

AFGHANISTAN

MIDYEAR REPORT 2014

PROTECTION OF CIVILIANS IN ARMED CONFLICT



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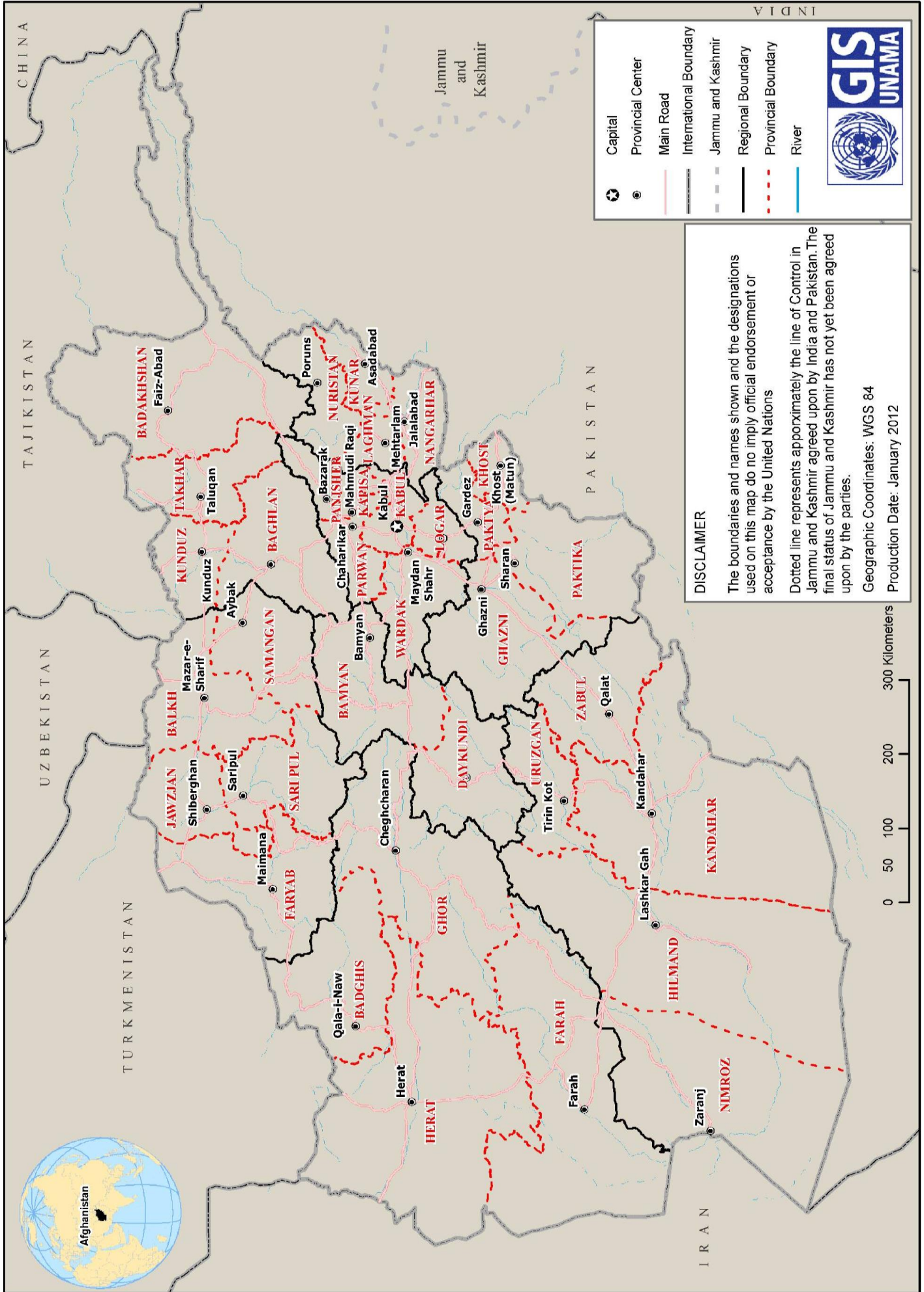
United Nations Assistance Mission in Afghanistan



UN Office of the High Commissioner for Human Rights

Kabul, Afghanistan
July 2014

AFGHANISTAN ADMINISTRATIVE DIVISION



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



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Photo on Front Cover © REUTERS/Zohra Bensemra. Photo a child injured in an attack on the Serena Hotel in Kabul on 20 March 2014. Four attackers opened fire on civilians eating dinner in a restaurant at the Serena Hotel, killing 10 civilians (three women, five men and two children) and injuring five others (four men and one child) The Taliban claimed responsibility for the attack. Photo taken at the Emergency Hospital in Kabul on 27 March 2014.

“Civilians continue to bear the brunt of violence in Afghanistan. More efforts are required to protect civilians from the harms of conflict and to ensure accountability for those deliberately and indiscriminately killing them.”

Ján Kubiš, United Nations Special Representative of the Secretary-General in Afghanistan, July 2014, Kabul

Mandate

This midyear report on the Protection of Civilians in Armed Conflict in Afghanistan for 2014 was prepared by the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) and covers the period from 1 January to 30 June 2014.

The report is prepared pursuant to UNAMA mandate under United Nations Security Council Resolution 2145 (2014) “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 2145 (2014) recognizes the importance of ongoing monitoring and reporting to the United Nations Security Council on the situation of civilians in the armed conflict, particularly on civilian casualties.

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

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Methodology

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

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

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

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

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

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 and may be under-reporting civilian casualties given limitations inherent in the operating environment.

Executive Summary

It was the day before the election. I was performing my prayer in the local mosque with my son and some of our villagers when we heard fighting break out. It was between Taliban and Government forces. Both sides were using big weapons – mortars and rocket-propelled grenades. Suddenly, a mortar round exploded into our mosque. I saw two men and a boy killed right in front of me. One of them was my son. I was only wounded on my hand, but my son was killed. Four other men, who were visitors to our mosque, were wounded.¹

-- Civilian victim of a mortar round that impacted on a mosque in Pachir Wa Agam district, Nangarhar province on 4 April 2014. Three civilians – including a 15-year-old boy – were killed and five injured.

In the first half of 2014, the armed conflict in Afghanistan took a dangerous new turn for civilians. For the first time since 2009 when UNAMA began systematically documenting civilian casualties in Afghanistan, more civilians were found to have been killed and injured in ground engagements and crossfire between Anti-Government Elements and Afghan national security forces than any other tactic. In previous years, the majority of civilians were killed and injured by improvised explosive devices.

Between 1 January and 30 June 2014,² UNAMA documented 4,853 civilian casualties, (1,564 civilian deaths and 3,289 injured) recording a 17 per cent increase in civilian deaths, and a 28 per cent increase in civilians injured for a 24 per cent overall increase in civilian casualties compared to the first six months of 2013.³

UNAMA attributed 74 per cent of all civilian casualties to Anti-Government Elements,⁴ nine per cent to Pro-Government Forces⁵ (eight per cent to Afghan national security

¹ UNAMA interview with civilian victim of a mortar round that impacted on a mosque, 6 April 2014, Jalalabad. UNAMA verified that the civilian casualties occurred when Afghan national security forces used mortars to respond to an attack by Anti-Government Elements.

² This 2014 Mid-Year Report on Protection of Civilians in Armed Conflict compares data from the first six months of 2014 with data from the first six months of 2013. The same six-month period in a given year is used to enable a more accurate comparative analysis of fighting seasons year on year which run from April/May to August/September.

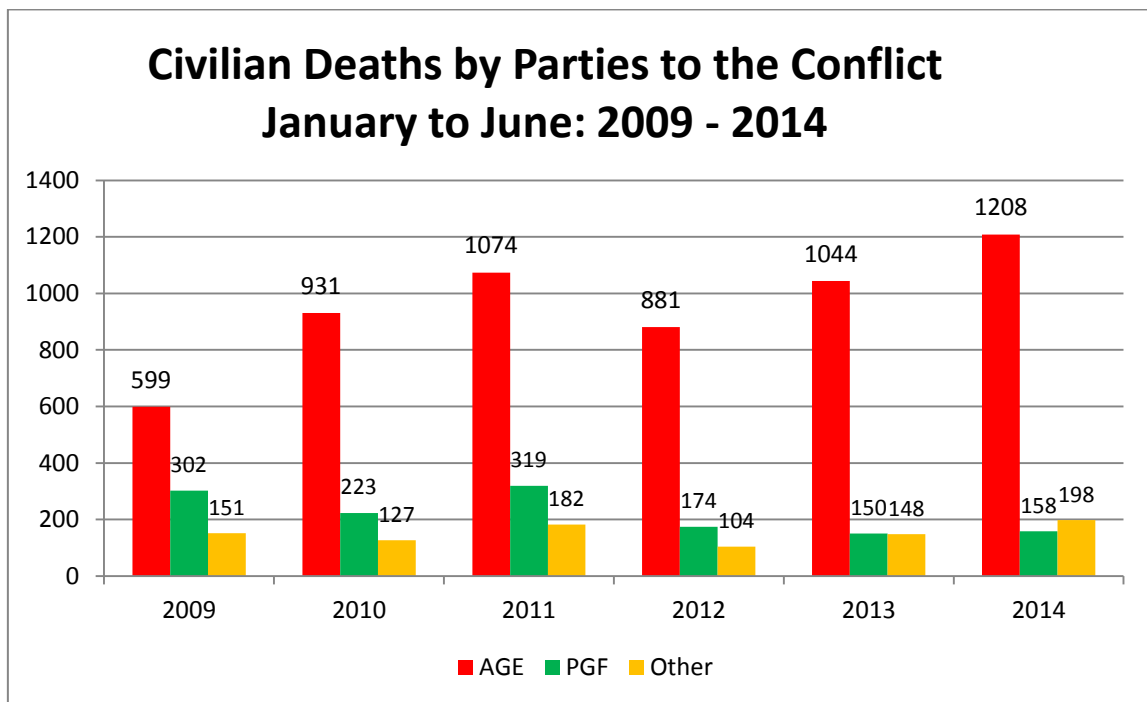
³ Between 1 January and 30 June 2013, UNAMA documented 1,342 civilian deaths and 2,577 injured (3,919 civilian casualties).

⁴ UNAMA defines 'Anti-Government Elements' as encompassing all individuals and armed groups involved in armed conflict with or armed opposition against the Government of Afghanistan and/or international military forces and does not mean or encompass the Taliban only. 'Anti-Government Elements' include those who identify as "Taliban" as well as individuals and non-State organised armed groups taking a direct part in hostilities and assuming a variety of labels including the Haqqani Network, Hezb-e-Islami, Islamic Movement of Uzbekistan, Islamic Jihad Union, Lashkari Tayyiba, Jaysh Muhammed, 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. See the definition section of this report for details.

⁵ The term "Pro-Government Forces" includes Afghan Government National Security Forces and other forces and groups that act in military or paramilitary counter-insurgency operations and are directly or indirectly under the control of the Government of Afghanistan. These forces include, but are not limited to the Afghan National Army, Afghan National Police, Afghan Border Police, National Directorate of Security and Afghan Local Police which operate under Government legal structures, and Pro-Government local defense forces and militias which have no basis in Afghan law and do not operate under formal Government structures. This term also

forces, one per cent to international military forces) and 12 per cent to ground engagements⁶ between Anti-Government Elements and Afghan national security forces in which a civilian casualty could not be attributed to a specific party.⁷ UNAMA attributed four per cent of civilian casualties to explosive remnants of war⁸ and the remaining one per cent to cross-border shelling from Pakistan into Afghanistan.

Compared with the first six months of 2009, when UNAMA began to monitor civilian casualties, the number of civilians killed by Anti-Government Elements doubled in 2014 (from 599 to 1,208), while the number of civilians killed by Pro-Government forces has been cut by half (from 302 to 158), almost entirely due to reduced civilian casualties from aerial operations of international military forces.



The sharp increase in civilian deaths and injuries in 2014 resulted from escalating ground engagements between Anti-Government Elements and Afghan national security forces particularly in civilian-populated areas. In the first half of 2014, increasing numbers of Afghan civilians were killed and injured in ground combat. For example, civilian deaths from mortars, rockets and grenades more than doubled from the same six-month period in 2013.

includes international military forces and other foreign intelligence and security forces. See the definition section for further details.

⁶ Ground engagements include kinetic ground operations, crossfire, stand-off attacks and armed clashes between parties to the conflict that encompass attacks or operations in which small arms, heavy weapons and/or area weapons systems such as mortars and rockets are fired.

⁷ To verify attribution for civilian deaths and injuries resulting from ground engagements, UNAMA uses a three-source type verification procedure for each incident of civilian casualties. In cases where attribution is not possible, in particular crossfire during heavy fighting between parties to the conflict, UNAMA attributes the civilian casualty to both Pro-Government Forces and Anti-Government Elements.

⁸ Explosive Remnants of War means unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

UNAMA documented 1,901 civilian casualties (474 civilian deaths and 1,427 injured) from ground engagements alone, up 89 per cent from 2013.⁹ Ground combat was the leading cause of civilian casualties in the first half of 2014, accounting for 39 per cent of all civilian deaths and injuries.

Of the 1,901 civilian casualties from ground engagements, UNAMA attributed 52 per cent (270 civilian deaths and 718 injured for 988 civilian casualties) to Anti-Government Elements and 14 per cent (74 civilian deaths and 200 injured for 274 civilian casualties) to Pro-Government Forces.¹⁰ UNAMA could not attribute civilian casualties to either party in 32 per cent of ground engagements that caused civilian casualties (127 civilian deaths and 472 injured for 599 civilian casualties).¹¹ The remaining civilian casualties from ground engagements were attributed to cross-border shelling.

The intensification of ground fighting in civilian-populated areas took an unprecedented toll on women and children. Child casualties from ground engagements more than doubled, with 520 children civilian casualties (112 children killed and 408 injured) up 110 per cent from 2013.¹² Ground engagements caused 256 women civilian casualties (64 women killed and 192 injured), up 61 per cent from 2013.

More than half of all civilian casualties from ground engagements resulted from indirect fire, mostly mortars and grenades impacting homes, agricultural fields and playgrounds where women and children were commonly found with the remaining casualties from civilians caught in crossfire.

Overall, conflict-related violence had a particularly harmful impact on women and children in the first half of 2014. UNAMA recorded 1,071 children civilian casualties (295 children killed and 776 injured) up 34 per cent compared to the first six months of 2013.¹³ One hundred and forty eight (148) women killed and 292 injured (440 women civilian casualties), up 24 per cent from 2013.¹⁴

Improvised explosive devices (IEDs) used by Anti-Government Elements – the second highest cause of civilian casualties – also killed and injured Afghan civilians at unprecedented levels.¹⁵ Between 1 January and 30 June 2014, UNAMA documented 1,463 civilian casualties (463 civilian deaths and 1,000 injured) a seven per cent

⁹ Between 1 January and 30 June 2013, UNAMA recorded 1,004 civilian casualties (219 civilian deaths and 785 injured) from ground engagements.

¹⁰ Of the 274 civilian casualties attributed to the operations of Pro-Government Forces, UNAMA attributed 99 per cent to Afghan security forces, which included some operations partnered with international forces and one per cent to ground operations led by international military forces.

¹¹ During heavy and prolonged fighting between parties to the conflict, attribution was not always possible, particularly for civilian deaths and injuries from crossfire. In these cases (127 civilian deaths and 472 injured), UNAMA attributed the civilian casualty to both Pro-Government Forces and Anti-Government Elements.

¹² Between 1 January and 30 June 2013, UNAMA recorded 60 children killed and 188 injured (248 children civilian casualties) from ground engagements.

¹³ Between 1 January and 30 June 2013, UNAMA documented 243 children killed and 555 injured (798 child civilian casualties).

¹⁴ Between 1 January and 30 June 2013, UNAMA documented 106 women killed and 248 injured (354 women civilian casualties).

¹⁵ UNAMA's attribution of responsibility for an IED incident that causes civilian casualties strictly distinguishes between IEDs used by a party to the conflict and IEDs used by other actors such as criminal groups. UNAMA only includes in its documentation civilian casualties from IEDs used by a party to the conflict.

increase from the same period in 2013 and the highest recorded number of civilian deaths and injuries from IEDs since 2009. Improvised explosive devices continued to be placed indiscriminately in areas populated or frequented by civilians and the use of illegal pressure-plate IEDs increased in violation of international humanitarian law.

UNAMA documented 205 incidents of Anti-Government Elements activating remote-controlled improvised explosive devices (RC-IEDS)¹⁶ in public areas, with devastating consequences for civilians. Between 1 January and 30 June 2014, UNAMA recorded 637 civilian casualties (150 civilians killed and 487 injured) from RC-IED attacks, a 13 per cent increase from the same period in 2013.¹⁷ Remote-controlled IEDs accounted for 44 per cent of all civilian casualties from IEDs and 13 per cent of total civilian casualties for the first six months of 2014. The majority of civilian casualties from RC-IED attacks appeared to have resulted from attacks directed at Afghan security forces, mostly Afghan National Police.

