuring civilians in the first half of 2013.

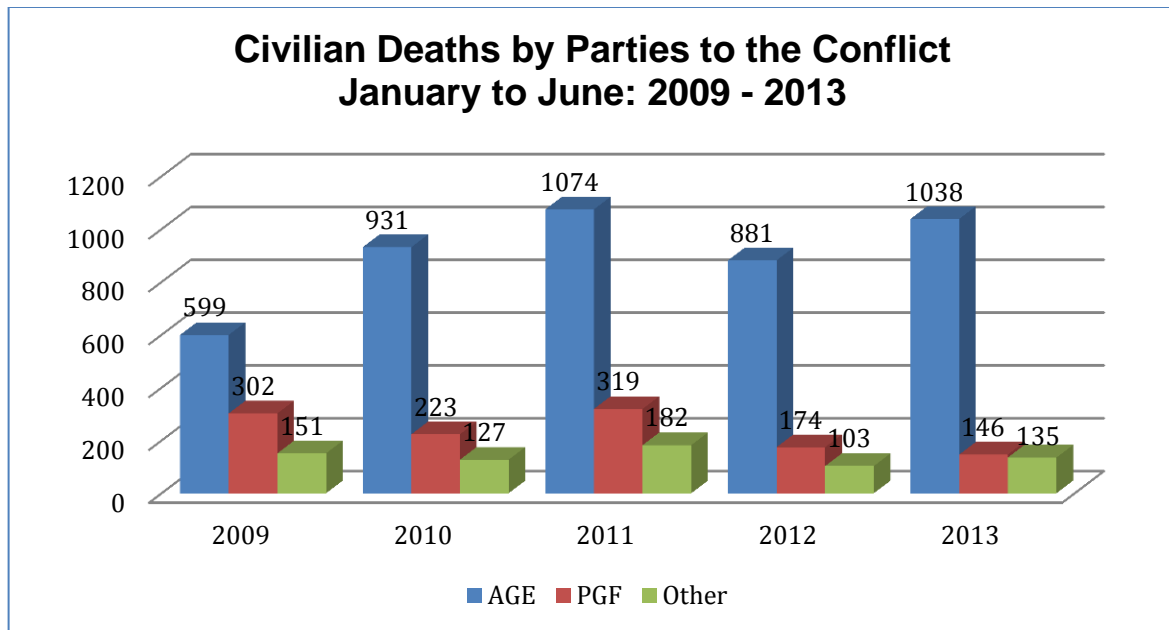
UNAMA observed a pattern of threats and attacks by Anti-Government Elements against mullahs (religious leaders) and documented 14 incidents in which religious leaders or places of worship (mosques) were directly threatened or attacked, resulting in seven civilian deaths. The majority of the attacks targeted mullahs performing funeral ceremonies for deceased members of Afghan National Security Forces and those showing public support for the Government. International humanitarian law prohibits attacks on religious personnel who have special protections under the law.<sup>28</sup>

UNAMA recorded a 76 percent increase in civilian casualties from Anti-Government Elements targeting civilian Government employees, Government offices, district headquarters and other civilian Government structures. In the first six months of 2013, UNAMA documented 114 civilians killed and 324 injured (438 civilian casualties) in 103 such attacks.<sup>29</sup> These 438 civilian casualties included deaths and injuries from targeted killings of Government workers, IEDs, complex and suicide attacks against civilian Government offices, attacks of off-duty police, police performing civilian rule of law functions and ground engagements initiated by Anti-Government Elements against civilian Government structures, such as district Government headquarters.

UNAMA also documented four separate attacks against courthouses in Farah city, Kabul city, Marja district Helmand province and Pashtunkot district, Faryab province, which caused 57 civilian deaths and 145 injuries (202 civilian casualties) including judges, prosecutors, legal and clerical staff. The Taliban claimed responsibility for the attacks which followed a public statement by the Taliban announcing their intention to target and kill judges and prosecutors. UNAMA highlights that deliberate attacks on civilians including civilian Government officials are prohibited at all times and may amount to war crimes.

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<sup>29</sup> In the first half of 2012, UNAMA documented 61 civilian deaths and 188 injured (249 civilian casualties) from 72 attacks against civilian Government personnel and civilian Government offices.



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

UNAMA documented 146 civilian deaths and 216 civilian injuries (362 civilian casualties) by Pro-Government Forces (Afghan National Security Forces and international military forces) in the first six months of 2013. These figures represent a 16 percent decrease in civilian deaths, a 58 percent increase in civilian injuries for a 16 percent rise in total civilian casualties caused by Pro-Government Forces compared to the same period in 2012.<sup>30</sup> Civilian casualties attributed to Pro-Government Forces were nine percent of all civilian casualties in the first half of 2013.

UNAMA documented 49 civilian deaths and 41 injuries (90 civilian casualties) from air strikes, a 30 percent decline compared to the same period in 2012. Women and children accounted for 54 percent of the total civilian casualties from air operations. Almost half of civilian deaths from air strikes and over one third of those injured (22 deaths and 10 injuries) took place in Kunar province, an 88 percent increase in civilian casualties from air operations in that province compared to 2012.

UNAMA notes the reduction in civilian casualties from air strikes. However concerns remain regarding disproportionate loss of civilian life and injury from several air strikes particularly two incidents in Sheigal district in Kunar province on 6 February and 13 April 2013 that resulted in 22 civilian deaths and 10 injuries, mostly women and children. UNAMA also highlights a continuing lack of transparency and accountability by Pro-Government Forces regarding several air strikes that led to civilian casualties including in Sheigal district.<sup>31</sup>

<sup>30</sup> UNAMA documented 174 civilian deaths and 137 injuries (311 civilian casualties) from Pro-Government Forces in the first half of 2012.

<sup>31</sup> See section on Air Operations later in this report.

In the first six months of 2013, UNAMA documented 15 civilian deaths and seven injuries in seven separate incidents of Unmanned Aerial Vehicles (UAVs)<sup>32</sup> or drones that appeared to have targeted Anti-Government Elements.<sup>33</sup> UNAMA notes the lack of transparency and accountability on the use of UAVs to carry out targeted killings and/or that resulted in civilian casualties. In spite of requests to international military forces, UNAMA has not received information on the legal framework and operational policies used to guide pre-engagement targeting criteria, including factors required to establish and confirm an individual's identity and his/her status as a combatant or a civilian directly participating in the hostilities prior to engagement with lethal force, and measures in place to prevent civilian casualties.

UNAMA documented 20 civilian deaths and 22 injuries (42 civilian casualties) from 23 separate escalation of force incidents, a 56 percent increase from the same period in 2012. The rise in the first half of 2013 reverses the decline in civilian casualties from such incidents documented in 2011 and 2012. Of the 23 incidents, 13 were attributed to international military forces, nine to Afghan National Security Forces and the remainder to joint operations of international military forces and Afghan security forces.

Search operations carried out by Pro-Government Forces caused 17 civilian deaths and injured 15 (32 civilian casualties) in 24 separate search operations, a 14 percent reduction in total civilian casualties from search operations compared to the same period in 2012. These figures are consistent with the downward trend in civilian casualties from search operations documented in the same periods from 2009 through 2012.

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

Between 1 January and 30 June 2013, UNAMA documented 34 civilian deaths and 90 injuries (124 civilian casualties) from Afghan National Security Forces (ANA, ANP, ALP and NDS) military operations and engagements conducted without an international presence. This represents a 170 percent increase compared to the same period in 2012.<sup>34</sup> The majority of incidents occurred in the eastern region (47 civilian casualties) followed by northeast (28 civilian casualties) and southern region (16 casualties).

The rise in civilian casualties by Afghan National Security Forces (ANSF) is attributed to ongoing transition of security responsibilities from international military forces to Afghan forces. According to officials from the Afghan National Army, in the first six months of 2013, ANSF independently conducted 90 percent of all military operations.<sup>35</sup>

Despite Afghan forces leading almost all military operations countrywide, a permanent structure does not exist in relevant ANSF bodies to systematically investigate allegations of civilian casualties, initiate remedial measures and take follow-up action. The Civilian Casualties Tracking Team in the Presidential Information Coordination Center (PICC),

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<sup>32</sup> UAVs are also defined as Remotely Piloted Aircraft (RPA). There is no distinction between the terms RPA, UAV and drones.

<sup>33</sup> UNAMA may be under reporting the number of civilian casualties from UAVs because UNAMA is not always able to confirm which type of aerial platform was used during an operation (i.e. fixed-wing, rotary-wing or UAV) that resulted in civilian casualties. International military forces do not routinely make information about air operations available due to its classification.

<sup>34</sup> UNAMA documented 12 civilian deaths and 34 injuries from ANSF operations in the first half of 2012.

<sup>35</sup> UNAMA interview with Ministry of Defence Legal Officer, Kabul, 15 May 2013.

established in May 2012, only records reports of civilian casualties received from security bodies and does not receive complaints from individuals or organizations.<sup>36</sup>

On the broader issue of civilian protection, the Government of Afghanistan has not yet initiated concrete measures to prevent civilian casualties on the ground and ensure that Afghan forces are taking all necessary measures to protect civilians and communities affected by the armed conflict. For example, in 2013, UNAMA documented 14 civilian deaths and 55 injured (69 civilian casualties) from 21 separate incidents of mortar, grenade and rockets fired by ANSF at Anti-Government Elements during ground engagements. In 2012, UNAMA documented one such incident by ANSF which killed one civilian and injured two. The increase in 2013 coincides with the rise in ANSF independent operations and highlights the need for ANSF directives and rules of engagement that reinforce obligations to protect civilians.

UNAMA welcomes actions taken by the Government of Afghanistan in 2013 to further develop the capacity of Afghan security forces to counter the IED threat, such as the further development of counter-IED response teams with Afghan security forces and increasing capacity of biometric labs. Given the growing threat of IEDs and the harm posed to civilian communities, UNAMA reiterates the need for the Government, with continued support from the International Security Assistance Force (ISAF) and the international community, to ensure that Afghan National Security Forces are trained, resourced and fully capable of commanding and conducting counter-IED operations after transition is completed in 2014.

#### *Afghan Local Police*

Between 1 January and 30 June 2013, UNAMA documented 14 civilian deaths and 23 injuries in 32 separate incidents attributed to Afghan Local Police (ALP), an increase of 61 percent compared to the same period in 2012. The majority of civilian casualties resulted from ALP members committing human rights violations against civilians, including murder, torture, rape, threats, intimidation, harassment, forced labour, extortion and illegal taxation. UNAMA again recommends the creation of a national level accountability mechanism in the ALP Directorate in the Ministry of Interior, such as the appointment of a military prosecutor, to enable independent and transparent investigations and prosecution of alleged ALP crimes throughout Afghanistan.

#### ***Communities at risk: harm to civilians from conflict-related violence***

##### *Explosive Remnants of War (ERW)*

The increasing threat of Explosive Remnants of War<sup>37</sup> (ERW) to civilian life and livelihood pose significant risks to the safety of Afghans, particularly children. Between 1 January and 30 June 2013, UNAMA documented 43 civilian deaths and 102 injuries (145 total civilian casualties) from ERW, a 53 percent increase from 2012. Seventy-nine percent of the victims were children. The sharp increase in ERW civilian casualties coincides with an increase in ground engagement between parties to the conflict causing

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<sup>36</sup> For these reasons, UNAMA is of the view that the number of civilians casualties caused by Afghan National Security Forces is under-reported.

<sup>37</sup> Explosive Remnants of War means unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

civilian casualties.<sup>38</sup> A second cause is the escalated pace of ISAF base and firing range closure and concerns that bases and firing ranges have not been sufficiently cleared of unexploded ordnance prior to closure.<sup>39</sup>

### *Legacy IEDs*

Legacy IEDs - planted and undetonated IEDs which effectively function as landmines – continued to impede Afghans' basic human rights. The presence of legacy IEDs perpetuates an environment of fear and insecurity and threatens Afghans' right to life. Legacy IEDs have left entire villages displaced. Communities residing in areas with abandoned IEDs live under constant threat of death, maiming, serious injury and destruction of civilian property. Legacy IEDs restrict Afghans' freedom of movement as well as the rights to livelihood, political participation, education and health. Further surveying and mapping efforts are required to identify those areas most affected by non-operational IEDs which should be followed by clearance operations.

UNAMA reiterates that increased efforts are urgently needed to fully implement the National Counter IED Strategy, passed by the National Security Council of Afghanistan on 24 June 2012.

### *Armed Groups*

UNAMA documented 19 incidents of human rights abuses carried out by armed groups, resulting in seven civilian deaths and two injuries. The majority of incidents were documented in areas where armed groups held considerable power and influence, notably in the north, northeast and central highlands regions of the country.

UNAMA also observed armed groups continuing to take an active role in ground engagements, alongside ANSF, in particular in Faryab province. UNAMA verified four incidents of killings by armed groups, all carried out with impunity as well as multiple incidents of threats, intimidation, harassment and extortion.

### *Conflict-Related Displacement*

Between 1 January and 30 June 2013, the United Nations High Commissioner for Refugees (UNHCR) documented the displacement of 59,315 civilians due to conflict related violence, representing a three percent increase in conflict-displaced persons over the same period in 2012.

## **Impact of the Armed Conflict on Afghan Civilians**

Civilians again increasingly bore the brunt of the armed conflict in Afghanistan in early 2013. Civilians particularly in conflict-affected areas experienced the grim reality of rising civilian deaths and injuries coupled with pervasive violence which threatened the lives, livelihood and wellbeing of thousands of Afghans. More armed groups, roads blocked by

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<sup>38</sup> The increase in civilian casualties from ground engagements indicates the possibility of more fighting in civilian populated areas which may lead to more unexploded and abandoned ordnance.

<sup>39</sup> Measuring the origin of UXO is difficult, particularly after the ordnance has detonated. As a result, UNAMA's analysis of each UXO civilian casualty incident reviews the environment in which the incident occurred, i.e. a UXO civilian casualty occurring on a former ISAF base, but does not attribute responsibility for UXO without confirmation of the ordnance's origin.



checkpoints or lined with IEDs, increased harassment and intimidation and not enough protection from Afghan National Security Forces in some areas led to increasing harm to civilians.

Anti-Government Elements continued to deliberately kill, injure, threaten and intimidate civilians with impunity. The increasing reliance of Anti-Government Elements on the indiscriminate use of IEDs, together with a rise in deliberate targeting of civilians highlights the urgent need for Anti Government Elements to take concrete and immediate action to stop attacking Afghan civilians.

The escalated pace of transition has a wide range of implications for human rights protection. UNAMA highlights concerns with insufficient ANSF capacity and resources to fully address the growing threat from IEDs and the need for ANSF to put in place effective measures to protect civilians particularly during ground engagements and armed clashes.

It is unclear which structure within NATO/ISAF post-2014 will track civilian casualties involving international forces, particularly from UAV strikes. UNAMA recommends a continued presence of Civilian Casualty Mitigation Team (CCMT) within the NATO follow-on mission post 2014 and calls on NATO/ISAF to indicate what civilian protection measures it plans to put in place for its follow-on mission after 2014.

UNAMA reiterates the imperative for Afghan-owned and led peace processes to put civilians and their protection in the forefront of all negotiations. To the Afghan people, the credibility and value of a negotiation process and progress toward ending the armed conflict will be measured by reduced civilian casualties and improved security and protection.

## **Recommendations**

UNAMA calls on all parties to comply with their legal obligations to protect civilians and to increase their efforts and commitment to minimize civilian loss of life and injury, particularly during the conduct of ground operations. UNAMA makes the following recommendations to improve the protection of civilians:

### **Anti-Government Elements**

- Comply with international humanitarian law, uphold the principles of distinction, proportionality and precautionary measures, and apply a definition of 'civilian' that is consistent with international humanitarian law.
- Cease the deliberate targeting and killing of civilians and withdraw orders that permit attacks and killings of civilians, in particular, religious personnel, judicial authorities and civilian Government workers.
- Cease using victim-activated IEDs and halt the indiscriminate use of IEDs particularly in all areas frequented by civilians.
- Cease practices carried out by parallel judicial structures that impose unlawful punishments such as killing, amputation, mutilation and beatings.
- Enforce codes of conduct, instructions and directives instructing members to prevent and avoid civilian casualties and hold accountable those members who target, kill and injure civilians.

### **Government of Afghanistan**

- Prioritize full implementation of the counter-IED strategy and ensure development and resourcing of sufficient ANSF capacity to command, control and effectively conduct counter-IED operations and IED- disposal, including exploitation.
- Strengthen structures in the Government that track, mitigate and provide accountability for civilian casualties by Pro-Government Forces that include transparent and timely investigations and accurate tracking of all incidents of civilian casualties caused by ANSF to improve civilian protection, compensation and accountability.
- Revise and strengthen tactical directives, rules of engagements and other procedures to direct and ensure full compliance with legal obligations of all ANSF members to protect civilians.
- Disband any ALP groups with longstanding impunity for human rights violations and criminality and provide lawful responses to reported criminality by ALP.
- Continue to disband and disarm illegal armed groups.

### **International Military Forces**

- Undertake countrywide verification to ensure that all international military bases and firing ranges that have closed have been cleared of unexploded and abandoned ordnance. Establish a mechanism within ISAF and ANSF that communicates the suspected presence of unexploded ordnance from aerial and ground operations to appropriate authorities and ensure the marking and clearance of suspect hazardous areas.
- Promote transparency and accountability through the prompt and public release of all findings from ISAF, international military and security forces and agencies on all incidents involving civilian casualties including those incidents resulting from air operations.
- Strengthen support to ANSF to enhance their civilian casualty mitigation, reporting and analysis capacity, including through the continued operations of ISAF's Civilian Casualty Mitigation Team. Ensure full handover and training to ANSF on tactical directives, procedures and best practices that have been found to increase civilian protection particularly regarding ground engagements.
- Provide support to ANSF to ensure they are sufficiently resourced, trained and equipped to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation.

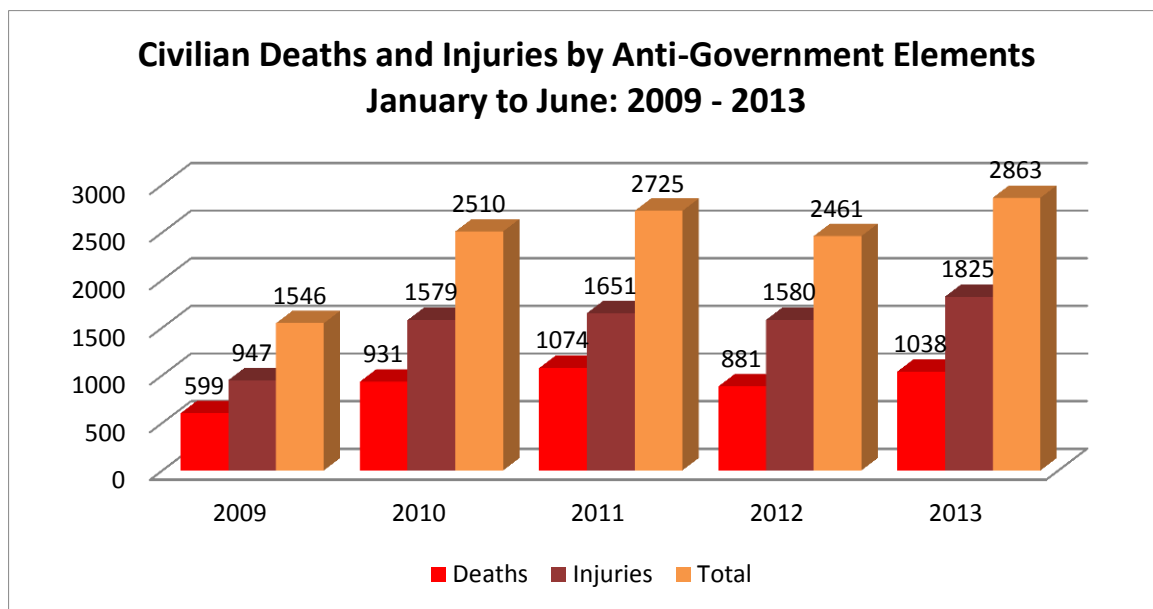
## Anti-Government Elements and Protection of Civilians

*It was around 9 am on Wednesday when I was in the second floor of the prosecution building. I heard an explosion and shooting that was very close. A group of insurgents entered the prosecution building in ANA uniforms. They shot one person- a client coming to see one of the prosecutors. They tried to come to the first floor but two security guards took defensive positions to hold them back. On the ground floor, the insurgents shot indiscriminately at anyone they saw in different rooms, including clients who had come to pursue their cases. I was on the second floor with some of my colleagues. I broke the window, climbed down and escaped. The insurgents did not take people hostage; they merely shot at anyone who was in their range.*

-- Civilian victim of a complex attack on the Farah court buildings on 3 April 2013 which killed 33 civilians and injured 104. The Taliban claimed responsibility for the attack.<sup>40</sup>

Between 1 January and 30 June 2013, UNAMA documented 1,038 civilian deaths and 1,825 civilians wounded (2,863 civilian casualties) caused by Anti-Government Elements. This represents an 18 percent increase in civilian deaths and 16 percent increase in civilians injured compared to the same period in 2012.<sup>41</sup>

Seventy-four (74) percent of all civilian casualties in the first half of 2013 were attributed to Anti-Government Elements.<sup>42</sup>



<sup>40</sup> UNAMA interview with prosecutor, Farah province, 10 April, 2013.

<sup>41</sup> In the first six months of 2012, UNAMA documented 881 civilian deaths and 1,580 civilians injured (2,461 civilian casualties) attributed to Anti-Government Elements. See UNAMA's 2012 Annual Report on Protection of Civilians, at p. 1 <http://unama.unmissions.org/Default.aspx?tabid=12265&language=en-US>.

<sup>42</sup> For the first six months of 2012, UNAMA reported that 77 percent of total civilian casualties were caused by Anti-Government Elements.

## **Improvised Explosive Devices**

*I was travelling with a friend that day to another village and we had to cross a bridge. I saw a man sitting near the bridge, working on something with his hands. I did not stop the car and just kept driving to cross the bridge. As we were crossing that bridge, I suddenly heard an explosion and thereafter fainted. I fainted for about 10 minutes and when I opened my eyes I felt a bad pain on my head and my right hand. My head was hit against the roof of the car as result of the explosion and my right hand, including my five fingers were seriously bleeding at this time; cut by the broken glass of the car. I could not move my fingers or feel them. Fortunately, my friend who was not hurt, called for help and a few minutes later, the police arrived. The explosion was so powerful that it made our car jump two meters in the air. It was a remote-controlled IED and was placed on the left side of the bridge. I was taken to Aybak provincial public hospital where I received medical treatment. I was discharged on 3 June. I am fine now but the doctors have told me that I will never be able to feel or move the fingers of my affected hand.*

-- Victim of a remote-control IED detonation on 28 May in Dara-e Suf Payin district, Samangan province.<sup>43</sup>

In the first six months of 2013, Improvised Explosive Devices (IEDs) caused increasing harm to civilians country-wide and remained the leading tactic killing and injuring civilians, causing 35 percent of all civilian casualties.

Between 1 January and 30 June 2013, IEDs killed 443 and injured 917 (1,360 civilian casualties),<sup>44</sup> a 34 percent increase in total civilian casualties from the same period in 2012.<sup>45</sup> Since 2009, IEDs alone have killed or injured almost 11,000 civilians (3,996 civilian deaths and 6,978 civilian injuries) in 3,199 IED attacks.

Kandahar and Helmand remain the provinces most affected by IED attacks, followed by Faryab.

IEDs increasingly killed and wounded women and children. Between January and June 2013, UNAMA documented 41 women killed and 54 injured (95 total civilian casualties), a 138 percent increase from the same period in 2012.<sup>46</sup>

UNAMA notes with grave concern the 77 percent increase in the killing and injuring of children in IED attacks in 2013. UNAMA documented 70 children's deaths and 179 child injuries, a 72 percent increase compared with the same period in 2012.<sup>47</sup> UNAMA highlights with concern the use of IEDs designed with a high likelihood of harming children. For example, on 12 June in Khogyani district, Nangarhar province, an IED

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<sup>43</sup> UNAMA interview with community member, Dara-e Suf Payin district, Samangan province, 5 June 2013.

<sup>44</sup> As UNAMA counts each civilian casualty once under a primary incident type and also documents tactics and sub-tactics, these IED figures do not include targeted killings carried out with IED tactics (28 deaths and 51 injured) nor do they include civilian casualties from suicide IED devices, which are reported in the section on *Suicide and Complex Attacks*, in this report.

<sup>45</sup> UNAMA documented in the first six months of 2012 the killing of 329 civilians and injuries to 727 (1,056 total civilian casualties) from IEDs. See pp. 13-14 of UNAMA's 2012 Mid-year Report on Protection of Civilians at <http://unama.unmissions.org/Default.aspx?tabid=12265&language=en-US>.

<sup>46</sup> In the first six months of 2012, UNAMA documented the killing of 18 women and injuries to 22 women from IEDs. *Ibid.*

<sup>47</sup> IEDs killed 63 children and injured 82 in the first six months of 2012. *Ibid.*

detonation killed a 10-year old girl and seriously injured her seven-year old brother. The IED had been designed as a toy mobile telephone and the children picked it up to play with it when it detonated.

#### *Increased Use of Remote-Controlled IEDs*

Civilian casualties resulting from remote-controlled IEDs (RC-IEDs) increased by 130 percent, with 136 civilian deaths and 426 injuries (562 civilians casualties) recorded in 160 RC-IED attacks, compared with the same period in 2012.<sup>48</sup>

Radio- or RC-IEDs are a common form of Command-Operated IEDs that are operated from a distance and enable individuals to detonate a pre-placed device at the precise time a target moves into the target area.<sup>49</sup> This may enable more discriminate targeting providing the operator is trained to properly operate the device.<sup>50</sup>

UNAMA recorded the largest increase and the most civilian casualties from RC-IEDs in the southeast region with 66 incidents resulting in 56 civilian deaths and 142 injuries, a 2,375 percent increase from 2012.<sup>51</sup>

In the first six months of 2013, UNAMA also recorded significant increases in RC-IED attacks in the north and south regions. In the south, UNAMA documented 16 civilian deaths and 89 injuries (105 civilian casualties), a 425 percent increase in civilian casualties from RC-IEDs. UNAMA documented a notable increase in RC-IED attacks in the east, with 29 civilian deaths and 69 injuries (98 civilian casualties), a 75 percent increase from 2012. In the north, UNAMA documented 15 civilian deaths and 97 injuries (112 civilian casualties), a 96 percent increase in total civilian casualties from RC-IEDs.

Decreases in civilian casualties from RC-IED attacks were recorded in the central and northeast regions, with one civilian death and seven injuries in Kabul city, a 75 percent decrease from 2012, and four civilian deaths and 14 injured in the northeast region, a 70 percent decrease from 2012.

The increase in the number of RC-IED attacks resulting in civilian casualties could relate to a documented decrease in the use of victim operated IEDs, which include pressure-plated IEDs (PPIEDs), command-wire IEDs and other forms of victim-initiated IEDs by Anti-Government Elements. Anti-Government Elements' higher reliance previously on more indiscriminate pressure-plate IEDs may have stemmed from ISAF's use of measures to detect and counter RC-IEDs such as Electronic Counter Measures (ECM). In Afghanistan, mobile telephones and two-way radios have been adapted for the purpose of activating or initiating an RC-IED. This means that RC-IEDs are vulnerable to electronic countermeasure systems which prevent initiation signals from reaching the device and preventing detonation.

In previous years, ISAF's use of electronic countermeasure systems may have led to a heavier reliance by Anti-Government Elements on more basic types of detonation of IEDs, including pressure plate IEDs which are victim-activated (rather than activated by

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<sup>48</sup> In the first six months of 2012, UNAMA documented 55 civilian deaths and 189 injuries (244 civilian casualties) from 71 attacks.

<sup>49</sup> Small Arms Survey, *Improvised Explosive Devices*, Chapter 10 'Infernal Machines', page 220-221.

<sup>50</sup> UNAMA interview with ISAF, Counter-IED Branch, 15 July 2013. According to ISAF Counter-IED experts, many operators of RC-IEDs in Afghanistan are not trained correctly which results in operator error in use of RC-IEDs, resulting in faulty targeting, leading to increased civilian casualties.

<sup>51</sup> In the first six months of 2012, UNAMA recorded eight civilian injuries from three RC-IED incidents.

telephone or two-way radio) and therefore not detected by electronic counter measures.<sup>52</sup> Prior to June 2013, ANSF did not possess ISAF's electronic counter measures' capacity to detect RC-IEDs before detonation which may have been a factor in the increased use of RC-IEDs by Anti-Government Elements, and less use of PPIEDs.<sup>53</sup> The reduction in patrolling by ISAF may have been viewed as an opportunity by Anti-Government Elements to increase the use of RC-IEDs and reduce the use of victim-operated devices. ANSF have been using electronic counter measures since June 2013.<sup>54</sup>

The shift in tactics to increased use of RC-IEDs and less use of PP-IEDs may also be connected to the Taliban's recent public statements claiming they are using more discriminate tactics (which can contribute to improved protection of civilians) that may include RC-IEDs. UNAMA notes that although Anti-Governments Elements used RC-IEDs to attack Pro-Government Forces, in numerous cases such tactics disproportionately harmed civilians. For example, UNAMA documented several instances of Anti-Government Elements targeting military objectives with RC-IEDs in civilian populated areas resulting in high civilian casualties.

Almost half of the RC-IED attacks UNAMA documented appeared to target ANP- often ANP performing civilian law enforcement functions such as traffic policing, or were carried out against ANP check-posts in areas with high concentrations of civilians. For example, on 17 May, two vehicle-borne IEDs (VBIED) targeting ANP detonated in Kandahar city, killing eight civilians, including a six-year old child, and injuring 60, including 20 children.