Between 1 January and 30 June 2014, UNAMA documented 308 civilian casualties (161 civilian deaths and 147 injured) from illegal pressure-plate IEDs (PP-IEDs),¹⁸ a 33 per cent increase from the same period in 2013, reversing a decline in the use of these IEDs observed in 2013.¹⁹ Pressure-plate IEDs accounted for 21 per cent of civilian casualties from IEDs, and six per cent of civilian casualties from all tactics.

In the first six months of 2014, suicide and complex attacks caused 583 civilian casualties which killed 156 civilians and injured 427, a seven per cent decrease in civilian casualties from such attacks compared to the first six months of 2013. Suicide and complex attacks were the third leading cause of civilian deaths and injuries in the first half of 2014, after ground engagements and IEDs.

Together, ground engagements and IED tactics, which included suicide and complex attacks, accounted for 81 per cent of all civilian casualties in the first six months of 2014.

Targeted killings accounted for nine per cent of all civilian casualties. Between 1 January and 30 June 2014, UNAMA documented 428 civilian casualties (263 civilian deaths and 165 injured) from targeted and wilful killings (or attempts to kill), a 10 per cent decrease from the same period in 2013.²⁰ These included killings of tribal elders, civilian Government officials, mullahs and civilian justice officials.

¹⁶ Radio or remote controlled IEDs (RC-IEDs) operated from a distance that can enable operators to detonate a pre-placed device at the precise time a target moves into the target area.

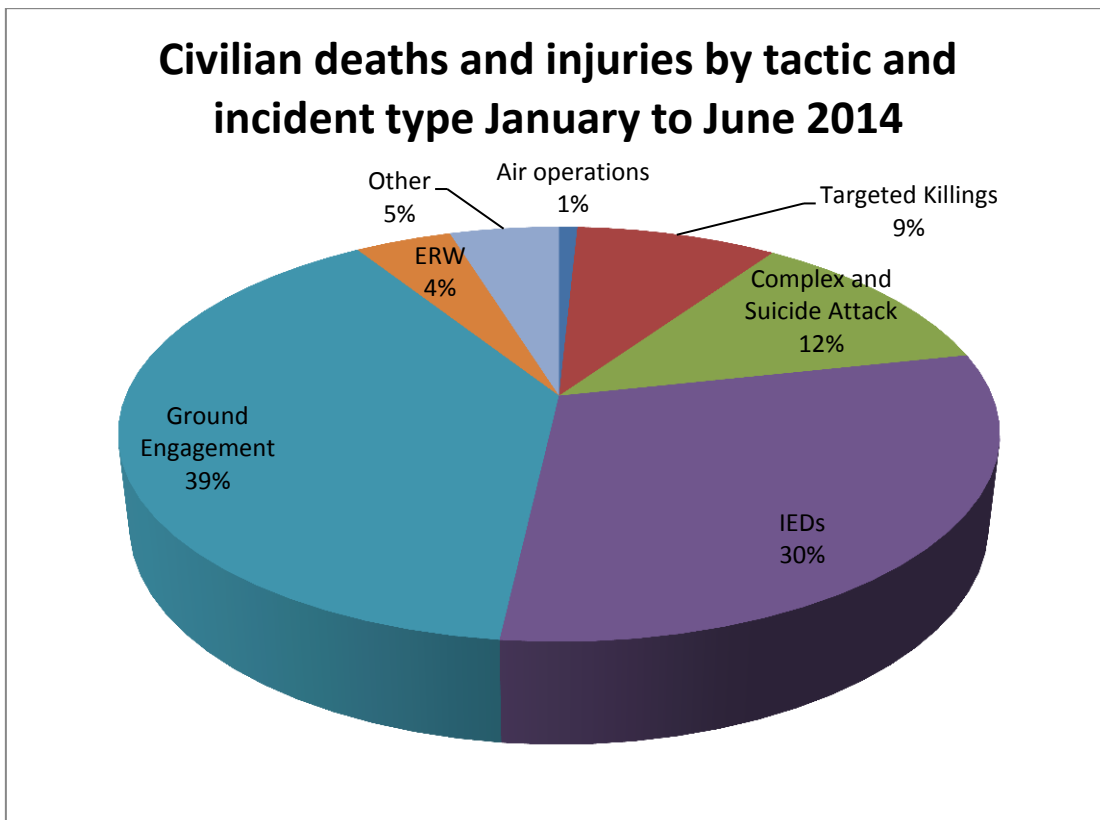
¹⁷ Between 1 January and 30 June 2013, UNAMA documented 137 civilian deaths and 427 injured (564) from RC-IEDs.

¹⁸ Pressure-plate improvised explosive devices (PP-IEDs) are essentially victim-activated bombs which detonate when any person or any vehicle steps or drives over them. As such, PP-IEDs are indiscriminate and illegal weapons.

¹⁹ Between 1 January and 30 June 2013, UNAMA documented 86 civilian deaths and 146 injured (232 civilian casualties) from victim-activated IEDs, mostly pressure-plate IEDs.

²⁰ Between 1 January and 30 June 2013, UNAMA documented 337 civilian deaths and 137 injured (474 civilian casualties) from targeted or wilful killings (or attempts to kill).

The remaining ten per cent of civilian casualties resulted from aerial operations²¹, explosive remnants of war, escalation of force incidents, abductions,²² search operations and other conflict-related incidents.



In the first half of 2014, the Taliban publicly claimed responsibility for 147 attacks which resulted in 553 civilian casualties (234 killed and 319 injured). As in previous years, UNAMA observed that, despite statements and measures indicating increased efforts to protect civilians including its commission on civilian casualties,²³ the Taliban continued to kill and injure hundreds of Afghan civilians through attacks directed at civilians and the use of indiscriminate tactics, particularly IEDs.

Of the 147 attacks claimed by the Taliban in which UNAMA recorded civilian casualties, 75 attacks appeared to have been directed at military targets, while 69

²¹ Aerial operations accounted for one per cent of total civilian casualties in the first six months of 2014.

²² In the first six months of 2014, UNAMA documented 25 civilian casualties (17 civilian deaths and eight injured) following abductions. The killings resulted from executions and injuries mainly concerned civilians tortured in captivity.

²³ In June 2013, the Taliban stated it had established a civilian casualty commission/unit within its military commission to identify perpetrators of civilian casualties no matter who they were and if possible to punish them and avoid future recurrence. In June 2014, Taliban representatives informed UNAMA that the civilian casualty unit had continued working seriously and that each incident had been specifically investigated and results published in monthly and annual reports. Taliban representatives stated that according to this unit which was guided by 16 articles and on the basis of its investigation and reports, many perpetrators of civilian casualties were American and members of the Karzai administration. See Annex 1 of this report for a translation (from Pashto) of the Taliban's documentation on its civilian casualty unit provided to UNAMA in June 2014. See also the section in this report on *Taliban Statements and Civilian Casualties*. As documented in this and previous reports, UNAMA's documentation and analysis has generally attributed three-quarters of all civilian casualties to Anti-Government Elements.

attacks deliberately targeted civilian objectives including tribal elders, civilian Government and justice sector employees, and civilians in restaurants. For example, on 17 January, a suicide bomber and two armed men attacked a Lebanese restaurant in Kabul city deliberately shooting and killing every person inside the restaurant with 21 civilian deaths.²⁴

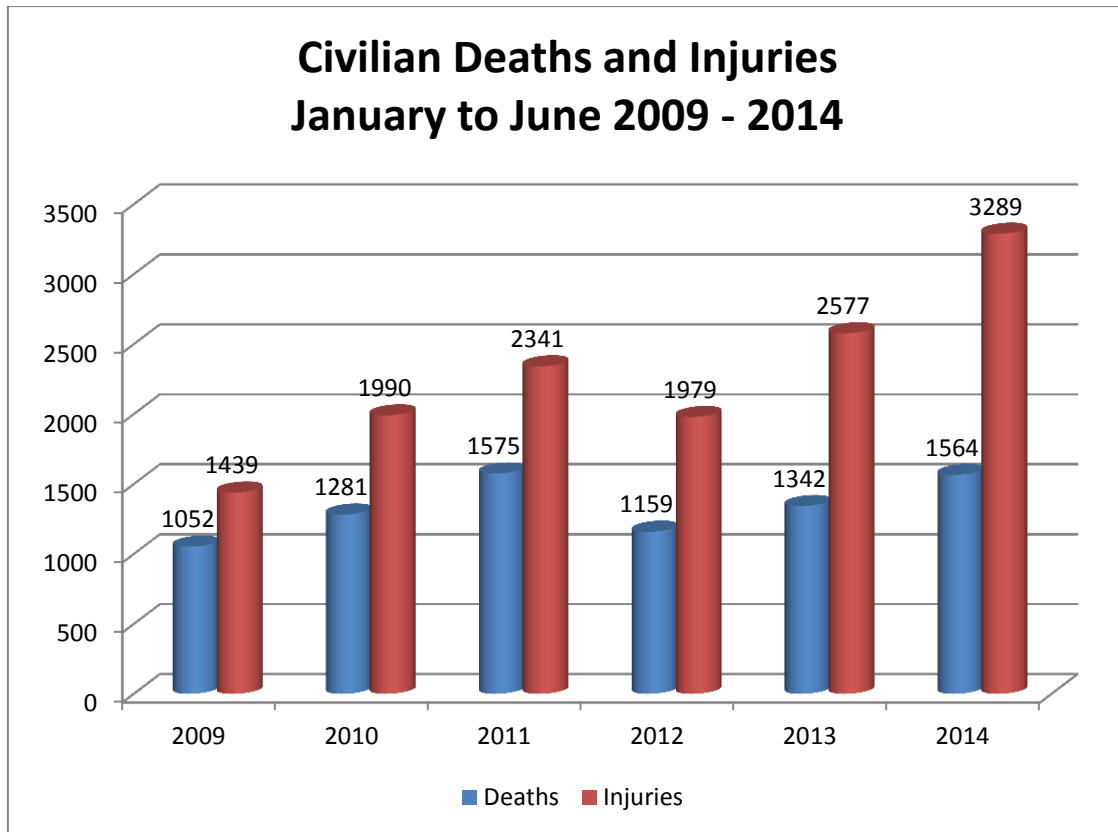
Violence related to Afghanistan's Presidential and Provincial Council elections on 5 April 2014 and the run-off Presidential election on 14 June also affected the protection of civilians. Between 1 January and 30 June, UNAMA documented 674 civilian casualties (173 civilian deaths and 501 injured) from attacks directly targeting the electoral process. The majority of these civilian casualties resulted from ground engagements and IED attacks by Anti-Government Elements targeting convoys of the Independent Election Commission, polling centres or electoral candidates and their supporters.

UNAMA also documented two separate instances in Herat province of alleged members of Anti-Government Elements cutting off fingers of civilians who had voted. In one of the incidents, alleged members of Anti-Government Elements cut off the index fingers of 11 civilians as punishment for having voted. The Taliban publicly denied any involvement in these incidents in a statement issued on their website.

Although accounting for less than one per cent of all civilian casualties, UNAMA observed an increase in attacks and abuses of civilians by Pro-Government armed groups. Between 1 January and 30 June 2014, UNAMA documented 30 civilian casualties (12 killed and 18 injured)²⁵ from 13 separate incidents of abuses, operations and fighting among Pro-Government armed groups. UNAMA noted a lack of accountability for human rights abuses by Pro-Government armed groups, with district and provincial authorities failing to investigate, prosecute and punish perpetrators.

²⁴ See Annex 2: Attacks Claimed by Taliban: breakdown by target type. See also Chapter I, *Anti-Government Elements and Protection of Civilians* and the section on *Taliban Statements* for claims of responsibility.

²⁵ Between 1 January and 30 June 2013, UNAMA documented seven civilian deaths and two injured (nine civilian casualties) directly attributed to Pro-Government armed groups.



Observations

UNAMA observed that the stark rise in civilian deaths and injuries in crossfire and ground engagements in the first six months of 2014 was mainly attributed to the changing dynamics of the conflict. Women and children casualties rose significantly as ground fighting between Anti-Government Elements and Afghan security forces in 2014 increasingly concentrated in civilian-populated areas.

The closure and transfer of more than 86 ISAF bases in the last half of 2013 also had an impact on civilian protection.²⁶ In the first half of 2014, UNAMA observed a direct correlation between closures and a rise in civilian casualties in some areas – particularly from ground engagements. In previous years, the robust and well-armed presence of hundreds of ISAF Forward Operating Bases and Command Outposts often prevented the movement of Anti-Government Elements into the more populated areas of districts. In response to an increased presence of Anti-Government Elements in some districts, Afghan forces initiated their own operations to protect territory, notably increasing check points and patrols, as well as responding to attacks launched against them. This resulted in an increase in fighting in civilian-populated areas, which often led to civilian casualties.

UNAMA also noted that the closure of international military bases and subsequent heavy demands placed on Afghan security forces, exacerbated by an environment of political uncertainty – pending electoral results and an unsigned Bilateral Security

²⁶ Since the onset of the ISAF mission, ISAF has closed or transferred more than 750 bases. UNAMA meeting with Chief US Corp of Military Engineers, 6 July 2014, ISAF HQ, Kabul and statement by General Joseph Dunford, Commander ISAF, at a press conference in Kabul, 9 January 2014.

Agreement (BSA) between the United States and the Government of Afghanistan – opened up space for Anti-Government Elements in some areas to challenge Afghan forces for control of key routes and terrain. In some areas the perceived lack of control by Afghan security forces appeared to encourage Anti-Government Elements to bring together larger attack groups which resulted in higher civilian casualties. In other areas, Afghan forces were able – for a range of reasons – to hold territory after the closure of ISAF bases which resulted in fewer civilian casualties in those areas.

Both conflicting parties also increasingly relied on stand-off tactics such as mortars and rockets to avoid their own losses and repel the opposite side, which also resulted in civilian casualties.

UNAMA further observed that Afghan security forces undertook extensive clearance operations to prevent Anti-Government Elements from disrupting elections prior to 5 April 2014 and for the Presidential run-off elections on 14 June 2014 which affected civilian protection.

UNAMA reinforces its call to the parties to the armed conflict, in particular Anti-Government Elements, to take much stronger measures to protect civilians from the harms of conflict. With ground engagements between insurgents and Afghan national security forces in civilian-populated areas placing more and more civilians at risk of death and injury, the need for greater efforts to protect civilians is urgent and compelling. Indiscriminate and unlawful use of IEDs by Anti-Government Elements which increasingly killed and injured civilians throughout Afghanistan in the first half of 2014 must also cease to ensure a reduction in civilian casualties.

UNAMA again urges all parties to the conflict to uphold their obligations under international humanitarian law and international human rights law to take all necessary measures to protect civilians and right-holders.

Recommendations

Anti-Government Elements

- Cease firing mortars, rockets and grenades into civilian-populated areas.
- Cease the indiscriminate and disproportionate use of IEDs, particularly in all areas frequented by civilians, and stop using illegal pressure-plate IEDs.
- Cease all attacks from and in civilian locations, including public roads, markets, restaurants, civilian homes, consulates, civilian Government offices, including courthouses.
- Apply a definition of ‘civilian(s)’ that is consistent with international humanitarian law and prevent civilian casualties through compliance with international humanitarian law, including the principles of distinction, proportionality and precautions in the context of attacks.
- Enforce codes of conduct, instructions and directives ordering members to prevent and avoid civilian casualties and hold accountable those members who target, kill and injure civilians.

Government of Afghanistan

- Cease firing mortars, rockets and grenades into civilian-populated areas.
- Take concrete measures to reduce civilian casualties from ground engagements through revising and strengthening tactical directives, rules of engagement and other procedures, and ensure proper training and resourcing of all Afghan national security forces on civilian protection measures, mitigation and accountability.
- Continue to dedicate all necessary resources to enable the full implementation of the national counter-IED strategy. Prioritize the further development of Afghan national security forces' capacity to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation.
- Investigate all allegations of violations of international humanitarian and human rights law and human rights abuses by Afghan national security forces and Pro-Government militias and allied forces. Prosecute and punish those found responsible as required under Afghan and international law.
- Continue to disband and disarm all illegal militia and armed groups.

International Military Forces

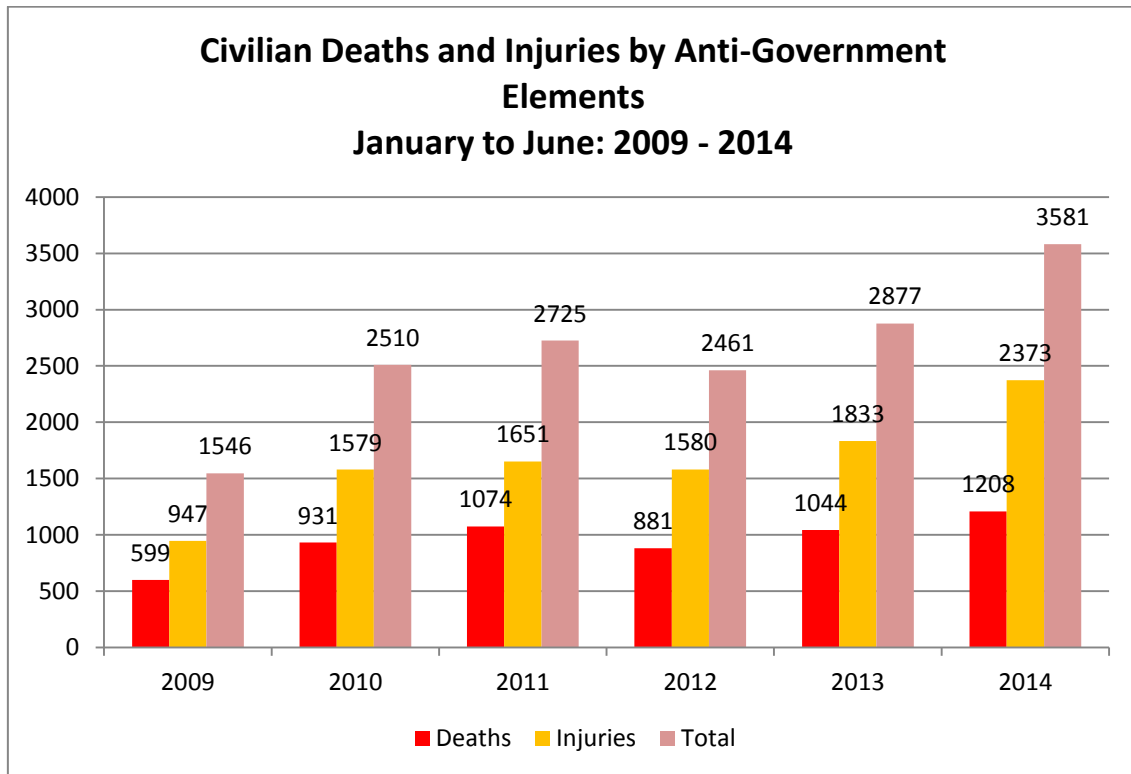
- Maintain support to Afghan national security forces to ensure they are sufficiently resourced, trained and equipped to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation in 2014-16.
- Continue efforts to map, mark and clear unexploded ordnance from all international military bases and firing ranges that have closed since the onset of ISAF operations.
- Continue to conduct post-operation reviews and investigations in cooperation with the Government of Afghanistan where civilian casualties occurred in operations that involved international security or intelligence forces, and continue to take appropriate steps to ensure accountability and compensation, as well as better operational practice.

I. Anti-Government Elements²⁷ and Protection of Civilians

I heard a terrifying sound. My shop was shaken by an explosion and the glass smashed. I saw many children, women, men and young boys injured, bleeding and scattered on the ground. Other shopkeepers and I helped bring the injured to the hospital. No one was killed at the scene but three died at hospital from their wounds. There were no Afghan security personnel at the scene when the explosion occurred. The target of the IED was just innocent people.²⁸

-- Shopkeeper and witness to an RC-IED detonation at a busy market which killed three civilians and injured 14 on 4 June 2014 in Maimana city, Faryab province.

In the first six months of 2014, 74 per cent of civilian casualties were attributed to Anti-Government Elements. UNAMA documented 3,581 civilian casualties (1,208 deaths and 2,373 injured) caused by Anti-Government Elements, an increase of 24 per cent compared to the first six months of 2013.²⁹



Since 2009, civilian casualties attributed to Anti-Government Elements have increased each year, with more civilians killed and injured than previously recorded, including in 2011 which was the deadliest year registered.³⁰ Most civilian casualties caused by

²⁷ 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. See the *Glossary* for details.

²⁸ UNAMA interview with civilian eyewitness, Maimana city, Faryab province, 5 June 2014.

²⁹ In the first six months of 2013, UNAMA documented 2,877 civilian casualties (1,1044 civilian deaths and 1833 injured) attributed to Anti-Government Elements.

³⁰ In the first six months of 2011, UNAMA documented 2,725 civilian casualties (1,074 civilian deaths and 1,651 injured) attributed to Anti-Government Elements. See UNAMA's 2011 Midyear Report on Protection of Civilians in Armed Conflict, *available at*

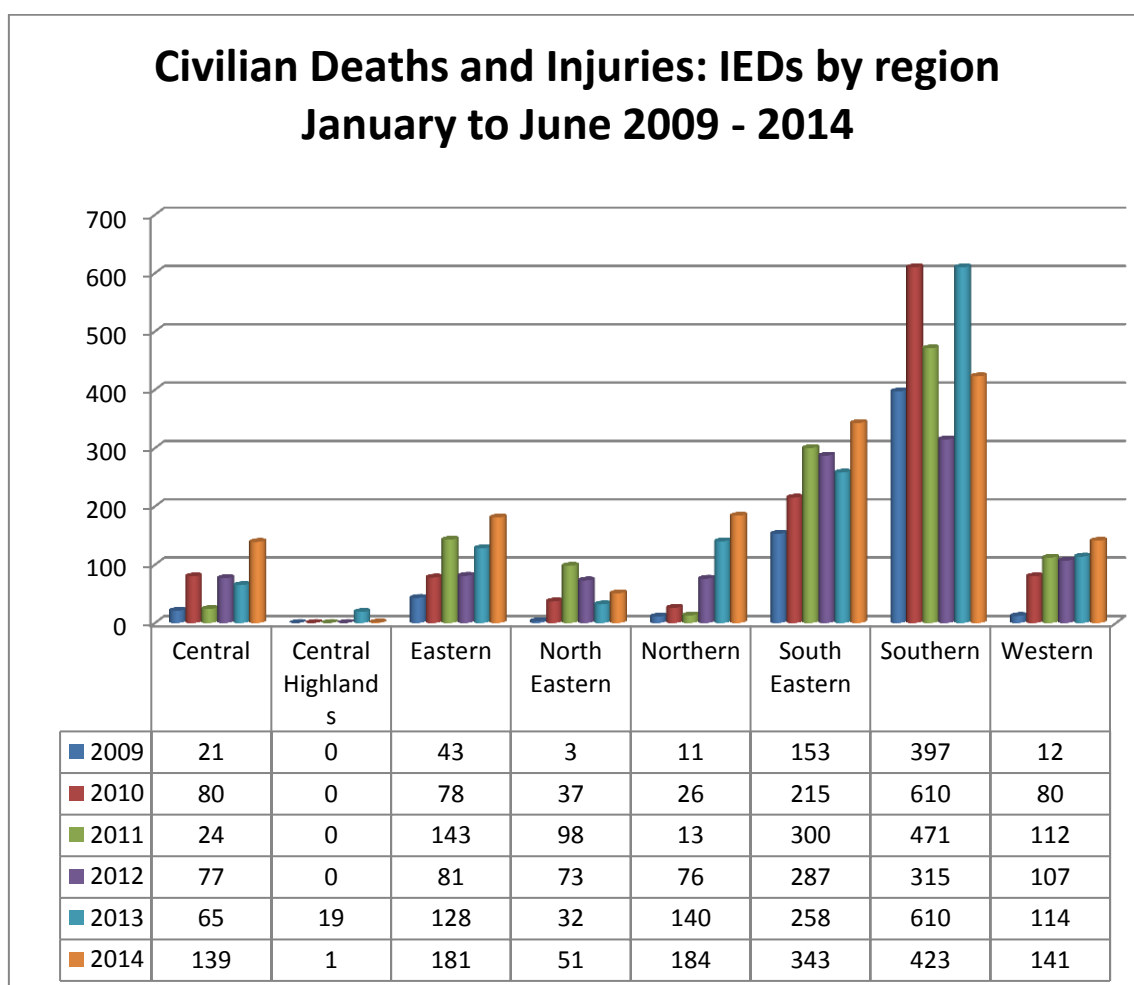
Anti-Government Elements resulted from operations and attacks carried out without regard for civilian life, continued use of indiscriminate IED tactics, and deliberate targeting of civilians across the country.

Improvised Explosive Devices

For the sixth consecutive year, civilian casualties caused by improvised explosive devices (IEDs) increased across the country. Between 1 January and 30 June 2014, UNAMA documented 1,463 civilian casualties (463 deaths and 1,000 injured) from IEDs, a seven per cent increase in total civilian casualties from IEDS compared to the same period in 2013.³¹ In the first six months of 2014, IEDs accounted for 30 per cent of all civilian casualties.

Since 2009, 4,208 separate IED attacks in Afghanistan have killed or injured 13,969 civilians (4,980 deaths and 8,989 injured).

Consistent with 2013, Kandahar and Helmand provinces – by far – remained the provinces where civilians were most affected by IEDs, followed by Khost, Nangarhar and Ghazni provinces.



http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf

³¹ Between 1 January and 30 June 2013, UNAMA documented 448 civilian deaths and 918 injured (1,366 civilian casualties).

UNAMA observed that the rise in civilian casualties from IEDs was caused by increased indiscriminate and disproportionate use of these devices by Anti-Government Elements.

Regarding the indiscriminate use of IEDs, UNAMA continued to verify instances of Anti-Government Elements planting or using IEDs in locations that appeared not to be directed at a specific military objective, and detonating IEDs in a manner or location where the effects could not be limited in violation of international humanitarian law. UNAMA documented many IED detonations in markets, public roads and other public areas frequented by civilians.³²

UNAMA also documented numerous incidents of disproportionate IED attacks, particularly from radio-controlled IEDs (RC-IEDs) where the harm to civilians was excessive – and which should have been reasonably anticipated by those using the IED – in relation to the concrete and direct military advantage from the attack.

Of additional concern is the use of IEDs to deliberately target and kill civilians.³³ International humanitarian law, to which Anti-Government Elements are bound, prohibits indiscriminate and disproportionate attacks, and attacks that deliberately target civilians. Such acts may amount to war crimes.³⁴

Types of IEDs causing civilian casualties

During its verification of IED incidents resulting in civilian casualties, UNAMA consulted with Afghan and international security institutions, including counter-IED and explosive ordnance disposal (EOD) experts at the district, provincial and national levels to ascertain the types of IEDs used in a particular attack. UNAMA categorises IEDs by the basic method to initiate the detonation of an IED,³⁵ including pressure-plate/victim-activated, remote/radio/command operated, suicide IEDs and magnetic IEDs.³⁶

³² Anti-Government Elements placed IEDs, particularly those equipped with a pressure-plate trigger, on transit routes ranging from small footpaths to highways that killed and injured civilians whether they were on foot, riding bicycles, in buses, taxis or in private cars.

³³ Civilian casualties from targeted killings where IEDs were used as the tactic are counted by UNAMA as targeted killings and not included in IED figures. See *War Crime of Murder: Targeted Killing of Civilians* in the next section.

³⁴ See Common Article 3 to the Geneva Conventions 12 August 1949; Article 13, Additional Protocol II to the Geneva Conventions, and Relating to the Protection of Victims of Non-International Armed Conflicts.

³⁵ An IED is detonated or triggered by the initiating system, which could be a pressure plate, mobile phone, radio, timer or wire physically connected to the device. See CIED Knowledge Manager, Civil-Military Fusion Centre (CFC), *Understanding the Basics of Improvised Explosive Devices (IEDs)*. September 2011, available at https://www.cimicweb.org/CounterIED/20110912_C-IED_Topical_Report_Introduction_to_IEDs%20-%20draft%20final%5B1%5D.pdf, accessed 8 June 2014.

³⁶ See the *Glossary* for definitions and descriptions of types of IEDs.

Increased Civilian Casualties from Command/Remote-Operated IEDs (RC-IEDs)

I was standing at the gate of the Dawlabad district administration, Faryab province, when a young boy approached with a hand cart containing watermelon. When the boy was about three meters from the district compound gate, there was a massive explosion and I fell to the ground. When I opened my eyes, I saw that many people had been injured and the boy with the watermelon cart was dead. Only his legs remained at the scene. I knew this boy and had seen him every day working with his hand cart. He was only 10-years-old, very poor and worked to feed his family. The explosion occurred on bazaar day so many people had come from their villages to shop. I believed that a Talib accompanied people from the districts, placed the IED in the boy's cart and detonated it in front of the district compound gate.³⁷

-- Civilian victim of an attack on Dawlabad district, Faryab province compound using a remote-controlled improvised explosive device which killed five civilians and injured another 12, 25 June 2014.

In theory, since command-operated IED devices (radio or remote controlled - RC-IEDs) are operated from a distance and should enable operators to detonate a pre-placed device at the precise time a target moves into the target area,³⁸ civilian casualties from command-operated IEDs could be minimised, based on factors such as proper operation of the device and taking all feasible precautions to avoid civilian loss of life.

In practice, however, despite the ability for the operator to use a remote-controlled device at a time and location of his choosing, RC-IEDs continued to kill and injure civilian men, women and children across Afghanistan.

UNAMA documented 205 incidents of Anti-Government Elements using remote-controlled improvised explosive devices (RC-IEDS) in public areas, with devastating consequences for civilians. Between 1 January and 30 June, UNAMA recorded 637 civilian casualties (150 civilians killed and 487 injured) from RC-IED attacks, a 13 per cent increase from the same period in 2013.³⁹ Remote-controlled IEDs accounted for 44 per cent of all civilian casualties from IEDs and 13 per cent of total civilian casualties for the first six months of 2014. The majority of civilian casualties from RC-IED attacks appeared to have resulted from attacks directed at Afghan security forces, mostly Afghan National Police.

The Taliban claimed responsibility for 24 of the 205 attacks on their website.

In many incidents of civilian casualties from RC-IEDs, Afghan security and intelligence authorities assessed that Anti-Government Elements had planted the RC-IED to target Afghan forces but the device failed to detonate as intended, resulting in civilian casualties. For example, on 16 May, a RC-IED detonated against an ANP vehicle at Ghani Khel Bazaar in Shinwar district, Nangarhar province, killing a 60-year-old man and injuring 22 other civilians, including ten children.

³⁷ UNAMA interviews with victims and witnesses, 25 June 2014, Maimana city, Faryab province.

³⁸ *Ibid.* at pp. 220-221.

³⁹ Between 1 January and 30 June 2013, UNAMA documented 137 civilian deaths and 427 injured (564) from RC-IEDs.

Examples of civilian casualties from RC-IEDs:

- On 14 June, an RC-IED detonated against a minibus carrying staff of the Independent Election Commission and female voting centre searchers, their children and male relatives, killing 11 civilians, including four women and a small child, and injuring three. The attack took place in Aybak city, Samangan province, as the group was returning home from the Monaghar village polling centre. The Taliban claimed responsibility for the attack on their website.⁴⁰
- On 31 May, an RC-IED detonated against an ALP vehicle in Sirkani district, Kunar province, killing the head of the district *shurah* and injuring seven schoolboys. The attack also killed two Afghan Local Police and injured two others.
- On 4 June, an RC-IED detonated in a busy market area of Maimana city, Faryab province, killing a woman and two children, and injuring 14 other civilians, including four women and six children.

All parties to the conflict are required to uphold the international humanitarian law principles of distinction and proportionality. While RC-IEDs may enable more precise and discriminate targeting of military objectives, under international humanitarian law, the operator is obliged to avoid or at the very least minimise ‘collateral damage’ during operations and to abstain from attacks which may disproportionately harm civilians and civilian objects.

Increase in Civilian Casualties from Pressure-Plate IEDs (PP-IEDs)

Between 1 January and 30 June 2014, UNAMA documented 161 civilian deaths and 147 injured (308 civilian casualties) from illegal pressure-plate IEDs (PP-IEDs)⁴¹, a 33 per cent increase from the same period in 2013 which reversed a decline in the use of these IEDs observed in 2013.⁴² Pressure-plate IEDs accounted for 21 per cent of civilian casualties from IEDs, and six per cent of civilian casualties from all tactics.

PP-IEDs in Afghanistan are generally set to explode when they are walked on or driven over and most have approximately 20-25kg of explosive content (invariably HME⁴³); more than twice the explosive content of a conventional anti-tank mine but with the trigger sensitivity of an anti-personnel mine. This means that a PP-IED effectively functions as a massive anti-personnel landmine (which is an illegal weapon), not least since Afghanistan is a party to the Convention on the Prohibition of Anti-Personnel

⁴⁰ See Zabihullah Mujahid, *Blast in Samangan leaves 7 killed*, available at <http://shahamat-english.com/index.php/news/46172--blast-in-samangan-leaves-7-killed>, last accessed 15 June 2014, and Zabihullah Mujahid, *Commander, 14 poll workers killed in bomb attack*, available at <http://www.shahamat-english.com/index.php/news/46205-commander,-14-poll-workers-killed-in-bomb-attack>, last accessed 16 June 2014.