UNAMA also documented Anti-Government Elements using RC-IEDs to deliberately target civilians. For example, on 18 June, a RC-IED detonated against the convoy of a Member of Parliament in Kabul city, in front of the office of the Afghanistan Independent Human Rights Commission killing four civilians and wounding 31 others.

In some cases, RC-IEDs appeared to target security forces but only harmed civilians. For example, on 3 June, a RC-IED detonated against a Mazda truck in Metharlam city, Laghman province, killing seven civilians including four women, two children and the truck driver. Communities informed UNAMA that the Taliban had warned local community members earlier not to travel on that road as they had planted IEDs targeting Afghan National Security Forces (ANSF) who reportedly had planned to conduct military operations in the area.

#### *Decreased Use of Victim-Operated Improvised Explosive Devices*

In the first six months of 2013, UNAMA documented 83 civilian deaths and 144 wounded (227 civilian casualties) from 90 victim-operated IEDs<sup>55</sup> attacks, a 24 percent reduction in total civilian casualties from this tactic from the same period in 2012.<sup>56</sup> UNAMA notes the decrease in civilian casualties resulting from PPIED attacks but highlights that the number of incidents has not decreased significantly. Almost half of all PPIED incidents occurred in the southern region, with 33 PPIED attacks in Kandahar alone.

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<sup>52</sup> Small Arms Survey, *Improvised Explosive Devices*, Chapter 10 'Infernal Machines', page 220-221.

<sup>53</sup> UNAMA meeting with C-IED Policy Branch, ISAF HQ, Kabul. 23 June 2013.

<sup>54</sup> UNAMA meeting with C-IED branch, 28 July 2013, ISAF HQ, Kabul.

<sup>55</sup> The term victim-operated IEDs, includes pressure-plated IEDs (PPIEDs), command-wire IEDs and other forms of victim-initiated IEDs.

<sup>56</sup> UNAMA documented 105 civilian deaths and 195 injuries from 104 PPIED attacks in the first half of 2012.

UNAMA reiterates that victim-activated IEDs function effectively as anti-personnel landmines and are indiscriminate as they cannot distinguish between a civilian and military objective, making their use illegal under international humanitarian law. PPIEDs in Afghanistan are generally set to explode when they are walked on or driven over.

The majority of PPIEDs in Afghanistan have approximately 20-25kg of explosive; more than twice the explosive content of a standard anti-tank mine yet they often have the trigger sensitivity of an anti-personnel mine. This means they effectively act as a massive anti-personnel landmine with the capability of destroying a tank. Civilians who step or drive over these IEDs have no defense against them and little chance of survival. A significant number of IEDs are encountered in Afghanistan with explosive weight of approximately 2-4kg specifically designed to injure or kill individuals on foot.<sup>57</sup>

#### *Indiscriminate and Disproportionate Use of IEDs*

Although the number of high-profile attacks, including attacks against military objectives and IED incidents, including locating and destroying IED devices, are similar to previous years,<sup>58</sup> the number of IED incidents resulting in civilian casualties has increased. These increases indicate that Anti-Government Elements carry out indiscriminate attacks, deliberately target civilians and use IEDs in an indiscriminate and disproportionate manner.

International humanitarian law explicitly prohibits indiscriminate and disproportionate attacks and attacks deliberately targeting civilians and holds that such acts may amount to war crimes. UNAMA observed that in the first six months of 2013, most incidents of civilian casualties resulted from IED attacks that were indiscriminate and/or disproportionate or deliberately targeted civilians. UNAMA documented multiple incidents of Anti-Government Governments carrying out the following:

- Use of IEDs to deliberately target civilians<sup>59</sup>, for example the intentional killing of civilian Government workers, tribal elders and religious leaders;
- Indiscriminate use of IEDs, such as planting or using IEDs in a location not directed at a specific military objective, for example, the detonation of IEDs in in public areas commonly used by civilians such as roads, markets, Government offices, public gathering places, including bazaars, in and around schools, shops and bus stations<sup>60</sup>;
- Disproportionate use of IEDs, such as carrying out IED attacks where the harm to civilians was excessive – and should reasonably have been anticipated – in relation to the concrete and direct military advantage from the attack, for example attacking military convoys or police check-posts inside cities;
- Using IEDs in a manner which did not distinguish between civilians and members of the armed forces. For example, detonating IEDs in a manner or location where

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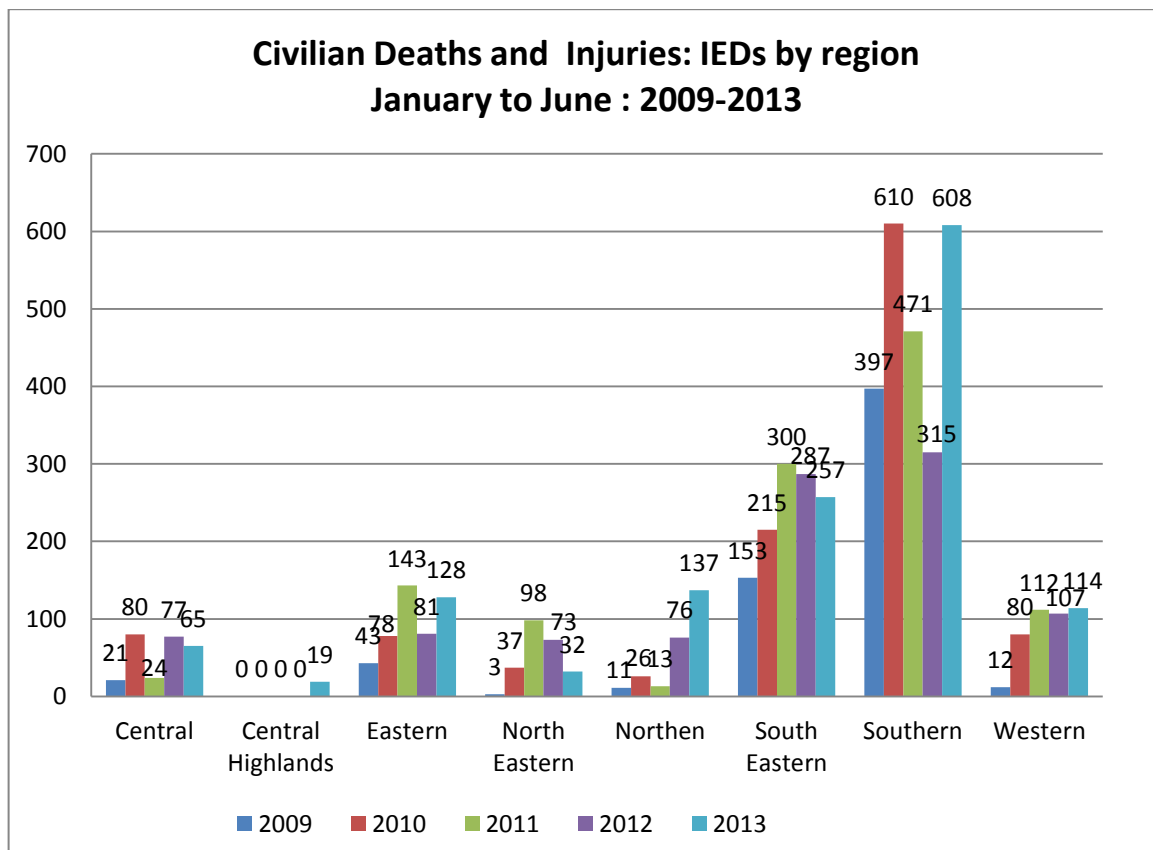
<sup>57</sup> UNAMA interviews with Counter-IED office, June 2011 and May to June 2013, ISAF HQ Kabul.

<sup>58</sup> IED Activity and Trends: April 2011 – April 2013, NATO/ISAF UNCLASSIFIED REL UNAMA//FOUDO, meeting with UNAMA and ISAF, 26 May 2013, Kabul.

<sup>59</sup> Although targeted killings of civilians are explicitly prohibited under international humanitarian law, the indiscriminate nature of IEDs combined with their disproportionate effects compound the gravity of this tactic.

<sup>60</sup> Anti-Government Elements placed IEDs particularly those equipped with a pressure-plate trigger, on transit routes ranging from small footpaths to highways and killed and injured civilians whether they were on foot, riding a bicycle, in buses, taxis or in private cars.

the effects of the IED detonation could not be limited, for example, planting PPIEDs on roads frequently used by civilians.



### ***Suicide and complex attacks<sup>61</sup>***

*I came to the Provincial Council office in order to submit a petition as I had a land dispute in Dand-e-Ghori district. We were seven visitors waiting for the Provincial Council chairman to arrive. After almost one hour I felt like an earthquake just happened, and then I heard a huge explosion. I was injured on my chest and also on my right leg. I almost lost consciousness for the first few moments. I was taken by the locals to the hospital. Later on that day I found out that all other visitors were killed except me in the incident. This is un-Islamic and also a crime against humanity. The Government should punish those who are committing such heinous crimes.*

-- A 72 year-old man injured in a suicide attack at the Provincial Council office, Pul-e-Khumri, Baghlan province, on 20 May 2013 which killed nine civilians and injured 14. The Taliban claimed responsibility for this attack on their website.<sup>62</sup>

<sup>61</sup> UNAMA's definition of 'complex attack' is a deliberate and coordinated attack which includes a suicide device (i.e. BBIED, VBIED), more than one attacker and more than one type of device (i.e. BBIED + mortars). All three elements must be present for an attack to be considered complex.

<sup>62</sup> UNAMA interview, Pul-e-Khumri city, Baghlan province, 23 May 2013.



In the first six months of 2013, UNAMA documented 624 civilian casualties (149 killed and 475 injured) from 32 incidents of suicide and complex attacks. This represents a two percent decrease in civilian casualties from this tactic compared with the same period in 2012.<sup>63</sup> The civilian casualty figures from suicide and complex attacks do not include civilian casualties from targeted killings in which the primary tactic was a suicide device.<sup>64</sup>

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

Anti-Government Elements continued to use different types of suicide attacks in public places. Civilians continued to be targeted in places including crowded markets, locations where tribal elders gathered and civilian Government offices. For example, on 3 June, a suicide bomber riding a motorcycle detonated his explosives as a convoy of ISAF was passing, in the vicinity of a boys' high school in Chamkani district, Paktya province. The explosion killed ten boys and injured at least 15 other civilians, including school-children.

Such indiscriminate attacks are prohibited under international humanitarian law and may amount to war crimes.

Representative incidents in 2013 include:

- On 11 June, in Kabul city, Kabul province, a suicide attacker detonated a VBIED against several parked mini-buses carrying Supreme Court employees. The VBIED killed 17 court employees including two women, and injured 40 other civilians (including court employees). The Taliban claimed responsibility for the attack.
- On 3 June, in Chamkani district, Paktya province, a suicide attacker driving a motorbike, detonated his explosives against an international military convoy close to Chamkani High School. The attack resulted in the killing of 12 civilians including ten school boys and injuring of 15 others.
- On 20 May, in Pul-e-Khumri district, Baghlan province, a suicide attacker detonated himself at the main Pul-e-Khumri bazaar, killing 14 civilians including the head of the provincial council and injuring nine others. The Taliban claimed responsibility for the attack.
- On 3 April, in Farah city, Farah province, the Taliban conducted a complex attack against the provincial court and prosecution compound using VBIEDs and assailants, killing 33 civilians and injuring 105 others.
- On 26 January, in Kunduz city, Kunduz province, a suicide attacker detonated his explosives at the main roundabout, killing six civilians and injuring 13 others. The Taliban claimed responsibility for the attack.

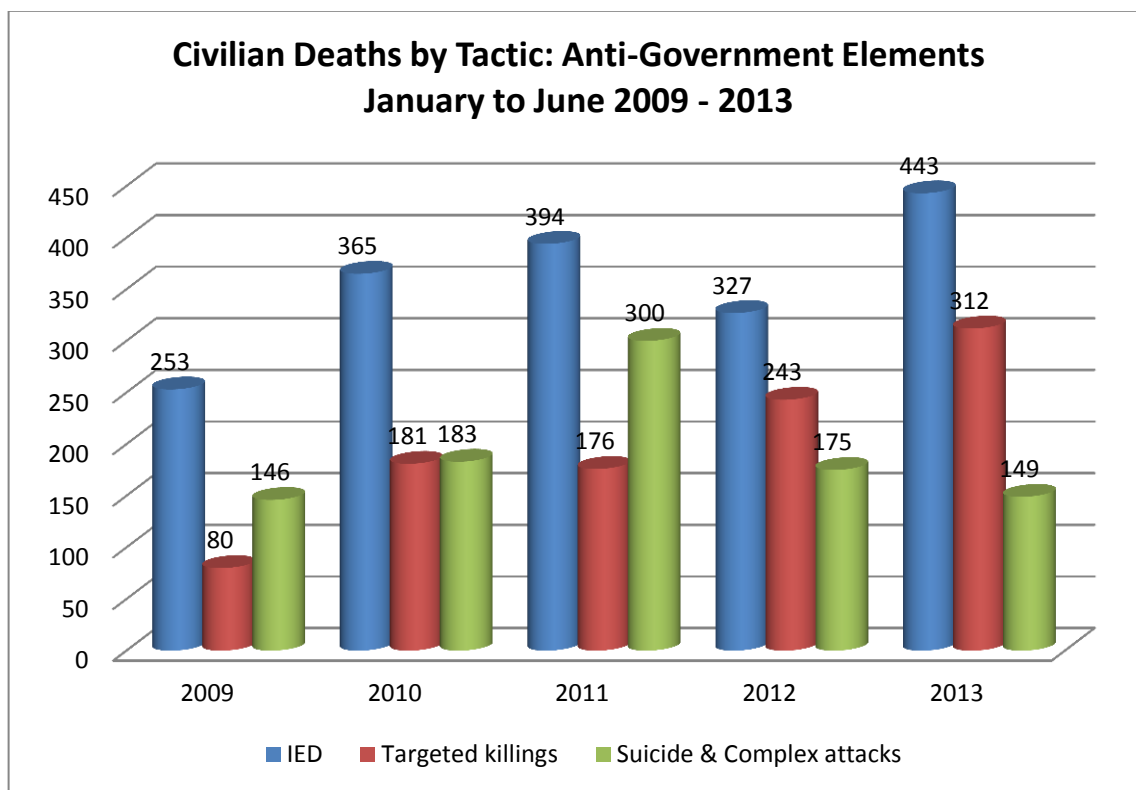
Fifty-two percent of civilian deaths and injuries resulted from Anti-Government Elements indiscriminately using IED devices in their operations or deliberate attacking civilians.

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<sup>63</sup> UNAMA document 175 civilian deaths and 459 injuries from suicide and complex attacks for the first six months of 2012.

<sup>64</sup> As UNAMA documents each civilian casualty only once, the number of civilian casualties from suicide attacks is higher. For example, incidents in which a suicide attacker targets a high-level Government official and detonates inside a mosque would be documented as an incident type 'targeted killing' with the tactic 'IED' or 'suicide attack'. In the first six months of 2013, UNAMA documented 10 separate incidents of targeted killings carried out with IED tactics, resulting in 28 civilian deaths and 51 wounded.

UNAMA reiterates its recommendation to Anti-Government Elements to cease the indiscriminate use of IEDs, in particular placing them in public places frequented by civilians.



### ***War crime of murder: deliberate killings and attacks against civilians***

*A group of Taliban abducted my cousin and held him captive for two months. Despite mediation initiatives by the elders, the Taliban did not release him. Finally his dead body was found. We all know that a group of Taliban killed him they are active here in Qaysar district. The Taliban's motive behind my relative's killing was his relationship with a high ranking judicial official.*

-- Relative of civilian killed in Qaysar district, Faryab province on 6 March 2013.<sup>65</sup>

In the first six months of 2013, UNAMA documented increasing incidents of Anti-Government Elements deliberately targeting and killing specific civilians on the basis of their employment, or their perceived alliance or support to Government or security forces. Anti-Government Elements carried out killings targeted at individuals, executions through parallel justice structures, killing following abduction, and other forms of targeted killing and attacks on Government institutions. In many cases, the Taliban claimed responsibility for the killings in their public website.

Under Common Article Three of the Geneva Conventions which applies to all parties to the armed conflict in Afghanistan including the Taliban, murder,<sup>66</sup> violence, extrajudicial

<sup>65</sup> UNAMA interview with relative, Qaysar district, Faryab province, 6 March 2013.

executions, torture, mutilation and other forms of violence against civilians<sup>67</sup> are prohibited at all times in all places.

### *Targeted killings*

Between 1 January and 30 June 2013, UNAMA documented 312 killed and 131 injured (443 civilian casualties) from 262 incidents of targeted<sup>68</sup> killings<sup>69</sup> carried out by Anti-Government Elements. This represents an increase of 29 percent from the same period in 2012.<sup>70</sup> After IED attacks and ground engagements, targeted killings were the third highest tactic accounting for killing and injuring civilians in the first half of 2013.

UNAMA documented the highest number of civilian casualties from targeted killings in Faryab province, where 39 separate incidents of targeted killings killed 50 and injured 12 civilians, a 41 percent increase from the same period in 2012.<sup>71</sup>

Under international humanitarian law the deliberate killing of civilians may amount to a war crime. The civilian population shall not be the object of attack, parties to a conflict must at all times distinguish between civilians and combatants, and the military must only direct attacks against military objectives.

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<sup>66</sup> Regarding the war crime of murder as defined by the Rome Statute of the International Criminal Court, UNAMA uses the term 'deliberate killing of civilians', which includes targeted killing, to describe an alleged act that may amount to the war crime of murder to distinguish such acts from the crime of murder committed by a private actor outside the context of the armed conflict. Terms such as 'targeted killing', 'extrajudicial killing', kidnap and killing and 'willful killing' are sometimes used to describe deliberate killing of a civilian by a party to the conflict occurring in the context of non-international armed conflict in Afghanistan. Article 8 (2) (c) (i) of the Elements of Crime, Rome Statute of the International Criminal Court defines the elements of the war crime of murder as follows: 1. The perpetrator killed one or more persons. 2. Such person or persons were either *hors de combat*, or were civilians, medical personnel, or religious personnel taking no active part in the hostilities. 3. The perpetrator was aware of the factual circumstances that established this status. 4. The conduct took place in the context of and was associated with an armed conflict not of an international character. 5. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

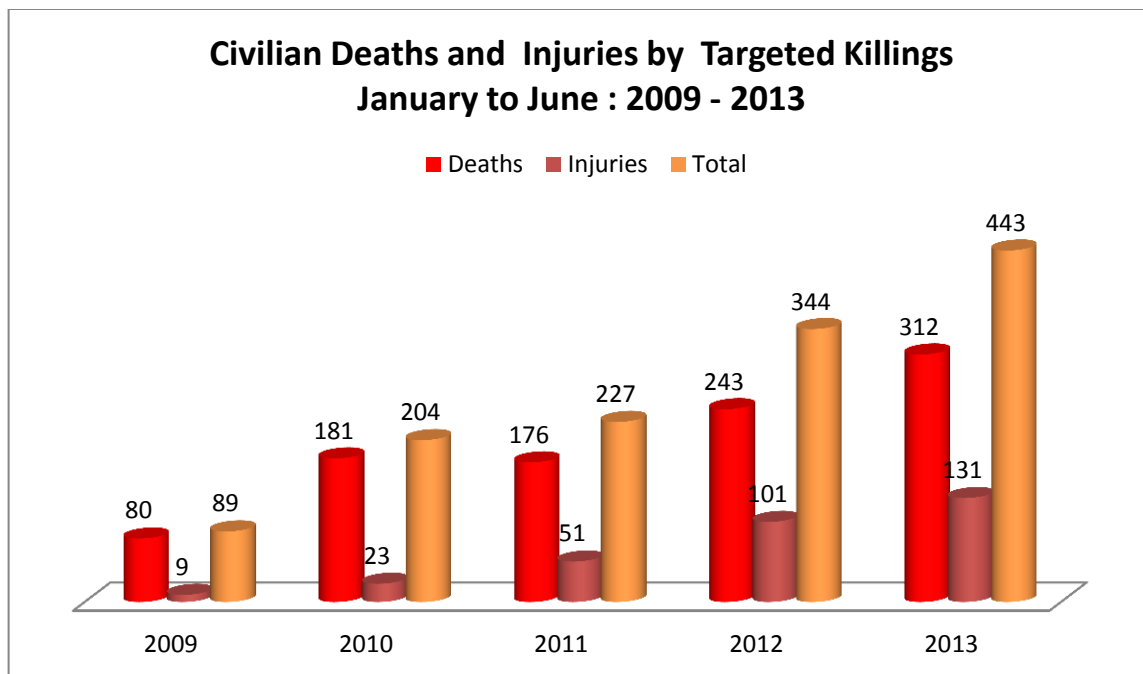
<sup>67</sup> Please see the legal section of this report for details on crimes prohibited under Common Article 3 of the Geneva Conventions.

<sup>68</sup> Please see the legal section of this report for the definition of 'targeted killing'. Targeted killings may result in multiple civilian deaths and injuries, particularly in circumstances where indiscriminate tactics, such as IEDs, are used. UNAMA documents all civilian deaths and injuries directly resulting from these incidents of targeted killings.

<sup>69</sup> The category of targeted killing also includes killings involving parallel judicial structures where the individual was in the physical custody of the perpetrator at the time of the killing. See footnote 67 and section on parallel judicial structure punishments below. See footnote 59 on war crime of murder.

<sup>70</sup> UNAMA documented 260 civilian deaths and 101 injuries (361 total civilian casualties) in the first six months of 2012. See UNAMA's 2012 Mid-Year Report on Protection of Civilians in Armed Conflict at <http://unama.unmissions.org/Default.aspx?tabid=12265&language=en-US>.

<sup>71</sup> UNAMA documented 28 incidents resulting in 30 civilian deaths and 14 injured in Faryab province in the first six months of 2012. For the same period, Kandahar province recorded the highest number of civilian casualties from targeted killings, with 54 incidents resulting in 51 civilian deaths and 13 injuries. See UNAMA's 2012 Mid-year Report on Protection of Civilians in Armed Conflict at <http://unama.unmissions.org/Default.aspx?tabid=12265&language=en-US>.



The increase in the number of incidents of targeted killings by Anti-Government Elements, in particular the Taliban, of civilians perceived to be supporting international military forces and/or the Afghan Government continued in the first six months of 2013. UNAMA documented incidents throughout Afghanistan of Anti-Government Elements deliberately targeting tribal elders, religious leaders, civilian government employees, civilians accused of spying for the Government, community leaders and off-duty police officers or ANP performing civilian law enforcement functions.

*Representative case study: targeted killings in Logar province*

In the first six months of 2013, UNAMA documented 14 civilian deaths in ten separate incidents of targeted killings of civilians by Anti-Government Elements in Logar province. This is a 367 percent increase from the same period in 2012.<sup>72</sup> In most instances, Anti-Government Elements deliberately targeted civilian Government workers, peace council members, tribal elders and other civilians due to their perceived support to the Government. For example, on 16 June, an armed group associated with the *Haqqani Network* shot and killed two local elders who were members of the Community Development Council of Baraki Barak district; one of them was also a member of the Logar Provincial Peace Council.

The increase in targeted killings in Logar province is indicative of changing political and security dynamics in the province. While civilian deaths overall decreased by 21 percent, with IED attacks, air operations and other tactics showing significant decreases, targeted killings and ground engagements increased.

In 2013, the presence of ISAF and ANSF, including Afghan Local Police (ALP) increased in Logar province, contesting a traditional stronghold of Anti-Government Elements, in particular, in Baraki Barak and Pul-e-Alam districts. These districts also witnessed an increase in engagements between Pro-Government Forces and Anti Government

<sup>72</sup> In 2012, UNAMA documented three civilian deaths from targeted killings in Logar province.

Elements (ground engagements, search/raids and air strikes). In addition, ALP forces were recently deployed in these districts. To counter the expansion of Government presence, Anti-Government Elements used targeted killings to intimidate local influential elders, family members of Government employees and Provincial Peace Council members.

This deliberate targeting of civilians appears to stem from a limited capacity of Anti-Government Elements to effectively engage security forces and gain tactical ground using lawful combat tactics. This results in an increased reliance on asymmetric tactics, in particular targeted killings of high-profile individuals and civilians, threats and intimidation. Such tactics may also serve as a way to assert control over local populations.

#### *'Demonstration' Killings*

Anti-Government Elements also used killings of civilians as a tool to terrorize and intimidate the civilian population in parts of Afghanistan. UNAMA documented multiple examples of Anti-Government Elements deliberately killing civilians to punish them for supporting the Government, with the killings intended to serve as a warning to others.

- On 15 March, Anti-Government Elements abducted two blacksmiths employed by a construction company in Panjwayi district, Kandahar province. Both men were shot dead and hung from trees as a warning to others. Communities reported that Anti-Government Elements had placed IEDs under the trees to prevent families from removing the bodies.
- On 14 January, Taliban abducted and shot dead a female employee of an NGO in Chak district, Wardak province. Her dead body was handed over to family members with a note attached stating that people who support the Government will face the same consequences.
- On 26 January, a group of Taliban abducted and killed two tribal elders in Dara-i-Pech district, Kunar province, after accusing them of spying for Pro-Government Forces. Villagers found the bodies three days later.

In addition to the prohibition of killing of civilians, international humanitarian law explicitly prohibits acts or threats of violence in which the primary purpose is to spread terror among the civilian population.<sup>73</sup>

Representative examples of targeted killings of civilians include:

- On 8 June, in Marawara district, in Kunar province, Anti-Government Elements shot and injured an education officer working for the Kunar Education Department, while he was conducting a monitoring visit of schools in the district.
- On 31 May, in Bak district, Khost province, Taliban abducted and killed a seventh grade student. The victim was a poet, chanting an anti-Taliban anthem.

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<sup>73</sup> 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. 2. "The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited".

- On 1 May, in Grishk district, Helmand province, Anti-Government Elements attacked the convoy of the deputy governor and chief of the provincial peace council, killing the council chief and two guards, and injuring four others.
- On 27 April, Dih Bala district, Nangarhar province, Anti-Government Elements shot and killed a local mullah as he was walking to a mosque for prayer. Reportedly, the mullah was targeted because he had offered funeral prayers for an ANA officer killed by Anti-Government Elements.
- On 23 April, Anti-Government Elements attacked the vehicle of the Pashtunkot district prosecutor, Faryab province, killing the prosecutor, his wife, his three body guards and his driver. The Taliban claimed responsibility for the attack on their website.
- On 13 January, Kajaki district, Helmand province, a group of Anti-Government Elements shot and killed a de-miner working for Mine Action Coordination Center of Afghanistan (MACCA) after he refused to support the Anti-Government Elements.

#### *Parallel judicial structure punishments*

In the first six months of 2013, UNAMA documented 14 civilians killed and four injured by Anti-Government Elements who carried out punishments and death sentences against civilians.<sup>74</sup> This represents an increase of 80 percent compared to the same period in 2012.<sup>75</sup> In the majority of incidents in 2013, Anti-Government Elements executed civilians suspected of spying for the Government, or of criminal acts as defined by Anti-Government Elements. UNAMA observes that parallel judicial structures are illegal and have no legitimacy or basis under the laws of Afghanistan. Punishments meted out by these structures amount to human rights abuses, criminal acts under the laws of Afghanistan, and in some circumstances, war crimes.

Parallel judicial structures were documented in many regions of Afghanistan, primarily in areas effectively controlled by Anti-Government Elements.<sup>76</sup> In some instances, parallel judicial structures were imposed on communities by force through physical removal of suspects, implementation of decisions, threats, intimidation and harassment. In other instances however, communities appeared to use these structures rather than official legal mechanisms and referred cases to the parallel 'court.' In Darzab and Qush Tepa districts of Jawzjan province, communities reported that the Government was not able to respond to complaints and criminal matters in areas under Taliban control. According to communities interviewed in multiple locations, this situation resulted in local people approaching the Taliban with their criminal cases.<sup>77</sup>

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<sup>74</sup> UNAMA considers parallel judicial structure executions to include those intentional, premeditated and deliberate killings of a specific 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, i.e. killing of religious leader for delivering funeral ceremony to deceased ANSF, despite warnings not to. UNAMA considers such incidents 'murder' as defined under international humanitarian law applicable in the non-international conflict in Afghanistan. See footnote 59 on the war crime of murder.

<sup>75</sup> UNAMA documented 10 civilians killed in the first six months of 2012. See pp 23-25 of UNAMA's 2012 Mid-year Report on Protection of Civilians, at <http://unama.unmissions.org/Default.aspx?tabid=12265&language=en-US>.

<sup>76</sup> UNAMA documented such punishments in all regions of Afghanistan except for the central highlands.

<sup>77</sup> UNAMA interviews with community members from Qush Tepa district, Jawzjan province, Sheberghan city, Jawzjan province, 22 June 2013.