⁴¹ Pressure-plate improvised explosive devices (PP-IEDs) are essentially victim-activated bombs which detonate when any person or any vehicle steps or drives over them. As such, PP-IEDs are indiscriminate and illegal weapons.

⁴² Between 1 January and 30 June 2013, UNAMA documented 86 civilian deaths and 146 injured (232 civilian casualties) from victim-activated IEDs, mostly pressure-plate IEDs.

⁴³ HME or ‘Homemade explosives’ are explosives made from common household chemicals and readily available substances.

Mines) with the capability of causing extensive, catastrophic, damage to personnel and vehicles.

Civilians who step on or drive over these IEDs in conventional (un-armoured) vehicles have no defence against them and very little chance of survival. In 2014, a significant number of IEDs were encountered in Afghanistan with an explosive weight of approximately 2-4 kg specifically designed to injure or kill individuals on foot.⁴⁴

Examples of civilian casualties from PP-IED attacks:

- On 31 May, two PP-IEDs planted on a road in Giro district, Ghazni province detonated against two vehicles traveling to a wedding party, killing all 12 passengers including six women, two girls, two boys and the two men driving the vehicles.
- On 7 May, a PP-IED detonated against a “Zaranj” (three-wheeled vehicle) in Shindand district, Herat province, killing all nine passengers, including two women and five children.
- On 8 June, a civilian vehicle struck a roadside PP-IED in Khaki Safed district, Farah province, killing four civilians, including a five-year-old child, and injuring five civilians, including four women and one man.

Rising civilian casualties from Magnetic-IEDs⁴⁵

In 2014, UNAMA documented 115 civilian casualties (13 civilian deaths and 102 injured) from magnetic-IEDs, up 326 per cent from the same period in 2013.⁴⁶ The majority of incidents involved Anti-Government Elements placing magnetic-IEDs on vehicles of Afghan security forces, often with devastating consequences for civilians.

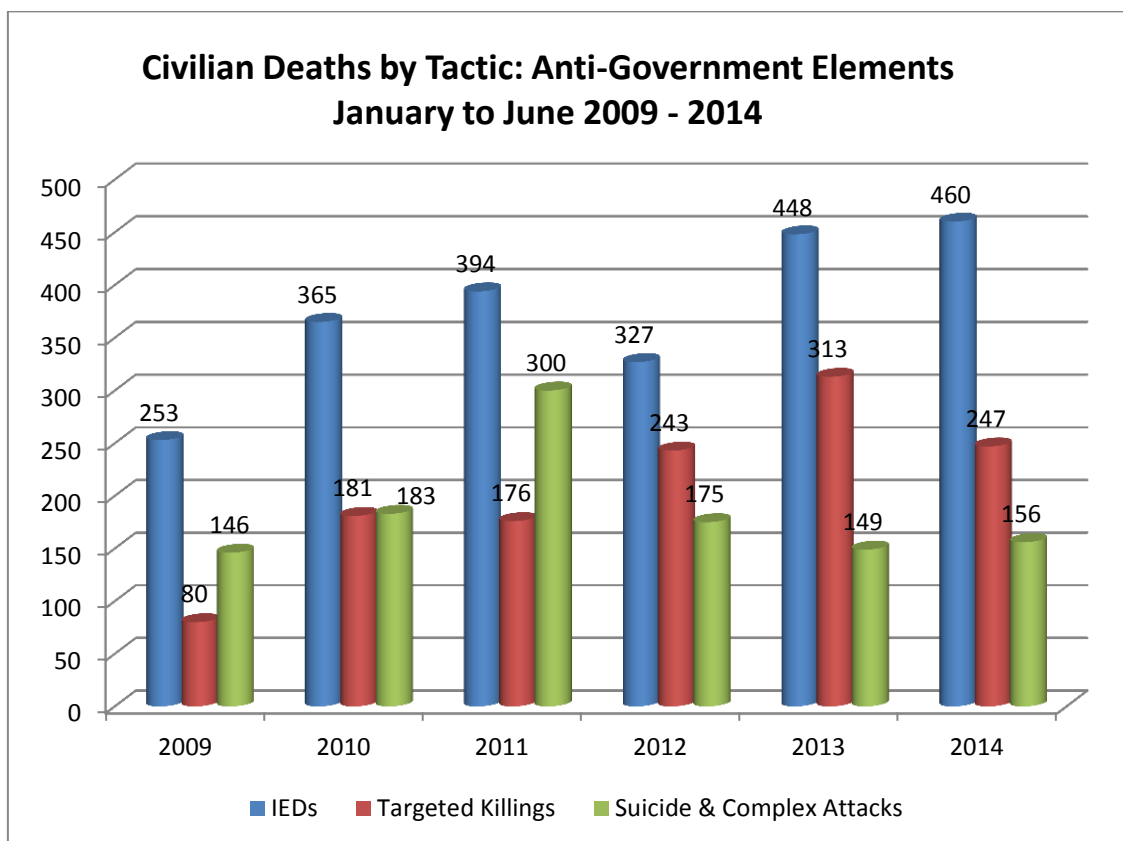
For example, on 22 April 2014, a magnetic-IED attached to an ALP vehicle detonated in the centre of Charikar city, Shinwary district, Parwan province. A group of ALP had travelled to the city to collect their monthly salaries, parked their vehicle in the centre of the bazaar and left the vehicle to have breakfast. A few minutes later, the device detonated, injuring 18 civilians and destroying the vehicle. There were no ALP casualties.

⁴⁴ UNAMA interviews with ISAF Counter-IED office, May 2014, ISAF HQ, Kabul.

⁴⁵ IEDs attached by a magnetic device are a sub-category of command-operated IEDs

⁴⁶ Between 1 January and 30 June 2014, UNAMA documented six civilian deaths and 21 injured (27 civilian casualties) from magnetic-IEDs.

explosion killed 15 people including seven civilians, six ANP members and two NDS officers.



War Crime of Murder: Targeted and Wilful Killings of Civilians

Targeted killings accounted for nine per cent of all civilian casualties in the first half of 2014. UNAMA documented 263 civilian deaths and 165 injured (428 civilian casualties) from targeted killings,⁵⁰ a 10 per cent drop from the same period in 2013.⁵¹

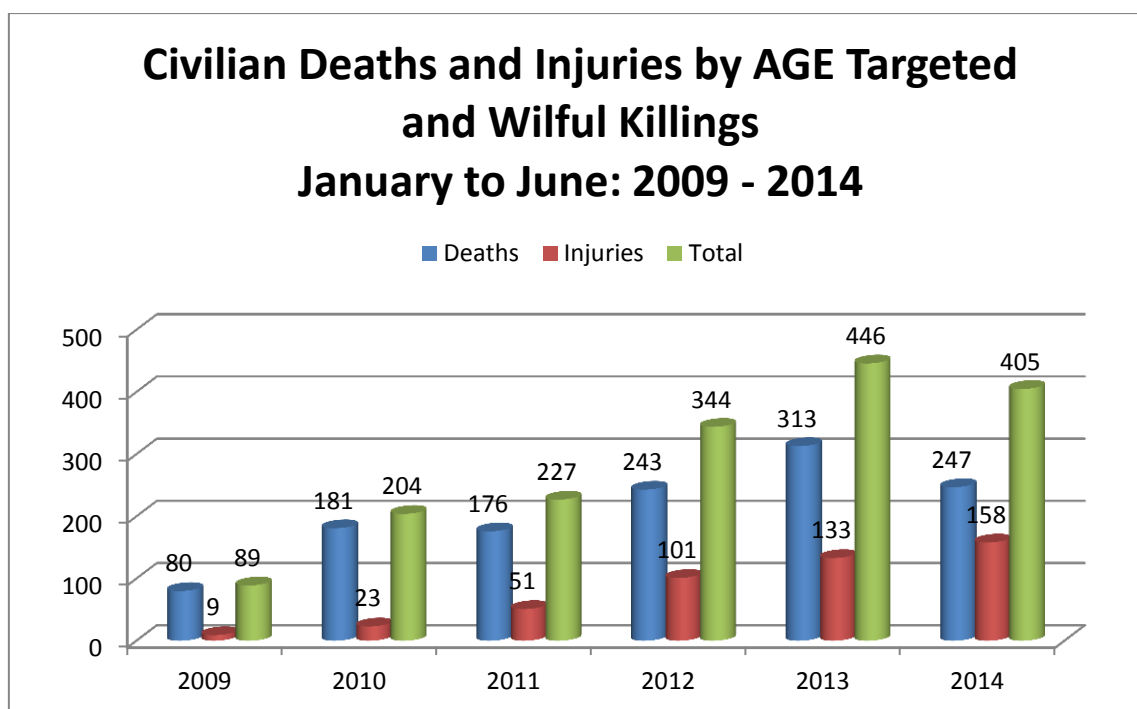
Of the 428 civilian casualties from targeted killings, 95 per cent – 405 civilian casualties (247 deaths and 158 injured) – were attributed to Anti-Government Elements. These included killings of tribal elders, civilian Government officials, mullahs and civilian justice officials.

Of the 428 civilian casualties from targeted killings, the Taliban claimed responsibility for 39 separate incidents of targeted killings which resulted in 82 civilian casualties (54 civilian deaths and 28 injured), more than doubling the civilian casualties claimed by the Taliban in 2013.⁵² Incidents of targeted killings claimed by the Taliban included district authorities and tribal elders as follows:

⁵⁰ The category of targeted killings also includes some cases of wilful killing, *i.e.*, killings where the victim was in the custody of the perpetrator at the time of the killing.

⁵¹ Between 1 January and 30 June 2013, UNAMA documented 337 civilian deaths and 137 injured (474 civilian casualties) from targeted killings.

⁵² Between 1 January and 30 June 2013, the Taliban claimed responsibility for 17 targeted killing incidents which resulted in 31 civilian deaths and four injured (35 civilian casualties).



Attacks against judges, prosecutors and judicial institutions

I was inside the Justice Department building collecting my salary when the attack happened. An armed group entered the compound and shot and killed the two bodyguards at the main gate. After them, I was the first person they attacked. They opened fire on me and the other people in the hall. I took a bullet in my shoulder. I fell down on the ground in pain and the attackers moved to the floor above. I crawled into a room where I hid behind a desk. After a few minutes the attackers came back down the stairs. I watched them open fire on the dead body of a prosecutor who they had already killed. They were very violent towards the officials. The bleeding from my injuries continued for more than three hours and I could not move due to the fear of being attacked again. Afghan forces brought me to the hospital.⁵⁹

-- Civilian victim of a complex attack against the Department of Justice complex in Jalalabad city, Nangarhar province on 12 May 2014, in which eight civilians were killed and another 14 wounded. The Taliban claimed responsibility for the attack.

Between 1 January and 30 June, UNAMA documented 16 incidents of Anti-Government Elements deliberately targeting judges, prosecutors and judicial institutions through complex attacks, targeted killings, grenade attacks and following abductions. These attacks killed 15 civilians and injured 34 – mostly judicial authorities – and destroyed or damaged several courthouses.

During the same period in 2013, UNAMA documented eight separate incidents of such attacks, recording 196 civilian casualties (51 civilian deaths and 145 injured).⁶⁰ Direct

⁵⁹ UNAMA interview with victim of attack, Jalalabad, Nangarhar province, 13 May 2014.

⁶⁰ These incidents included a complex attack on the Farah provincial courthouse which killed 33 and injured 105, and a complex attack against the Kabul Supreme court which killed 17 and injured 40.

attacks against civilians or civilian objects are a violation of international humanitarian law, as grave breaches which amount to war crimes.⁶¹

In their 8 May 2014 statement announcing the commencement of their '*Khaibar*' Spring Offensive, the Taliban declared the intention to "*target all high ranking government officials, cabinet ministers, members of Parliament, security officials, occupation backing officers in the Interior and Foreign Ministries, attorneys and judges that prosecute Mujahideen.*"⁶² UNAMA documented five separate incidents where individual judges and prosecutors were targeted and killed by Taliban or Anti-Government Elements.

For example, on 20 May, Taliban shot and killed a 60-year-old prosecutor in front of his home in Ghazni city centre, Ghazni province. The Taliban claimed responsibility on their website, stating they had killed the prosecutor in a 'targeted attack'.⁶³

UNAMA also documented three incidents of Anti-Government Elements abducting a judge or prosecutor, and releasing him after intervention and payment by tribal elders. In one instance, the Taliban abducted a retired prosecutor from a public bus, held him for four days, tortured him and sentenced him to death, freeing him only after his family paid \$10,000 USD for his release.⁶⁴

Examples of attacks against judges, prosecutors and judicial institutions:

- On 22 April, a magnetic IED attached to the private vehicle of the Qarghayi district Legal Department of Laghman province detonated in Surkh Rod district, Nangarhar province, killing the head of the Legal Department and injuring seven other civilians, including two children.
- On 31 May, an IED exploded under the vehicle belonging to a judge parked beside the Primary Court of Shahrstan district, Dai Kundi province. The explosion injured the judge and his clerk, and damaged the courthouse.
- On 5 May, Taliban opened fire at a judge in Kunduz city, Kunduz province, injuring him. Taliban claimed responsibility on their Pashto website stating their "*mujahuddin had shot dead a judge of Kunduz primary court.*"⁶⁵
- On 21 February, Anti-Government Elements shot and killed a public juvenile prosecutor in Khost Matun district, Khost province and wounded a schoolteacher travelling with him.

⁶¹ See Articles 48 and 52 of Additional Protocol 1 to the Geneva Conventions of 1949.

⁶² 'Statement of Leadership Council of Islamic Emirate regarding the commencement of the annual spring operation named '*Khaibar*', available at <http://www.shahamat-english.com/index.php/paighamoona/44468-statement-of-leadership-council-of-islamic-emirate-regarding-the-commencement-of-the-annual-spring-operation-named-'khaibar>.

⁶³ Zabihullah Mujahid, *Prosecutor killed in Ghazni*, 20 May 2014, available at <http://shahamat-english.com/index.php/news/45038-prosecutor-killed-in-ghazni>.

⁶⁴ Location, dates and incident details have been withheld due to security concerns.

⁶⁵ Taliban Pashtun website, 5 May 2014, available at <http://shahamat.info/index.php/news>, last accessed 5 May 2014.

Threats and Attacks against Religious Figures and Places of Worship

Attacks deliberately targeting civilian mullahs and places of worship continued in the first half of 2014, with UNAMA documenting 10 incidents: eight incidents of targeted killings of mullahs, one IED attack in a mosque and the abduction of a mullah. The targeted killing incidents resulted in the deaths of seven civilian mullahs and injury to two, while the IED attack injured three.

The Taliban claimed responsibility for two of the targeted killings of mullahs. For example, on 17 April, two Taliban members on a motorcycle shot a cleric who was also the Head of Religious Affairs and Public Outreach for NDS Nangarhar. The Taliban claimed responsibility for the killing on their website, stating that a ‘mujahad had sniped and killed a spy in a targeted attack’.⁶⁶

International humanitarian law prohibits deliberate attacks against civilians and civilian property, including places of worship, and places a specific obligation on parties to the conflict to enable religious personnel to carry out their work. Article 9 of Protocol II to the Geneva Conventions states that “Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties.”⁶⁷ International humanitarian law further prohibits acts directed against people and places of worship which constitute the cultural or spiritual heritage of peoples.⁶⁸

UNAMA notes the Government’s specific responsibility to protect mullahs and mosques from attacks.⁶⁹

⁶⁶ See statement at <http://www.shahamat-english.com/index.php/news/43755-spy-agent-killed-in-targeted-attack>, last accessed 18 April 2014.

⁶⁷ Article 9 on protection of medical and religious personnel, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. UNAMA also notes Article 18 ICCPR: 1. “Everyone shall have the right to freedom of thought, conscience and religion”. Under Article 4 2. “no derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.”

⁶⁸ *Ibid.* See also ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

⁶⁹ 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.

Taliban Claims of Responsibility and Statements about Civilian Casualties

In the first six months of 2014, the Taliban publicly claimed responsibility for 147 attacks which resulted in 553 civilian casualties (234 killed and 319 injured).