On their website, the Taliban referred to a specific incident of a parallel judicial structure punishment and provided information on the structure of a 'trial' conducted.<sup>78</sup> The statement said that such 'judicial' processes had been held prior to the punishment of civilians for various acts. The details provided noted the structure of these processes, and the involvement of several levels of 'jurisdiction'. The statement referred to a non-conflict related incident on 8 June when Taliban members in Herat province executed a man alleged to have been involved in kidnapping. The Taliban claimed responsibility for this execution on their website and provided details of the 'judicial' process that took place. According to the Taliban, the suspect was 'tried' and 'convicted' in three separate levels of jurisdiction: district, provincial and a high court of the Islamic Emirate, before he was finally executed.<sup>79</sup>

Other examples of parallel judicial structure punishments from 2013:

- On 7 June, in Kunar province, Nari district, a group of Taliban, beheaded a civilian contractor employed by the Afghan National Border Police (ANBP) to provide firewood and water for ANBP check posts in the area. The victim was abducted on 6 June and held by Taliban prior to being killed.
- On 27 May, in Jawzjan province, Qushtepa district, the Taliban killed a civilian after repeatedly threatening him. The victim was the headmaster of a secondary school and a field staff member of an international non-governmental organization (INGO). The Taliban shadow governor in Qushtepa district reportedly called the headmaster requesting his presence in a meeting who was killed when he went to attend the meeting.
- On 13 May, Farah city, a local civilian was abducted and killed by a group of Taliban. Communities reported that Taliban members had killed the victim due to his reported affiliation with the NDS.

#### *Deliberate targeting of civilian Government administration and offices*

UNAMA documented a 76 percent increase in civilian casualties from Anti-Government Elements targeting civilian Government employees, Government offices, district headquarters and other civilian Government structures. In the first six months of 2013, UNAMA recorded 114 civilians killed and 324 injured (438 civilian casualties) in 103 such attacks.<sup>80</sup> These 438 civilian casualties include deaths and injuries from targeted killings of Government workers, IED, complex and suicide attacks against civilian Government offices, attacks of off-duty police, police performing civilian rule of law functions and ground engagements initiated by Anti-Government Elements against civilian Government structures, such as district Government headquarters.

Although UNAMA recorded the highest number of attacks against civilian Government workers in the eastern region, followed by the southeast region, the largest number of civilian casualties from attacks targeting the Government was recorded in Kabul province. Farah province saw the second highest number of casualties from such

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<sup>78</sup> Taliban news update: "Kidnapper handed penalty in Pashtoon Zarghoon", 9 June, 2013, at <http://shahamat-english.com/index.php/news/32558-kidnapper-handed-penalty-in-pashtoon-zarghoon>, accessed 8 July 2013.

<sup>79</sup> Ibid.

<sup>80</sup> In 2012, UNAMA documented 61 civilian deaths and 188 injured (249 civilian casualties) from 72 attacks against civilian Government personnel and civilian Government offices.

attacks including the 3 April and 11 June attacks on the Supreme Court and Farah provincial courthouse, which resulted in 138 and 57 civilian casualties respectively.

In the first six months of 2013, UNAMA documented four separate attacks directly targeting judicial authorities and institutions including Farah, Kabul, Faryab and Helmand provinces which resulted in 57 civilian deaths and 145 injuries (202 civilian casualties).

UNAMA reiterates that the definition of ‘civilian’ under international humanitarian law includes all those persons who are not members of the armed forces or directly participating in hostilities such as civilian judicial officials. Civilian objects such as civilian Government administration buildings do not constitute military objectives unless they are used for military purposes. Deliberate targeting of civilians and civilian objects is a grave breach of the Geneva Conventions and a war crime.

### ***Threats and attacks against religious figures and places of worship***

*Religious clerics are always at risk. Insurgents have warned us on several occasions. For example, a mullah from Shinwar district was beaten by Taliban after he performed the funeral prayer of an ANA soldier. Another mullah was beaten in Waweshtama Weyala for performing the funeral prayer of an ANA soldier. I have received several threatening phone calls from Taliban telling me not to perform funeral prayers of ANA, ANP, NDS and ANBP. I have been told of incidents where Taliban punished or killed mullahs for performing funeral prayers of ANSF. Taliban killed a mullah in one district two months ago who performed the funeral prayer of an ANA officer. Another mullah was shot and killed by Taliban in another district for performing the funeral prayer of an ANP officer. A number of mullahs gathered at the Haj and Awqaf department a few months ago and shared their concerns with the head of the department. We do not feel secure, so we are very careful about how we handle this sensitive issue. We suggested to the head of the department that mullahs from Jalalabad be sent to remote districts to perform the funeral prayers of ANSF soldiers as they can return to the city. We are not safe because we live in villages with our families where ANSF cannot defend us.*

-- Influential religious scholar from Nangarhar province, 22 July 2013. <sup>81</sup>

In the first six months of 2013, UNAMA observed a pattern of threats and attacks by Anti-Government Elements against mullahs and documented 14 incidents in which persons or places of worship (mosques) were directly threatened or attacked, resulting in seven civilian deaths.<sup>82</sup> The majority of the attacks targeted mullahs performing funeral ceremonies for deceased members of ANSF and those showing public support for the Government.<sup>83</sup>

UNAMA also documented a pattern of Anti-Government Elements warning mullahs not to perform funeral rituals for deceased ANSF members or participate in the ceremonies.

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<sup>81</sup> UNAMA interview, Jalalabad, Nangarhar province, 22 July 2013.

<sup>82</sup> UNAMA notes the high likelihood of under-reporting of such incidents, given the extreme insecurity, lack of access to remote communities and constraints such communities may have in reporting abuses.

<sup>83</sup> UNAMA also documented one case from Logar province where the Haj and Awqaf department reported that mullahs complained about harassment by ISAF and ANSF, suspecting the mullahs of involvement in anti-government activities. This complaint primarily focused on a search operation in May 2013.



UNAMA documented multiple incidents in Farah, Baghdis, Kapisa, Maidan Wardak, Logar, Nangarhar, Kunar, Laghman, Baghlan, Ghazni, Khost, Paktika, Paktiya, Helmand, Uruzgan and Kandahar provinces. Several instances were documented in which mullahs ignored the warnings, which led to an increase in threats, and in some cases beatings, abductions or targeted killings.<sup>84</sup> UNAMA documented several cases in which Anti-Government Elements directly attacked a funeral ceremony of a deceased ANSF member with small arms fire or IEDs.<sup>85</sup>

In several areas, mullahs did not participate in ANSF funerals due to fear of retaliation from Anti-Government Elements. For example, according to the Haj and Awqaf department in Gardez city, Paktiya province, when the Haj and Awqaf department calls a mullah to carry out a funeral ceremony, he usually will not attend the ceremony.<sup>86</sup> In Badghis province in early 2013, local mullahs refused to carry out a burial ceremony of three deceased ALP members who were killed in a clash with Anti-Government Elements, reportedly due to threats received from the Taliban. Eventually the ceremony was conducted by a local doctor who also had a religious qualification.<sup>87</sup>

In Maidan Wardak province, mullahs reported they protected themselves and communities by conducting funeral ceremonies only in the provincial centre of Maidan Shar, which is under Government control, rather than their villages. Consequently, relatives of fallen ANSF members and mullahs are often barred from taking the deceased bodies to their home district or village for burial due to threats from Anti-Government Elements. At least three mullahs from the outskirts of Maidan Shar moved from their homes due to insecurity regarding their participation in ANSF funeral ceremonies.<sup>88</sup>

UNAMA consulted with Haj and Awqaf offices throughout the country who reported that they have very limited monitoring mechanisms and protection capacity to offer mullahs experiencing such intimidation. In most regions Haj and Awqaf departments were aware of threats and attacks but were unable to provide further security to mullahs, in particular those working in the districts.

In Baghlan province, the Haj and Awqaf department reported to UNAMA that threats and targeting of mullahs was a relatively new phenomenon. In response to the threats, in May 2013, the department wrote to the provincial governor to provide mullahs and the department with security forces. The request was rejected by ANP in Baghlan due to a reported shortage in staff.<sup>89</sup> Similarly in Ghazni, Khost and Paktika provinces, the Haj and Awqaf departments reported there was no protection for mullahs.<sup>90</sup>

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<sup>84</sup> For example, throughout the eastern region communities reported that if mullahs were found performing a funeral ceremony of an ANSF member, initially they would be warned and threatened, and if they continued with this practice, Anti-Government Elements would physically punish or kill them. UNAMA interview with mullah from Jalalabad city, Nangarhar province, 26 May 2013.

<sup>85</sup> For example, on 20 May 2013 in Laghman province, Alingar district, Pawrai area, Anti-Government Elements attacked a funeral ceremony of an ALP member with small arms fire. In another example, on 14 June, in Khost Province, Khost (Matun) district, an RCIED was detonated against a vehicle returning from a funeral ceremony, and killed eight civilians, including five members of the same family and a mullah.

<sup>86</sup> UNAMA interview with Haj and Awqaf office, Gardez city, 2 May 2013.

<sup>87</sup> UNAMA interviews with a local elder and ALP commander from Qadis district, Dare Boom area, Badghis province, 23 May 2013.

<sup>88</sup> UNAMA interview with Haj and Awqaf office Maidan Shar, Maidan Wardak, June 2013.

<sup>89</sup> UNAMA interview with Haj and Awqaf, Pul-i-Khumri, Baghlan province, 22 May 2013.

<sup>90</sup> UNAMA interview with Haj and Awqaf in Ghazni, Khost and Paktika provinces, 21-22 May 2013.

Freedom of religion is protected by Afghanistan's domestic laws and obligations under international human rights law.<sup>91</sup> International humanitarian law stipulates that religious personnel exclusively assigned to religious duties must be respected and protected by warring parties in all circumstances.<sup>92</sup>

UNAMA notes that the Taliban did not impose any official restrictions on conducting funeral ceremonies in its 2010 Code of Conduct, nor does it mention any other restrictions on the work of mullahs.<sup>93</sup> The legitimacy of Taliban threatening mullahs working under the current Government was noted in the 2006 Code of Conduct but was not present in later versions of the Code.<sup>94</sup>

Examples of incidents targeting mullahs and funeral ceremonies:

- On 14 June, Khost (Matun) district, Khost Province, an RCIED was detonated against a vehicle returning from a funeral ceremony, and killed eight civilians, including five members of the same family and a mullah. The funeral was for a 17 year old boy whom Anti-Government Elements had killed a month earlier for suspected spying for the Government.
- On 22 May, in Nari district, Kunar province, Taliban shot and killed a mullah imam of a mosque for spying on behalf of the Government, but also accused him of performing an ANA funeral ceremony. Taliban claimed responsibility for the killing and put a letter with his dead body threatening other mullah imams not to perform funeral prayers for ANA members.
- On 15 April, following the killing and funeral preparations for an NDS informant in Burka district, Baghlan province, Anti-Government Elements issued warning letters to religious scholars not to lead the funeral ceremony of the deceased. A mullah was forced to perform the ceremony by the district chief of police.
- On 31 March, in Rodat district, Nangarhar province, the Taliban abducted a local mullah imam who performed the funeral prayer of a deceased ANA soldier. The mullah was later released and warned not to perform funeral prayers of ANSF or face dire consequences.
- On 13 March in Zheray district, Kandahar province, Anti-Government Elements shot and killed the Zheray district mullah, after threatening him for one month to leave this job.

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<sup>91</sup> Article 18 ICCPR: 1. "Everyone shall have the right to freedom of thought, conscience and religion". Article 4 2. "No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision." Afghanistan ratified the ICCPR in 1983.

<sup>92</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>93</sup> Afghanistan Analysts Network English translation of the 2010 Taliban Code of Conduct [http://aan-afghanistan.com/uploads/Appendix\\_1\\_Code\\_in\\_English.pdf](http://aan-afghanistan.com/uploads/Appendix_1_Code_in_English.pdf).

<sup>94</sup> According to the 2006 Code of Conduct: "Anyone who works as a teacher or mullah under the current state- which is a state in name only - must be given a warning. If he nevertheless refuses to give up his job, he must be beaten. Of course, if a teacher or mullah continues to instruct contrary to the principles of Islam, The district commander or group leader must kill him". Afghanistan Analysts Network English translation of the 2006 Taliban Code of Conduct [http://aan-afghanistan.com/uploads/Appendix\\_1\\_Code\\_in\\_English.pdf](http://aan-afghanistan.com/uploads/Appendix_1_Code_in_English.pdf). In comparison, the 2010 code of conduct does not include any provisions relating to actions that may be taken against mullahs.

### ***Threats, intimidation and harassment of Civilians by Anti-Government Elements***

*Insurgents came to our village and told the families whose members serve in ANA to congregate in the mosque. We complied with their order. They told us that all families whose members serve in ANA must tell those ANA members to desert the army now. They then threatened us saying that if any of their armed group are killed during ANA operations, the group will burn down the houses of those whose families serve in ANA and would kill all the families. I was displaced because my son was serving in ANA. He could not desert ANA despite my insistence and I had no choice but to move to Baharak district.*

-- A father whose son serves in the ANA, Warduj district, Badakhshan province, 16 March, 2013.<sup>95</sup>

In the first half of 2013, UNAMA documented 90 incidents of Anti-Government Elements threatening, intimidating and harassing civilians, a 105 percent increase compared with the first half of 2012 when UNAMA documented 44 incidents.<sup>96</sup> Such practices may be violations of international humanitarian law which prohibits acts or threats of violence where the primary purpose is to spread terror among the civilian population.<sup>97</sup>

UNAMA documented incidents carried out by Anti-Government Elements, including Taliban and other armed groups, such as distribution of threatening night letters, extortion of money, beating and harassment at illegal checkpoints, threatening text messages, and destruction of private and public property. Such acts were largely directed against specific individuals, including Government officials and employees, persons associated with ANSF, tribal elders, religious leaders, health or education personnel and humanitarian workers.

The vast majority of these acts carry criminal liability under the laws of Afghanistan and should be investigated as such by Afghan authorities. In addition, many incidents amount to human rights abuses and negatively impact protection of civilians throughout Afghanistan. These acts also have an impact on the enjoyment of other human rights such as freedom of movement and access to health, education and livelihoods.

Communities in different areas of Afghanistan reported that experiencing harassment, intimidation and threats on a daily basis spread fear and terror among the civilian population, and increased their perceptions of insecurity. UNAMA observed that motives for such actions were varied and could include securing community compliance through fear and terror, and by extension expanding control over an area as well as ensuring financial and sustenance support to armed groups. In some instances, motivations may have been localized and reflected the policy of a certain commander of group.

Many incidents of threats, intimidations and harassment were documented in areas fully or partially controlled by Anti-Government Elements. For example, in districts under

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<sup>95</sup> UNAMA interview, 27 March 2013, Baharak district, Badakhshan province.

<sup>96</sup> UNAMA considers these cases representative of the nature of threats, intimidation and harassment faced by communities rather than a summary of incidents of this nature. In the first half of 2012, UNAMA documented 44 incidents.

<sup>97</sup> Article 51(2) of Additional Protocol I and ICRC Study 8, rule 2. State practice establishes this rule as a norm of customary international law applicable in international and non-international armed conflicts.

partial control of Anti-Government Elements in Jawzjan province, communities reported that these groups were trying to expand control through terrorizing and harassing communities. Community members reported that the Taliban publically killed people to intimidate others and warn them against possible dissent. Following one such public killing in 2012, the Taliban increased their campaign of harassment and extortion of money and produce from communities. Community leaders told UNAMA they did not report the majority of harassment, threats and intimidation to the Government for fear of being punished by Anti-Government Elements.<sup>98</sup>

Threats, intimidation and harassment appear to have reduced in areas where the Taliban recently lost significant control. Where the Taliban recently gained significant control, threats, intimidation and harassment have sometimes increased, for example in certain districts of Farah province.<sup>99</sup>

In Andar district, Ghazni province, threats, intimidation and harassment by Taliban have reportedly reduced. A reported shift in approach followed the uprising against the Taliban in 2012, which local communities told UNAMA highlighted the Taliban's need local support for their presence and policies.<sup>100</sup> While some community members indicated that a reduction in Taliban harassment was due to a shift in policy or approach, others pointed to an increase in Government control and greater presence of ALP that may have accounted for the change.<sup>101</sup>

In Deh Yak district, Ghazni province, the Taliban recently publically stated that they would stop harassing civilians.<sup>102</sup> However, communities in Deh Yak reported that the Taliban were still harassing and threatening them. Most notably, the Taliban continued to extort taxes through mobile teams, threaten civilians, and use civilian houses for accommodation.<sup>103</sup>

In some transitioned districts of Farah province, the departure of international military forces resulted in the expansion of areas controlled by Anti-Government Elements. Community members reported to UNAMA that threats, intimidation and harassment have increased.<sup>104</sup> According to communities from Poshdrood district, the Taliban's new

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<sup>98</sup> UNAMA interview with community member, Qush Tapa district, Jawzjan province, 22 May 2013.

<sup>99</sup> UNAMA notes that different patterns of such incidents suggests that threats, intimidation and harassment perpetrated by Anti-Government Elements are linked to a wide array of motivations and policies, beyond the attempt to expand control of communities by force.

<sup>100</sup> The 'Andar uprising' against Taliban presence took place in Andar district, Ghazni province and began in April 2012. The armed group Hezb-e-Islami initially led the uprising which gathered broad popular support. Local Hezb-e-Islami leaders and Andar citizens reportedly initiated the uprising due to strong objection to Taliban's interference with their lives, including the closures of schools, clinics, bazaars, restrictions of movement and lack of free speech. In response to the movement, in October 2012, ANSF forces were deployed to Andar district, including a strong ANP and ALP *tashkeel*. Also UNAMA interviews with Andar community representatives, Ghazni city, 28 May 2013.

<sup>101</sup> Despite a reported reduction in the level of harassment by the Taliban and a perceived improvement in security, UNAMA recorded a 50 percent increase in civilian casualties in Andar during the first six months of 2013 (in comparison to the same period in 2012). Communities indicated that their perception of enhanced security was mostly based on increased freedom of movement, better access to education and health and less harassment by the Taliban.

<sup>102</sup> UNAMA interviews with Deh Yak district community representatives, Ghazni city 29 May 2013.

<sup>103</sup> Ibid.

<sup>104</sup> As an example of increased control of Anti-Government Elements, communities reported that following the withdrawal of international military forces, Anti-Government Elements in the district set up temporary bases where they held meetings and deliberations, some of which were located 20 kilometres from the

control over these areas has resulted in more harassment of civilians, as well as interference in public works and development projects.

Communities reported to UNAMA that in Masaw village, the Taliban started conducting regular patrols around the village and in surrounding villages. During these patrols, and in broad daylight, the Taliban set fire to two telecommunication towers in Masaw village in May 2013. Community leaders told UNAMA when international military forces were present the Taliban were not able to maintain continuous presence and patrols in this area even during the night.<sup>105</sup>

A similar situation was reported in Bala Buluk district, Farah province, where community elders told UNAMA that the decrease in the presence of international forces led to a reduction in security. Community elders reported that following withdrawal of international military forces, compounded with weak ANSF, the Taliban established temporary checkpoints at the Farah – Farahrood highway, harassing, abducting and intimidating local communities.<sup>106</sup>

### ***Taliban public statements on civilian casualties***

In the first half of 2013, the Taliban released 27 public statements relating to civilian casualties and human rights protection. The Taliban also issued daily news briefs and articles claiming responsibility for suicide attacks, complex attacks, targeted killings and IED incidents.

The Taliban's 'Khalid bin Waleed- Spring Operation' announcement, issued on 27 April stated that fighters would prioritize the protection of lives and property of civilians. The statement also called on 'Muslim Countrymen' to keep a distance from military bases, and avoid working for the military to evade civilian losses.<sup>107</sup> The instruction to Taliban fighters to prioritize protection of civilians with a simultaneous warning to civilians to stay away from 'legitimate targets' may indicate a stated public aim to minimize Taliban responsibility for civilians harmed during Taliban operations.<sup>108</sup> UNAMA reiterates its concern that such statements do not represent appropriate measures to mitigate civilian casualties as they place the responsibility of civilian protection on civilians and not on parties to the conflict which have legal obligations to protect civilians. UNAMA documented numerous incidents of civilians harmed or killed as a result of Taliban attacks when it appeared the attacks may have been directed at a military target.

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district capital. UNAMA interview with community elders from Poshtrood district, Farah province, 24 May 2013.

<sup>105</sup> Ibid.

<sup>106</sup> For example, on 2 May 2013 in Farah Province, Farah city, Shamalgah area the Taliban established a temporary checkpoint at which they abducted two students who were released by following day. UNAMA interview with elders from Bala Buluk district, Farah province, 23 May 2013.

<sup>107</sup> Taliban statement, "Statement of leadership council of Islamic Emirate regarding 'Khalid bin Waleed' spring operation", 27 April 2013 at <http://shahamat-english.com/index.php/paighamooona/30919>, accessed 21 July 2013.

<sup>108</sup> A related point was made by senior analyst Kate Clark of Afghanistan Analysts Network. Clark argued that language used in the Taliban's Spring Offensive declaration looked like a pre-emptive attempt by the Taliban to absolve themselves of responsibility for the fates of civilians whom they would kill, suggesting that the dead would only have themselves to blame. AAN, "Spring Offensive 2: Civilian Casualties", by Kate Clark, published on 4 June, 2013, <http://aan-afghanistan.com/index.asp?id=3438>.

In June 2013, the Taliban announced the initiation of a “special committee under the supervision of the military commission for the avoidance of civilian losses.”<sup>109</sup> The announcement noted the committee was evaluating some 200 cases. In its justification for the committee, the Taliban stated that the majority of civilian losses were inflicted by the “enemy”, while other civilian losses occurred during ambushes and occasionally in blasts.<sup>110</sup> While the Taliban in this statement did not take direct responsibility for these ‘ambushes’ or ‘blasts’, they appeared to recognize their *de facto* role in the end result, by drawing attention to their investigation of civilian casualties arising from such incidents through a special committee.

UNAMA highlights the importance of accountability for civilian casualties caused by all parties to the conflict. In any investigations Taliban claim they undertake, the focus should be on investigating civilian casualties from all types of IEDs and the use of a definition of ‘civilian’ which is consistent with international legal standards.

*Taliban definition of ‘civilian’*

In their response to UNAMA’s 2012 *Annual Report on Protection of Civilians*, the Taliban defined ‘civilian’- as follows:

*Civilians are those who are in no way involved in fighting. The white-bearded people, women, children and common people who live an ordinary life, it is illegitimate to bring them under attack or kill them.*<sup>111</sup>

In this statement, the Taliban refuted the definition of ‘civilian’ under international humanitarian law, and accused UNAMA of not distinguishing between civilians and Government workers.<sup>112</sup> In addition to the inconsistency of the Taliban’s definition of “civilian” with international humanitarian law, the use of terms such as ‘common people’ appears to allow fighters to target those civilians who are not ‘common people such as those’ working for or affiliated with the Government, or tribal elders and community leaders involved in the political or peace-building process, as documented by UNAMA.<sup>113</sup>

UNAMA reiterates that under international humanitarian law ‘civilians’ are individuals who are not combatants (members of military/paramilitary forces) or members of organized armed groups of a party to a conflict, and includes all persons not directly participating in hostilities. Civilians lose their protected status if they take up arms and directly participate in hostilities or become members of an armed group party to the conflict. Accordingly, individuals employed in civilian Government positions are considered civilians as they do not directly participate in hostilities or until such time as they directly participate in hostilities.

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<sup>109</sup> Taliban statement, “Interview with Mr. Sarhadi, director of the special committee for the prevention of civilian losses,” 18 June 2013.

<sup>110</sup> Ibid.

<sup>111</sup> Taliban statement, “An open letter to the UNAMA about the biased behavior of this Organization,” 25 February 2013.

<sup>112</sup> Taliban statement, “Islamic Emirate’s reaction to UNAMA’s repeated and unilateral report,” 13 June 2013.

<sup>113</sup> See section in this report on *Targeted Deliberate killings and attacks against civilians*.

*Claims of responsibility for civilian casualty incidents*

UNAMA highlights that in the first six months of 2013, the Taliban claimed responsibility for a total of 52 attacks. UNAMA found that these attacks resulted in 571 civilian casualties (166 civilians killed and 405 injured) and included targeted killings, suicide and complex attacks, abductions, IED attacks and ground engagements. The incidents included several attacks that led to dozens of civilian casualties. For example, on 5 April, the Taliban claimed responsibility for a complex attack carried out on 3 April, targeting the court and Government building in Farah city, Farah province<sup>114</sup> which resulted in 33 civilians killed and 105 injured.

On 21 May, the Taliban claimed responsibility for a suicide attack carried out on 20 May in Baghlan city targeting the Head of the Baghlan provincial council. This attack killed 14 civilians, including the head of the Provincial Council and nine others injured. On 26 May, the Taliban claimed responsibility for a complex attack at the International Organization for Migration (IOM) compound in Kabul<sup>115</sup> and caused the deaths of four civilians and injuring of 22 others.<sup>116</sup> On 12 June, the Taliban claimed responsibility for a suicide attack against Supreme Court employees in Kabul city carried out on 11 June that resulted in the killing of 17 civilians and injuring of 40 others.<sup>117</sup>

*Taliban monthly statements on civilian casualties caused by Pro-Government Forces*

In 2013, the Taliban published monthly statements detailing incidents of civilian casualties they alleged were caused by Pro-Government Forces. UNAMA followed up on each statement, to determine whether UNAMA had already documented the reported incidents. Of the 119 incidents noted by the Taliban between January and May 2013, UNAMA had verified and included 42 incidents in its reporting on civilian casualties. UNAMA had documented that some of the 42 incidents were caused by Pro-Government while others were attributed to Anti-Government forces.<sup>118</sup>

Through the Taliban's publication of monthly statements, UNAMA verified 12 additional incidents of harm to civilians through subsequent documentation and included in the final figures in this report. In the remaining incidents noted by the Taliban, UNAMA could either not verify the incident took place, that it involved civilian casualties or that it was conflict-related.<sup>119</sup>

*Taliban statements on targeting the judiciary*

On 3 April 2013, the Taliban attacked the court and government building in Farah city, Farah province, killing 33 civilians and wounding 105. This was the deadliest single

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<sup>114</sup> Taliban statement, "Remarks of spokesman of Islamic Emirate regarding attack on courthouse in Farah," 5 April 2013.

<sup>115</sup> Taliban statement, "What is Mujahideen attack on most clandestine intelligence agency supposed to mean?" 25 May 2013.

<sup>116</sup> Following this attack, the Taliban claimed responsibility but noted they had targeted a CIA house.

<sup>117</sup> Taliban statement, "Martyr attack hits Supreme Court; more than 50 top-level officials, judges killed", 12 June 2013.

<sup>118</sup> This list of incidents refers to civilian harm by Pro-Government Forces as well as Anti-Government Elements, despite the Taliban's assertion that all cases in their monthly reports were perpetrated by Pro-Government Forces. UNAMA found at least eight previously documented cases noted by the Taliban that involved Anti-Government Elements as perpetrators.

<sup>119</sup> See Annex I for a full list of incidents and UNAMA's verification.

complex attack carried out in 2013 so far. Following the attack, the Taliban published several statements on their website, claiming responsibility for the attack and highlighting that they intended to target the judiciary and not ‘common people’.

In a news update published shortly after the attack ended, the Taliban provided a detailed account of the different stages of the attack, and stated that fighters killed all the Government officials in the period of 30 minutes when fighters were inside the court building.<sup>120</sup> Two other statements issued following the attack highlighted that judges and prosecutors were in the Taliban’s view legitimate targets as they deliberately tried to make ‘weighty’ cases against Mujahideen suspects,<sup>121</sup> and that the Taliban had made an effort to avoid harm to the “common people”.<sup>122</sup> This last statement, issued on 9 April—several days after the attack, may have been a response to the widespread national and international condemnation of the attack.

On 11 June the Taliban carried out a suicide attack targeting Supreme Court employees in Kabul city, killing 17 civilians and injuring 40 others. Immediately following the attack, the Taliban claimed responsibility in a statement.<sup>123</sup> The messages in this statement were similar to previous Taliban statements following the Farah attack. According to the Taliban statements judges and prosecutors throughout Afghanistan should be held accountable for punishments exacted on Taliban fighters through the Afghan courts.

The Taliban’s position on the legitimacy of these attacks and the importance for them of targeting judicial employees was reiterated throughout the Farah and Kabul attacks, although it does not appear to be a new policy in 2013.<sup>124</sup> Attacks on judicial organs were documented prior to 2013, but the scale of the 2013 attacks appears to be greater than previously observed, accounting for at least 195 civilian casualties. UNAMA highlights that direct attacks on judges and prosecutors who are civilians taking no direct part in hostilities is a violation of international humanitarian law and may amount to war crimes.

#### *Taliban statements of condemnation*

In addition to statements claiming responsibility for attacks, in 2013, the Taliban issued several statements condemning attacks resulting in civilian casualties. Following a ground engagement on 25 March between ANSF and Taliban in Baraki Barak district, Logar province that caused four civilian deaths and five injuries, the Taliban issued a

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<sup>120</sup> Taliban statement, “...Mujahideen entered the city council building and began a half an hour operation during which all the government officials were killed.” Taliban statement: ‘80 hirelings killed in Farah martyrdom operation, 75 wounded’, 4 April 2013.

<sup>121</sup> Taliban statement, “Remarks of spokesman of Islamic Emirate regarding attack on courthouse in Farah,” 5 April 2013.

<sup>122</sup> The Taliban noted in their statement that the decision to carry out the attack at 8:00 am when only ‘officials’ reach their offices (as opposed to ordinary people who visit Government offices later in the day), the understanding that ‘common people’ would be less likely to be inside the court building due to the national security proceedings taking place against suspected Taliban members and that following the start of the attack, ordinary people had disbursed. Taliban statement “Propaganda of Kabul administration regarding the civilian casualties,” 9 April 2013.

<sup>123</sup> Taliban statement “Martyr attack hits Supreme Court; more than 50 top-level officials, judges killed,” 12 June 2013.

<sup>124</sup> UNAMA documented several attacks against judicial staff in 2012, the majority of which were smaller scale targeted killings, threats, intimidation and harassment. The Taliban reportedly carried out a suicide attack in Maidan Shahr, Maidan Wardak province, on 23 November 2012 with the aim of targeting judicial institutions.



statement condemning ANSF and ISAF for their excessive use of force, and called their actions a war crime.<sup>125</sup> Similarly, a statement issued following an aerial attack in Sheigal district, Kunar province on 5 April absolved the Taliban from responsibility and declared that ground operations and aerial attack initiated by ANSF and ISAF were the cause of civilian casualties.<sup>126</sup>

A statement by the Taliban on 31 May following a suicide attack on the ICRC compound in Jalalabad city was unique in its dual aim of declaring their non-involvement in the attack and stating the Taliban ‘does not support such attacks’. In the statement, the Taliban claimed they never targeted those ‘who truly worked for the benefit of the people without having ties with intelligence organizations.’<sup>127</sup> The Taliban’s reference to the ICRC as an organization “truly working for the people” in contrast with those organizations that “have ties with intelligence organizations”, is a possible reference and further justification by the Taliban of the attack that affected the International Organization for Migration on 24 May 2013.<sup>128</sup>

### **Ground Engagement between Parties to the Conflict: Civilians Caught in the Crossfire**

*It was around 10:00 am and we were all home. Some of us were sitting in our rooms and others were in the yard. Suddenly, a heavy sound was heard inside the yard and the black dust surrounded us. My four brothers were playing under the balcony. As soon as we rushed outside our room, we saw them covered in blood. Everyone started yelling for help and crying. We carried the four bodies in a rush and took them to the nearby district clinic. My 12-year-old brother died on the spot but we still had to take him to the hospital to see if they could do anything. My three other brothers received first aid assistance and then we transferred them to Nangarhar public health hospital. My four-year-old brother later died at Nangarhar public health hospital. The other two are still under treatment there. I am sure the round was fired by ANA. There is a new ANA commander in xxx district who is very careless and fires mortar rounds on civilian houses during fighting.*

-- Eye witness and family member of victims in a ground engagement incident in Alingar district, Laghman province. The incident took place on 21 March 2013 and resulted in the killing of two boys and injuring of two other boys, all brothers.<sup>129</sup>

In the first six months of 2013, civilian casualties from ground engagement between Anti-Government Elements and Pro-Government Forces increased by 42 percent, with 207 civilian deaths and 764 injuries (971 total civilian casualties) documented. These figures

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<sup>125</sup> UNAMA however could not attribute responsibility for civilian casualties in this incident to either party to the conflict due to reports that victims were harmed during cross-fire. Taliban statement, “Foreign and internal troops martyr over 28 civilians in Sajawand area of Baraki Barak, destroy homes” 27 March 2013.

<sup>126</sup> UNAMA’s investigative findings were consistent with the Government’s and found that the civilian casualties were caused by shock-waves from the aerial bombardment. The Government also paid compensation to the victims. Taliban statement, “Reaction of Islamic Emirate regarding massacre in Kunar” 7 April 2013.

<sup>127</sup> Taliban statement, “Remarks of spokesman of Islamic Emirate regarding attack on ICRC in Jalalabad”, 31 May 2013.

<sup>128</sup> For more on the attack impacting IOM, see section *Claims of responsibility for civilian casualty incidents*, in this chapter, above.

<sup>129</sup> UNAMA interview, Nangarhar public health hospital, 24 March 2013.

include civilian casualties attributed to all parties to conflict. Ground engagements caused 25 percent of all civilian casualties, the tactic causing the highest number of civilian casualties after IEDs.

UNAMA observed that the dynamics of transition broadened the scope for clashes between Pro-Government Forces and Anti-Government Elements as both parties fought to secure or regain territory. In this regard, UNAMA documented increased civilian casualties resulting from ground engagements in contested areas.<sup>130</sup> Particularly notable is the 176 percent increase in civilian casualties resulting from Anti-Government Elements initiating attacks against ANA, ANP and ALP locations. UNAMA documented 93 civilian deaths and 399 injuries (492 civilian casualties) during such attacks in the first six months of 2013 compared to the same period in 2012.<sup>131</sup>

Within these figures, the most dramatic increase is attacks against ALP that also caused civilian casualties. In 2013, UNAMA documented 18 attacks initiated by Anti-Government Elements targeting ALP, which resulted in 19 civilian deaths and 162 injured (180 civilian casualties), a 1,900 percent increase from 2012.<sup>132</sup>

The increase in civilian casualties from ground engagements may also be linked to the escalated pace of transition or closure of military bases in 2013, combined with the scaling back of international military operations. For example, with the closure or transition of military bases in the eastern region, and the subsequent reduction in air and ground operations carried out by international military forces, Anti-Government Elements were observed to have greater mobility and capability to attack Afghan security forces. Between 1 January and 30 June, UNAMA documented 49 civilian deaths and 257 injuries (306 total civilian casualties) from ground engagements in Kunar, Laghman and Nangarhar provinces in the eastern region, representing 32 percent of all civilian casualties from ground engagements, and a 95 percent increase in the region from the same period in 2012.<sup>133</sup>

The rise may also be attributed to an increased presence of Anti-Government Elements in these three provinces following transition of security responsibilities from international military forces to Afghan security forces. For example, Alishing and Alingar districts of Laghman province transitioned in July 2012. Following transition, the presence and activities of Anti-Government Elements increased with a negative impact on civilians. Between 1 January and 30 June, UNAMA documented 13 civilian deaths and 46 injured (59 civilian casualties), a 638 percent increase in civilian casualties compared with the same period in 2012.<sup>134</sup> The majority of the casualties resulted from ground engagements between parties to the conflict followed by IEDs and targeted killings by Anti-Government Elements.

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<sup>130</sup> UNAMA also documented an increased use of 'asymmetric' tactics by Anti-Government Elements, notably, increased use of IEDs, targeted killings and attacks against civilian Government workers as highlighted earlier in this report.

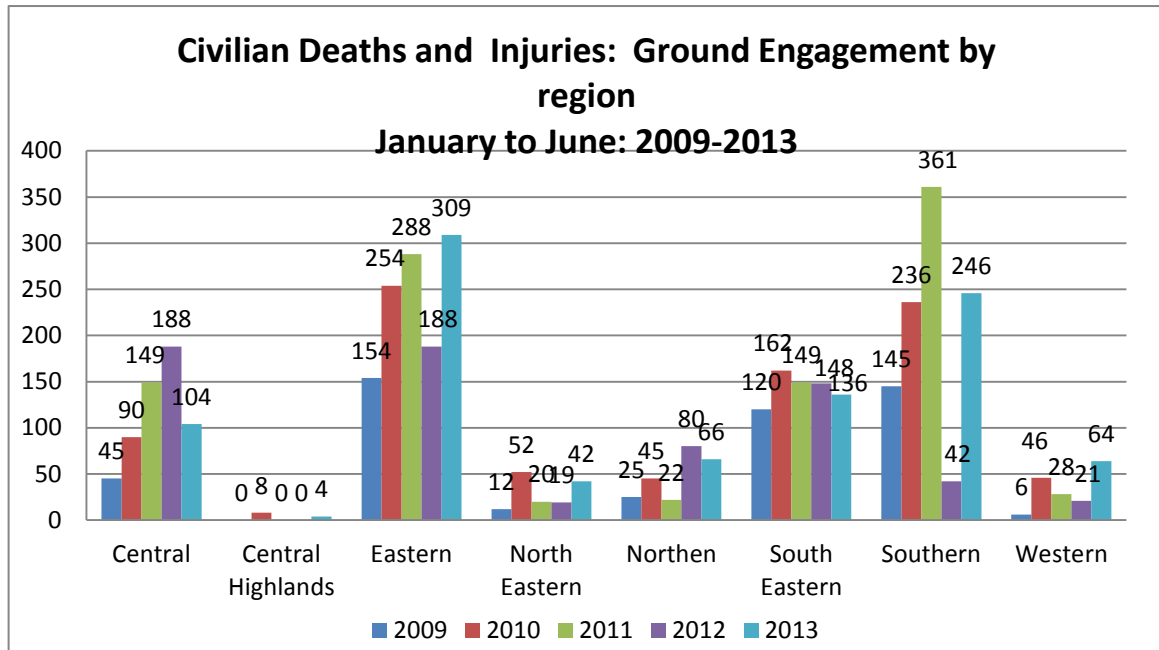
<sup>131</sup> UNAMA documented 39 civilian deaths and 139 injuries (178 civilian casualties) from ground engagements in the first half of 2012.

<sup>132</sup> In the first six months of 2012, UNAMA documented six incidents of Anti-Government Elements targeting ALP, which resulted in two civilian deaths and seven injured.

<sup>133</sup> In the first six months of 2012, UNAMA documented 34 civilian deaths and 123 wounded (157 total civilian casualties) from ground engagements in Kunar, Laghman and Nangarhar provinces.

<sup>134</sup> In the first six months of 2012, UNAMA documented four civilian deaths and four injured in Alingar and Alishing districts. Security responsibility for these two districts transitioned from ISAF to Afghan security forces in July 2012.

The expansion of the ALP program in the eastern region resulted in multiple attacks by Anti-Government Elements against ALP leading to ground engagements and operations that caused civilian casualties. In Nuristan province, where large pockets of territory remained under the control of Anti-Government Elements with the Afghan security forces' capacity to operate extremely limited, UNAMA documented only one civilian death and two injured from ground engagements during this period.



### ***Use of civilian locations as bases for ground engagement***

Throughout Afghanistan, civilians were increasingly caught in the crossfire of clashes between Pro-Government Forces and Anti-Government Elements. For example, in the first six months of 2013, UNAMA documented 165 separate incidents where mortar rounds or grenades resulted in the death of 69 civilians and injury of 296 (365 civilian casualties) a 40 percent increase from the same period in 2012.<sup>135</sup> In most instances, mortar rounds or grenades fired by Pro-Government Forces or Anti-Government Elements had impacted civilian residences. UNAMA also received consistent reports from areas with limited or no Government control of Anti-Government Elements sometimes launching attacks against Pro-Government Forces from civilian residences, which prompted return fire from ANSF.

UNAMA documented instances where Anti-Government Elements had forcibly used civilian locations as temporary hiding places from attacks or searches by Pro-Government Forces. For example, communities in Jawzjan province told UNAMA that the Taliban operated from mobile units rather than permanent bases in remote locations to avoid airstrikes. This deployment often involved the use of civilian houses, schools and residential areas to launch attacks. One community member stated to UNAMA “Taliban use residential areas to be safe”.<sup>136</sup>

<sup>135</sup> UNAMA documented 109 incidents in 2012, which killed 60 and wounded 200 (260 civilian casualties) from crossfire in the first half of 2012.

<sup>136</sup> UNAMA interview with village elders from Qush Tapa district, Sheberghan city, 22 May 2013.

Communities told UNAMA that during ANSF search operations, the Taliban hid in civilian homes if they were unable to escape. Community members were forced to comply out of fear of future reprisals, putting them at risk of harm if attacked by ANSF or arrested for supporting the insurgency. For example, community members from a village in Qush Tepa district, Jawzjan province reported that they agreed with the Government that as long as they prevented the Taliban from having a safe haven inside the village, ANSF also would not enter therefore keeping the community safe. Following this agreement, in May 2013, approximately 40 armed Taliban members entered civilian compounds in the village, using the homes to stage an attack against the ALP and ANP. The subsequent fire-fight resulted in the death of a baby who was shot during the cross-fire. The village also sustained heavy public and private property damage.<sup>137</sup>

In Warduj district, Badakhshan province, communities informed UNAMA that several families sought to leave their villages in Warduj to seek a safer location until fighting was over. Residents reported that Anti-Government Elements instructed them to remain, stating Anti-Government Elements would not be able to find hiding places if all the families left. Community leaders reported that Anti-Government Elements also told local people that if they were present in the village the ANSF might not attack them.<sup>138</sup>

Examples of civilian casualties from ground engagement included:

- On 16 June, Anti-Government Elements attacked an ANA convoy and the Charkh district center in Logar province. ANP and ANA responded to the attack that led to prolonged exchange of fire between Anti-Government Elements and ANSF. The crossfire killed four civilians, including three children and injured 17 others.
- On 27 May, Anti-Government Elements attacked an ANA checkpoint in Warduj district, Badakhshan province. The subsequent crossfire resulted in the death of a 12-year old girl and injured seven others, including two women and a teenage girl.
- On 18 May, ANA conducted an operation in Bati Kot district, Nangarhar province, which led to a firefight with Anti-Government Elements. A RPG round impacted inside a residential compound, injuring eight civilians, including six children, a man and woman.
- On 2 April, in Qaysar district, Faryab province, a mortar round impacted in a residential compound during a clash between ANA and Anti-Government Elements, killing one child and injuring four other civilians.
- On 25 March, ISAF/ANSF carried out a joint operation in Baraki Barak district, Logar province, to release two ANA soldiers abducted by Taliban the previous day. The operation resulted in the death of five children and injury of four others.

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<sup>137</sup> Ibid.

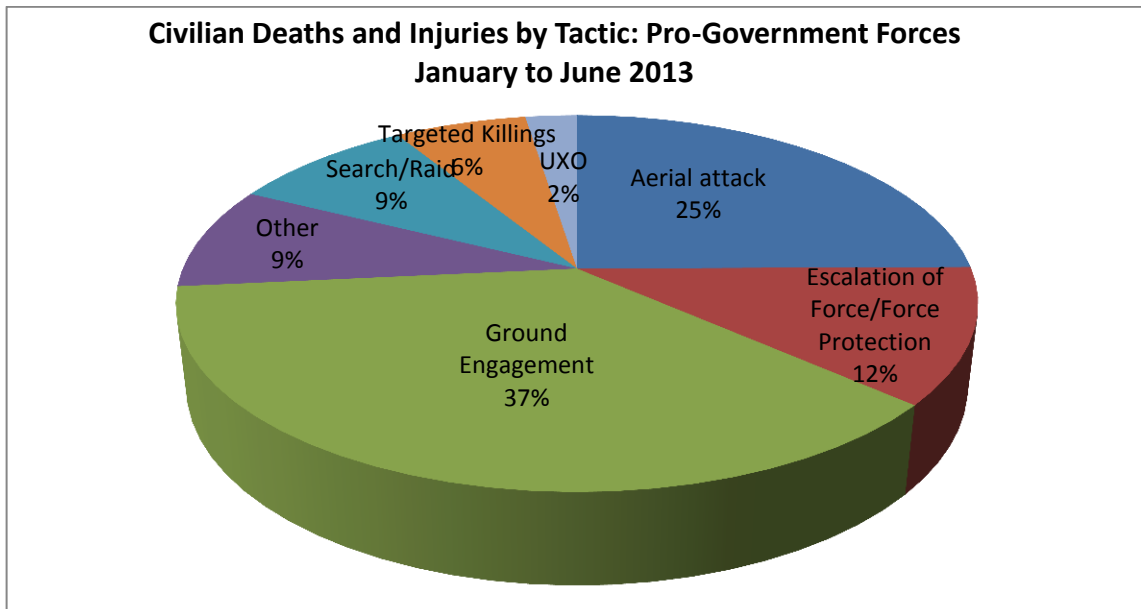
<sup>138</sup> UNAMA interviews with community elders and internally displaced persons from Warduj district, Badakhshan province, Baharak district, 8 April 2013.

## Pro-Government Forces and Protection of Civilians

*It was night and everyone was asleep. Someone knocked on the main gate of my house. My son opened the door but we were not aware. Late at night, my daughter heard that some people were climbing down the wall of our house. They were Americans and Afghan soldiers. We were all awakened abruptly by the gun-fire. We rushed out of our rooms. Armed soldiers were in the yard of our house. They arrested me and my brother. They shot killed my son when he was running from the guest-room to my room. They took us to their base and released me after three days and my brother after eight days. My son was a student of grade eight at Toto high school.*

-- Father of a 13-year old boy killed in a search operation in Sherzad district, Nangarhar province on 14 January 2013.<sup>139</sup>

Between 1 January and 30 June, UNAMA documented 146 civilian deaths and 216 injuries (362 civilian casualties) from the operations of Pro-Government Forces. These figures represent a 16 percent reduction in civilian deaths and 58 percent increase in civilians injured compared to the same period in 2012.<sup>140</sup> Civilian casualties attributed to Pro-Government Forces were nine percent of all civilian casualties in 2013.<sup>141</sup>



<sup>139</sup> UNAMA interview, Jalalabad, 10 March 2013.

<sup>140</sup> UNAMA documented 174 civilian deaths and 137 injuries (311 civilian casualties) in the first six months of 2012.

<sup>141</sup> ISAF Standard Operating Procedure 307 Ed 3 provides the definition of 'civilian' used by ISAF forces: "International humanitarian law refers to civilians as those persons who are not combatants (members of military/paramilitary forces) or members of organized armed groups of a party to a conflict or part of a levee en mass (mass uprising). Civilians may lose their protection against attacks for such time as they take direct part in hostilities, but retain (or regain) such protection if hors de combat (i.e. wounded, sick, detained or surrendering) and thereby no longer actively participating on hostilities. ISAF units should assume that every person is a civilian, unless the person has been positively identified as a valid military target. Civilians will be further differentiated by their affiliation for purposes of analysis by the Civilian Casualty Mitigation Team".

The increase in the numbers of civilians injured attributed to Pro-Government Forces is mainly attributed to an increase in civilian casualties from ground engagements between Pro-Government Forces and Anti-Government Elements. Civilian casualties attributed to Pro-Government Forces during ground engagements increased by 139 percent in the first six months of the year, with UNAMA documenting 32 civilian deaths and 102 injuries (134 civilian casualties) during 57 incidents.<sup>142</sup>

### **Air operations**

*International and Afghan military forces conducted night search operations on houses in Shultan valley, Sheigal district. At around 11 at night, helicopters attacked two houses in my village - the house of a Taliban commander and another man. Once the military left the area, members of the local community rushed to help the wounded and take away the dead. Villagers found several dead bodies, including girls and women in a few rooms where they had been sleeping peacefully.*

--Eyewitness from 13 February aerial operations in Sheigal district, Kunar province which killed five children and four women and injured five, mostly women and children.<sup>143</sup>

In the first six months of 2013, UNAMA documented 49 civilian deaths and 41 injuries (90 civilian casualties) from aerial operations, a 30 percent decline from the same period in 2012.<sup>144</sup> Women and children accounted for 54 percent of the total civilian casualties from air operations. Almost half of civilian deaths from aerial operations and over one third of those injured (22 deaths and 10 injuries) took place in Kunar province, an 88 percent increase in that province from 2012.

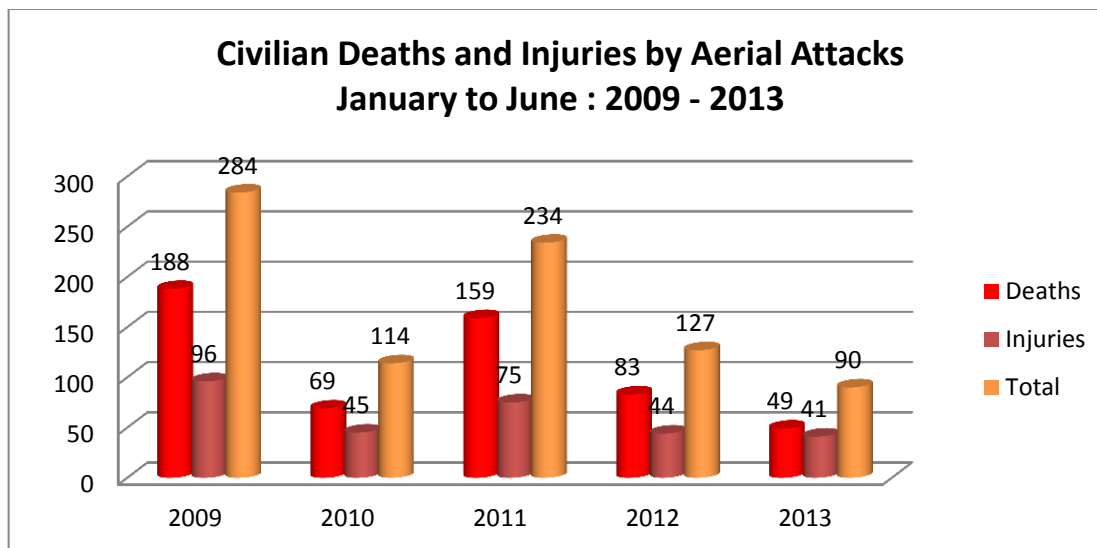
Between 1 January and 30 June, air strikes caused two percent of all civilian casualties. The continuing trend of a decline in civilian casualties from air strikes is largely attributed to the reduction in military operations by international military forces and fewer attacks directed against international forces requiring the use of close air support in response, as well as continued efforts by ISAF to prevent civilian casualties.

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<sup>142</sup> With respect to civilian casualties from ground engagements, between 1 January and 30 June 2012 UNAMA attributed responsibility for 21 civilian deaths and 35 injuries (56 civilian casualties) to Pro-Government Forces. See also *Ground Engagement between Parties to the Conflict: Civilians Caught in the Crossfire*, in this report.

<sup>143</sup> UNAMA interviews, 14 February 2013, Assadabad, Kunar province.

<sup>144</sup> In the first six months of 2012, UNAMA documented 83 civilian deaths and 46 injuries (129 civilian casualties) from aerial operations.



UNAMA welcomes the reduction in civilian casualties from aerial operations but reiterates its concern regarding several operations that caused disproportionate loss of civilian life and injury. UNAMA also raises concerns with the lack of transparency and accountability about several aerial operations carried out by international military forces that resulted in civilian casualties.

For example, on 6 April 2013, an NDS operation supported by international military and security forces carried out multiple airstrikes on an area in Suno village, Shultan valley area, Sheigal district, Kunar province, killing 13 civilians and wounding five. The deceased included 10 children, mostly babies and toddlers, two women and one disabled man and the injured included two children, two women and one man. According to UNAMA's investigation, the incident took place during an offensive operation targeting a mid-level commander which came under attack by Anti-Government Elements.<sup>145</sup>

Following the removal of women and children to one room in a residence belonging to the targeted commander, Pro-Government Forces were attacked by Anti-Government Elements. One international advisor was killed and four NDS members were injured. International military forces released further aerial munitions to provide a route for retreat of the Pro-Government Forces.

After the extraction of these forces, further munitions were dropped in the area. Aerial munitions impacted in the vicinity of the compound, creating massive blast wave/shock waves which collapsed the roof sheltering the women and children.<sup>146</sup> UNAMA's view based on its investigation is that all civilian casualties occurred in the one room, resulting from a combination of the high-velocity shockwaves/blast wave, smothering and internal injuries from the roof collapse.

<sup>145</sup> UNAMA conducted an extensive investigation of the 6 April 2013 incident in Sheigal district and interviewed more than 60 persons including Sheigal residents, survivors of the incident, witnesses, multiple ANSF sources, Government officials, ISAF officials, local doctors and healthcare practitioners from Assadabad Public Health Hospital and clinics located in Sheigal district as well as international experts (medical and military) in blast wave injuries and related issues. UNAMA also reviewed a range of documents and other material.

<sup>146</sup> According to ANSF, Government and community sources interviewed by UNAMA, these munitions were delivered through multiple aerial platforms.

ISAF conducted an investigation of the incident and concluded that ISAF was not responsible for the incident.<sup>147</sup> The Presidential Commission assigned to investigate the incident attributed the cause of the civilian deaths and injuries to blast waves from excessive bombardment collapsing the roof.<sup>148</sup>

The Government's findings were consistent with UNAMA's investigation. UNAMA's investigation indicated that the bombardment in the vicinity of the compound occurred after the Pro-Government Forces exited appeared to serve no clear military/tactical purpose.<sup>149</sup> UNAMA notes that the amount of air delivered munitions used during and after the military operation appeared to be excessive and disproportionate to the concrete and direct military advantage anticipated.

Other protection concerns resulted from other air operations in Sheigal district and included UXO and medical conditions which appeared to result directly from aerial bombardment. UNAMA interviewed local health care practitioners who reported several incidents of miscarriage and a dramatic increase in locals suffering from conjunctivitis, and diarrhea in days immediately following the incident.<sup>150</sup> All affected patients lived in the immediate vicinity of affected areas.<sup>151</sup> Local elders informed UNAMA that after the 6 April incident, residents found four pieces of UXO and threw the ordnance in a ditch, one of which detonated.

*Targeted killings: Unmanned Aerial Vehicles (UAVs) and other aerial platforms*

In the first six months of 2013, UNAMA documented 15 civilian deaths and seven injuries in seven separate incidents of Unmanned Aerial Vehicles (UAVs)<sup>152</sup> or drones targeting Anti-Government Elements.<sup>153</sup> In the same period in 2012, UNAMA did not verify any incidents of civilian casualties from UAVs.

Although civilian deaths and injuries from UAV strikes accounted for less than one percent of all civilian casualties, UNAMA seeks clarification on the targeting criteria and

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<sup>147</sup> UNAMA meetings with ISAF HQ representatives, April to June 2013 and 28 July 2013, Kabul.

<sup>148</sup> President Karzai's spokesperson publicly stated that the C.I.A led the operation with NDS Unit 04. See Rod Nordland 'After Airstrike, Afghan Points to C.I.A. and Secret Militia', *New York Times*, 18 April 2013.

<sup>149</sup> According to international humanitarian law, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a clear military advantage. Rule 8. Distinction between civilians and combatants. Customary International Humanitarian Law, Volume 1: Rules. Jean-Marie Henckaerts and Louise Doswalk-Beck, ICRC, Cambridge, 2005, page 29 to 32.

<sup>150</sup> During interviews with UNAMA following the 13 February and 6 April 2013 airstrikes in Sheigal, healthcare practitioners reported treating 113 patients for diarrhea and conjunctivitis in the days following each incident.

<sup>151</sup> Medical practitioners also reported that such phenomenon was noted following a previous incident that took place in the same area, referring to the 13 February 2013 airstrike in Chowgam area of Shultan valley. UNAMA interview with health care practitioner, Sheigal district, Kunar province, 3 June 2013.

<sup>152</sup> UAVs are also defined as Remotely Piloted Aircraft (RPA). There is no distinction between the terms RPA, UAV and drones.

<sup>153</sup> UNAMA may be under reporting the number of civilian casualties from UAVs because UNAMA is not always able to confirm which type of aerial platform was used during an operation (i.e. fixed-wing, rotary-wing or UAV) that resulted in civilian casualties. In addition, international military forces do not routinely make available information on air operations due to its classification.



accountability mechanisms regarding the use of UAVs (and other aerial platforms)<sup>154</sup> to carry out air strikes that may be classified as targeted killings.<sup>155</sup>

For example, on 4 June 2013, ISAF fired two missiles at a humanitarian de-miner as he was working with 80 de-miners clearing mines in Panjawi district, Kandahar, killing him instantly.<sup>156</sup> No other de-miners were physically harmed. At the time of the killing, the victim was not directly participating in the hostilities. He was carrying out humanitarian de-mining activities which would indicate that continuous combat function had not been established, as required under international humanitarian law for a civilian to lose protected status. ISAF stated that the target was a mid-level IED planter and an operation to track and detain him would risk the target's disappearance before troops reached him.<sup>157</sup>

It is unclear if all military forces currently operating in Afghanistan are held accountable to the same standards and policies regarding the use of lethal force in aerial operations. In this regard, UNAMA notes that coordination and consistency in practice, policies and procedures among ISAF, US Special Forces, US Special Operations Forces and US Government Agencies, including the CIA, particularly regarding the use of UAVs, is required to promote protection of Afghan civilians.

UNAMA notes that ISAF has agreed to brief UNAMA on its tactical and operational policies guiding targeting criteria and establishment of positive identification prior to release of weapons.<sup>158</sup> Such dialogue may promote transparency and provide clarification on how current policies and practices comply with international humanitarian law. This is of particular relevance regarding the use of air-released ordnance against pre-approved targets.

Other examples of air-related incidents include:

- On 24 May, ISAF carried out a UAV strike targeting Anti-Government Elements in Achin district, Nangarhar province, killing one civilian farmer.
- On 5 March, Nad Ali district, Helmand province, international military forces conducted a UAV strike against Anti-Government Elements in the area, killing one insurgent and wounding five civilians.
- On 13 February, Pro-Government Forces conducted a night search operation against suspected positions of Anti-Government Elements in Sheigal district, Kunar province, which led to a clash between forces. International military forces

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<sup>154</sup> UNAMA notes ISAF's comment that "the targeting process is deliberate, accountable, and legally verified, regardless of the platform used. This is a single ISAF targeting process. RPAs are a weapons delivery platform." NATO/ISAF unclassified comments released to UNAMA, 28 July 2013.

<sup>155</sup> Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, including non-international armed conflict, they may be legal. See United Nations General Assembly, Human Rights Council 14th Session, Agenda item 3, Report of the Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions, Philip Alston. Addendum, 'Study on Targeted Killings'. A/HRC/14/24/Add.6. 10 May 2010.

<sup>156</sup> The victim was working on Team 24, Emirates Mine Clearance Program Afghanistan (EMCPA) Mine Clearance Task Site. See Non-demining Fatal Accident Internal Investigation Report of Military Aircraft Bombing of EMCPA Team-24 Task Site, 4 June 2013, copy 7 of 10.

<sup>157</sup> UNAMA meeting with ISAF representatives, 10 June 2013, Kandahar Airfield (KAF), Kandahar. UNAMA raised the case again with ISAF which upheld this position and stated that no further information was available, UNAMA meeting at ISAF HQ, 2 and 3 July 2013, ISAF HQ, Kabul.

<sup>158</sup> UNAMA meeting with ISAF HQ, Kabul, 28 July 2013.

carried out an airstrike on a compound targeting Anti-Government Elements, resulting in the death five children and four women and injuring of three children and one woman.