Of the 147 attacks claimed by the Taliban in which UNAMA recorded civilian casualties, 70 appeared directed at military targets, while 72 attacks deliberately targeted civilian objectives,⁷⁰ such as attacks against tribal elders, civilian Government or justice sector employees, and civilians having meals in restaurants.⁷¹

Examples of deliberate Taliban attacks against civilians and claims of responsibility:

Complex attack at the Taverna du Liban restaurant, Kabul - On 17 January, a suicide attacker and two armed men targeted a Lebanese restaurant located in the Wazir Akabar Khan area of Kabul city (PD-10). The suicide bomber detonated outside the restaurant to facilitate the entrance of the other two attackers into the restaurant. Upon entry, the armed attackers deliberately shot and killed every person inside the restaurant, totalling 21 civilians – 13 foreigners (nine men and four women), as well as seven Afghan men and one Afghan woman.

One civilian escaped with injuries. Victims of the attack included United Nations, European Union and other civilian staff from international organisations, Taverna cooks, waiters and other staff members, and Afghans who were dining at the restaurant at the time of the attack. The Taliban claimed responsibility for the attack on their website, claiming “*the target of the attack was a restaurant frequented by high ranking foreigners.*”⁷²

Armed attack at the Serena Hotel, Kabul - On 20 March, four Taliban fighters deliberately opened fire on civilians dining in a restaurant at the Serena Hotel, killing 10 civilians (three women, five men and two children) and injuring five others (four men and one child). The victims included a Member of Parliament, a journalist, his wife and two children and five internationals. While the Taliban claimed responsibility for the attack, they denied killing the journalist, his wife and children.⁷³

RC-IED attack in Aybak city, Samangan province - On 14 June, an RC-IED detonated against a minibus carrying IEC staff and female voting centre searchers, their children and male relatives, killing 11 civilians, including four women and a small child, and injuring four others. The attack took place in Aybak city, Samangan province, as the group was returning home from a polling centre in Monaghar village. The Taliban

⁷⁰ By ‘clearly civilian’, UNAMA refers to civilian targets that could not be considered as combatants. Unlike ANP or NDS targets, which hold combatant status when directly participating in the hostilities or maintaining continuous combatant functions.

⁷¹ See Annex 1, *Attacks Claimed by Taliban: breakdown by target type*.

⁷² Taliban statement, “*The Taverna Attack: A red line double crossed?*”, 1 March 2014, available at <http://www.shahamat-english.com/index.php/articles/42611-the-taverna-attack-a-red-line-double-crossed>, last accessed 26 May 2014.

⁷³ Taliban statement, “*Remarks of spokesman of Islamic Emirate regarding the killing of children in the Serena Hotel*”, 23 March 2014, available at <http://www.shahamat-english.com/~shahamat/index.php/paighamoonaa/43255-remarks-of-spokesman-of-islamic-emirate-regarding-the-killing-of-children-in-the-serena-hotel>, last accessed 26 May 2014.

claimed responsibility for the attack on their website, stating they had deliberately targeted a vehicle carrying poll workers.⁷⁴

Attack against Department of Justice, Jalalabad city, Nangarhar province - On 12 May, Taliban attacked the Department of Justice in Jalalabad city, Nangarhar province, with small arms fire, occupied the building and took a number of civilian hostages. Afghan security forces responded to the attack, with subsequent fighting lasting for approximately five hours and leaving eight civilians dead and 14 injured. The Taliban claimed responsibility for the attack on their website, as part of their 'Khaibar' Spring Offensive campaign.⁷⁵

UNAMA reiterates that international humanitarian law prohibits all attacks directed at civilians, and in civilian locations, including restaurants, public roads, consulates or civilian Government offices, including courthouses. Such acts may amount to war crimes. UNAMA again notes that all parties to the conflict, including the Taliban, are bound by international humanitarian law.

Indiscriminate attacks

In addition to attacks deliberately targeting civilians, UNAMA observed that the Taliban used indiscriminate tactics in attacks against armed forces, which had devastating consequences for civilians. The use of improvised explosive devices (IEDs), area weapons systems and/or indirect fire (mortars, grenades and rockets) in the vicinity of civilian-populated areas may amount to indiscriminate attacks and, as such, may also constitute war crimes.⁷⁶ In each incident documented by UNAMA, these weapons had an indiscriminate effect, striking military objectives and civilians or civilian objects without distinction.⁷⁷

Taliban statements about civilian casualties

UNAMA continued to analyse the Taliban's public statements throughout the first six months of 2014. Between 1 January and 30 June 2014, the Taliban issued 17 statements that claimed or denied responsibility for attacks, denounced civilian casualties by Pro-Government Forces and explained Taliban targeting choices. Some of these statements directly or indirectly claimed responsibility for civilian casualties.

UNAMA also monitored the Taliban website's daily news briefs, and articles claiming responsibility for ground engagements, complex and suicide attacks, targeted killings and IED incidents. UNAMA took steps to verify civilian casualties resulting from Taliban operations detailed on Taliban sites.

⁷⁴<http://shahamat-english.com/index.php/news/46172--blast-in-samangan-leaves-7-killed>, accessed 15 June 2014 and <http://www.shahamat-english.com/index.php/news/46205-commander,-14-poll-workers-killed-in-bomb-attack>, accessed 16 June 2014.

⁷⁵ Taliban statement at <http://www.shahamat-english.com/index.php/news/44655-15-killed-as-martyrdom-attack-hits-justice-department>.

⁷⁶ Indiscriminate attacks are those which are not directed at a specific military objective; which employ a means of combat which cannot be directed at a specific military objective; and which employ a method or means of combat of which the effects may not be limited, as required by international humanitarian law. See *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977.

⁷⁷ See IED and Suicide and Complex Attacks sections of this report for further details.

The Taliban also issued lengthier claims of responsibility or denials following incidents which attracted significant international media attention and condemnation, such as the attacks on the Taverna du Liban restaurant,⁷⁸ the Serena Hotel,⁷⁹ the ISAF Syah Gerd air operation⁸⁰ and the post-election finger mutilation of elderly voters in Herat province.⁸¹

Statements issued by the Taliban in 2014 often referred to measures they claimed to have taken to protect civilians. Overall, Taliban statements placed responsibility on civilians to protect themselves from the effects of Taliban attacks. For example, the Taliban instructed civilians to keep away from “*enemy military and intelligence gatherings,*”⁸² and “*electoral offices, voting booths, rallies and campaigns (...)* so their lives are not put into danger,”⁸³ warning that those who failing to comply would risk being killed or injured,⁸⁴ and be “*solely responsible of any loss in the future.*”⁸⁵ One Taliban statement also offered a “*general amnesty*”⁸⁶ to defecting Government supporters.

Statements directing the deliberate targeting of civilians

Inconsistent with internationally-accepted definitions of “civilian” and laws prohibiting the targeting of civilians, the Taliban relayed in statements in 2014 an intention to directly target civilians. For example, the Taliban statement announcing the commencement of their ‘*Khaibar*’ Spring Offensive lists civilian contractors, translators, administrators, logistics personnel, Cabinet ministers, members of parliament, attorneys and judges as potential targets.⁸⁷

⁷⁸ Incident described in this report; see Anti-Government Elements and the Protection of Civilians section, Taliban statements.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ Taliban Statement, “په هرات ولايت كې د خوتنو د گوتو د پريكولو په اړه د اسلامي امارت د وياندوضاحت”, 16 June 2014, available at <http://shahamat.info/index.php/paighamoona/50719>. د-خوتنو-د-كي-ولايت-هرات-په-وياندوضاحت-د-امارت-اسلامي-د-اره-په-پريكولو-د-گوتو

⁸² Taliban statement, “*Statement of Leadership Council of Islamic Emirate regarding the commencement of the annual spring operation named ‘Khaibar’*”, 8 May 2014, available at <http://www.shahamat-english.com/index.php/paighamoona/44468-statement-of-leadership-council-of-islamic-emirate-regarding-the-commencement-of-the-annual-spring-operation-named-‘khaibar’>, last accessed 27 May 2014.

⁸³ Taliban statement, “*Notification of Islamic Emirate regarding the upcoming elections*”, 14 March 2014, available at <http://www.shahamat-english.com/~shahamat/index.php/paighamoona/42887-notification-of-islamic-emirate-regarding-the-upcoming-elections>.

⁸⁴ Taliban statement, “*Message of the Islamic Emirate to the pious people of Afghanistan regarding the elections*”, 2 June 2014, available at

<http://www.shahamat-english.com/index.php/paighamoona/45584-message-of-the-islamic-emirate-to-the-pious-people-of-afghanistan-regarding-the-elections>, accessed 04/06/2014.

⁸⁵ Taliban statement, “*Notification of Islamic Emirate regarding the upcoming elections*”, 14 March 2014, available at

<http://www.shahamat-english.com/~shahamat/index.php/paighamoona/42887-notification-of-islamic-emirate-regarding-the-upcoming-elections>.

⁸⁶ Taliban statement, “*The Khaibar Operations on the Threshold of Victory*”, 14 May 2014, available at

<http://www.shahamat-english.com/index.php/comments/44775-the-khaibar-operations,-on-the-threshold-of-victory>.

⁸⁷ *Ibid.*

As in previous years, UNAMA observed that, despite statements and claims of increased efforts to protect civilians, the Taliban continued to kill and injure hundreds through attacks directed at Afghan civilians and the use of indiscriminate tactics, particularly IEDs.

Taliban statements defining ‘civilians’ and acknowledgement of international law

The most recent Taliban statement that defined ‘civilians’ was issued on 25 February 2013 referring to ‘civilians’ as *“those who are in no way involved in fighting, the white bearded people, women, children and common people who live an ordinary life.”*⁸⁸ In its statements to date in 2014, the Taliban have not directly revised this definition but additionally stated that Islam *“prohibits the killing of women and children even in times of war”*,⁸⁹ and that the Taliban leadership had given *“strict guidelines (...) for preventing civilian casualties”*.⁹⁰

Taliban Statements on its Civilian Casualty Unit

In a 17 June 2013 statement, the Taliban announced the formation of a special committee under the supervision of its military commission for the avoidance of civilian losses. The statement noted that the committee operated according to 16 articles with a main objective of getting information, evaluating it and reporting to the Taliban leadership on civilian losses.⁹¹

In June 2014, UNAMA received further information about the operation of the Taliban’s civilian casualty unit. According to a document provided to UNAMA by Taliban representatives, since June 2013 the civilian casualty unit continued working with each incident specifically investigated and results published in monthly and annual reports.⁹² The document outlined several key articles under headings for registration and investigation of civilian casualty Incidents, prosecution and punishment of perpetrators and precautionary measures for preventing civilian casualties. The document stated that the civilian casualty unit working under its 16 articles and on the basis of its investigation and reports, had found that many perpetrators of civilian casualties were American and members of the Karzai administration. UNAMA’s sustained documentation and analysis do not support this finding and have found that the Taliban

⁸⁸ Taliban statement, *“An open letter to the UNAMA about the biased behavior of this organization”*, 25 February 2015, available at <http://www.shahamat-english.com/index.php/paighamoona/29225-an-open-letter-to-the-unama-about-the-biased-behavior-of-this-organization>, last accessed 4 June 2014.

⁸⁹ Taliban statement, *“Remarks of spokesman of Islamic Emirate regarding the killing of children in the Serena Hotel”*, 23 March 2014, available at <http://www.shahamat-english.com/~shahamat/index.php/paighamoona/43255-remarks-of-spokesman-of-islamic-emirate-regarding-the-killing-of-children-in-the-serena-hotel>, last accessed 26 May 2014.

⁹⁰ Taliban statement, *“Remarks of spokesman of Islamic Emirate regarding civilian casualties report by UNAMA”*, 8 February 2014, available at <http://www.shahamat-english.com/~shahamat/index.php/paighamoona/42067-remarks-of-spokesman-of-islamic-emirate-regarding-civilian-casualties-report-by-unama>, last accessed 26 May 2014.

⁹¹ See UNAMA’s *2013 Annual Report on Protection of Civilians in Armed Conflict* at pp. 36-37 for further details about the work of this committee as outlined in the 17 June 2013 Taliban statement.

⁹² See Annex 1 of this report for an English translation from Pashto of the document provided to UNAMA by Taliban representatives in June 2014.

and other Anti-Government Elements caused three-quarters of all civilian casualties in the first half of 2014 as detailed in this report.

UNAMA acknowledges further stated efforts by the Taliban to address and prevent civilian casualties. As previously observed, however, UNAMA reiterates the importance of full respect for international law and compliance with the obligations of all parties, including the Taliban, under international humanitarian law not to attack civilians directly, indiscriminately or with disproportionate methods and weapons. Any mechanism on civilian casualties should therefore operate in conformity with and furtherance of international humanitarian law and human rights law, and use a definition of 'civilian' that is consistent with international humanitarian law. While the unit reports publicly on allegations of civilian casualty incidents it has registered, it does not report publicly on any actions taken to protect civilians or to punish any perpetrators of civilian casualties. Such public reporting could provide more information about actual efforts by the Taliban to address civilian protection.

Taliban Monthly Statements on Civilian Casualties Caused by Pro-Government Forces

Over the first five months of 2014, the Taliban referenced 120 incidents in their monthly public statements on 'war crimes', alleging that Pro-Government Forces caused at least 357 civilian casualties (233 killed and 124 injured).⁹³ While a quarter of these allegations (37) made no mention of tactics used, 19 Taliban allegations referred to search operations, 18 to the use of mortars and shelling, 15 to air operations, and 13 to shooting incidents, with the remaining alluding to other tactics.

Taliban monthly statements from January through May 2014 attributed 159 civilian casualties (65 killed and 94 injured) to joint Afghan forces' activities⁹⁴, 90 civilian casualties (69 killed and 21 injured) to international military forces, and 52 civilian killings to Pro-Government militia ('*arbaki*' forces), with the remaining casualties attributed to joint operations or left undetermined.

UNAMA followed-up on all alleged incidents put forward by the Taliban to determine whether UNAMA had already documented the incidents, and if not UNAMA undertook proactive measures to verify the allegations. UNAMA found that, of the 120 incidents put forward by the Taliban, 47 had already been documented by UNAMA while 34 were followed-up by UNAMA after publication on the Taliban website. Of the incidents which UNAMA confirmed, six were not related to the on-going armed conflict and nine did not result in civilian casualties, in five cases UNAMA could not confirm the civilian status of the victims or whether the casualties were conflict-related. Another 39 incidents could not be verified by UNAMA.⁹⁵

⁹³ The total alleged casualty number consists of all casualties alleged in the Taliban statements, when they are quantified. Attribution of casualties to tactics or perpetrators is often vague in the Taliban statements, and is estimated by UNAMA based on interpretation. UNAMA uses this approach for analytical purposes and it is likely imprecise.

⁹⁴ This figure includes allegations of ALP participation with any member the Afghan national security forces.

⁹⁵ See Annex 3: Summary and Analysis of Taliban Statements. Details of UNAMA's investigation of the incidents listed in the Taliban reports available upon request.

UNAMA verification of the Taliban's allegations noted 61 conflict-related incidents causing 216 civilian casualties (95 killed and 121 injured). UNAMA's documentation attributed 41 of the incidents to Pro-Government Forces, which resulted in 105 civilian casualties (59 killed and 46 injured), or approximately 30 per cent of the incidents alleged by the Taliban. A further 92 casualties (22 killed and 70 injured) took place in 13 crossfire incidents between Pro-Government Forces and Anti-Government Elements. Anti-Government Elements were responsible for seven of these incidents which caused 19 casualties (14 killed and five wounded).

See Annex 3 for breakdown of monthly statements.

Taliban Response to UNAMA's 2013 Annual Report on Protection of Civilians

In response to UNAMA's *2013 Annual Report on Protection of Civilians*, the Taliban provided UNAMA with a written response and made separate comments on their website. UNAMA received the written response via email on 7 February 2014, which UNAMA posted on its website.⁹⁶ The response reiterated the Taliban's concern for civilian casualties, noting that the protection of civilians was part of the Taliban strategy. The document stated that Taliban leadership had issued clear directives to their fighters *"not to carry out attack and detonate anything at bazaars, markets, schools and bus stations. Practical measures have been taken in order to implement this directive. We condemn and have condemned attack at similar locations."*⁹⁷

The email response also stated that Taliban fighters do not use pressure-plate IEDs and blamed US forces for planting such victim-operated IEDs.

On their public website, the Taliban acknowledged receipt of UNAMA's 2013 Annual Report on Protection of Civilians,⁹⁸ but did not engage on the substance, questioning instead the credibility of UNAMA as an independent monitoring organisation. In this statement, the Taliban rejected outright the 2013 Annual Report's findings, which it classified as *"baseless and far from reality"*⁹⁹, and *"directly produced by the US embassy and then published under the name of United Nations"*¹⁰⁰. The Taliban also stated that civilian casualties they caused were *"kept to a minimum as compared to the past."*¹⁰¹

⁹⁶ <http://point.un.org/unama/SitePages/POHome.aspx#>

⁹⁷ Document received via e-mail by UNAMA from Taliban, 8 February 2014.