### **Escalation of Force**

*My brothers had come from our village to my home in the Baraki Barak district center for dinner. After dinner, they insisted on traveling back to their home, it was 8:30 pm when they left. After a while, I heard gun shots. At 4:00 am, my cousin came to me crying. He said that international military shot dead his father and his uncles. We ran to the district police. I asked a police officer if they were alive. He said they could not survive after their car was hit by thousands of bullets. I saw the bodies; they were shot everywhere. We grieved a lot; it was the saddest moment. The district governor said my brothers were innocent. I asked the US forces why they had killed my brothers. I wanted to know who killed them and why. I wanted to know who would care for my three brothers' 20 children and their widows. I wanted apologies. I wanted justice.*

-- Brother of three civilians shot and killed on 26 January 2013, Baraki Barak district, Logar province at an ANP security check post.<sup>159</sup>

UNAMA documented 20 killed and 22 injured (42 civilian casualties) resulting from 23 separate escalation of force incidents, a 56 increase from the same period in 2012. This rise in the first half of 2013 reverses the decline in civilian casualties from such incidents documented in 2011 and 2012. Of the 23 incidents, 13 were attributed to international military forces, nine to Afghan National Security Forces and the remainder to joint operations of international military forces and Afghan security forces.

Although the number of civilian casualties in 2013 from escalation of force incidents remains much lower than from such incidents in 2010 to 2011, UNAMA highlights concerns with the continued use by some military forces of subjective criteria to assess a situation as an imminent threat and justify the use of lethal force. For example, on 10 March, international Special Forces opened fire on an unarmed man and woman on a motorcycle in Chora district, Uruzgan province, killing the man and injuring the woman. In such incidents, it appeared that reliance on subjective criteria and lack of understanding of the operating environment may have led to the incorrect conclusion that the couple posed an imminent threat to the forces, requiring their use of lethal force.<sup>160</sup>

Examples of civilian casualties resulting from escalation of force:

- On 31 March, in Bagram district, Parwan province, a patrol team of international military forces opened fire on a private civilian car, resulting in the injuring of three civilians, all members of one family.
- On 24 March 2013 in Shindand district, Herat province a local boy was killed after ANA opened fire on a private vehicle, when the car failed to stop.

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<sup>159</sup> UNAMA interview with brother, Kabul city, 21 February 2013.

<sup>160</sup> UNAMA meeting with ISAF officials, Kabul city, 12 June 2013.

- On 26 January, in Baraki Barak district, Logar province, ISAF and US Special Operations Forces opened fire against a corolla vehicle near the gate of the ISAF compound, killing three civilians; all three were brothers.<sup>161</sup>

### **Search Operations**

*My father was a former jihadi commander. He was not involved in any way in the insurgency. My father was watching TV until 11pm and then went to bed. International and Afghan military forces entered the house at about 1130pm. My father woke up when he heard the noise of the planes. The Afghan and foreign forces entered our house, arrested my father, took him out of the house and shot him dead.*

-- Son whose father was killed during a search operation by international military and Afghan forces on 8 April 2013 in Ishkamesh district, Takhar province.<sup>162</sup>

In the first six months of 2013, search operations carried out by Pro-Government Forces caused 17 civilian deaths and 15 injuries (32 civilian casualties) in 24 separate search operations. This is a 14 percent reduction in total civilian casualties from search operations compared to the same period in 2012.<sup>163</sup> These figures are consistent with the continued downward trend documented in the same six-month period from 2009 through 2012.

In addition to these figures, UNAMA documented nine civilian deaths and eight injuries (17 civilian casualties) in five separate search operations where UNAMA could not attribute the civilian casualties to Pro-Government Forces or Anti-Government Elements.

The reduction in civilian casualties from search operations may be attributed in part to a scaling back of operations by international military forces as well as improved operational practices by security forces.

UNAMA highlights that accurate data on numbers of search operations and civilian casualties from search operations is difficult to obtain due to the multiple security bodies conducting joint and independent operations, as well as the classification of such information by the military.<sup>164</sup>

UNAMA reiterates its recommendation that to strengthen civilian protection, ISAF and ANSF should continue to review tactical directives and operational procedure to improve

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<sup>161</sup> US Special Operations Forces reportedly stated to the provincial governor and ANSF leadership in the province that the incident was a case of mistaken identity, however, it is not clear whether the incident was investigated. Relatives of the victims reportedly refused to accept money (they were offered 100,000 Afghani each or USD 1,800). They demanded accountability and that the perpetrators be brought to justice. UNAMA interviews, Logar province, January-February 2013.

<sup>162</sup> UNAMA meeting with the witness and community elders, Kunduz city, Kunduz province, 12 May 2013.

<sup>163</sup> Between 1 January and 30 June 2012, UNAMA documented 25 civilian deaths and 12 injuries (37 civilian casualties) from 22 separate search operations by Pro-Government Forces.

<sup>164</sup> Data on the total numbers of night operations carried out by a wide range of Afghan and international military forces - including Special Forces, Special Operations Forces and 'other government agencies' - jointly and independently and any civilian casualties resulting from them is not publicly available. UNAMA proactively monitors and also investigates all allegations it receives of civilian casualties from search operations. Given both the limitations associated with the operating environment and limited access to information, UNAMA may be under-reporting the number of civilian casualties from search operations.

prevention of civilian loss of life and harm. UNAMA notes the direction of COMISAF on 23 July 2013 to revise all ISAF tactical directives to ensure operational relevance and incorporation of lessons learnt from ongoing operations. According to ISAF this tactical directive continues to emphasize the importance of protecting civilian life across the spectrum of military operations.<sup>165</sup> UNAMA further recommends that ANSF and ISAF take steps to ensure investigation and appropriate follow-up to all civilian casualty incidents to promote transparency, strengthen accountability and improve operational and battlefield practices.

Examples of civilian casualties from search operations include:

- On 5 May, US and Afghan Special Forces conducted a night search operation in Nahrin district, Baghlan province, during which once civilian was killed and two women injured.
- On 4 February, international military forces and ANSF carried out a search operation in Shindand district, Herat province, targeting two Anti-Government Elements commanders. During the operation, two women and three female children were killed and three children were injured.

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

*Fighting erupted between insurgents and the ANSF in the early morning. My 13-year son was killed after an ANA mortar hit my house. Before he died, I carried him somewhere safer, even though I was also bleeding heavily. On the way, I saw a Taliban fighter. I lay my wounded son on the ground and slapped the Taliban on the face. The Taliban let me go when he saw that I and my sons were wounded and our clothes were stained with blood. When I returned to my son, he succumbed to his injuries and died. It was the most painful and tragic moment of my life. My son is no more among us. I do not know why we Afghans are being punished and I do not know how long this armed conflict will continue. My other 16-year son was wounded. My wife's face was burned and was wounded due to the mortar. Another mortar hit the house of a farmer at Nasar village and his seven-year old daughter was wounded. Another mortar hit a civilian's house in Essakhail village and wounded a three-year old child who went into coma. I want the prosecution of the ANA commander who gave the order to target civilian houses.*

-- A father whose son was killed and another son injured from the ANA firing mortars in Chahardara district, Kunduz province, on 4 June 2013.<sup>166</sup>

### Civilian casualties

Between 1 January and 30 June, UNAMA documented 34 civilian deaths and 90 wounded<sup>167</sup> (124 civilian casualties) from ANSF (ANA, ANP, ALP, NDS) operations

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<sup>165</sup> UNAMA meeting with ISAF HQ, Kabul, 28 July 2013 and email exchange 28 – 29 July, between UNAMA and ISAF.

<sup>166</sup> UNAMA interview, Kunduz City, Kunduz province, 6 June 2013.

<sup>167</sup> These figures do not include civilian casualty incidents involving Afghan Local Police (ALP).

conducted without an international presence.<sup>168</sup> This represents a 170 percent increase compared to the same period in 2012.<sup>169</sup> The majority of the incidents occurred in the eastern region (47 civilian casualties) followed by northeast (28 civilian casualties) and southern region (16 casualties).

The rise in ANSF caused civilian casualties is attributed to ongoing transition of security responsibility from international military forces to Afghan security forces. According to officials from the Afghan National Army, in the first six months of 2013, ANSF independently conducted 90 percent of all military operations.<sup>170</sup> On 18 June, the fifth and final phase of security responsibility was officially transferred from ISAF to Afghan forces. In accordance with tranche five of transition, Afghan troops will assume security responsibility for the remaining 11 provinces by the end of 2014.<sup>171</sup>

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

*A civilian is any person who is neither affiliated to any party to the conflict, nor armed and uniformed, like children, senile people, civil servants, health personnel, engineers, teacher or, in other words, who is neither combatant nor member of ANSF (ANA, ANP and NDS). The Anti-Government Elements are those taking arms against the Government and involved in terrorist and subversive activities and disguised or representing themselves as civilians are considered combatants only when there is credible intelligence or information against them.*<sup>172</sup>

#### *Inadequate accountability measures for civilian casualties*

Although Afghans generally reported to UNAMA that they welcome the transfer of security responsibility from international forces to Afghan forces, UNAMA remains concerned about the absence of functioning oversight and accountability mechanisms for ANSF operations. In 2013, UNAMA continued to document incidents of civilian casualties from ANSF operations that had not been investigated and accordingly no party had been held accountable for incidents of civilian harm. In the majority of incidents UNAMA documented, ANSF informed UNAMA that they did not know about the incident, or that the incident did not happen or that the incident occurred but ANSF were not responsible.

For example, on 8 March, Warduj district, Badakhshan province, ANA launched mortar rounds against suspected Anti-Government Elements locations. One round impacted a residential area, killing of two civilians and wounding nine others. ANA representatives in Faizabad denied their involvement,<sup>173</sup> stating ANA HQ in Kabul had not sent instructions nor provided a budget to compensate civilians.

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<sup>168</sup> These figures do not include cross-fire incidents or clashes with Anti-Government Elements where attribution for civilian casualties is unclear.

<sup>169</sup> UNAMA documented 12 civilian deaths and 34 injuries from ANSF operations in the first six months of 2012.

<sup>170</sup> UNAMA meeting with the Ministry of Defence legal director, 22 May 2013.

<sup>171</sup> NATO Topics: "Inteqal: Transition to Afghan lead" and "Afghan forces take the lead for Afghanistan" video segment, at [http://www.nato.int/cps/en/natolive/topics\\_87183.htm](http://www.nato.int/cps/en/natolive/topics_87183.htm), accessed 14 July 2013.

<sup>172</sup> UNAMA meeting with Head of the ANSF Civilian Casualties Tracking Team, Presidential Information Coordination Center (PICC), Kabul, 11 July 2013.

<sup>173</sup> UNAMA meeting with ANA commander in Faizabad, Badakhshan province, 13 May, 2013.

In other incidents, although ANSF initiated investigations in only a very few cases were responsible parties held accountable. UNAMA observed law enforcement or judicial agencies consistently delaying investigations and prosecutions of suspected individuals, even after internal ANSF investigations attributed responsibility to ANSF members for civilian casualties. For example on 23 March, in Panjwai district of Kandahar province, an ANP officer reportedly shot and killed a civilian during a daytime search operation. Several sources confirmed that the ANP officer killed the victim on the side of a road in an open area. ANP arrested six ANP officers, later releasing them. Following the release, ANP reported that they found two other ANP perpetrators in this case; one was recently killed in a road side IED while the other was still at large.<sup>174</sup>

UNAMA documented several examples of ANSF accountability for civilian casualty incidents. For example, on 24 March 2013 in Shindand district, Herat province a local boy was killed after ANA opened fire on a private vehicle, when the car failed to stop. On 20 May, the Chief of the Herat military court confirmed to UNAMA that the perpetrator was convicted and received a two-year prison sentence for misusing his weapon during official duty. The case may go to appeal. ANA also paid compensation to the victim's family.

Throughout 2013, UNAMA continued its regular engagement with ANSF interlocutors and shared all incidents of civilian casualties documented by UNAMA. Periodic discussions were also held with the Ministries of Defense and Interior in Kabul. Although UNAMA requested input from ANSF bodies on civilian casualty incidents, ANSF's engagement with UNAMA was largely conducted on an *ad-hoc* basis, reflecting the limitation of current ANSF accountability mechanisms.

#### *Lack of Permanent Civilian Casualty Mitigation and Investigation Structure*

Despite initiation of the final phase of the security transition and transfer of security responsibilities to ANSF across the country, a permanent structure still does not exist within the different ANSF bodies to systematically investigate allegations of civilian casualties, initiate remedial measures and take follow-up action. The investigation of a civilian casualty incident is triggered through a complaint by a victim or witness or suspicion by ANA or ANP legal officers or commanders of a breach of domestic law or international humanitarian law.

The Civilian Casualties Tracking Team in the Presidential Information Coordination Center (PICC), established in May 2012, only records reports of civilian casualties received from the security bodies and does not receive complaints from individuals or organizations. Senior ANP and ANA senior officers at national and provincial levels consistently asserted that ANSF do not cause civilian casualties, even when UNAMA provided evidence of ANSF caused civilian casualties.<sup>175</sup>

Afghan authorities including the Office of the Presidential Advisor on the protection of civilians<sup>176</sup> do not appear to be implementing concrete measures to mitigate civilian

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<sup>174</sup> UNAMA meeting with ANP military prosecutor on 23 March 2013 in Kandahar. UNAMA also confirmed this information with the district governor of Panjwai district on 21 April 2013.

<sup>175</sup> Protection of Population Conferences attended by UNAMA, ISAF HQ, Kabul, 2012.

<sup>176</sup> The Government appointed Dr. Mudabir as advisor on protection of civilians to President Karzai in October 2012.

casualties and ensure Afghan forces on the ground are taking all necessary measures to protect civilians and communities from the harms of armed conflict. For example, in 2013, UNAMA documented 14 civilian deaths and 55 injured (69 civilian casualties) from 21 separate incidents of mortar, grenade and rockets fired by ANSF at Anti-Government Elements during ground engagements. In 2012, UNAMA documented one such incident by ANSF which killed one civilian and injured two. The increase coincides with the rise in ANSF independent operations but highlights the need for review of pre-engagement targeting criteria to mitigate harm to civilians and for other directives to protect civilians.

Although some efforts by the Government are underway to track and mitigate civilian casualties, UNAMA is concerned by the reluctance of ANSF leadership to investigate and provide accountability for civilian casualties caused by ANSF. One result of inadequate efforts in this regard is that it is highly likely that civilian casualties from ANSF operations are under-reported.

### **Accountability of Pro-Government Forces - case study of Maidan Wardak**

*It was around 11:00. We were reading Quran in the village mosque. We were six men and few children. Suddenly, two US soldiers, an Afghan interpreter and an ANA soldier entered the mosque. They spoke in English and the interpreter translated. They searched us and brought us outside. I saw around 30 American and Afghan soldiers, four wheel motorbikes and military trucks outside of the mosque. They released children but detained us (six men) in a ruined house. The two US soldiers and the Afghan interpreter interrogated us about the IED explosion in Ahangran village. We said we didn't know. Then they began beating us with sticks and barrel of guns. Blood began running from the back of my right ear. They threatened to kill us; they laid us on the floor and pointed guns at us. At this point, an ANA officer came and intervened. There was exchange of sharp words between the US commander and ANA officer. The US officer pointed his gun at the ANA officer, but another ANA supported the ANA officer. The ANA said we were innocent. Then the ANA soldiers took us out. They took four of us injured seriously to the Maidan Shahr Public Hospital and the other two to the ANA Nirkh base. They released the two in the same evening. I was treated at the hospital for a week. I still have a constant headache.*

-- A victim and witness of ill-treatment in Maidan Shahr, Maidan Wardak province during a joint military operation on 27 January 2013.<sup>177</sup>

UNAMA documented several allegations of disappearances, arbitrary killings and torture committed by Pro-Government Forces based in Maidan Wardak province, between November 2012 and February 2013. These allegations were also widely publicized through the international media.

UNAMA documented two incidents of torture, three incidents of killings, and 10 incidents of forced disappearances during the months of November 2012 – February 2013 in Maidan Shahr and Nirkh districts of Wardak province. Victims and witnesses stated to UNAMA that the perpetrators were US soldiers accompanied by their Afghan interpreters. UNAMA investigations noted that ANA personnel were present in at least

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<sup>177</sup> UNAMA interviews, Kabul province, 11 February 2013.

three incidents. In the months of April – June 2013, family members and local authorities reported the discovery of the bodies of ten men they reported as disappeared, found in close proximity to the former US Special Operations Forces base in Nirkh district of Wardak.<sup>178</sup>

Since November 2012, the Office of the President of Afghanistan established at least three fact-finding delegations to investigate the allegations, but these were not able to reach a consensus on the possible perpetrators.<sup>179</sup>

ISAF released a press statement in response to the allegations stating “coalition officials determined that an Afghan civilian who worked as an interpreter in the area had been videotaped assaulting a detainee. At the time of the assault, the detainee was in the sole custody of Afghan National Security Forces in an Afghan governmental facility. A thorough review of the video confirmed that there were no coalition forces present or involved in the incident.”<sup>180</sup>

On 7 July 2013, NDS in Kandahar reported it had arrested an Afghan individual in relation to these allegations.<sup>181</sup> However the extent and scope of the NDS investigation and the charges brought against the individual have not been made public.

On 11 July 2013, COMISAF requested the US military's criminal investigation command in Afghanistan to conduct an overarching investigation of all allegations against international military forces that arose in Wardak province between November 2012 and March 2013.<sup>182</sup>

The reported disappearances, arbitrary killings and torture - if proven to have been committed under the auspices of a party to the armed conflict- may amount to war crimes. As of July 2013, the full extent of the incidents and which party holds primary responsibility for the alleged crimes has not been publicly reported. The nature and findings of internal investigations carried out within ISAF, US SOF and ANSF and any follow up actions to provide accountability is not known at this time and have not been made public.

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<sup>178</sup> UNAMA's investigation of the incidents included interviews with more than 40 individuals and extensive review of other evidence and documents.

<sup>179</sup> The first delegation was formed on 9 December 2012 in response to a complaint lodged at the Office of the President by a group of victims and members of the Provincial Council. In a meeting with UNAMA on 7 January 2013, two representatives of the Presidential Information Coordination Centre (PICC) stated that the delegation briefed the Afghan National Security Council but was unable to prepare a list of human rights violations/abuses, or identify possible perpetrators. A second delegation looked into this matter in January 2013; however, its findings were not made public or shared with UNAMA. On 24 February 2013, following briefings by the fact-finding delegations, the Afghan National Security Council assigned the Ministry of the Defense to implement its decision to expel US Special Operations Forces from Maidan Wardak province by 10 March 2013. Following the ANSC's decision, negotiations between the Afghan Government and US authorities resulted in the formation of a joint fact-finding delegation comprised of Afghan representatives (Ministry of Defence, NDS and Ministry of Interior) and US forces (US ISAF and US Special Operations Forces on 4 March 2013). The joint investigative delegation was not able to reach a consensus on the incident. Afghan members maintained that US Special Operations Forces perpetrated the arbitrary killings, torture and enforced disappearances and the US members denied involvement of US forces. The joint investigative delegation's report appears to have been shared with relevant Kabul authorities according to sources interviewed by UNAMA.

<sup>180</sup> ISAF press release, 7 January 2013.

<sup>181</sup> UNAMA interviews with NDS and Mol officials, Kabul, July 2013.

<sup>182</sup> UNAMA meeting with ISAF HQ, 28 July 2013, Kabul. Email correspondence between UNAMA and ISAF HQ, 28-29 July 2013.



### ***Counter-IED and IED Disposal***

With the imminent completion of transition of security responsibilities, UNAMA notes concerns about reductions in resources provided by the international community, mainly ISAF, to Counter-IED (C-IED) and IED-Disposal (IED-D). In view of the growing threat of IEDs against Afghan civilians and prevailing insecurity in Afghanistan, resources currently dedicated to C-IED and IED-D should be sustained, and enhanced. Although the ISAF post-2014 training mission may include IED advisors and some technical level support, higher level guidance and support should be sustained. Of particular importance, is the need for continued senior level engagement between ISAF and the Government of Afghanistan on policy development, command/control and core coordination issues required for effective implementation of the C-IED strategy.

UNAMA welcomes actions taken by the Government of Afghanistan in 2013 to further develop capacity of Afghan security forces to counter the IED threat, such as further development of counter-IED response teams with Afghan security forces, increasing capacity of biometric labs and recently fielded electronic counter measures. Given the increasing threat of IEDs, UNAMA reiterates the need for the Government of Afghanistan, with continued support from ISAF and the international community to ensure that Afghan National Security Forces are trained, resourced and fully capable of commanding and conducting counter-IED operations after transition is completed in 2014.

Implementation of a national counter-IED strategy<sup>183</sup> will require continuous, long-term support to the Government of Afghanistan. UNAMA welcomes new developments in 2013, which include the appointment of senior ANA officer to command the ANA Engineering Directorate and C-IED Directorate and the recent staffing of 25 staff officer positions within the Directorate.<sup>184</sup> According to ISAF officials, this office now has the capability to oversee the training, resourcing and command of the ANA EOD and IED-disposal capability.<sup>185</sup>

Successful implementation of the Counter-IED strategy and the development of the full capacity of Afghan security forces and rule of law institutions to track, identify and prosecute IED production and planting networks will be crucial to transition and the improvement of civilian protection. In this regard, UNAMA urges the Government of Afghanistan to sign the Presidential Decree on Biometric and Criminal Techniques, jointly drafted in 2012 by relevant security ministries. This decree establishes the roles and responsibilities of ministries involved in crime scene investigations, site security, evidence collection and exploitation, and provide the framework for the development of a national Biometrics and Criminal Techniques Strategy. This decree is important to the overall C-IED strategy because post 2014 the Government of Afghanistan will be responsible for the collection, analysis and processing of all biometric and forensic evidence. Without a cohesive strategy, criminal convictions supported by forensics and biometric data will be extremely difficult.

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<sup>183</sup> On 24 June 2012, the National Security Council of Afghanistan passed a national Counter-IED strategy designed to coordinate relevant national security entities in conducting such operations.

<sup>184</sup> UNAMA meeting with C-IED Policy Branch, ISAF HQ, Kabul, 23 June 2013.

<sup>185</sup> UNAMA meeting with C-IED Policy Branch, ISAF HQ Kabul, 28 July 2013.

NATO/ISAF, particularly signatory states to Amended Protocol II of the Convention on Certain Conventional Weapons (CCW APII),<sup>186</sup> should dedicate additional resources to support the Government of Afghanistan to ensure effective, centralized management of counter-IED and IED disposal operations.<sup>187</sup>

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

*My sister-in-law was at her home when fighting erupted between insurgents and ALP at Esa Khail area. When she realized that her children were playing outside, she approached her house gate and wanted to tell her children to come inside the house. When she opened the gate, an ALP commander fired at her and killed her. The ALP group even loaded their guns and pointed at her son who was playing outside. She was killed due to the firing of the ALP and not the insurgents, as the insurgents were not in that area anymore.*

-- Relative of a victim who was killed by ALP on 18 May 2013 in Chahardara district, Kunduz province.<sup>188</sup>

In 2013, UNAMA continued to receive mixed reports on the conduct of ALP forces across the country. In many districts, local communities reported improved security due to the operations of ALP.

UNAMA also continued to document human rights violations carried out Afghan Local Police (ALP), as well as civilian casualties resulting from their operations. Between 1 January and 30 June, UNAMA documented 14 civilian deaths and 23 wounded in 32 separate incidents attributed to ALP, an increase of 61 percent compared to the same period in 2012, when UNAMA documented 19 incidents resulting in 15 deaths and eight injuries.<sup>189</sup>

The majority of the civilian casualties UNAMA documented resulted from ALP members committing human rights violations against civilians.

UNAMA documented the vast majority of human rights violations by ALP in the northeastern region. As documented in previous reports, during this reporting period, UNAMA continued to document incidents of ALP carrying out acts of murder, torture, rape, threats, intimidation, harassment, forced labor, extortion and illegal taxation (forcing community to pay *ushar*<sup>190</sup>). UNAMA also documented instances of ALP occupying residential homes, and a widespread practice of ALP members extorting

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<sup>186</sup> Forty-two of 50 NATO/ISAF troop contributing countries have ratified Amended CCW APII. Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Jordan, Latvia, Lithuania, Luxembourg, The Former Yugoslav Republic of Macedonia, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom, United States.

<sup>187</sup> NATO/ISAF contributions by country, <http://www.isaf.nato.int/troop-numbers-and-contributions/index.php>.

<sup>188</sup> UNAMA interview, Kunduz city, Kunduz province, 20 May 2013.

<sup>189</sup> In the first six months of 2013, ALP operations caused more civilian casualties than ANP operations which resulted in 27 civilian casualties. However ALP civilian casualties were lower than those attributed to ANA operations, which caused 44 civilian casualties during the same reporting period.

<sup>190</sup> *Ushar* often involves paying 10 percent on agriculture produce. See *UNAMA 2012 Mid-Year Report on Protection of Civilians*, p. 26.

illegal taxes from communities. Consistent extortion of taxes was reported in some provinces of the northeast and north regions.

UNAMA also documented civilian casualties arising from ground engagements involving ALP, recording two deaths and seven injuries in seven ground engagement incidents.

Examples of human rights violations attributed to ALP:

- On 1 May, a road-side RCIED detonated against an ALP vehicle in Mehtarlam district, Laghman province, injuring two ALP officers. An ALP commander from a nearby security post arrested two civilians, accused them of supporting Anti-Government Elements, and severely beat both men. One of the victims was seriously injured and was admitted to Mehtarlam public health hospital.
- On 22 April, in Pole-Alam district, Logar province, an IED prematurely detonated, killing four members of an Anti-Government Elements group. During the funeral ceremony for the deceased, an ALP commander stopped one of the participants in the funeral and shot and killed him. Reportedly the commander suspected the victim of being an Anti-Government Elements member.
- On 22 March, in Dasht-e-Archi district, Kunduz province, an ALP commander and ALP members conducted a search operation after an IED detonated near an ALP check-post. During the search operation, the ALP group assaulted seven civilians including a woman and a child, beating them with rifle butts and sticks.
- On 7 March, in Chahar Dara district, Kunduz province, two ALP commanders harassed the local population and forced them to pay *ushar* for the sale of firewood or almonds.
- On 16 February, Qarabagh district, Ghazni province, an ALP vehicle was hit by an RCIED. After the detonation the ALP members shot and injured two civilian men they accused of having planted the IEDs and retaining links with Anti-Government Elements.

UNAMA observed that although the ALP Directorate and senior leadership demonstrate a genuine commitment to ALP accountability, the ability and motivation of authorities at the provincial level to prosecute suspected ALP members is still weak. While authorities often initiated investigations at district and provincial levels, UNAMA frequently observed delays at various stages of the procedural process. Most commonly, this pattern led to impunity for perpetrators and their return to duty. While some ALP abusers were relieved of their duties for violations, the majority, particularly in the northeast, did not face any legal repercussions for their actions.

Another factor affecting accountability of ALP was the poor documentation of evidence, and the reluctance of victims and witnesses to testify due to fear of reprisals. On several occasions victims reported they refrained from testifying against the ALP as they were either threatened or anticipated threats due to the prominence of ALP commanders in the community.

For example, on 7 February 2013, in Imam Sahib District, Kunduz province, two boys were gang-raped by five men, including two ALP members from Imam Sahib district. The Criminal Investigation Division (CID) at the ANP confirmed to UNAMA that two ALP members were arrested in connection with this incident. Later however, the appellate prosecutor released the ALP members on bail, reportedly due to threats made against

the victims to withdraw their complaint against the ALP members. In another example, on March 6, in Dasht-e-Archi district, Kunduz province, an ALP commander and his armed men shot and injured two civilians. The incident was related to a domestic dispute involving the commander's family. UNAMA's monitoring revealed that local authorities had not investigated this incident at all. The ALP monitoring unit in Kabul expressed concern over the lack of cooperation of the district authorities but was unable to take any action.<sup>191</sup>

Sometimes local authorities justified the re-installment of a suspected ALP member by citing operational and security necessity. For example, authorities commonly argued that if ALP posts were left without forces, Anti-Government Elements would have attacked and gained ground, illustrating the high reliance of local security institutions on the ALP to maintain security in some areas.

In other cases, investigations and trials were stalled or delayed as local authorities maintained that it was too dangerous for suspected ALP members to travel out of their post for the purpose of being investigated. Authorities often highlighted to UNAMA the susceptibility of ALP members to IED attacks when traveling in the province. The reluctance to allow suspected ALP members to travel to participate in investigations, may also relate to concern about the limited number of available ALP members on the ground, due to the increase in attacks against ALP.<sup>192</sup>

For example, following the shooting of a civilian at a funeral ceremony of members of Anti-Government Elements on 22 April, in Pul-e-Alam district, Logar province, ANP arrested the ALP commander allegedly responsible. Authorities later released the ALP commander maintaining that the commander's absence from his post would have created a security vacuum and provided an opportunity for Anti-Government Elements to attack.<sup>193</sup> Other local sources contested this information and told UNAMA that the person shot by the ALP commander was a Taliban member, although ALP are not mandated to initiate combat actions. The same sources told UNAMA that the case is now closed.

In a meeting with the ALP Director General on 17 July, the Director maintained that an investigation into the case was ongoing. The Director stated that in the majority of such cases local authorities support suspected ALP members contrary to the investigation of the ALP monitoring unit.<sup>194</sup> This example also illustrates the frequent information gaps between local authorities and the ALP monitoring unit in Kabul.

Although the intervention of the ALP Directorate in some cases sent investigation committees, leading local law enforcement to initiate proceedings, these committees too often had no real impact on the ground, once the attention of the ALP Directorate was shifted elsewhere or once local power-brokers intervened. For example, on 11 January in Chardara district, Kunduz province, an ALP sub-commander reportedly forced 15 civilians to fill sand bags and help him in the construction of his check post. On 20 January, the ALP monitoring unit's investigation team arrested the suspected ALP commander for this and other alleged violations, and received his confession. The local prosecutor later released the suspect, citing a lack of credible evidence.<sup>195</sup>

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<sup>191</sup> UNAMA meeting with ALP Monitoring Unit Chief, Kabul city, 13 April 2013.

<sup>192</sup> Meeting with senior ANP staff, at the Ministry of Interior, Kunduz province, 9 April 2013.

<sup>193</sup> UNAMA meeting with ALP/ Ministry of Interior Monitoring Unit Chief, 14 May 2013.

<sup>194</sup> UNAMA meeting with ALP Director, 17 July 2013.

<sup>195</sup> UNAMA interviews, Kunduz province, January 2013.

UNAMA also documented some instances in which ALP members were held accountable for human rights violations. For example, on 2 May 2013, Marawara district, Kunar province, ALP members fired in the air resulting in the injuring of a woman and loss of her fetus. Following this incident, four ALP officers were arrested and the case was referred to the ANP prosecutor in Asadabad. Two of the four were released after the initial investigation. The Kunar provincial court advised that the trial of the remaining two ALP members is to be held in July 2013.

The ALP Directorate and the ALP Monitoring and Investigations Unit consistently follow-up allegations of abuse, often resulting in a quick dispatching of investigative delegations and field visits. However, UNAMA notes that local level accountability mechanisms still lack an independent capacity to follow up on allegations, implement recommendations by the ALP Monitoring and Investigations Unit, and hold perpetrators accountable.

UNAMA makes the following recommendations regarding ALP and protection of civilians: the Government of Afghanistan should strengthen the capacity of the ALP Directorate through the provision of political support, practical assistance, equipment, personnel and resources to ensure accountability for alleged ALP violations; and, to avoid local level interference, the Government of Afghanistan should assign a military prosecutor to the ALP Directorate to lead investigations from the national level and appoint an human rights focal point of senior rank to enable independent oversight and support accountability.

## Civilians Still at Risk: Human Rights Protection in Conflict Areas

### *Armed groups*<sup>196</sup>

*A prominent commander in our area is expanding his presence in Pashtun Kot district by assigning new commanders and armed men. The guns he and his armed commanders carry are illegal. For instance, his son is licensed to carry four guns but has created two checkpoints with gunmen at every village. He and his gunmen fine local communities and collect money on a monthly basis and collect food every day. If local villagers resist paying, he has a prison. He would imprison the person until he agrees to pay.*

-- Community elder from Pashtun-Kot district, Faryab province, June 2013.<sup>197</sup>

In the first six months of 2013, UNAMA documented 19 incidents of human rights abuses carried out by armed groups, resulting in seven civilian deaths and two injuries. The majority of incidents were documented in areas where armed groups held considerable power and influence, notably in the north, northeast and central highlands regions of the country.<sup>198</sup> UNAMA also observed armed groups continuing to take an active role in ground engagements, alongside ANSF, in particular in Faryab province.<sup>199</sup>

Most of the incidents documented involved threats, intimidation, harassment and extortion, although UNAMA verified four separate incidents of killings by armed groups,<sup>200</sup> all carried out with impunity. For example, on 15 March in Almar district, Faryab province, a pro-government militia commander stopped a car and shot dead a mullah and his 12-year old son, whom the commander had accused of spying for Anti-Government Elements. No arrests were made. Communities reported that the militia commander responsible for the attack was the brother of a mid-level ANSF commander in the province.

In DaiKundi province, communities reported widespread threats, intimidation and harassment by armed groups, some of which controlled significant areas of the province.<sup>201</sup> These incidents included beatings, abductions and extortion. Community

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<sup>196</sup> "Armed group" is defined as an armed non-State actor engaged in conflict and distinct from a Government force, with a structure that may range from a militia to rebels and criminals. Armed groups have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. Armed groups may not be under the official command or control of the State(s) in which they operate, but they may receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to, the following groups: rebel opposition groups, local militias (ethnically, clan or otherwise based), insurgents, terrorists, guerrillas, and civil defence forces and paramilitary groups (when such are clearly beyond State control). These groups have no legal basis under the laws of Afghanistan.

<sup>197</sup> UNAMA interview with community elders, Maimana city, Balkh province, 30 May 2013.

<sup>198</sup> Such incidents were documented mainly in Faryab, Balkh, Kunduz, Baghlan and DaiKundi provinces. For more on the proliferation of armed groups in the north and northeast of Afghanistan, see chapter 'Armed groups in the north and northeast of Afghanistan', in UNAMA's 2012 Annual Report on Protection of Civilians, at <http://unama.unmissions.org>.

<sup>199</sup> This practice was also documented in 2012 primarily in Faryab province.

<sup>200</sup> Two incidents documented in Kunduz province in the first half of 2013, one in Faryab province and one in Balkh province.

<sup>201</sup> These abusive practices were reported to UNAMA as occurring in specific areas in Ashterlay, Khedir and Sangtakht Bandar districts of DaiKundi province.

members consistently reported reluctance to complain to the Government about ongoing harassment as most of these incidents involved members of powerful armed groups which held more power than the Government. The fear and reluctance to report abuses was exacerbated in situations where some members and commanders of armed groups were officially enrolled with the Afghan Peace and Reconciliation Program (APRP) and considered to be part of the Government, while armed groups under their control continued to commit human rights abuses.<sup>202</sup>

In Qaysar district, Faryab province, village elders reported that each family was forced to provide local armed groups with a weapon and a motorcycle.<sup>203</sup> In Almar district, Faryab province, armed groups recently extorted money and goods from a National Solidarity Program (NSP) project that was building culverts, water wells and roads in the district.<sup>204</sup> Similarly in Pashtun-Kot district, Faryab province, armed groups imposed a regular 'tax' on community members, ranging from AFN 10,000 to 50,000 (180-900 USD) or carpets and guns. If local people did not pay these 'taxes' they were often detained in private detention facilities.<sup>205</sup>

Communities from Baghlan province reported to UNAMA that armed groups forced civilians to consult with them and seek their approval on civil matters such as marriage and land issues, extorted taxes on harvest and the buying and selling of property and threatened and extorted money from development projects.

#### *Armed Groups and connections with the Afghan Local Police*

*There are 46 mosques in Khoja-Kenti area; each week one mosque must supply the ALP and Arbakies with one livestock and 100 pieces of bread. Families have to contribute equally to supply these items to the armed groups; any family that fails to contribute will be in trouble with the ALP commander, most probably the head of family will be accused of supporting the Taliban.*

-- Community elder from Faryab province, June, 2013.<sup>206</sup>

The continued 'blurring of lines' between Government and non-Government affiliation of armed groups in the north and northeast regions contributed to unchecked proliferation of abusive practices and reduced protection for civilians.<sup>207</sup> In these regions,

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<sup>202</sup> Communities repeatedly told UNAMA that a prominent commander in Daikundi province who was previously a commander for the Revolutionary Guards of Afghanistan was involved in these practices. The specific armed group was the largest in the province and had reportedly been threatening, harassing and intimidating civilians for several years. In 2012, the group joined the APRP. In recent consultations with UNAMA, communities reported that the group's harassment had decreased, yet Government authorities told UNAMA communities were still afraid to complain of harassment due to the power held by this group. UNAMA interview with NDS chief of Daikundi, Nili Daikundi province, 7 May 2013.

<sup>203</sup> These abuses were reported to have occurred in at least four villages in Qaysar district, where local armed groups held considerable power and control. UNAMA interview with Qaysar district official, 1 June 2013, Maimana city, Faryab province.

<sup>204</sup> UNAMA interview with a *Shura* member from Faryab city, 13 June 2013.

<sup>205</sup> UNAMA interview with community elder from Pashtun-Kot district, Faryab province, 30 May 2013.

<sup>206</sup> UNAMA interviews with community elders from Qaysar district, Faryab province, 3 June 2013.

<sup>207</sup> See chapter 'Armed Groups in the north and northeast of Afghanistan' as well as 'Afghan Local Police and Protection of Civilians' in UNAMA's 2012 Annual Report on Protection of Civilians, at <http://unama.unmissions.org/Default.aspx?tabid=12265&language=en-US>.

this situation emerged due to widespread recruitment of armed group members into ALP ranks.<sup>208</sup> In Faryab province in particular, communities reported that some armed group members were recruited as ALP, while others fought alongside ALP and ANSF against the Taliban. This practice contributed to communities' fear of reporting abuses to Government authorities, and to authorities not taking action to investigate and prosecute such abuses.

In the north and northeast of Afghanistan, many communities used the terms 'ALP' and 'armed group' interchangeably, representing the common perception that ALP ranks are occupied by former commanders or current members of armed groups.

UNAMA reiterates its call on the Government of Afghanistan to continue to disband and disarm all armed groups and to take measures to ensure accountability for human rights abuses carried out by these groups. Efforts should be increased to further strengthen ANSF to ensure deployment of well-trained and sufficiently resourced ANP and ANA, particularly in the north and northeast parts of the country.

### ***Explosive Remnants of War (ERW)***

*After the coalition forces left our district, we were very happy and began a normal life again; but regrettably that was the time when another catastrophe happened - a UXO left behind by coalition forces exploded resulting in three deaths and five injuries.*

-- Resident, Kohi Safi district, Parwan province, 25 February 2013.<sup>209</sup>

The increasing threat of Explosive Remnants of War (ERW) to civilian life and livelihood pose significant risks to the safety of Afghans, particularly children.<sup>210</sup> Between 1 January and 30 June 2013, UNAMA documented 43 civilian deaths and 102 injuries (145 total civilian casualties) from ERW, a 53 percent increase from 2012.<sup>211</sup> Seventy-nine percent of the victims were children. UNAMA also highlights that it may be underreporting civilian casualties caused by ERW.<sup>212</sup>

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<sup>208</sup> See chapter 'Afghan Local Police and Protection of Civilians' in UNAMA's 2012 Annual Report on Protection of Civilians, Ibid.

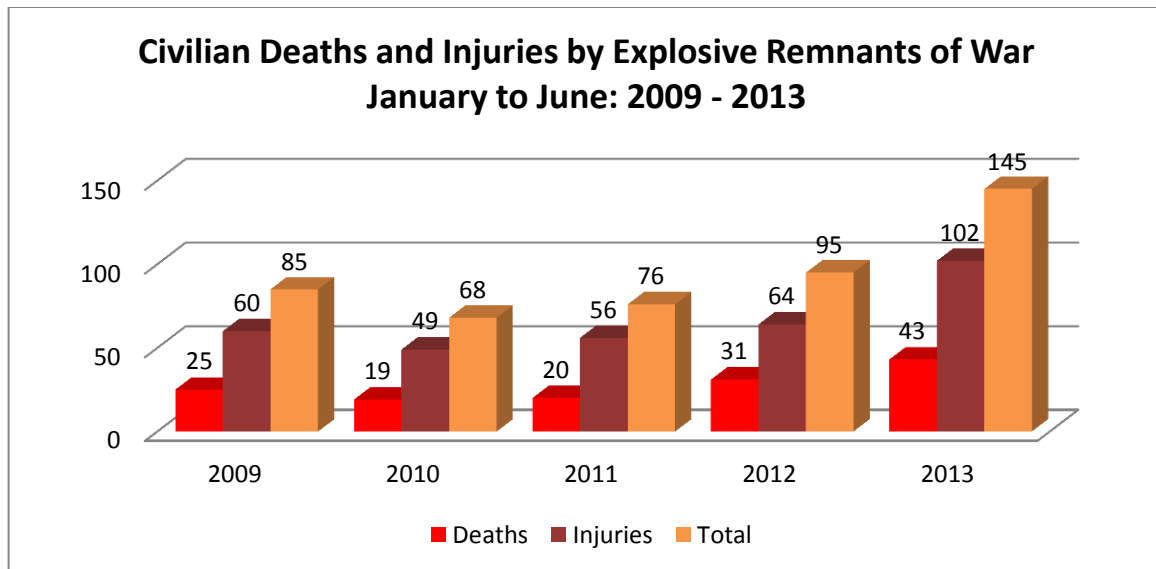
<sup>209</sup> Mine Action Coordination Center of Afghanistan (MACCA). Interview with Kohi Safi resident, 25 February 2013, Kohi Safi district, Parwan province.

<sup>210</sup> ERW: Explosive Remnants of War means unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

<sup>211</sup> UNAMA documented 31 civilian deaths and 64 injuries from ERW for the first six months of 2012.

<sup>212</sup> In the first five months of 2013, MACCA documented 53 civilian deaths and 136 injuries (189 civilian casualties), a 35 percent increase from the same five-month period in 2012 (when 23 civilian deaths and 117 injuries were documented). MACCA's data on civilian casualties from ERW for 2013 is higher than UNAMA's as they are able to access areas not accessible to UNAMA teams for verification purposes.





While UNAMA has previously documented slight increases in civilian casualties from ERW, the 53 percent increase recorded for the first half of 2013 is significantly higher than recorded in previous years. The sharp increase in ERW civilian casualties coincides with an increase in ground engagement causing civilian casualties<sup>213</sup> and the escalated pace of ISAF base and firing range closure and concern that bases and firing ranges had not been sufficiently cleared of unexploded ordnance prior to closure.<sup>214</sup> In the past, ISAF has closed or transferred more than 700 bases, including nearly 100 bases in the past six months. Approximately 100 bases remain open.<sup>215</sup>

The long-term legacy of ERW from 30 years of war poses a continuing deadly threat to Afghan civilians. However, increasing deaths and injuries from ERW documented in 2013, can largely be attributed to ERW from ground operations between Pro-Government Forces and Anti-Government Elements in the past several years;<sup>216</sup> and ISAF's inconsistent clearing and documentation practices regarding clearance of unexploded ordnance (UXO) from military bases and firing ranges<sup>217</sup> prior to the transition of bases to Afghan forces, in particular the closure of ISAF's Forward Operating Bases (FOBs).<sup>218</sup>

Of core concern is the lack of consistency and coordination of ISAF, Afghan Security Forces, the Afghan Government with the Mine Action Coordination Center of

<sup>213</sup>The increase in civilian casualties from ground engagements indicates the possibility of more fighting in civilian populated areas which may lead to more ERW.

<sup>214</sup>Measuring the origin of UXO is difficult, particularly after the ordnance has detonated. Therefore, UNAMA's analysis of each UXO civilian casualty incident reviews the environment in which the incident occurred, i.e. a UXO civilian casualty occurring on a former ISAF base, but does not attribute responsibility for UXO without confirmation of the ordnance's origin.

<sup>215</sup> NATO/ISAF unclassified information released to UNAMA, 28 July 2013.

<sup>216</sup>In the first six months of 2013, civilian casualties resulting from ground engagements increased by 40 percent.

<sup>217</sup>"Range" is a generic term used in reference to locations where non-operational weapons firing has occurred.

<sup>218</sup>UNAMA notes however that civilian casualties from UXO have also been consistently related to ordnance left behind from previous conflicts prior to 2001. However, recent data collected by MACCA and UNAMA suggests that the observed spike in civilian casualties from UXOs is related to ongoing and current variables such as transition of military bases, closure of FOBs and rise in ground engagements.

Afghanistan (MACCA) regarding clearance and documentation policy and practice to remove ERW from the battlefield, for example, from ISAF counter-battery operations. UNAMA and MACCA observed an absence of practice in which the presence of ERW was communicated to authorities responsible for coordination of ERW clearance who could ensure that suspect hazardous areas are marked and cleared and communities are warned of potential hazard.<sup>219</sup>

For example when ANSF or ISAF engaged in a ground or aerial operation in which weapon systems released 'dud' ordnance or UXO, security forces in practice do not take steps to mark the area as hazardous and ensure the area is later cleared. Further, the location of 'dud' ordnance is not communicated to the Government, MACCA or the Mine Clearance Centre (MAC) at ISAF.<sup>220</sup> The vast majority of NATO/ISAF hold obligations under international law to record and retain information on the use of explosive ordnance or abandonment of explosive ordnance and to facilitate the rapid marking and clearance, removal or destruction of explosive remnants of war, risk education and the provision of relevant information to the party in control of the territory and to civilian populations in that territory.<sup>221</sup>

#### *Transition of military bases: the need for ERW clearance*

Withdrawal and closure of ISAF bases and firing ranges presents a concern regarding removal of ERW as ISAF's policy measures currently in place, may not adequately ensure that ISAF and international military forces take steps to clear ERW from their bases across the country. UNAMA's view is that measures should be put in place that ensure ERW is cleared from firing ranges and areas surrounding the bases, prior to transition to ANSF or closure of bases. For example, there is not a centralized system within ISAF which has accurately documented which bases and firing ranges have been cleared of ERW and to what technical standard of surface or sub-surface clearance following base closure.

The need to clear firing ranges from ERW prior to base closure is of particular urgency. Many of the firing ranges have been operational for the past decade with tens of thousands of rounds from small arms ammunition (5.6 and 7.62) fired, as well as 120 mm mortar rounds and 40 mm munitions.<sup>222</sup>

Considering that Afghan children tend to collect scrap metal for money, any scrap metal remaining in these areas poses a high risk. In 2013, MACCA and UNAMA documented several incidents of children losing their lives and limbs while collecting scrap metal from bases which were recently closed. Although UXO detonation resulting from children collecting scrap metal is not exclusive to military bases, incidents occurring on former military bases and firing appear to be increasing. Between 1 January and 12 June, MACCA documented 10 civilian deaths and 23 injuries from ERW detonation; these incidents took place in Bamyán, Logar, Parwan, Paktika, Wardak, Khost, Ghazni, Kunar

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<sup>219</sup> The procedure in place is that field units are to communicate the presence of UXO to IJC but in practice this is not consistent. UNAMA, MACCA, ISAF meeting at ISAF HQ, 24 July 2013, ISAF HQ, Kabul.

<sup>220</sup> UNAMA and MACCA meeting with ISAF, ISAF HQ, 21 June 2013.

<sup>221</sup> Article 4, Recording, retaining and transmission of information, Protocol on Explosive Remnants of War (Protocol V to the 1980 CCW Convention), 28 November 2003.38 of 50 NATO/ISAF troop contributing countries, which have ratified Protocol V.

<sup>222</sup> Ibid.

and Kandahar provinces at or in immediate proximity of military bases which had closed.<sup>223</sup>

*Incidents of Civilian Casualties from ERW*

Rising civilian casualties, combined with ongoing discovery of ERW at the location of former military bases may highlight a lack of action by ISAF to clear ERW from such locations prior to their withdrawal.

On January 26, 2013, a UXO detonation in Kohi Safi district, Parwan province killed three civilians and seriously injured five. The incident took place at the former location of an international military base which had closed during the transition process. Prior to the base closure communities had not ventured near the base as they had been warned by ISAF to keep their distance.<sup>224</sup> ISAF denied responsibility for the UXO incident claiming there were no ISAF bases closed or transferred to Afghan authorities in Kohi Safi district,<sup>225</sup> although according to ISAF/NATO and US military websites, a base in Kohi Safi was operational in 2009.<sup>226</sup>

MACCA's subsequent investigation of the incident and assessment of the area identified the area as containing ERW. MACCA initiated clearance and risk education, to be carried out by an Afghan humanitarian demining NGO Afghan Technical Consultants (ATC) Explosive Ordnance Disposal (EOD) team. During the clearance process, communities reported that since the military base closed, four separate ERW detonations all occurring at the site of the former base killed six civilians and injured eight.<sup>227</sup> The ATC EOD team completed the clearance and removed more than 400 UXO from the military base. Subsequent examination and analysis of the UXO indicated that 70 percent of the UXO collected was from NATO/ISAF forces.<sup>228</sup>

On 6 April 2013, a UXO detonated near four children who were collecting wood and scrap metal one kilometer away from an ISAF base in Matun district, Khost province. The explosion killed two children and wounded two, one lost his hand and the other lost an eye.<sup>229</sup> The detonation took place in an area known by the community as the ISAF training ground near the ISAF Salerno base.

Local communities reported to MACCA the presence of ERW at the site of a former ISAF base in Bamyan province and MACCA arranged for the area to be cleared. As of 13 June 2013, another ATC EOD team completed clearance of 14 percent of the suspected area and had cleared 235 UXO,<sup>230</sup> of NATO, Soviet and unknown origin.<sup>231</sup>

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<sup>223</sup> UNAMA interview with MACCA, Kabul, 6 June 2013.

<sup>224</sup> MACCA interview with resident of Kohi Safi district, February 2013.

<sup>225</sup> E-mail exchange MACCA and ISAF, 5 March 2013.

<sup>226</sup> <https://www.facebook.com/media/set/?set=a.154562038453.142134.69621718453&type=1;>

<http://www.flickr.com/photos/isafmedia/3953141062/in/set-72157622326953693/> ;

<http://www.flickr.com/photos/soldiersmediacenter/3922583607/>, accessed 16 July 2013.

<sup>227</sup> Mine Action Coordination Centre of Afghanistan (MACC) Fact Sheet, June 2013: Explosive Remnants of War Left Behind in the ISAF Firing Ranges and other Military Installments Have Resulted into Several Civilian Deaths and Injuries.

<sup>228</sup> UNAMA meeting with MACCA, Kabul, 6 June 2013.

<sup>229</sup> Mine Action Coordination Centre of Afghanistan (MACC) Fact Sheet, June 2013: Explosive Remnants of War Left Behind in the ISAF Firing Ranges and other Military Installments Have Resulted into Several Civilian Deaths and Injuries.

<sup>230</sup> UNAMA meetings with ISAF officials at MACCA, Kabul 12 June and with ISAF HQ on 24 July, 28 July and 29 July 2013, Kabul.

*Obligations of NATO member States under international law to remove ERW*

Under the Protocol on Explosive Remnants of War (Protocol V to the 1980 Convention on Certain Conventional Weapons, 28 November 2003), 38 of 50 NATO/ISAF troop contributing countries, which have ratified the Protocol, are obliged to provide technical, financial, material or human resources assistance, bilaterally or through a mutually agreed third party, to facilitate the marking and clearance, removal or destruction of such explosive remnants of war. State parties to Protocol V are further obligated to take all feasible steps to ensure the protection of the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war.<sup>232</sup>

Based on the limited information ISAF provided, UNAMA notes that concerned troop contributing nations may not be addressing their obligations under Protocol V to clear ERW/UXO in a collective manner. Compliance with existing policies and procedures does not appear to be adequately monitored. The current framework does not seem to address practices by all troop contributing nations. For example, there appears to be no centralized system documenting which areas have and have not been marked and cleared. Known Suspect Hazard Areas, as well as the location of ERW/UXO resulting from ground or aerial operations are also not communicated to the Government or MACCA.

Given the danger of ERW and incidents of civilian casualties following base closures, UNAMA recommends that areas in and around bases and firing ranges be considered Suspected or Confirmed Hazardous Areas until cleared.

*Core policy concerns regarding insufficient policies, procedures and practice*

UNAMA notes that the policy framework currently in place to address marking and clearance of suspect hazard areas<sup>233</sup> such as firing ranges, and to document actions taken to remove ERW, are inadequate and/or not being implemented. For example, ISAF has confirmed the existence of SOPs covering some elements of ERW clearance and documentation, yet these policies do not address bases and firing ranges closed or transitioned in the past.

Of further concern, current policies ISAF cited are insufficient to address the UXO threat from firing ranges which would require sub-surface clearance to ensure long-term protection of Afghan communities.<sup>234</sup> UNAMA notes the apparent absence of policy or procedures providing specific guidance on required technical standards for clearance of firing ranges, which would require clearance beyond a surface sweep.<sup>235</sup>

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<sup>231</sup> NATO/ISAF unclassified information released to UNAMA, 28 July 2013.

<sup>232</sup> Articles 3 and 5, Protocol V to the 1980 the Convention on Certain Conventional Weapons, 28 November 2003.

<sup>233</sup> "Suspected Hazardous Areas" are areas suspected of having mines/ERW. See <http://www.minetech.co.uk/terminology/>, accessed 4 June 2013.

<sup>234</sup> ISAF has referred UNAMA to HQ SOP 10611, Appendix 8 to Annex A, issued on 26 June 2013 as the core SOP for ERW clearance. Under closure requirements, this policy states: "Immediately prior to range closure or transfer, a surface sweep must be conducted to locate, identify and remove and expended shells, casings and UXO." ISAF Response to Unexploded Ordnance. 24 July 2013. Meeting with UNAMA, MACCA, UNMAS and ISAF, ISAF HQ, Kabul, 24 July 2013. See also HQ ISAF/CJ3 Point Paper Addressing UNAMA Human Rights RFIs in Preparation of the Mid-Year PoCAC 2013 Report, 26 June 2013 on file with UNAMA.

<sup>235</sup> In its briefing on the policy framework for *Firing Ranges and Civ Cas Mitigation*, ISAF referenced IJC FRAGO 041 02 February 2012 which covers Range Jettison and Ordnance Drop Rea Data Collection. The FRAGO stipulates that "battlespace owners (BSO)" are obliged to insert data regarding official firing ranges

In addition, it is unclear if a policy is in place requiring identification of confirmed or suspected hazardous areas during transition, confirmation of hazardous areas and a requirement to clear ERW prior to transition or closure.<sup>236</sup> According to the Bagram Mine Action Centre, about a 832 square kilometer area at the former location of military firing ranges require ERW clearance intervention across the country.<sup>237</sup>

UNAMA recommends that ISAF conduct a comprehensive review of every base and firing range closed or transitioned, including informal firing ranges, since the onset of NATO/ISAF operations in Afghanistan to identify the technical standard to which each area has been cleared of UXO and materials potentially presenting an explosive hazard to communities. Of urgent priority is the need for ISAF to review ERW clearance carried out at high-explosive ranges that have already closed to ensure that sub-surface clearance of sufficient technical standard, had been undertaken.<sup>238</sup> ISAF should review procedures undertaken during previous closure of all international military bases to ensure that each area was mapped and cleared or requested for clearance of ERW.

UNAMA also proposes that ISAF establish clear policy guidance applicable country-wide which identifies hazardous areas and takes all necessary measures to ensure that all ERW is marked and cleared from the bases, firing ranges and a reasonable radius around the base.

UNAMA further recommends that those areas found not to have been cleared to an appropriate standard must be marked and cleared of ERW at the earliest opportunity.

All coordinates of suspected and confirmed hazardous areas and related clearance details should be inputted to the Information Management System for Mine Action<sup>239</sup> (IMSMA) database which MACCA maintains on behalf of the Government of Afghanistan by MACCA.

### *ISAF Response*

Recent UNAMA meetings with senior ISAF leadership<sup>240</sup> indicate a stated commitment to ensure that ERW clearance is carried out prior to base and firing range closure and that areas already transitioned will be reviewed. UNAMA welcomes recent efforts by ISAF to be more transparent about the concerns regarding ERW but notes that

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and area used as temporary ranges into ISAF's database. ISAF Response to Unexploded Ordnance. 24 July 2013. Meeting with UNAMA, MACCA, UNMAS and ISAF, ISAF HQ, Kabul, 24 July 2013.

<sup>236</sup> UNAMA asked several ISAF personnel about policies in place regarding ERW clearance requirements during transition and has not received a response to date. ISAF and UNAMA meeting on Transition and PRT closure, Kabul, 23 May 2013.

<sup>237</sup> Information provided at ISAF HQ to UNAMA, UNMAS and MACCA on 24<sup>th</sup> July 2013.

<sup>238</sup> Definitions: Ranges: geographic areas containing impact areas which may contain high hazard UXO. High-explosive explosive range: a range used for high-explosive, dud-producing fire, found outside the formal boundaries of a base. Small-arms range: a range used specifically for small-arms training. These may be found within base boundaries, though some high explosive ranges may also be used for small arms training.

<sup>239</sup> IMSMA is the Information Management System for Mine Action. The database in MACCA contains the historical record for all mine action conducted in the country since 1989. UNMAS and MACCA are responsible to the Government of Afghanistan for maintaining IMSMA.

<sup>240</sup> Meetings between UNAMA, MACCA and ISAF leadership 22 July 2013, and UNAMA meetings with ISAF HQ, 24 July and 28, 2013, Kabul.

significant marking and clearance efforts, as well as policy, documentation and coordination efforts, need to be taken to effectively address the issue and ensure prevention of civilian casualties from left or abandoned explosive remnants of war.

UNAMA notes ISAF's acceptance of the view that the current policy framework in place is insufficient to address the requirements of ERW clearance and documentation. UNAMA welcomes ISAF's acknowledgement of the need to conduct theatre wide verification of bases and firing ranges since 2001 and compare with existing data sources to capture all coalition bases and firing ranges. ISAF also stated it agreed to review every former and current base and range to ascertain what ERW clearance has been carried out and to what technical standard, i.e. surface sweep, surface clearance, sub-surface clearance. ISAF further stated it agreed to document this information with its own database (CIDNE), MAC and United States and Army Corps of Engineering.<sup>241</sup>

UNAMA reiterates its recommendation that this information be shared with the Government of Afghanistan through MACCA and documented accordingly in the Information Management System for Mine Action (IMSMA), as is the practice throughout Afghanistan of areas with suspect or confirmed ERW.<sup>242</sup>

UNAMA notes ISAF's commitment to develop an overarching base and firing range closure/transfer SOP<sup>243</sup> but reiterates the need for immediate review of the 700 bases and ranges that have closed since 2001.