⁹⁸ Taliban statement, *"Rejoinder of the Islamic Emirate about the recent report of UNAMA regarding civilian casualties"*, 31 July 2013, available at <http://www.shahamat-english.com/index.php/paighamoona/34995-rejoinder-of-the-islamic-emirate-about-the-recent-report-of-unama-regarding-the-civilian-casualties>, last accessed 29 May 2014.

⁹⁹ Taliban statement, *"Remarks of spokesman of Islamic Emirate regarding civilian casualties report by UNAMA"*, 8 February 2014, available at <http://www.shahamat-english.com/~shahamat/index.php/paighamoona/42067-remarks-of-spokesman-of-islamic-emirate-regarding-civilian-casualties-report-by-unama>, last accessed 26 May 2014.

¹⁰⁰ Taliban statement, *"The Taverna Attack: A red line double crossed?"*, 1 March 2014, available at <http://www.shahamat-english.com/index.php/articles/42611-the-taverna-attack-a-red-line-double-crossed>, last accessed 26 May 2014.

¹⁰¹ Taliban statement, *"Remarks of spokesman of Islamic Emirate regarding civilian casualties report by UNAMA"*, 8 February 2014, available at

II. Ground Engagements¹⁰² between Parties to the Conflict: Civilians Caught in Crossfire

*A mortar round hit my house and ten of my family members, including four little girls and three little boys aged between two and seven years-old, and two women, were wounded. What was the children's fault? Those who fire the mortars do not know how painful it is when your family members suffer because of the armed conflict; when they die or get injured, especially when it is children and women.*¹⁰³

—A civilian whose family members were injured by the firing of a mortar at Qarya-e-Yateem area, Chahardara district, Kunduz province on 17 May 2014.

In 2014, UNAMA observed a sharp rise in civilian casualties from ground engagements. Between 1 January and 30 June 2014, it documented 1,901 civilian casualties (474 civilian deaths and 1427 injuries) from ground engagements between Anti-Government Elements and Pro-Government Forces,¹⁰⁴ an 89 per cent increase from the same period in 2013.¹⁰⁵

Ground engagements caused 39 per cent of all civilian casualties, more civilian casualties than any other tactic in the first half of 2014, a particularly disturbing trend.

The continued increase in civilian deaths and injuries in 2014 from ground engagements, particularly of women and children, was consistent with the trends observed in the second half of 2013.

The transfer of security responsibility from international military forces to Afghan security forces, and the correlated reduction in ISAF air operations and ISAF ground operations partnered with Afghan security forces, provided Anti-Government Elements with greater mobility in some areas to attack Afghan security forces which were more active and more exposed to attacks than in previous years. Often, such encounters and attacks led to civilian casualties.

Attribution of Civilian Casualties from Ground Engagements¹⁰⁶

Of all incidents of ground engagements resulting in civilian casualties, UNAMA attributed 988 civilian casualties (270 civilian deaths and 718 injuries) or 52 per cent to Anti-Government Elements.¹⁰⁷

<http://www.shahamat-english.com/~shahamat/index.php/paighamoona/42067-remarks-of-spokesman-of-islamic-emirate-regarding-civilian-casualties-report-by-unama>, last accessed 26 May 2014.

¹⁰² Ground engagements include kinetic ground operations, stand-off attacks, crossfire and armed clashes between parties to the conflict encompassing attacks or operations in which small arms, heavy weapons and/or area weapons systems, i.e. mortars and rockets are fired.

¹⁰³ UNAMA interview with the victims' relative, Kunduz province, 20 May 2014.

¹⁰⁴ This figure also includes cross-border shelling into Afghanistan, which accounted for less than two per cent of civilian casualties from ground engagements.

¹⁰⁵ Between 1 January and 30 June 2013, UNAMA documented 1,004 civilian casualties (219 civilian deaths and 785 injuries) from ground engagements.

¹⁰⁶ To verify attribution of a specific party for civilian deaths and injuries resulting from ground engagements, UNAMA used its three-source type verification procedure for incidents of civilian casualties. In cases where attribution was not possible – in particular cross-fire - UNAMA attributed the civilian casualty to both Pro-Government Forces and Anti-Government Elements.

UNAMA recorded 274 civilian casualties (74 civilian deaths and 200 injured) from the operations of Pro-Government Forces, accounting for 14 per cent of all civilian casualties caused by ground engagement. Of these, UNAMA attributed 99 per cent to Afghan security forces, which included some operations partnered with international security forces and one per cent to ground operations led by international military forces.

UNAMA could not attribute civilian casualties directly to either party in 32 per cent of all civilian casualties from ground engagements. These incidents of unattributed ground engagements resulted in 599 civilian casualties (127 civilian deaths and 472 injured).

The remaining two per cent of civilian casualties from ground engagements were attributed to cross-border shelling into Kunar province¹⁰⁸ that caused 38 civilian casualties (three civilian deaths and 35 injured). One incident of ground engagement which injured two civilians was from an unknown source.

Increasing women and children civilian casualties from ground engagements

Ground engagements caused increasing harm to women and children in 2014, killing and injuring more women and children than any other tactic. Ground engagements accounted for the majority women casualties (256 casualties, comprising 64 deaths and 192 injuries)¹⁰⁹ - an increase of 61 per cent which accounted for 58 per cent of all civilian women casualties in the first six months of 2014.

Ground engagements also caused the majority of child injuries (520 casualties including 112 deaths and 408 injuries), a 110 per cent increase from the first six months of 2013,¹¹⁰ and comprised 49 per cent of children civilian casualties in 2014. Most of the incidents documented involved women and children caught in crossfire or stray munitions impacting their homes.

Regional breakdown of civilian casualties from ground engagements: 2009 through 2014

UNAMA documented increased civilian casualties from ground engagements in every region throughout Afghanistan.¹¹¹ In the southern, south-eastern and northern regions, for example, civilian casualties from ground engagements more than doubled in each region and they more than tripled in the north-east region.

UNAMA recorded the highest number of civilian casualties due to ground engagements in Helmand province, with 335 civilian casualties (64 deaths and 271 injuries), followed

¹⁰⁷ UNAMA verifies each ground engagement incident resulting in civilian casualties with multiple sources, including witnesses, victims, community sources, district authorities and other relevant interlocutors, to try to identify the party that caused the civilian death or injury, for example, which party fired a mortar round that killed or injured civilians.

¹⁰⁸ See the section on Cross-border Shelling in this report.

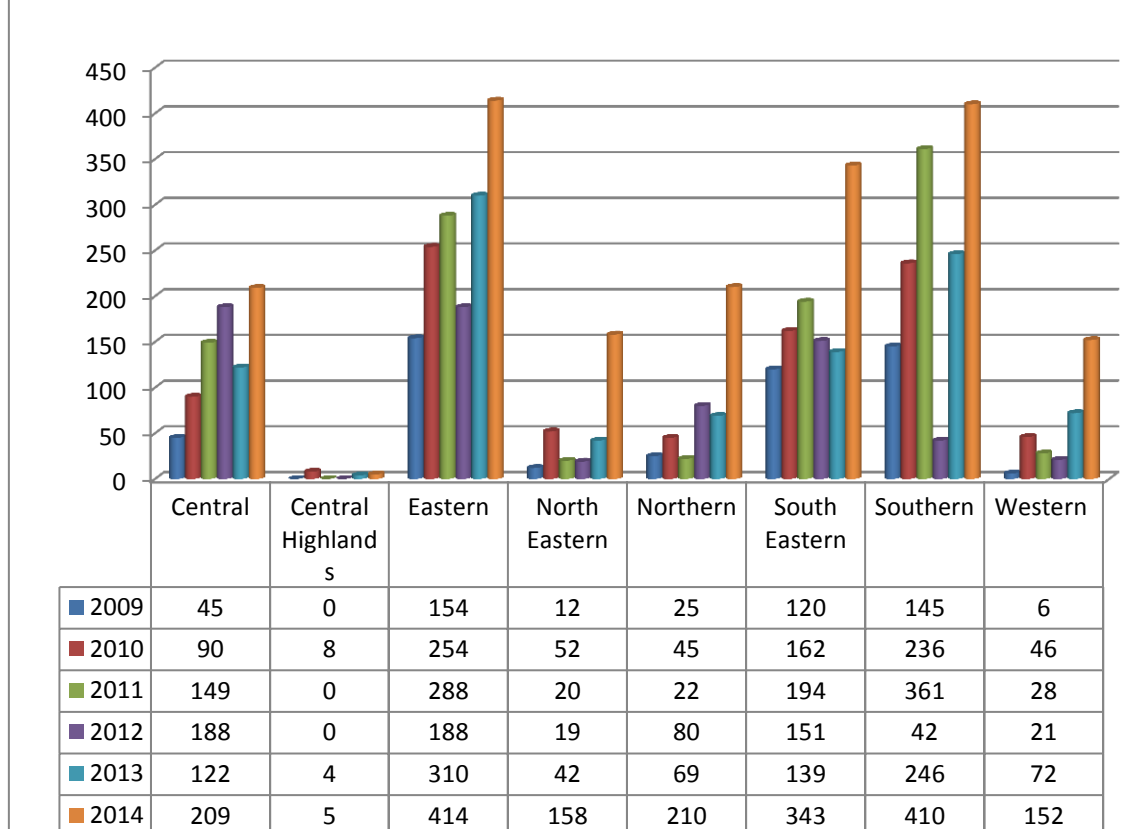
¹⁰⁹ Between 1 January and 30 June 2013, UNAMA documented 159 women casualties (36 deaths and 123 injuries) from ground engagements.

¹¹⁰ Between 1 January and 30 June 2013, UNAMA documented 520 children's casualties (112 deaths and 408 injured) from ground engagements.

¹¹¹ UNAMA also documented continued use of 'asymmetric' tactics by Anti-Government Elements, notably, use of IEDs, targeted killings and attacks against civilian Government workers highlighted earlier in this report.

by Faryab province with 183 civilian casualties (69 deaths and 114 injuries), Kunar province with 177 civilian casualties (21 deaths and 156 injuries) and then Nangarhar province with 158 civilian casualties (28 deaths and 130 injuries).

Civilian Deaths and Injuries: All Ground Engagements by region January to June 2009 - 2014



Anti-Government Elements: Civilian Casualties from Ground Engagements

*There was a big meeting going on during the attack. I had just left the education department driver who was in an open area. I had asked him to come inside the building but he rejected the offer. When I arrived to the mosque, a mortar landed close to him and he was killed while one little girl, an ANA soldier and two ANP were injured in the same area. I was also injured.*¹¹²

-- Civilian victim of a Taliban mortar attack on a meeting organized by an NGO in Muqur District Center, Badghis province on 3 May 2014. The Taliban fired three mortars that landed in the District Center, the NDS office, and a private house. The mortars killed one civilian driver and injured one 5-year-old girl and two ANP.

Civilian casualties from ground engagements attributed to Anti-Government Elements more than doubled in the first six months of 2014¹¹³, with 988 civilian casualties (270

¹¹² UNAMA interview with victim, Badghis province, 4 May 2014.

¹¹³ In the first six months of 2013, UNAMA documented 376 civilian casualties (95 civilian deaths and 281 injured) attributed to ground operations carried out Anti-Government Elements.

civilian deaths and 718 injuries) from ground operations, up 163 per cent from the same period in 2013.

The majority of ground engagements causing civilian casualties were from Anti-Government Elements carrying out attacks against Afghan security forces located in the vicinity of civilian-populated areas. The majority of Taliban attacks appeared targeted at Afghan security forces, in particular, ANP and ALP which appeared as more accessible targets and responsible for securing many communities particularly in volatile areas.

In this regard, UNAMA documented 285 civilian casualties (120 civilian deaths and 165 injured) from ground engagements where Anti-Government Elements had attacked ANP, up 85 per cent from 2013.¹¹⁴

UNAMA observed that while ANA generally remained in their bases unless conducting operations, ANP and ALP were highly visible in communities, operating check-posts near or within communities, market places, public roads and other civilian populated areas as part of their mandated civilian law enforcement and community protection functions. This heightened their exposure to attacks by Anti-Government Elements and often led to civilians, particularly women and children, being caught in the crossfire. For example, on 13 May 2014, Anti-Government Elements fired two mortar rounds toward the ANP Regional Training Center in Rodat district, Nangarhar province. One of the rounds missed the target and exploded on the nearby Jalalabad-Torkham highway. The blast hit a group of children who were on their way home from school, killing a 12-year-old girl and a 10 year-old-boy, and wounding four girls.

Although the majority of ground engagements initiated by Anti-Government Elements appeared to have targeted security forces, UNAMA noted the deliberate targeting of civilians by Anti-Government Elements in numerous ground engagements. UNAMA documented multiple attacks against groups of civilian Government employees, civilian Government offices and buildings, and other civilian locations during ground engagements.¹¹⁵

These attacks resulted in 219 civilian casualties (45 civilian deaths and 174 injured). For example, on 9 June, Anti-Government Elements fired mortar rounds at the Chamkanay district administration buildings in Paktya province. One round impacted the district's hospital, wounding ten (civilian) patients, including two women and eight men.

¹¹⁴ Between 1 January and 30 June 2013, UNAMA documented 42 civilian deaths and 112 injured (154 civilian casualties) from incidents of Anti-Government Elements attacking ANP which resulted in civilian casualties, either as collateral damage or due to the civilian law enforcement or off duty status of the ANP.

¹¹⁵ See the section in this report on killings of civilians due to family links or perceived support of Government of Afghanistan which covers 246 attacks against civilians. Incidents of attacks against civilians during ground engagements are included in this section on ground engagements.

Afghan National Security Forces: Civilian Casualties from Ground Engagements

I was at my house courtyard with my family members including one of my granddaughters. I heard gunshots very far from our village but after few minutes an object flew from the combat area and landed in my house. It destroyed my house and wounded 11 members of my family. Only my wife and I are adults while the rest are children under 18-year olds. Four of my daughters and five of my sons are among the wounded. I was brought to the Farah hospital along with four of my children as we had serious injuries, while six members of my family were brought to the Farahood clinic in Bala Buluk district.¹¹⁶

-- A 36-year-old male victim of a ground engagement in Se Joyee Village, Bala Buluk District, Farah province between the Taliban and the ANA on 7 January 2014 that injured 11 members of one family, including one woman, four female children and five male children. The ANA fired the mortar in response to an attack by the Taliban that landed in the family's house.

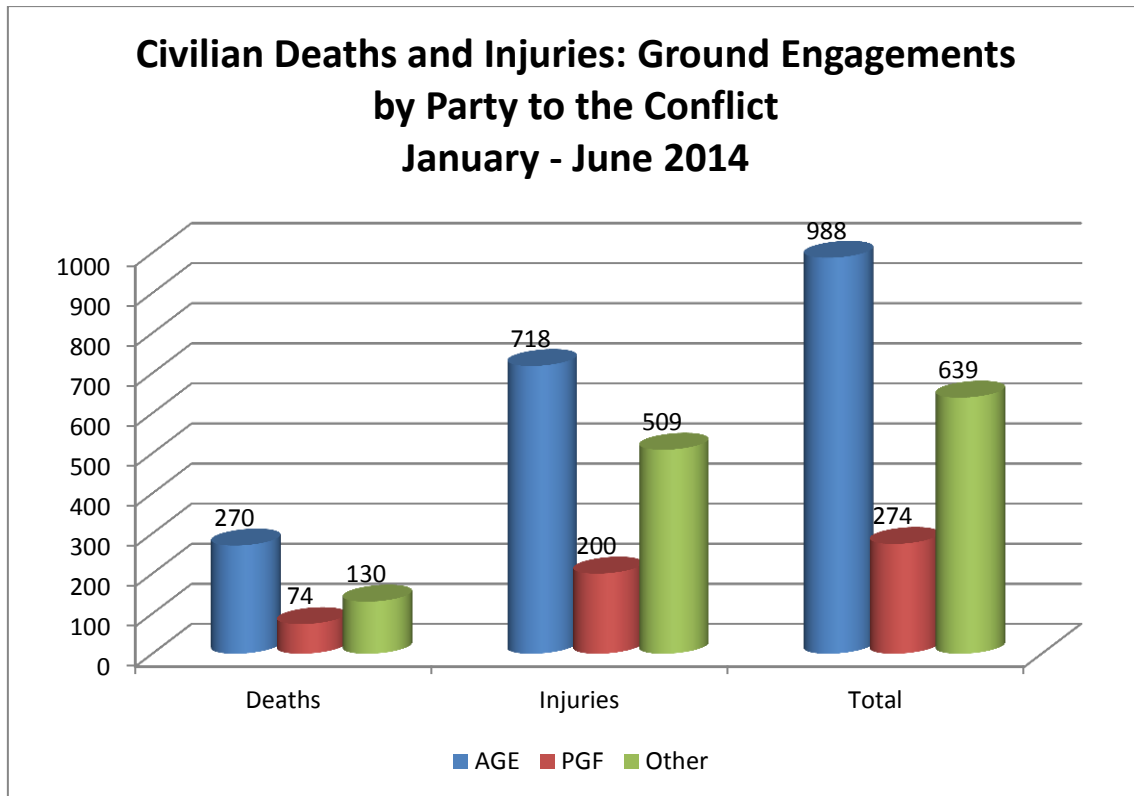
Between 1 January and 30 June 2014, UNAMA documented 274 civilian casualties (74 civilian deaths and 200 injured) from ground engagements attributed mainly to Afghan national security forces, accounting for 14 per cent of all civilian casualties caused by ground engagement and an overall 99 per cent increase from the same period in 2013.¹¹⁷ The following is a partial breakdown of ground engagements attributed to specific Pro-Government forces:

- Thirty-nine incidents causing 114 civilian casualties (33 civilian deaths and 81 injured) attributed solely to ANA.
- Three incidents causing 16 civilian casualties (one civilian death and 15 injured) attributed solely to ANP.
- Seven incidents causing 14 civilian casualties (10 civilian deaths and four injured) attributed solely to ALP.
- Eighteen incidents of partnered operations of various ANSF forces resulting in 73 civilian casualties (10 civilian deaths and 63 injured).
- Eight incidents of pro-government militia resulting in 16 civilian casualties (six civilian deaths and 10 injured).
- Two incidents of ground engagements resulting in three civilian deaths and no injured attributed solely to international military forces.