Representative examples of child civilian casualties from ERW:<sup>244</sup>

- On 8 May, in KhasKunar district, Nangarhar province, a group of children from the same family found a UXO near a high school and brought it home. The UXO detonated, killing three boys and injuring two boys, a girl and their mother.
- On 1 March, in Marmul district, Balkh province, a UXO detonated, killing one girl and injuring three boys.
- On 1 February, in Qadis district, Badghis province, a UXO detonation seriously injured three children. The children discovered a UXO and placed it in a fire causing the device to detonate.
- On 26 January, in Kohe Safi district, Parwan province, an old mortar round detonated when eight shepherd boys were playing with it. Three boys were killed as a result of the explosion and five others were injured.
- On 19 January, in Shindand district, Herat province a UXO detonated killing two children and injuring one other. The children had been collecting firewood and playing when they came across the UXO.

### **Legacy IEDs: Displacement, Insecurity and the Need for Clearance**

*We can fight the enemy but not IEDs. The clearance of IEDs saves lives, allows people to return to their homes, opens schools and allows farmers to do their work. After the fighting between the Taliban and international military forces five years ago, only 35 families remained in Nawzad. After the de-*

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<sup>241</sup> Ibid.

<sup>242</sup> NATO/ISAF Unclassified information released to UNAMA, 28 July 2013.

<sup>243</sup> Ibid.

<sup>244</sup> Includes non-attributed ERW incidents.

*miners removed 683 IEDs –mostly from residential compounds - almost 4000 families returned to their homes. Many villages in Nawzad remain heavily mined with IEDs. We need more teams. With the current presence of IEDs, not even animals can walk in peace.*

-- Nawzad District Governor, Helmand province, 29 May 2013.<sup>245</sup>

In the first six months of 2013, IEDs remained a serious conflict-related threat to the lives and wellbeing of Afghan, children, women and men. Pressure-plate IEDs (PPIEDs) continued to cause the majority of IED-caused civilian casualties. Notwithstanding the loss of life and limbs from IEDs, legacy IEDs<sup>246</sup> - planted and undetonated IEDs which effectively function as landmines – continued to impede the enjoyment of basic human rights for thousands of Afghans

The presence of legacy IEDs perpetuates an environment of fear and insecurity and threatens the right to life. Throughout the conflict, legacy IEDs have left entire villages displaced and those communities residing in areas with abandoned IEDs living under constant threat of death, maiming, serious injury and destruction of civilian property. Legacy IEDs restrict the enjoyment of basic human rights, particularly freedom of movement as well as the rights to livelihood, political participation, education and health.

Current IED disposal /EOD efforts are focused on the removal of operational IEDs, particularly those which present a threat to ANSF and international military forces. UNAMA highlights that humanitarian grounds and civilian protection should be given at least equal consideration to the clearance of IEDs currently carried out for military purpose. Further resources should be dedicated to removal of remnant IEDs and other forms of ERW from communities. The impact of mine clearance operations on Afghan communities is immediate, measurable and significant while leaving non-operational IEDs in place is a threat to Afghan life and security of person and creates a long-term legacy of fear and instability.

A safe environment for Afghans is a core principle of the Government's Counter-IED strategy. The C-IED strategy includes five separate pillars: rule of law, governance, security, diplomatic engagement and public awareness. The "Defeat the Device" component of the security pillar considers all security ministries as potential first responders to an IED or EOD incident or task with capability to do IED-disposal and EOD procedures.<sup>247</sup> This means that efforts should be continued to ensure that all Afghan security forces are trained, resourced and equipped to carry out IED disposal.

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<sup>245</sup> UNAMA interview with Nawzad District Governor, Nawzad district centre, Helmand province, 29 May 2013.

<sup>246</sup> Planted IEDs include pressure-plate IEDs (PPIEDs), command-wire, and remote-controlled IEDs which may or may not be activated. Legacy IEDs refer to IEDs planted during previous fighting, which may or may not be active, i.e. the battery for the trigger device may have expired or the device has not been activated. Most abandoned or legacy IEDs are PPIEDs which pose extremely serious and deadly risks to civilians as they are victim-activated.

<sup>247</sup> Article 22, National Counter Improvised Explosive Device Strategy 2012, Office of National Security Council, Government of Afghanistan, passed 24 June 2012.

*Case study: Kajaki and Nawzad districts, Helmand province*

In a follow-up to research on legacy IEDs conducted in 2012,<sup>248</sup> in May 2013 UNAMA consulted with community elders, district officials and local administration in Nawzad and Kajaki districts, Helmand province regarding the impact of legacy IEDs on their lives. In both districts, ongoing conflict between Taliban and military forces from 2008 onwards displaced thousands of families from their homes, in some cases displacing entire villages. UNAMA received consistent accounts that entire villages remained displaced in 2013 due to heavy concentrations of undetonated IEDs. Communities similarly reported that families have returned to their homes in areas that have been cleared of legacy IEDs and UXO.

In Nawzad district, Helmand province, as of 29 May 2013, de-miners cleared 683 abandoned IEDs and 210 UXO from 2,660,432 meters of land. This includes removal of abandoned IEDs, UXO, small arms ammunition and fragments and clearing 1280 civilian residences since March 2010.<sup>249</sup>

Similarly, in Kajaki district, Helmand province, as of 30 April 2013, the Demining Agency for Afghanistan (DAFA) had removed 81 abandoned IEDs and 1198 UXO since July 2012.<sup>250</sup> According to DAFA, de-miners cleared 300 homes and 200 families have since returned.<sup>251</sup>

During UNAMA's meetings with communities in Nawzad and Kajaki districts in May 2013,<sup>252</sup> district authorities, tribal elders, teachers and medical practitioners emphasized the positive impact of IED clearance programs on access to education, health, mobility and overall security of person. Communities consistently reported that since 2009, conflict related violence displaced entire villages; after combat operations communities could not return to their homes due to planted IEDs. Families did not return to their homes until after IEDs had been removed from the area.

Although many IEDs removed may technically be considered non-operational, for example, if the battery used as the power source to trigger the initiator had expired,<sup>253</sup> it is impossible for a civilian without EOD training to ascertain the operational capacity of a device and the functionality of a device varies with every IED. This situation requires specialized assistance for removal and clearance.

The clearance operations in these communities represent only a small proportion of those communities impacted by legacy IEDs and demonstrates the need for further clearance operations, particularly in the south. Tribal elders, community representatives and district government authorities consistently reported that removal of non-

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<sup>248</sup> See UNAMA's 2012 Annual Report on Protection of Civilians, *IEDs in Depth: The Impact of Planted and Legacy IEDs on Civilian Lives*. pp. 62-64 at <http://unama.unmissions.org/Default.aspx?tabid=12265&language=en-US>.

<sup>249</sup> UNAMA meeting with district authorities and Mine Detection Centre (MDC), Mine Action Program for Afghanistan, meeting with UNAMA, Nawzad district, Helmand province, 29 May 2013.

<sup>250</sup> UNAMA meeting with district authorities and Demining Agency for Afghanistan (DAFA), Kajaki district centre, 29 May 2013.

<sup>251</sup> The remaining 100 persons have not yet returned due to destruction of their homes during the fighting, including from IED incidents and aerial bombardment.

<sup>252</sup> UNAMA meetings with communities in Nawzad on 28 and 29 May 2013 and in Kajaki district, 29 May 2013.

<sup>253</sup> Commercial batteries are often the power source used to trigger the initiator (detonator) of an IED.



operational/legacy IEDs from communities in Nawzad and Kajaki districts was carried out without interference or intimidation by Taliban.

In other parts of Afghanistan, particularly the south, the need for mapping and clearance of abandoned IEDs is acute. During UNAMA's consultations with communities in Kandahar province, community representatives continued to report civilian casualties, movement restrictions and other issues related to the presence of IEDs.<sup>254</sup> For example, in Maiwand district, Kandahar province, tribal elders noted that in GachKarez area, residents knew of at least 40 IEDs in their village. They further stated that ANSF were unable to remove or defuse the devices. Communities reported that ISAF and ANSF drive through their fields, rather than using the public roads, due to the presence of IEDs on the roads. No compensation is provided for crop destruction resulting from this practice. Elders reported that more than 80 civilian deaths and injuries occurred in the district annually, mostly from PPIEDs planted on the roads.<sup>255</sup>

The scope of legacy IEDs is broad and further surveying and mapping efforts are required to identify those areas most affected by non-operational IEDs, at present and in years to come. Ongoing violence however has prevented de-mining/removal of legacy IEDs in some of the worst IED-affected areas; Nahr-e-Saraj and Nad-e-Ali and other areas of concern remain too insecure for de-mining agencies to conduct survey missions.

UNAMA reiterates that efforts should be increased to fully implement the National Counter IED Strategy, passed by the National Security Council of Afghanistan on 24 June, 2012. In 2013, ANSF with support from ISAF made substantial gains in procuring and distributing EOD equipment and improving command and control. UNAMA welcomes these developments and reiterates its recommendation that additional resources be dedicated to ensure IED disposal operations are carried out throughout Afghanistan.

### ***Women and children and the armed conflict***

#### *Women*

The conflict in Afghanistan increasingly harmed women and children. In the first six months of 2013, conflict related violence killed 106 women and injured 241 (347 casualties), a 61 percent increase from the same period in 2012.<sup>256</sup>

In 2013, the vast majority of women victims were killed or injured from ground engagements involving multiple parties to the conflict, with this tactic killing 33 women and injuring 118 and accounting for 43 percent of all women casualties. Women killed and injured from ground engagement increased by 64 percent in 2013, corresponding

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<sup>254</sup> See UNAMA's *Protection of Civilians in Armed Conflict, Annual Report 2012*, pages 62-64 at <http://unama.unmissions.org/Default.aspx?tabid=12265&language=en-US>.

<sup>255</sup> UNAMA meeting with community representatives from Maiwand district, Kandahar province, 27 May 2013.

<sup>256</sup> Between 1 January and 30 June 2012, UNAMA documented 76 women killed and 139 injured (215 women casualties), and 232 children killed and 532 injured (760 children casualties).

with the increase in overall casualties from ground engagement documented by UNAMA.<sup>257</sup>

The majority of incidents involved stray munitions impacting their homes or harming them while engaged in everyday activities. For example, on 8 May, in Qaysar district, Faryab province, a stray mortar fired by ANA impacted a civilian residence, killing three women and one child (all members of one family).

Following ground engagements, IEDs killed and injured the most women, accounting for 41 killed and 54 injured. The number of women casualties from IEDs increased in 2013 by 137 percent.

### *Children*

Between 1 January and 30 June, UNAMA documented 760 (231 deaths and 529 injuries) child casualties, representing a 30 percent increase from 2012. In 2013, IEDs killed and injured more children than any other tactic. UNAMA documented 70 children killed and 179 injured, representing a 72 percent increase from the same period in 2012, when UNAMA documented 63 killed and 82 injured. For example, on 23 April 2013, a road-side IED killed four children and injured one other in Maruf district, Kandahar province.

Ground engagement were the second leading tactic harming children, followed by Explosive Remnants of War (ERW), with children casualties from both tactics increasing in 2013. UNAMA documented 57 children killed and 183 injured as a result of ground engagements, a 40 percent increase from 2012. Thirty-three additional children were killed and 82 injured from ERW detonations, a 51 percent increase from 2012.<sup>258</sup>

### *Attacks on education*

From 1 January to 30 June 2013, UNAMA documented 40 incidents of conflict related violence affecting schools and direct attacks against schools and educational staff, representing an increase of 18 percent compared to the first six months in 2012.<sup>259</sup> More than one third of the incidents were recorded in the eastern region. UNAMA attributed 23 of the 40 incidents to Anti-Government Elements and four incidents to Pro-Government Forces. The remaining thirteen incidents could not be attributed to any party to the conflict.<sup>260</sup>

The majority of incidents involved damage to school buildings and property from combat operations. Other attacks involved burning of schools, killing and injury of students, occupation and use of schools for military purposes and intimidation and abduction of educational personnel. In May 2013, schools were forcibly closed by the Taliban in Zabul

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<sup>257</sup> In 2013, UNAMA documented an overall 42 percent increase in civilian casualties from ground engagement. See section: *Ground engagement between parties to the conflict*, in this report.

<sup>258</sup> See section: *Explosive Remnants of War and Legacy IEDs*, in this report.

<sup>259</sup> In the first six months of 2012, UNAMA documented 34 incidents of attacks against education and incidents impacting education.

<sup>260</sup> According to data gathered and verified by the Country Task Force on Children and Armed Conflict in 2013.

province in response to a local government ban on the use of motorbikes, which were reportedly being used by Anti-Government Elements to conduct targeted killings.<sup>261</sup>

#### *Recruitment and use of children in Armed Forces*

UNAMA documented 16 separate incidents of recruitment of children into armed groups and the Afghan National Security Forces in the first half of this year. The number of reported incidents remains similar to the same period in 2012. Within this figure, at least seven children were recruited by the ALP, one by ANP and 23 by the Taliban and other Anti-Government Elements.<sup>262</sup> Children were mostly recruited in the southern and the southeastern regions. Recruited children were used for different military purposes such as performing policing activities, assembling and planting IEDs and carrying out suicide attacks.

#### *Attacks against hospitals and health facilities*

UNAMA documented 12 attacks against hospitals and medical staff in the first half of 2013. The majority of attacks were documented in the eastern region. Such incidents included denial of vaccination services, armed attacks on medical facilities and staff, forced entry, looting and abduction of staff. The total reported incidents remained at similar levels to the first six months of 2012.

#### **Conflict-Related Displacement**

Between 1 January and 30 June, the United Nations High Commissioner for Refugees (UNHCR) documented the displacement of 59,315 civilians due to conflict related violence, representing a three percent increase in conflict displaced persons over the same period in 2012.<sup>263</sup> The total number of displaced persons in Afghanistan is approximately 574,327 individuals.<sup>264</sup>

Similar to 2012, in the first half of 2013, UNHCR recorded the highest increase in IDPs in the southern region followed by the west and eastern regions of Afghanistan.<sup>265</sup> The northern region reported the second highest increase displacement from conflict-related violence, mainly due to forced recruitment by Anti-Government Elements, armed conflict, harassment, illegal taxation by Anti-Government Elements and a general deterioration of the security situation.<sup>266</sup> UNHCR documented the highest numbers of displaced people in May 2013, during which an estimated 32,000 individuals were displaced, mostly due to military operations and ground engagements in Helmand and Uruzgan.

IDPs continued to report ground engagements, military operations and a general deterioration of security as the leading factors driving displacement. Other reported

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<sup>261</sup> A previous decision to ban motorcycles, resulted in the closure of 26 schools in Andar district of Ghazni province in April 2012, and prompted a local uprising against the Taliban.

<sup>262</sup> According to data gathered and verified by the Country Task Force on Children and Armed Conflict in 2013.

<sup>263</sup> In January- June 2012, UNHCR documented 57,587 newly displaced persons.

<sup>264</sup> UNHCR has documented this figure of displaced persons in Afghanistan since 1994. UNHCR brief: "Conflict-induced Internal Displacement – Afghanistan", January – May 2013, and "Conflict- Induced Internal Displacement- Monthly Update", UNHRC Afghanistan, June 2013.

<sup>265</sup> According to UNHCR figures, Afghanistan's southern region hosts the highest number of IDPs, at approximately 180,960. The second highest number of IDPs was recorded in the western region, with approximately 159,422 IDPs, and the eastern region, with approximately 103,841 IDPs. Ibid.

<sup>266</sup> "Conflict- Induced Internal Displacement- Monthly Update", UNHCR Afghanistan, June 2013.

reasons included intimidation and threats by Anti-Government Elements and inter-tribal conflicts.<sup>267</sup> In most cases, internal displacement took place within the district/province of origin or other provinces within the region, with a relatively smaller number moving into neighboring regions. In all cases, displaced civilians reported insecurity, breakdown in community and family structures, death and injury, loss of livelihoods in the place of origin, inaccessibility of basic services, amongst other human rights concerns.

The difficulties faced by humanitarian organizations to access the majority of IDPs due to insecurity, particularly in remote areas, remained a core concern in the first half of 2013.

UNAMA welcomes the Government's continued engagement toward the adoption of a national IDP policy.<sup>268</sup> According to UNHCR, the policy provides a much-needed framework for the Afghan government to assume its responsibilities in relation to displaced populations, articulates strategies to prevent displacement and outlines comprehensive engagement by national and provincial authorities in addressing the multi-sectoral needs of IDPs in displacement, and in providing sustainable durable solutions.

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

In the first six months of 2013, UNAMA documented 44 incidents of cross-border shelling from Pakistan, resulting in 14 civilian casualties, two civilians killed and 12 injured. The incidents took place in Dangam, Sirkanay, Marawara, Khas Kunar, Sheigal Wa Shiltan districts in Kunar province, Kamdish district in Nuristan and Lal Pur district in Nangarhar province. This represents a 100 percent increase over the same period in 2012.<sup>269</sup>

In addition to the civilian casualties, UNAMA received reports of damage to residential properties and killing of livestock. Although UNHCR did not document any new incidents displacement in these areas in 2013, over 700 families (approximately 4,500 individuals) had already been displaced from Dangam district, Kunar in 2012 where most of the cross border shelling incidents have been impacting.<sup>270</sup>

Pakistan has stated in the media that it uses shelling against insurgents who cross the border from Afghanistan and carry out insurgency activities in Pakistan.<sup>271</sup> UNAMA has not received reports of cross-border shelling from other districts bordering Pakistan, including Nari district, Kunar, and Achin district, Nangarhar, although such districts witness heavy insurgency and cross-border activities. While the prevention of Anti-Government Elements' movement along the border may be a motivating factor for the

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<sup>267</sup> Ibid.

<sup>268</sup> See "IDP Draft Policy Outline" – Draft 2 – 14 October 2012, Ministry of Refugees and Repatriation, <http://morr.gov.af/en/page/8105>, accessed 15 July, 2013.

<sup>269</sup> In the first half of 2012, UNAMA documented one civilian killed and six injured in seven separate incidents.

<sup>270</sup> With the exclusion of four incidents, all the other incidents occurred in Kunar province, and the majority in Dangam district.

<sup>271</sup> See for example Dylan Welch and Katharine Houreld, "Afghan army scraps Pakistan trip over cross-border shelling", *Reuters*, March 27, 2013 at <http://www.reuters.com/article/2013/03/27/us-afghanistan-pakistan-shelling-idUSBRE92Q0EF20130327>, accessed 15 July, 2013.

shelling, UNAMA did not receive information regarding the deaths of Anti-Government Elements due to this shelling.

Ongoing incidents of cross-border shelling throughout 2013 continued to prompt anger and condemnation, in particular following a clash between Afghan and Pakistani forces at a border point on 2 May. Following this incident, at least 17 separate demonstrations were held in protest of the violent clash and the ongoing cross-border shelling, 11 of these were held in Kunar province.

**Protection of Civilians Incidents from the Taliban January-May 2013 monthly “war crimes” statements - Comparison with UNAMA Database and Figures**

No	Taliban allegations and details	UNAMA findings
1	On 4th January 2013, a villager known as Mr. Barakzai was martyred by the invaders in a raid in the Qaryan village of Shah Wali Kot district of Kandahar province.	UNAMA could not verify this case.
2	On 5th January, the invading forces raided in their night operations, the Ankol village of Sarobi district of Kabul province. They did not find any fighting material but still martyred two civilians and wounded two others.	UNAMA could not verify this case.
3	On 8th January, the invaders locked up six civilians in the Nojoy village of Gohar Gin area of Char Chino district in Urzugan province and martyred a young scholar, Moulvi Sher Mohammad in the aforesaid area.	UNAMA could not verify this case.
4	On 8th January, the house of a civilian was raided by the Arbakis (the local militia) in the Akhshakh area of Chardara district of Kunduz province. A sixty five years old man and two women were martyred. The Arbakis then searched the house and took away the valuable things.	This case already documented by UNAMA prior to the Taliban statement. UNAMA found that an ALP commander killed three members of a family including two women.
5	On Tuesday 8th January, hundreds of people were beaten up in Laghman province by the forces of the stooge administration in the continuation of their cruelties over the helpless and oppressed masses. The reason for this incident was told that the people have torn apart the flag of the stooge government.	UNAMA could not verify this case.
6	On 9th Jan, the foreign invading forces martyred a civilian and wounded three others in Kandahar province. This incident took place after the intentional collision of a vehicle of the invaders with a motor bike in Khawajak Baba area of Kandahar province.	UNAMA could not verify this case.
7	On 10th January, three children were wounded by a mortar of the invaders in the Khogyani district of Nangarhar province.	UNAMA could not verify this case.
8	On 10th Jan, a civilian was martyred and two others were made captive during a raid on a house in the Tahir Khan village related to Ashkamish district of Takhar province on the same date.	UNAMA investigated this incident a found that the casualties in this incident were not civilians.
9	On 10th January, two civilians were martyred and two other were imprisoned with the collaboration of the internal soldiers during a raid in the Karo area of Khashroad district in Nimroz province.	UNAMA could not verify this case.
10	On 13th January, the media reported that a number of civilians were either martyred or injured during an air raid of the invading forces on a Mosque in the Hasan Khail area of Tangi Dara of Said Abad district in Maidan Wardak province. The news adds that the Mosque was bombed. When the people came out of their houses to evacuate the martyrs and wounded persons from the debris, the Mosque was re-bombed while the internal and external infantrymen targeted the civilians coming out of homes. The teacher of Imam Abu Hanifa’s Lyceum, two of his sons and three sons of a chieftain Haji Khar (namely Sibghatullah, Abdul Basit and Naik Mohammad) were included in the list of Martyrs. Totally eighteen civilians were martyred and more than thirty were wounded in this calamity.	This case already documented by UNAMA prior to the Taliban statement. UNAMA found that the incident resulted in 10 civilians killed and nine others injured. UNAMA found however that the civilian casualties resulted from the detonation of suicide vests that were placed on the bodies of deceased Anti-Government Elements members.
11	On Sunday 13th January, in Tangi area of Said Abad district of Maidan Wardak province, at least 7 innocent civilians, including children and women, were martyred in a series of brutal operations. After the bloody incident of last year in which 32 Americans were killed, the invading forces have started to take the revenge of their dead bodies from the oppressed people of this village. They have martyred hundreds of the villagers and have arrested hundreds of others from time to time.	UNAMA could not verify this case.
12	On 14th January, the Arbakis raided civilian houses in Manar village of Shilgar district in Ghazni province. During search operations, a white bearded man Haji Momin and another one named Khalid were beaten. Later on, according to the witnesses, the Arbakis took away cash money, female ornaments and a Toyota car from the houses.	UNAMA could not verify this case.
13	On 17th January, the internal forces martyred a civilian while he was watering his field, in the Pisao village of Bala Bolok district in Farah province.	UNAMA could not verify this case.
14	On 17th January, the internal forces made a night raid in the Spina village of Omna district in Paktia province. They imprisoned four civilians and took away 8 motorcycles of the civilians, 1 vehicle and 25 sacks of pine nuts with themselves.	UNAMA could not verify this case.
15	On Friday 18th January, in the series of killing the civilians, the occupying forces martyred two women in the Shindand district of Herat province. While the people of the area give evidence of the martyrdom of two women but the devious American enemy, very shamelessly gave the report of the martyrdom of two Taliban.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that two women were killed and a child was wounded in crossfire between Anti-Government Elements and ANA after a joint patrolling convoy was attacked.

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16	On 19th January, four children of a civilian, Haji Ataulah were either killed or wounded in a blast of a touch-mine of the invaders in 'Kajoor Nawa' area of Shahwalikot district in Kandahar province. It is said that the invaders have spread anti-personnel touch-mines on the hills and grounds resulting in civilian casualties in different areas.	This case documented by UNAMA prior to Taliban statement. UNAMA found that one female child was killed and three other children were wounded as a result of a road-side IED detonation.
17	On 21st January, civilian houses were raided and searched by the occupying forces in 'Toto' village of Shairzad district in Nangarhar province. Consequently one resident was wounded and eight more were imprisoned.	This case was verified by UNAMA following the Taliban statement. UNAMA found that one civilian man was injured following a Pro-Government Forces search operation.
18	On 21st January, the invaders bombed the civilians in 'Baz Gul' area of Kamdaish district in Nooristan province in which two persons were martyred.	UNAMA investigated this incident a found that the casualties in this incident were not civilians.
19	On 21st January, two civilians were fired by the Arbakis in 'Hasan Khail' village of Ozbin area in Sarobi district of Kabul province. One of them was martyred on the spot and the other one was wounded.	UNAMA could not verify this case.
20	On 21st January, the occupying forces made a barbaric bombardment in Nad Ali district of Helmond province in which a large number of civilians were martyred.	UNAMA could not verify this case.
21	On 21st January, a civilian was martyred and two more were taken away by the invaders during a raid and search operation in 'Kanam' area of the centre of Kunduz province.	UNAMA investigated this incident and found that the casualties in this incident were not civilians.
22	On Tuesday, 22nd January, the inhabitants of the Siyah Gard district of Parwan province made the complaint against the police force and Arbakis, related to the Kabul admin, for beating up civilians.	UNAMA could not verify this case.
23	On 23 Jan, in Tahab district of Kapisa province, the internal and external enemy killed a female member of the provincial council belonging to this district in their search operations and could not make any damage to Mujahidin.	This case documented by UNAMA prior to Taliban statement. UNAMA found that one woman was killed as a result of cross fire between Pro-Government Forces and Anti-Government Elements.
24	On Saturday, 26th January, a person was martyred by the occupying forces in the capital of Balkh province, Mazar Shareef, just on the basis of the lame excuse that he was going to collide his motor bike with their vehicle.	UNAMA verified this case and confirmed that it involves a traffic incident and cannot be reported under armed conflict related cases.
25	On 27th January, the invading forces martyred three civilians travelling in a vehicle near the centre of Baraki Barak district of Logar province. It is worth mentioning that all of them were brothers. The provincial officials acknowledge the incident but are reluctant to give the details.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found similar details to those provided by the Taliban.
26	On 30th January, two cultivators were martyred and nine other civilians were imprisoned by the intruders with the collaboration of the internal forces in 'Miagan' village of Qialgho area in Khogiani district of Nangarhar province. The local people told the media that they were busy in their fields in the morning, internal and external soldiers came and started firing the people, killing two persons and taking away whosoever came in their way. The head of the said district, Haji Said Rahman confirms the incident.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found one civilian killed and nine persons arrested in this incident. The other killed person is considered to be a member of an Anti-Government Elements group.
27	On Thursday, 31st January, the American invading forces targeted the civilians in Khas Kunar district of Konar province and wounded at least three civilians as acknowledged by the mercenaries.	This case was verified by UNAMA following the Taliban statement with similar details.
28	On 3rd February, the invading and internal forces raided the house of a civilian, named Haji Agha Wali, in the area of Shagai in Bakwa district of Farah province. They did not find any explosive during the search operation but forced him out of home and martyred him in front of his relatives.	UNAMA investigated this incident and found that the casualty in this incident was not a civilian.
29	On 5th February, 2 women were martyred and 3 children were injured during a face to face fighting of the American forces with Mujahidin in Zirkoh area of Shendand district of Hirat province.	This case was documented by UNAMA prior to Taliban statement. UNAMA found that a joint IM/ANSF operation killed two AGE commanders and five local civilians; including two women and three female children, three other children were injured.
30	On 7th February, the invading forces made a simultaneous raid on several houses in the Jali Khail area of Tagab district in Kapisa province in their night operations. They martyred a civilian, named Toryali, in a house, during search operation. They wounded another person, named Noor Agha, in another house. At the end, they arrested 75 civilians. It is said that the American forces searched the houses till dawn, during which, women's ornaments and some valuables were stolen from some houses.	UNAMA verified this search operation took place but could not confirm any civilian casualties resulting from it.
31	On 11th February, the Australian invaders martyred a civilian in Shin Kayan area of Dehraut district of Urzgan province.	This case was verified by UNAMA following the Taliban statement with similar details.
32	On 13th February, the trespassers martyred a medical student, named Ihsanullah, of Nangarhar University, during a raid in Mangsoo area of Khost province. The relatives of the martyred student told the media that Ihsanullah was studying in Nangarhar University. He had come back to village for spending vacations. He was neither indulged in armed activities nor had any link with any faction.	This case was documented by UNAMA prior to Taliban statement. UNAMA found that as a result of an IM/KPF (Khost provincial forces) night operation, one local civilian, was shot and killed.