The remaining incidents and casualties occurred during joint operations of Afghan security forces, including operations partnered with international security forces.

¹¹⁶ UNAMA interview with a victim, Farah City, Farah province, 9 January 2014.

¹¹⁷ Between 1 January and 30 June 2013, UNAMA documented 138 civilian casualties (33 civilian deaths and 105 civilians injured) attributed to Pro- Government Forces carrying out ground engagements.



Examples of civilian casualties from ground engagements between Anti-Government Elements and Pro-Government Forces included:

- On 22 February, Taliban attacked ALP members at a medical clinic in Alingar district, Laghman province. At the time of the attack, the ALP members were providing security during the distribution of United Nations WFP food items to approximately 110 women. A separate group of ALP, stationed nearby, responded to the Taliban attack. As a result of crossfire between ALP and Taliban, two children – a one-year-old girl and a 10-month-old boy were killed – and five women were wounded. Two ALP members were killed. The attack interrupted the food distribution process and caused structural damage to the clinic.
- On 1 March, Taliban opened fire against ALP/ANA checkpoint in Pusht Rod district, Farah province, leading to a three-hour exchange of fire between the two groups. The exchange of fire resulted in the death of three civilians (woman, child and man) and injured one child. Each side attributed the civilian casualties to the opposing party.
- On 10 March, Anti-Government Elements fired two rockets toward the Shindand Airfield in Shindand district, Herat province. Both rockets missed the airfield and one impacted a civilian house, killing three children and two woman, and injuring five children.

Civilian casualties from ground engagements in Helmand province, June 2014¹¹⁸

Between 18 and 30 June, fighting between Government forces and insurgents in Helmand province killed at least 50 civilians and injured approximately 265. Medical staff at hospitals and clinics reported that 40 per cent of the casualties were women and children. The majority of the victims were from Sangin district.

The clashes began on 18 June as reportedly 800 insurgents targeted a number of ANP positions in synchronized attacks, mainly in northern and central Sangin, but also in Kajaki, Musa Qaleh and Nahr-e-Saraj districts. Intense fighting occurred for several days, with some territory changing hands multiple times. People living around Sarwan Qala (northern Sangin district) were exposed to the most intense clashes. Victims evacuated and assisted by medical personnel described how mortar rounds landed in civilian residences, crossfire and IEDs, and booby-traps freshly planted by withdrawing fighters claimed numerous victims. Civilians informed UNAMA that Anti-Government Elements used civilian houses as shelters and as bases to launch attacks at Pro-Government Forces.

Ongoing clashes prevented medical assistance and evacuation of injured persons with several key roads closed or blocked by fighting. Civilians conducted improvised evacuations by pack animals, but many victims reportedly died of their injuries before they could reach a hospital. Authorities, victims and witnesses informed UNAMA that most victims had been hit with shrapnel and that many dead bodies remained under the debris of collapsed houses which could not be retrieved and buried due to ongoing fighting.

UNAMA highlights concern with the failure of all parties involved in the ongoing fighting in Helmand province to distinguish between civilians and combatants. The high civilian casualties in Helmand province during these clashes suggests non-compliance with international humanitarian law which requires parties to take all possible measures to protect civilians.

Explosive Weapons with a Wide-Area Impact (Mortars and Rockets) in Civilian-Populated Areas

Of particular concern, UNAMA observed a sharp rise in civilian casualties from the use of high explosive weapons systems with a wide-area impact. In the first six months of 2014, mortars and rockets accounted for 50 per cent of civilian casualties from ground engagements, causing 955 civilian casualties (221 civilian deaths and 734 civilian injured), up 160 per cent on the same period in 2013.¹¹⁹

UNAMA attributed 69 per cent of civilian casualties (660 civilian casualties) from mortars and rockets to Anti-Government Elements, 23 per cent (215 civilian casualties)

¹¹⁸ Between 19 June and 3 July 2014, UNAMA carried out numerous interviews with district and provincial authorities from Helmand province, medical staff from clinics and hospitals throughout the province and interviewed community representatives.

¹¹⁹ Between 1 January and 30 June 2013, UNAMA documented 368 civilian casualties (70 civilian deaths and 298 injured) from the use of mortars, grenades and rockets by all parties to the conflict during ground operations.

to Pro-Government Forces,¹²⁰ four per cent (42 civilian casualties) could not be attributed, and the remaining four per cent (38 civilian casualties) of mortars, rockets and grenades to cross-border shelling.

Although UNAMA attributed the majority of civilian casualties from ground engagements to Anti-Government Elements, the number of civilian casualties from indirect fire incidents and mortar rounds fired by Afghan national security forces increased significantly. UNAMA documented 215 civilian casualties (44 civilian deaths and 171 injured) from mortars and grenades used by Pro-Government Forces,¹²¹ a 139 per cent increase from the first six months of 2013.¹²²

Examples of civilian deaths and injuries from mortars:

- On 20 June, Anti-Government Elements attacked the Mohmand Dara district administration center in Nangarhar province with heavy and small arms fire. One of the mortar rounds fired by Anti-Government Elements impacted a civilian home, killing a seven-year old boy and injuring three girls and two boys.
- On 14 June, Anti-Government Elements fired several mortar rounds targeting the Tere Zayi district center in Khost province. Two consecutive rounds missed their target and impacted a civilian house belonging to a Kuchi family, killing six children and injuring twelve, including two women and ten children.
- On 11 June, Taliban fighters fired mortars toward an ANP check-post in Almar district, Faryab province. One mortar round hit a civilian home, killing three civilians (woman, child and man) and injuring six civilians, including four children, a woman and a man).

¹²⁰ Of the civilian casualties attributed to Pro-Government Forces from mortars, grenades and rockets, UNAMA attributed all except one incident to Afghan national security forces, including some operations with the presence of international forces. UNAMA attributed one mortar fire incident to international military forces.

¹²¹ Of the 215 civilian casualties from mortar fire attributed to Pro-Government Forces, all but three civilian deaths were attributed to Afghan security forces or not attributed to one specific Pro-Government Force.

¹²² In 2013, UNAMA documented 52 civilian casualties (18 civilian deaths and 34 injured) directly attributed to mortars and grenades fired by Pro-Government Forces.

Example of civilians caught in crossfire, Gelan district, Ghazni province¹²³

Afghan national security forces carried out military operations between 5 and 10 May 2014 in several villages of Gelan district, Ghazni province, targeting a group of Taliban, which had recently infiltrated the villages. Prior to the operation, the Taliban asked villagers to leave the area, which resulted in the displacement of hundreds of civilians, although many vulnerable persons were unable to evacuate their homes. The Taliban used civilian houses as firing positions against Afghan forces' check-posts and as shelter.

The operation resulted in several battles between Afghan national security forces and Taliban which affected the villages of Mula-Jana, Ghoundai, Chambaran, Alakh, Hassan and Searlai/Shah Murad. During the five-day operation, villagers requested authorities to cease the operation due to civilian casualties, without success. Rockets, grenades, mortars and small arms fire from both sides killed five civilians, including one woman, two children and two men, and injured 31, including nine women, 12 children and 10 men (35 civilian casualties). The operation also killed livestock and destroyed homes.

In the aftermath of the operation, UNAMA documented additional civilian casualties as a result of UXO and IEDs. On 11 May, a group of children found unexploded ordnance from the battles, which detonated, killing one boy and injuring four other children, two girls and two boys. The Taliban also planted multiple IEDs around nearby civilian villages to prevent Afghan security forces from entering the villages, placing civilians at further risk of harm.

The example illustrates the terrible consequences of ground fighting on civilians and demonstrates the imperative for parties to the conflict to take effective measures to protect civilians from harm during ground operations.

In addition to killing and injuring civilians, the use of mortars and grenades during ground engagements potentially contaminated areas with unexploded ordnance. There are currently no policy or operational measures in place requiring the tracking, marking and clearance of UXO from areas where ground engagements have taken place.¹²⁴

International humanitarian law stipulates that parties to a conflict – which, in the case of Afghanistan, includes the Taliban and Afghan national security forces - must take all feasible precautions to protect the civilian population and civilian objects against the effects of attacks. Such precautions include advance warnings to civilians, choosing

¹²³ Between 10 and 20 May 2014, UNAMA carried out more than 20 interviews with victims, witnesses, district and provincial authorities and other relevant interlocutors. UNAMA was not able to travel to Andar district but interviewed witnesses by mobile telephone and in-person in the UNAMA office in Gardez city, Paktya province.

¹²⁴ UNAMA meeting of C-IED Working Group on ERW, May 2014, Kabul.

appropriate methods of warfare, and avoiding locating military targets next to civilian areas.¹²⁵

In particular, UNAMA urges parties to the conflict to cease firing mortars and grenades into civilian-populated areas and calls on the parties to review procedures and rules of engagement on the use of indirect fire weapons. Prior to firing indirect explosive weapons such as mortars, rockets and grenades, parties to the conflict are obliged to assess the effects of the weapons in battle, the military task the weapon is required to perform and the proportionality between these two factors in an effort to minimize civilian harm.¹²⁶

¹²⁵ Rule 22, 23 and 24, Precautions against the Effects of Attacks. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) (ICRC Study).

¹²⁶ See sections 6.2., 6.2.1 of the Application of the Guiding Principles, Weapons, *The Manual of the Law of Armed Conflict*. UK Ministry of Defence, Oxford University Press, Oxford, 2004.

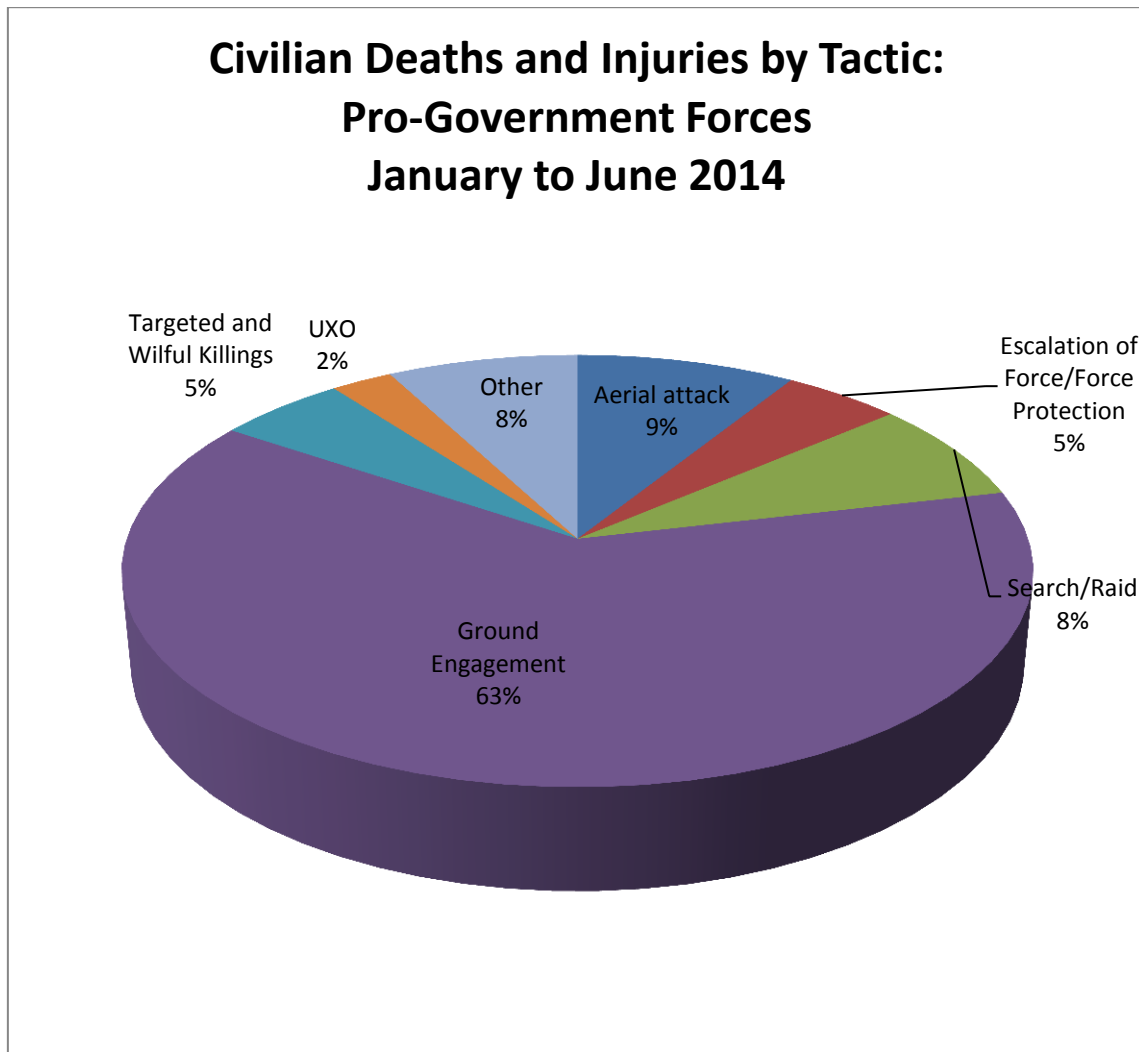
III. Pro-Government Forces and Protection of Civilians

Pro-Government Forces continued to implement measures aimed at reducing civilian casualties throughout 2014. However, UNAMA documented an increase in civilian casualties caused by Pro-Government Forces – in particular Afghan national security forces - compared to the same six month period in 2013. UNAMA recorded 435 civilian casualties (158 deaths and 277 injured) caused by Pro-Government Forces, a 17 per cent increase from 2013.¹²⁷

UNAMA attributed 360 civilian casualties (119 deaths and 241 injured) to Afghan security forces, 38 civilian casualties (12 deaths and 18 injured) to Pro-Government militia and 45 civilian casualties (27 deaths and 18 injured) to international military forces.

The majority of civilian casualties by Afghan security forces occurred during ground engagements.

See Section II: Ground Engagements for details.



¹²⁷ In 2013, UNAMA documented 373 civilian casualties (150 civilian deaths and 223 injured).

Afghan National Army

In the first six months of 2014, UNAMA observed a sharp increase in civilian casualties attributed to the Afghan National Army (ANA), documenting 131 civilian casualties (41 deaths and 90 injured) up 173 per cent.¹²⁸

The increase mainly resulted from ground engagements, with UNAMA documenting 114 civilian casualties (33 deaths and 81 injured), up 153 per cent from the same period in 2013.¹²⁹

Escalation of Force

Civilian casualties from escalation of force¹³⁰ incidents decreased in 2014. Between 1 January and 30 June 2014, UNAMA documented 21 civilian casualties (13 deaths and eight injuries), a 54 per cent decrease from the same period in 2013.¹³¹ The casualties occurred in 16 separate incidents.

Of the 16 incidents of escalation of force in 2014 that led to civilian casualties, UNAMA attributed five to the Afghan National Army, six to Afghan National Police, two to Afghan Local Police, two to international military forces and one to the National Directorate of Security.