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33	On 13th February, the invading forces and their Afghan coalition forces martyred 10 civilians in Chogan village of Soltan valley in Shegal district of Konar province. 5 children, 4 women and 1 man were included in the martyred people. 4 other children were also wounded. The governor of Konar province, Mr. Wahidi, confirmed the death of civilians. The head of the Provincial Council of this province, Haji Mia Hassan Aadil, strongly condemned the killing of women and children. He added that by these types of operations, they (the trespassers) want to widen the cleavage between the masses and the government.	This case was documented by UNAMA prior to Taliban statement. UNAMA found that as a result of an IM supportive air strike, nine civilians, five children and four women, were killed and five other civilians were wounded, including three children and a woman.
34	On 13th February, the intruders targeted a civilian transport vehicle in Kachy area of Spin-Boldak district in Kandahar province in which three civilians were either killed or wounded. The provincial officials of Kandahar also confirmed the abovementioned casualties of the civilians.	This case was documented by UNAMA prior to Taliban statement. UNAMA verified that a civilian vehicle failed to stop when instructed to do so by ISAF. ISAF opened fire and killed one civilian, wounding four others.
35	On 14th February, the invading soldiers opened fire on a wedding procession in Onka area of Boldak district in Kandahar province in which 2 persons were martyred.	This case was verified by UNAMA following the Taliban statement. UNAMA found that ISAF opened fire on a wedding procession traveling in Boldak district in Kandahar province, after a vehicle ignored a stop sign at a check point. As a result, one civilian was killed and four others were wounded.
36	On Saturday, 16th February, the helpless dwellers of Maidan Wardak province complained against the cruelty of the crusade invaders for the last several months and once again blocked the highway between Kabul and Kandahar. In consequence, a student was martyred by the crusade invaders which resulted in large scale demonstrations. The above mentioned student was pulled out from home and then killed.	This case was documented by UNAMA prior to Taliban statement. UNAMA found that one civilian was found dead after he was arrested by Special Forces during a search operation.
37	On 19th February, the trespassers raided the Chinar area of Chinarto district in Urzgan province. They martyred 3 civilians and detained two more.	UNAMA could not verify this case.
38	On 19th February, 2 civilians, walking on the way, were martyred in a UAV attack in Hegal area of Ghazi Abad district in Nooristan province. According to the eye witnesses, in the recent past, at least 15 civilians were martyred in the UAV attacks in the abovementioned district.	UNAMA investigated this incident and found that the casualties in this incident were not civilians.
39	On 20th February, two civilians, working in their fields, were martyred in a UAV attack, in Safi Kot village of Qala Zal district in Kunduz province.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that two civilians were killed in Safi Kot area, Qala-e-Zal district, Kunduz following an aerial attack.
40	On 21st February, the trespassers bombed the Gul Aaram area of Laghman province in which 10 civilians were either killed or wounded. The civilians protested in retaliation of the incident. The demonstrators shouted slogans against the occupying forces and Karzai government and claimed punishment for the assassins.	UNAMA investigated this incident and found that the casualties in this incident were not civilians.
41	On 21st February, the American trespassers raided a house in Khawaja Ghaltan area related to the centre of Kunduz province. They martyred 4 members of one family, named Abdul Haq, Saif-ur-Rahman, Hayatullah and Dilawar, after search operation and detained another person. This incident has been confirmed by the provincial officials of Kunduz, as well.	UNAMA investigated this incident and found that the casualties in this incident were not civilians.
42	On February 21, the crusade invaders made bombardment in Laghman province with the support of their internal stooges in which at least 7 persons were martyred and 4 others were wounded besides the financial losses. This calamity took place just five days after the decree of Karzai in which he had forbidden his stooges to ask the crusade invaders for aerial assistance; this incident reveals the reality of Karzai's control and personality.	UNAMA investigated this incident and found that the casualties in this incident were not civilians.
43	On 25th February, 4 civilians were martyred by the occupiers bombing in the suburbs of Hisarak district in Nangarhar province.	This case was already documented by UNAMA prior to the Taliban statement. UNAMA found that an IM UAV attack against suspected Anti-Government Elements locations in Nangarhar province, Hisarak district, killed two civilian mine workers
44	On 3 <sup>rd</sup> March 2013, the invading Australian forces officially acknowledged that they have martyred two children in Urzgan province whose ages were less than seven years.	This case was already documented by UNAMA prior to the Taliban statement. UNAMA found similar details but confirmed that this incident took place on 28 February.
45	On 6 <sup>th</sup> March, the occupying forces raided in Darwar area of Garda-Chery in Paktia province. After searching the houses, they inflicted financial losses on the people. They also martyred 3 members of one family.	UNAMA could not verify this case.
46	On 6 <sup>th</sup> March, the invading forces raided some villages of Deh-Raud district of Urzgan province. The eye witnesses told the media that the foreigners had detained 600 civilians in the region inside the house of Haji Rashid Khan for a whole day and night in such a condition that they were neither allowed to make ablution for the prayers nor for eating or drinking something.	UNAMA could not verify this case.



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47	On 6 <sup>th</sup> March, two civilians were wounded by an Arbaki (a local tribal militia setup) commander named Zalmai, near the Shaheed Abdul Wahid School in Dasht-i-Archi district of Kunduz province.	This case was verified by UNAMA following the Taliban statement. UNAMA found that an ALP commander shot and injured two civilians in Dasht-e-Archi district of Kunduz province.
48	On 7 <sup>th</sup> March, the Arbaki forces have beaten the civilians and wounded at least seven of them in the valley of Sanjeen in Koh-Band district of Kapisa province. According to the eye witnesses, the Arbakis then burnt seven houses of the civilian people.	UNAMA investigated this incident and found that the incident was related to a clash between tribes and was not related to the armed conflict.
49	On 9 <sup>th</sup> March, the invading forces bombed the bazaar of Shadal area of Spin-Ghar district of Nangarhar province in which one civilian was martyred and 19 other innocent countrymen were wounded.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that as a result of an attack of Anti-Government Elements, IM called an airstrike to target AGES' positions. As a result of the airstrike, 10 civilians including three children and four women were wounded.
50	On 9 <sup>th</sup> March, Sayye Azim Agha a Mulla Imam (religious leader) was martyred in a UAV attack in Daranj area of Khak-i-Sapaid district of Farah province.	UNAMA investigated this incident and found that the casualties in this incident were not civilians.
51	On 10 <sup>th</sup> March, two civilians comprising a man and a woman were martyred during the invaders' raid in Langraiz area of Chinartu district in Urzgan province.	This case was verified by UNAMA following the Taliban statement. UNAMA found that a civilian man and woman riding a motorbike were shot killed by Australian forces.
52	On 11 <sup>th</sup> March, the trespassing forces opened fire on a civilian transport vehicle in Qara-Bagh district of Kabul province in which two civilian Afghans were martyred and one more was wounded.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that ISAF forces shot at a truck that allegedly failed to comply to ISAF orders to take a diversion road on the Kabul- Parwan road. As a result, two civilians were killed and the driver was injured.
53	On 11 <sup>th</sup> March, a civilians Afghan was martyred by the intruders during a raid in Zir-Koh area of Shin-Dand district of Herat province.	UNAMA investigated this incident and found that the casualties in this incident were not civilians.
54	On 16 <sup>th</sup> March, the internal forces martyred a civilian and detained two others during a raid in the village of Tarkha in Tarwa district of Paktika province. Similarly they took away 1 tractor and 2 motor cycles of the civilian people with them.	UNAMA could not verify this case.
55	On 18 <sup>th</sup> March, one civilian was martyred during the attack of American planes in the village of Zindai in Shahwali-Kot district of Kandahar province.	UNAMA could not verify this case.
56	On 19 <sup>th</sup> March, four civilians were martyred by the internal forces in Tarkha-Nawar area in Marja district of Helmond province.	This case was already documented by UNAMA prior to the Taliban statement. UNAMA found that a clash between ANSF and Anti-Government Elements relating to poppy eradication in Marjah district, Helmand province, an ANSF member was killed. Reportedly in retaliation ANSF shot and killed four civilians and injured two others.
57	On 20 <sup>th</sup> March, the internal soldiers martyred 20 civilians and wounded several others in Kunjak area of Musa-Kala district of Helmond province. The incident took place when the regional police force entered a mosque and desecrated the Holy Quran over there under the leadership of 'Khaksar' and 'Ehsanullah' (names of police commanders). The people demonstrated against this unfortunate incident and demanded punishment for the perpetrators while the police force opened indiscriminate fire on them and the calamity took place. This untoward incident has been confirmed by the officials of Helmond province.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that a group of civilians who were demonstrating against a Quran desecration on 20 March was reportedly infiltrated by Taliban members who at some point shot at the ANP that was present at the scene, from within the crowd. In response, ANP shot at the demonstrators and a firefight began, resulting in the killing of four civilians and injuring of five others.
58	On 21 <sup>st</sup> March, two civilians by the name of Abdul Wahid and Jamaluddin have been killed in Hastai village of Moaqar district of Ghazni province. These two persons were taken away by the regional Arbakis three days ago and later on their dead bodies were found in a dried up Karaiz (an underground canal).	UNAMA could not verify this case.
59	On 22 <sup>nd</sup> March, two children were martyred by the mortar shell of the internal soldiers in Para area of Alingar district in Laghman province.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that following a fire-fight between Anti-Government Elements and ANSF, a mortar round fired by ANSF against suspected AGES' locations impacted on a residential area. As a result, two boys were killed and two more boys were injured inside a house.
60	On 24 <sup>th</sup> March, a twelve years old young boy was martyred by the internal soldiers on the main Kandahar-Herat high way in Aziz-Abad area of Shin-Dand district in Herat province. The people protested against this untoward incident and demanded punishment for the perpetrators. The police opened fire on them in which seven demonstrators were wounded.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that a child was killed when ANA commandos opened fire on a private vehicle which did not stop in Shindad district, Herat province.
61	On 27 <sup>th</sup> March, the media reported that the external invaders and their internal stooge soldiers martyred more than 20 civilians and detained several others during their joint operations in Sajawand area of Baraki-Barak district of Logar province. The media reported quoting the eye witnesses that the joint forces started air and ground attacks on a stronghold of Taliban. This ambush was	This case was documented by UNAMA prior to Taliban statement. UNAMA found that as a result of an armed clash between Anti-Government Elements and ANSF, four civilians were killed and five others injured in Baraki Barak district, Logar province. The casualties were as a

	confronted by the tough resistance of Taliban. When both sides faced casualties and financial losses, the invaders started wide spread bombing in the area in which several houses were demolished and a number of civilians were martyred. After bombardment, the external and internal foot soldiers entered the village. They pulled out several villagers from their houses and took them away. When the operation was over, dead bodies of some of the villagers were found in the fields in such a condition that their bellies, noses and ears were torn apart. A number of them are still missing. This incident was interpreted as the death of tens of Taliban. Later on, the governor of Logar province, Azizi, confirmed the martyrdom of five civilians; but on the following day of the incident, the provincial council of Logar province acknowledged that more than 20 civilians have been martyred in this incident.	result of cross-fire.
62	On 29th March, the civilian's dwellings were bombed by the invaders in Yakshir area of Wardaj district in Badakhshan province in which seven civilians were martyred and heavy financial losses were inflicted on the people.	UNAMA investigated this incident and found that the casualties in this incident were not civilians.
63	On 30th March, the media reported, quoting Sabawoon, spokesman of the governor of Ghazni province, that the invaders targeted a civilian transport vehicle in Aspanda area of this province in which two civilian people were martyred and seven more were wounded. Ahmad Wali, a doctor working in Ghazni province, told that in the past few days, 25 civilians have been wounded in this area in the bombardment of the invading forces.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that as a result of an ISAF airstrike against the Taliban, three civilians were killed and eight civilians were wounded.
64	On 5th April, the intruding forces made a heavy bombing in the Siltan valley area of Shaigal district in Konar province. Having bombed the village, the intruders and internal forces opened fire in which 22 civilians, including women, aged people and children were martyred. This incident has been confirmed by the provincial officials of Karzai administration.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that 13 civilians were killed and five others injured.
65	On 5th April, a civilian was martyred by the Arbaki militia in the Shaikh area of Baraki-Barak district in Logar province just on the accusation that his brother had contacts with Taliban.	UNAMA could not verify this case.
66	On Saturday, 6th April, the dead body of a civilian was found who was taken away by the crusade invaders during search operations. Not only this one, but they had also taken away tens of the inhabitants of this district with them to their bases whose whereabouts of life and death is unknown till today.	This case was recorded by UNAMA prior to the Taliban statement but is not included in UNAMA's civilian casualty numbers as it is still considered to be under investigation, pending verification of more details.
67	On Saturday, 6th April, the dwellers of Maroof district in Kandahar province carried out a demonstration as they had reached the last of their patience because of cruelty and aggression of the security commander of this district. They accused this commander for martyring a Mulla Imam (one who leads congregations) and a farmer, leaving their dead bodies for 7 days without burial and imprisonment of 20 youth. He used to compel the inhabitants of this district to recruit their sons in the Arbaki militia and then plunder the houses of the civilian people.	UNAMA could not verify this case.
68	On 7th April, the Arbaki militia have forcefully taken out a civilian from his house and built a check post inside the house in the Gulo village of Shilgar district in Ghazni province. The local people told the media that Arbakis entered the village at 7 o'clock in the evening. They forced out the children of Haji Sa'duddin from their house and then built their check post inside the house.	UNAMA could not verify this case.
69	On 8th April, the invading forces martyred 2 countrymen during a raid in the Nao-Abad village of Chashma-Mayan inside Ishkamish district of Takhar province.	This case was verified by UNAMA following the Taliban statement. UNAMA found that one civilian was killed and one other arrested in a search operation.
70	On 9th April, the American special force and the internal soldiers raided the house of a civilian named Haji Khairullah in the Kotwal area related to Tarinkot city, the centre of Urzgan province. They martyred him and then badly damaged his house. The official workers of Urzgan province have confirmed this incident and said that the person killed was a national merchant and had a showroom for selling vehicles in the city.	This case was verified by UNAMA following the Taliban statement. UNAMA found similar information to the Taliban's statement.
71	On 10th April, the invaders opened fire on a 302 model Mercedes bus on the main Herat-Kandahar highway near Guzra district of Herat province in which 1 civilian was martyred and 2 other were wounded. The eye witnesses told the media that the bus was following the caravan of the invaders; all of a sudden, they opened fire on the bus and this incident took place.	This case was documented by UNAMA prior to Taliban statement. UNAMA found that only one child was killed. The date of incident is 11 April.
72	On 11th April, the invading forces raided the Alizai area of Shilgar district in Ghazni province. They inflicted financial losses on the civilians during search operation. They have beaten up the white-bearded, young ones and children and have tormented them.	UNAMA could not verify this case.
73	In the series of killing the civilians, a youth was martyred in front of the people by a brutal Arbaki commander in Nangarhar province while he was leading the funeral prayers of another martyred person. According to the eye witnesses, the above mentioned youth who was Quran-Conner, was taken away by the brutal Arbaki commander and then martyred.	UNAMA could not verify this case.

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74	On 14th April, the invading forces bombed different areas of Chack district in Maidan-Wardak province. Three civilians were martyred including a student and three children were injured in the bombing. Heavy losses were inflicted on the houses and crops of the people in this bombing. According to the eye witnesses, the area was bombed while neither Taliban were present in the region nor any confrontation took place there.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that as a result of an Anti-Government Elements attack on an IM convoy, one civilian was killed and two others were injured.
75	On 14th April, a civilian, who had come from Pusht-i-Koh district for shopping, was martyred by the national security forces in the central city of Farah province.	UNAMA could not verify this case.
76	On 17th April, two civilians were martyred in the invaders' raid in Qari-Saddi area of Marja district in Helmond province. Three more persons were arrested by these forces.	UNAMA could not verify civilian casualties resulting from this incident, but confirmed that three persons were arrested and were released after three days in captivity.
77	On 17th April, the intruding forces raided the house of a tribal head named Haji Mirza Mangal during a night search operation in 'Batooli' village of Chamkani district of Paktia province. He was martyred by them and 4 other members of the family including a woman were detained. This incident was confirmed and condemned by the provincial authorities of Paktia province.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that one tribal elder was killed and one woman was injured in this incident. The date of incident is 16 April.
78	On 18th April, the occupying forces caused 180 civilian countrymen to work under duress. They forced the people to fill clay bags for making trenches for themselves.	UNAMA could not verify this case.
79	In 19th April, a civilian was martyred and another was wounded in a UAV attack in Karaiz area of Garmawak in Maiwand district of Kandahar province.	UNAMA could not verify this case.
80	On 19th April, the trespassers invaded the Lal-Maidan 1st and 2nd area of Ali-Abad district in Kunduz province. They have inflicted heavy losses on the people during search operation.	UNAMA could not verify this case.
81	On 19th April, the Arbaki militias have severely beaten 70 civilians Qazal-Qala area and Kami bazaar of Sayyad district in Saripul province after the commander vehicle became the victim of a landmine. The heads of some white-bearded people were broken in this incident.	This case was partially verified by UNAMA following the Taliban statement. UNAMA found that ALP personnel beat three local villagers, who were at an IED explosion area.
82	On 20th April, the occupiers raided the Kuram-Khail area of Tagab district in Kapisa province in the series of night operations. They have searched the houses and eventually have martyred 2 civilians.	This case was documented by UNAMA prior to Taliban statement with similar details.
83	On 21st April, two Taliban belonging to a local madrassa who were playing football, were martyred by the invaders in the suburbs of Balkh district of Balkh province.	UNAMA investigated this incident and found that the casualties in this incident were not civilians.
84	On 21st April, a Mulla Imam (one who leads the congregational prayers) named Moulavi Mihrabuddin was severely beaten and then martyred just on the accusation that he has participated in the funeral prayers of Taliban. Similarly, the Arbaki militias have closed up the big religious madrassa (school) of Moulavi Abdul Wahhab in Chotra area of Azra district in Logar province. According to the local people, the head of the Arbakis named Soorbatikhail came along with his gunmen to the area and raided the madrassa of Moulavi Abdul Wahhab. First they detained Moulavi Sahib and a number of civilian people and then beat them up. According to the local people, the Arbakis have beaten and tormented the villagers because they were not sending their youths to the notorious process of Arbakism.	UNAMA could not verify this case.
85	In the series of killing the civilians, 4 children were martyred by the stooge police on Tuesday, 23rd April, in Arghandab district of Kandahar province. They claimed that this killing took place by a hand grenade of a policeman during their exercise which was inadvertently thrown to house. It is not clear till today that why the police exercises are carried out in the civilian's residential area in which hand grenades are thrown into houses which results in the martyrdom of innocent children.	UNAMA could not verify this case.
86	On 25th April, 4 nomads were either killed or wounded in a joint military exercise in the suburbs of Arghandab district in Kandahar province. This incident has been acknowledged by the invaders too.	UNAMA could not verify this case.
87	On 26th April, an 11 years old boy was martyred in a UAV attack of the occupiers in Tawali area of Shahwali-Kot district in Kandahar province.	UNAMA could not verify this case.
88	The last incident which took place on Sunday, 28th April, in Chaprihar district of Nangarhar province in which, according to the acknowledgement of the district head, 4 innocent civilians were martyred in the direct firing of the crusade invaders.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that three civilians were killed and one was injured.
89	On 29th April, four civilian countrymen were martyred in the invaders' firing in Mano and Guldara areas of Chaprihar district in Nangarhar province.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that the incident took place on 28 April and one civilian was killed.
90	On 29th April, the Arbakis burnt 2 civilian houses in Charsad Khani area of Mara-Mor district in Daikundi province.	UNAMA could not verify this case.

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91	On 2nd May 2013, the Arbaki militia detained a civilian named Abo Khan Aka and martyred him by beating in Maidad-Khail village of Shilgar district in Ghazni province.	This case was verified by UNAMA following the Taliban statement. UNAMA found that Anti-Government Elements were the perpetrators. According to verified information, Anti-Government Elements abducted a civilian from his house and after a few hours beheaded and killed him. The civilian was reportedly killed due to his public support of ALP.
92	On 4th May, 3 civilians were martyred and 10 others were injured in the invaders' bombing on the bazaar of Green Mosque in Nad Ali district of Helmond province.	UNAMA could not verify this case.
93	On 4 <sup>th</sup> May, the trespassers raided the Sholani village in Chaprihar district of Nangarhar province. They searched the civilians' houses, inflicted financial losses over them, injured one civilian and detained 11 civilian countrymen.	This case was verified by UNAMA following the Taliban statement. UNAMA found that as a result of Pro-Government Forces small arms fire, a civilian man was injured. The forces also arrested several suspected Anti-Government Elements members.
94	On 4 <sup>th</sup> May, the Arbaki militia martyred 5 civilians in Zana Khan district of Ghazni province. The news says that the Arbaki militia confronted the Taliban's ambush while they were out for operations. When the fighting was over, the Arbakis took five civilians (named Sulaiman Zai and Naqeeb s/o Shaheed Doulat, Muslim s/o Qalam Khan, Nadar Khan s/o Mohammad Nabi and Talib s/o Lahore) away with them. They were, then, severely beaten in the prison and were martyred.	UNAMA could not verify this case.
95	On 4 <sup>th</sup> May, Qari Mohammad Zaman, the Imam (one who leads congregational prayers) of central mosque was first detained and then martyred in the Baba Shakh region of Imam Sahib district in Kunduz province.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that an Afghan Border Police member killed a mullah in Imam Sahib district, Kunduz province
96	On 5 <sup>th</sup> May, the occupying forces raided the Pathkhail village of Shah-Joi district in Zabul province. The villagers were first beaten and then Mulla Imam named Noorullah Agha and a fourteen years old boy were detained by them.	UNAMA could not verify this case.
97	On 5 <sup>th</sup> May, the Arbaki militia martyred a civilian named Amir Khan in Wazir Khan area of Dasht-i-Archi district of Kunduz province. According to the regional people, he was a browbeaten villager and was linked neither with any political or military process.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that an ALP member killed a civilian at Dasht-e-Archi district, Kunduz province.
98	On 6 <sup>th</sup> May, a woman who was pregnant too, was injured in the Arbaki's firing in Warsak area of Maravara district of Kunar province. The people started throwing stones on the Arbakis but without any delay the Americans reached the area and released the Arbakis from the aggravated people.	This case was already documented by UNAMA prior to the Taliban's statement. UNAMA found that a group of ALP soldiers shot in the air, as a result, a 28-year-old pregnant woman was seriously injured inside her house and lost her fetus.
99	On 7 <sup>th</sup> May, the invading forces raided the Loi Karaiz (Big underground canal) region of Maiwand district in Kandahar province. They had severely beaten men and women. Some of them were stabbed and a number of other civilian were arrested. Later, they stole away money and other valuables from the people's houses and went away. On the following morning, the people of Maiwand district started demonstration against the abovementioned felony of the invading forces. They blocked the Kandahar-Herat highway for traffic and raised slogans against the occupying forces. They became the victims of the indiscriminate firing of police while they were demanding the release of their detainees. 11 civilian persons were martyred and 20 others were wounded. This incident had been confirmed by the Governor office of Kandahar but they said that most of the demonstrators were opponents and most of the dead and wounded persons belonged to them.	UNAMA could not verify this case.
100	On 8 <sup>th</sup> May, the occupying forces simultaneously raided some villages (Angori, Morki and Kajeer) of Khogiani district of Nangarhar province. They martyred 3 civilians including a child and wounded 6 persons including 2 women. They beat and then arrested 62 civilians too.	UNAMA investigated this incident and found that the casualties in this incident were not civilians.
101	On 9 <sup>th</sup> May, a child and a women were martyred in Chichkato village in Qaisar district of Faryab province in the bombing of the occupying forces.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that the incident took place on 8 May, and resulted in four civilian casualties.
102	On 10 <sup>th</sup> May, a transport vehicle of civilian people were fired by the Arbaki militia near their post in Tatarkhail area of Tagab district of Kapisa province in which 2 persons including a women were martyred and 3 others were wounded.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that the perpetrators are un-confirmed and may have been Anti-Government Elements. UNAMA found that an explosion near a civilian vehicle in Tageb district, Kapisa province resulted in the killing of four civilians and injuring of two others.
103	On 11 <sup>th</sup> May, a civilian countryman named Hamadia was martyred by the internal forces in Kantuwa area near Yaroon, the capital city of Nooristan province.	UNAMA investigated this incident and found that the casualty in this incident was not a civilian.
104	On 12 <sup>th</sup> May, the invading forces raided a house in the series of night operations in Naghan area of Arghandab district of Kandahar province. They martyred 2 civilians and detained 4 other persons. These civilians losses were also confirmed by the security commander of this district named Niaz Mohammad.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that ISAF killed two civilians and detained four others in a nighttime search operation in southern Kandahar province.

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105	On 12 <sup>th</sup> May, the news media told that the people of Maiwand district in Kandahar province have reached to the end of their patience because of searching and vexing of the invading and the internal forces. The search operations are accelerated after the 7 <sup>th</sup> May night operations of the invaders in which even women were beaten and the people demonstrated for consecutive two days against them. A person named Dawood told the media that his house had been searched 4 times after that demonstration. A shopkeeper in Maiwand district said that he is deeply distressed by the deployed internal and alien forces. They vex and detain the people, search their houses and take away the valuables and burn the generators of their deep wells. They warned that if their difficulties are not solved by the authorities, they are compelled to leave their houses and at that time the authorities will be wholly responsible for the consequences.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that a civilian protest against Pakistan involved Anti-Government Elements infiltrators who attacked ANP and ANA from within the crowd. ANP responded to the attack and the incident resulted in the killing of three civilian drivers and injuring of three others.
106	On 16 <sup>th</sup> May, 2 Mulla Imams (Moulavi Abdul Wahid and Qari Inatullah) were martyred by the National Security Forces near the capital city of Samangan province. The civilian people demonstrated in the retaliation of these killings in Aibak city. They chanted slogans against the authorities and demanded the trial of the perpetrators.	UNAMA confirmed that the case took place but is related to a personal dispute and not related to the armed conflict.
107	On 17 <sup>th</sup> May, the militiamen of Commander Shah Mohammad martyred two children of a civilian named Jandad Aka and wounded his spouse in Sagzi area of Charchian district of Urzgan province.	UNAMA could not confirm this case.
108	On 18 <sup>th</sup> May, a civilian named Dr. Shah Wali was martyred while he was going to the mosque for offering the early morning prayers in a UAV attack in Godalo village of Haft asia (seven mills) in Said Abad district of Maidan Wardak province.	UNAMA could not confirm this case.
109	On 18 <sup>th</sup> May, a villager named Muallim (teacher) and his son were wounded and a number of livestock were either killed or wounded by the internal forces in Pahlawan Tash area of Sayyad district of Saripul province.	This case was verified by UNAMA following the Taliban statement. UNAMA found that the perpetrators were Anti-Government Elements. UNAMA found that an Anti-Government Elements group stopped a teacher in Sayyad district, Sari Pul province and warned him not to work for the government of Afghanistan. He was not beaten up or injured.
110	On 19 <sup>th</sup> May, 6 civilian countrymen were detained by the internal soldiers in Shorshorak area of Nad-Ali district in Helmond province. Regional people told the media that the corpse of one person among the six ones was found two days later while there were clear signs of beating on his body. As for as the remaining detainees are concerned, no information is available about their life and death. As a reaction of the incident, the people took the dead body of the martyred one to the provincial office for protest. They demanded that the perpetrators should be punished for their felony and should be abandoned from vexing the civilian otherwise they will take the Taliban side against the officials.	UNAMA could not confirm this case.
111	On 19 <sup>th</sup> May, the invaders raided some houses in Zair-Koh area of Shindand district in Herat province. They have pulled the people from their houses and then martyred them collectively. Similarly, on the same date the occupiers invaded a Madrassa in Aziz-Abad area. They martyred one student and wounded another one.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that this case was perpetrated by Anti-Government Elements. UNAMA found that a group of Anti-Government Elements attempted to enter a private residence in Herat province, for food and protection from the ANSF/IM operation. The group faced resistance and shot and injured a female civilian.
112	On 19 <sup>th</sup> May, the internal forces put the house of a villager named Zmarai on fire in Ghazi-Khan-Khail area of Tagab district of Kapisa province. The regional people told that the soldiers burnt the house of Zmarai because one of his relative was the supporter of Taliban.	UNAMA could not confirm this case.
113	On 24 <sup>th</sup> May, it was told in a report that the Arbaki militia blocked the underground canal in Pani village (consisting 350 houses) of Gairu district of Ghazni province which left the people in severe difficulties. Their orchards, cultivations and livestock are facing the danger of desertion. According to the regional people, the aged people of the village went to the Arbakis to abandon the underground canal because their fields and gardens were on the verge of destruction but the Arbakis replied that if they visited them the next time for the sake of Karaiz (the underground canal), it will be perilous for them.	This case was verified by UNAMA following the Taliban statement. UNAMA found that Anti-Government Elements fired on workers of a construction company who were building a canal, resulting in a delay in construction of the canal.
114	On 25 <sup>th</sup> May, the Imam and orator of a mosque named Moulavi Mehmood Khan was martyred by the Arbaki militia in Qala-Najeel area of Alishang district of Laghman province while he was coming back home after performing the Isha prayers (the last prayer of the day).	UNAMA confirmed that the victim was killed due to personal enmity.

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115	On 26 <sup>th</sup> May, hundreds of people demonstrated in Sharana, the central city of Paktika province, against the Arbakis after they resided in the houses of the ordinary people. The demonstrators told that Arbaki militia had built check points inside civilian's houses in Mirzak area of Khawaja Khail and the people are badly troubled. They were chanting slogans against Arbakis and demand their immediate withdrawal from the houses of the people.	This case was verified by UNAMA following the Taliban statement. UNAMA found that thirty people of Mirzak village staged a peaceful demonstration and requested from to remove ALP checkpoints that were established inside residential houses.
116	On 27 <sup>th</sup> May, the internal forces martyred Mulla Imam and the teacher of madrassa of Huffaz (those students who learn the Holy Quran by heart) in the bazaar of Farah-Road district of Farah province while he was sleeping inside the mosque.	UNAMA could not confirm this case.
117	On 29 <sup>th</sup> May, 2 men and a woman were martyred and 7 civilian countrymen including white-bearded people were wounded in the result of heavy shelling and bombing of the occupiers and the internal soldiers in the village of Ghani inside Badakhshan province. Similarly, some civilian houses had been destroyed in the bombing and financial losses had been inflicted on the people.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that a child was killed and seven other civilians were injured in ground engagement between ANA and Anti-Government Elements in Warduj district, Badakhshan province.
118	On 29 <sup>th</sup> May, 2 civilians were beaten and then locked up by the internal forces in Takir area of Maizani district of Zabul province.	UNAMA could not confirm this case.
119	On 29 <sup>th</sup> May, 5 civilians were martyred and 14 others were wounded in the invader's bombing of Alla-Sai district of Kapisa province. After bombing, the invaders irritated the people, inflicted financial losses on them and arrested 50 civilian countrymen.	This case was documented by UNAMA prior to the Taliban statement. UNAMA found that three civilians were killed and 12 others were injured in cross-fire.