In 2014, UNAMA observed that civilian casualty incidents attributed to each security body remained relatively low and in some cases Afghan authorities initiated investigations into escalation of force incidents. UNAMA is concerned, however, that the findings of such investigations and general practices regarding force protection were not reviewed by Afghan security authorities with a view to prevention.

Examples of civilian casualties from escalation of force incidents:

- On 4 January, a woman and a girl were shot and killed by an ANA convoy passing in Nahriraj district, Helmand province. The shooting followed an attack against the military convoy by Anti-Government Elements.
- On 29 January, Afghan National Police shot to death a male civilian in Qalat district, Zabul province, after suspecting the man of being a potential suicide bomber.

On 5 January, a local minibus approached an ANA check post in Alasay district, Kapisa province, and tried to pass but was blocked by the ANA. An ANA soldier

¹²⁸ Between 1 January and 30 June 2013, UNAMA documented 11 civilian deaths and 37 injured (48 civilian casualties) attributed to ANA.

¹²⁹ Between 1 January and 30 June 2013, UNAMA documented 10 civilian deaths and 35 injured (45 civilian casualties) attributed to ANA during ground engagements.

¹³⁰ Escalation of Force incidents or “force protection” incidents involve the use of lethal or non-lethal force by military members in situations where civilians do not pay attention to, do not understand or do not see warnings from military personnel when in the proximity of, approaching or overtaking military convoys, or circumstances where civilians do not follow instructions at military check points.

¹³¹ Between 1 January and 30 June 2013, UNAMA documented 22 civilian deaths and 24 injured (46 civilian casualties) from escalation of force incidents.

fired a bullet towards the bus, injuring a passenger (an employee of the education department in Alasai district).

Afghan Local Police

The Afghan Local Police (ALP) programme continued to expand in 2014. Funded by the United States government and under the auspices of the Afghan Ministry of Interior, as at 28 June 2014, the number of ALP personnel stood at 26,451, covering 150 districts in 29 provinces. The remaining 3,550 of 30,000 authorised ALP were reported to be either in training, preparing for training or under recruitment. The ALP programme is not present in Bamyan, Khost, Nimroz, Panjshir or Samangan provinces.¹³²

Over the first six months of 2014, UNAMA continued consultations with victims and witnesses of ALP violations, including community leaders, tribal elders and other relevant interlocutors from communities with ALP presence. UNAMA observed the ALP's conduct related to security, protection and human rights issues as consistent with trends documented in previous years. Most communities continued to welcome the stability and enhanced security provided by the ALP – particularly in those areas where ALP were locally recruited and deployed.

Although most communities reported improved security following ALP deployment, UNAMA continued to document human rights violations by ALP in some areas, including summary executions and other forms of killing, as well as torture, child rape, ill-treatment, abductions, threats and extortion.

UNAMA also documented civilian casualties resulting from ALP ground engagements. Between 1 January and 30 June, UNAMA documented 51 civilian casualties (22 civilian deaths and 29 injuries) from 27 incidents of human rights violations or civilian casualties from operations by ALP.¹³³

UNAMA continued to document multiple instances of some ALP members routinely acting outside of their mandated function, including conducting illegal searches, illegal detention and illegal interrogation. UNAMA noted that although ALP may “hold” individuals temporarily as part of their mandate to “conduct security missions in villages”, they do not have authority to arrest and detain. The current ALP procedural framework does not define the scope and timeframe of ALP's inferred power to “hold”.¹³⁴

¹³² UNAMA meeting on 6 July 2014 and e-mail exchange with ALP SOAG, NSOCC-A, ISAF HQ, Kabul, 28 June 2014. Currently, 121 out of 150 districts with ALP are considered as Complete Transition to the Government of Afghanistan. This status indicates that the ALP are: (1) Ministry of Interior validated (2) trained at Regional or Provincial Training Centres (3) supported by village leaders (4) have sustainable, operational, logistics, recruiting, training, and pay practices, and (5) increasing interoperability with local Afghan national security forces.

¹³³ During the same period in 2013, UNAMA documented 16 civilian deaths and 24 injuries (50 civilian casualties) in 37 separate incidents of ALP operations or human rights violations.

¹³⁴ Afghan Local Police Establishment Procedure adopted August 2010 and adjusted 13 March 2014.

Oversight and accountability of ALP

Based in Kabul, the ALP Monitoring and Investigations section within the Ministry of Interior is the main oversight mechanism for the ALP.¹³⁵ Between 1 January and 30 June 2014, UNAMA recorded 27 incidents of human rights violations by the ALP or civilian casualties resulting from ALP operations and actions. Of the 27 incidents, UNAMA confirmed investigation by Ministry of Interior of 11 allegations with seven instances in which perpetrators were arrested and in two incidents, courts convicted perpetrators.¹³⁶

During the same time period, the ALP Directorate recorded another 12 allegations of human rights violations by ALP members and confirmed that all 12 allegations had been investigated at the provincial level and, that in one case the perpetrator had been apprehended.¹³⁷

Despite these positive steps, the Monitoring and Investigations section did not track the progress of allegations of serious human rights violations, including allegations of killings, shootings and serious beatings, and could not provide statistics on related convictions and suspensions.¹³⁸ Lacking a permanent provincial-level presence, the Directorate relies on Ministry of Interior field missions to investigate serious violations, which depends on the cooperation of provincial police chiefs and the ANP's cooperation and goodwill to conduct the work.¹³⁹ According to the ALP Monitoring Unit, the ALP Directorate only instructs provincial police offices to initiate investigations but the Unit does not have a mandate to monitor and follow-up on prosecutorial steps initiated at the provincial level.¹⁴⁰

Throughout 2014, to promote oversight and accountability for ALP violations, UNAMA continued to share written accounts of confirmed incidents of ALP violations with the ALP Directorate and monitored follow-up by the latter. UNAMA routinely advocated with security officials at the district, provincial and national-levels, including the ALP Directorate, NATO Special Operations Component Command - Afghanistan (NSOCC-A), Operations Coordination Centre-Provincial (OCCPs) and other security bodies.¹⁴¹

¹³⁵ For background on the ALP program and human rights concerns with the program, see UNAMA's 2011-2013 Annual and Mid-Year Reports on Protection of Civilians in Armed Conflict, *available at*

<http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US>.

¹³⁶ UNAMA meetings with ALP Directorate May to June 2014, Ministry of Interior HQ, Kabul and consultation with ALP Directorate, Ministry of Interior HQ, 1 July 2014.

¹³⁷ UNAMA follow-up with military prosecutors, Ministry of Interior at provincial level, January to July 2014. UNAMA meetings with Monitoring and Evaluation Unit, ALP Directorate May to June 2014, Ministry of Interior HQ, Kabul and consultation with ALP Directorate, Ministry of Interior HQ, 1 July 2014.

¹³⁸ According to the ALP Directorate, the section investigated more than 100 cases against ALP members during 2013, referring 59 cases to military prosecutors at the provincial-level. UNAMA meeting with ALP Directorate, 9 January 2014, Ministry of Interior HQ, Kabul.

¹³⁹ See Protection of Civilians in Armed Conflict Annual report 2013, *available at* <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US>.

¹⁴⁰ UNAMA meetings with ALP Directorate May to June 2014, Ministry of Interior HQ, Kabul and consultation with ALP Directorate, Ministry of Interior HQ, 1 July 2014.

¹⁴¹ UNAMA follow-up with military prosecutors, Ministry of Interior at provincial level, January to July 2014. UNAMA meetings with Monitoring and Evaluation Unit, ALP Directorate May to June

In 2014 UNAMA observed due diligence by authorities in several instances where ALP members committed crimes against civilians while acting in their private capacity. For example, on 17 March, the ANP Criminal Investigations Department in Laghman province arrested and detained an ALP member who had kidnapped and attempted to rape a seven-year-old boy. On 19 March, ANP referred the case to the Laghman provincial prosecutor; the ALP member remains in custody and the case is under process. UNAMA also documented other examples of civilian casualties resulting from ALP infighting, celebratory gunfire, alleged accidental discharges and other incidents where authorities took steps to investigate, prosecute and punish perpetrators.

As in 2013, UNAMA continued to document several incidents of impunity for human rights violations carried out by ALP against civilians presumed or perceived to be aligned with Anti-Government Elements. In a representative example, on 2 January 2014, an ALP commander shot dead a civilian in Chahardara district, Kunduz province. Due to mounting political pressure by the district police chief and others in Kabul, the commander was arrested and detained for some two weeks before a court acquitted him of murder charges.

Another example of impunity occurred on 12 January 2014, when an ALP commander and his brother, also an ALP member, detained a 19-year-old man at their check post in Tagab district, Kapisa province because the man was the brother of a Taliban commander. The body of the 19-year-old was found on 14 January 2014. Local community members along with the victim's family members travelling with the victim at the time of his arrest accused the ALP commander and his brother of the killing, allegations which have been denied by district authorities.¹⁴²

A lack of accountability for numerous violations carried out by some ALP members reflects the persistent impunity for such violations and appears to show a tolerance within the Ministry of Interior for human rights violations alleged to have been perpetrated or carried out by ALP.

Examples of civilian casualties by ALP:

- On 12 January 2014, an IED detonated against an ALP vehicle in Pul-e-Alam district, Logar province, killing one ALP member. A few minutes after the incident, ALP arrested a 12-year-old boy walking in the area and severely assaulted him, breaking one of his legs and a hand. ALP headquarters confirmed the incident, and noted that the Ministry of Interior had issued an arrest warrant,¹⁴³ which had not been executed.
- On 24 January, a group of ALP beat a shopkeeper to death in Gelan district, Ghazni province after accusing him of selling food to Taliban. The Ministry of

2014, Ministry of Interior HQ, Kabul and consultation with ALP Directorate, Ministry of Interior HQ, 1 July 2014.

¹⁴² UNAMA meetings with Kapisa provincial authorities, community members from Tagab district, Kapisa province and Kapisa provincial military prosecutor, Ministry of Interior, January to June 2014.

¹⁴³ Memo #2/2 11 Hamal 1393 (31 March 2014).

Interior informed UNAMA that they were aware of the allegations but prevailing insecurity had prevented them from carrying out an investigation.¹⁴⁴

- On 2 April, ALP indiscriminately opened fire after an RC-IED detonated in the vicinity of a group of ALP, killing one civilian working in his fields. UNAMA raised the case with ALP headquarters at the Ministry of Interior who alleged to have no record of the case.

Raids of Hospitals and Medical Clinics by Afghan National Civil Order Police: Case Study of Maidan Wardak province

We, the local elders, are worried after the Afghan National Civil Order Police (ANCOP) raided the Malik Mohammad Khan hospital in Sayedabad district two times. The ANCOP entered the hospital by force to search for Anti-Government Elements; they beat up doctors and mistreated female patients in the process. We approached the provincial governor, but he could not do anything. Malik Mohammad Khan hospital used to be one of the best facilities in our area; people from other provinces used to come here for treatment. Now, even locals prefer to go to Ghazni or Kabul provinces for treatment. This situation has further widened the gap between the local population and the Government. Locals have already begun siding with the Taliban, and we're seeing more attacks on ANCOP. Hospitals are meant to be for all – they must be protected. Yes, ANCOP can search for Taliban members, but not in hospitals or medical clinics by force! We can't understand why there is no one to control the ANCOP – are they above the law?¹⁴⁵

-- Local elder from Sayedabad district, Maidan Wardak province, 30 June 2014.

UNAMA is deeply concerned about on-going searches/operations of hospitals and health facilities in Maidan Wardak province by Afghan security forces. Over the last six months, UNAMA documented four incidents in Maidan Wardak where these forces forcefully entered hospitals and medical clinics to search for suspected Anti-Government Elements. During these searches, health personnel were reportedly beaten and patients treated inappropriately. No Anti-Government Elements were found during any of the searches. Local elders and health practitioners reported to UNAMA that these incidents involved harassment and intimidation of health personnel and local patients and users of these health services.

Examples of search operations of hospitals and medical Clinics by Pro-Government Forces:

- On 18 April, an ANCOP team forcefully entered the Malik Mohammad Khan hospital in Sayedabad district, searching it for hours. The ANCOP was reacting to a recent Taliban attack on its check post and reported that it had intelligence that injured Taliban members were receiving treatment at the hospital. During the search, the ANCOP team allegedly beat a hospital guard and locked all other health personnel in a room for several hours. The ANCOP also entered the maternity ward where a woman was about to deliver a baby and reportedly

¹⁴⁴ UNAMA meeting with ALP Headquarters personnel, Ministry of Interior Kabul, 25 May 2014.

¹⁴⁵ UNAMA interview with a local elder from Sayedabad district, Maidan Wardak province, 30 June 2014.

unveiled female patients. Another ANCOP team entered the same hospital on 11 May; they returned to the hospital to visit ANCOP members who had been wounded when an IED detonated against their vehicle. The team searched the hospital for Anti-Government Elements, and the ANCOP Commander reportedly beat the doctor on duty with a rubber pipe and the butt of his AK-47 rifle. The doctor sustained injuries to his head and ear.

- On 12 May, at midnight, an ANCOP team entered the Shash Qala medical clinic in Sayedabad district to search for Anti-Government Elements. They did not find any Anti-Government Elements and vandalised the clinic, breaking its windows and doors.
- On 18 June, a joint Afghan national security forces and international military forces team entered the Dando Kai medical clinic in Baghak village of Sayedabad district by force to search for suspected Anti-Government Elements. The team did not find any Anti-Government Elements and stole some medicine and flashlights from the clinic.

Since 2012, UNAMA has observed that health personnel and facilities in Maidan Wardak province have increasingly been susceptible to violations by both parties to the armed conflict. In its 2012 Annual Report on Protection of Civilians in Armed Conflict, UNAMA outlined concerns regarding violations of the right to health in armed conflict in Maidan Wardak province.¹⁴⁶

Again in 2014, sources contacted by UNAMA expressed grave concern about on-going operations in health facilities by Afghan national security forces in Maidan Wardak as noted above.

Since the local population and health personnel viewed the operations as aimed at intimidation and harassment of health practitioners for treating suspected Anti-Government Elements, such operations risk discouraging hospitals from providing basic humanitarian services in remote and insecure areas, further limiting community access to basic health services.

UNAMA highlights that health facilities are for all person, and health practitioners have ethical and legal obligations to treat all individuals, including injured Anti-Government Elements and Afghan forces. Under international humanitarian law, health facilities and health personnel may not be targeted, intimidated, harassed or threatened by any party to armed conflict under any circumstances, particularly on the grounds that they have provided health services to combat rivals.

The Government of Afghanistan should take all feasible measures, including investigation into the incidents in Maidan Wardak, to ensure the protection of health facilities, health personnel and access to medical services for those communities and to secure accountability.

¹⁴⁶ See *Afghanistan, Annual Report 2012, Protection of Civilians in Armed Conflict*, United Nations Assistance Mission in Afghanistan (UNAMA)/United Nations Office of the High Commissioner for Human Rights (OHCHR), February 2013, at p. 58, available at <http://unama.unmissions.org/LinkClick.aspx?fileticket=K0B5RL2XYcU%3D>.

International humanitarian law explicitly prohibits attacks by parties to the conflict against healthcare facilities and personnel. Medical personnel exclusively assigned to medical duties must be respected and protected in all circumstances.¹⁴⁷ Threats of violence perpetrated against medical personnel, patients, facilities and transports that hinder the provision of medical care are also prohibited.

Counter-IED Efforts by Afghan National Security Forces

In the first six months of 2014, the Government of Afghanistan, with the support of ISAF, continued to strengthen its counter-IED capabilities.¹⁴⁸ In line with implementation of the Government's national counter-IED strategy,¹⁴⁹ as at 30 June 2014, the Ministry of Defence managed 181 fully operational and equipped ANA Explosive Ordnance Disposal (EOD) teams, ANP operated 84 teams,¹⁵⁰ and the ABP had four teams, and the NDS had EOD teams.

UNAMA observed that these achievements reflect a solid commitment on the part of the Government to further develop national counter-IED capacity. UNAMA stresses that the current EOD/counter-IED capability of Afghan security forces should be sustained and enhanced to effectively counter the rising threat posed by constantly evolving IED technology.

As highlighted in this report, after ground engagements, IEDs killed more civilians than any other tactic in the first six months of 2014 and have killed more civilians than any other tactic since 2009. This deadly trend will likely continue in the absence of continuous, long-term support for the Government's counter-IED efforts from the international community – particularly international military forces.

To date, it remains unclear what resources and technical support international military forces including NATO/ISAF will provide to the Government's counter-IED efforts for the remainder of 2014 and beyond. Senior Afghan security officials and ISAF counter-IED technical experts¹⁵¹ informed UNAMA that the framework for post-2014 resources, training and technical support from the international military will be finalized following the signing of the Bilateral Security Agreement (BSA)¹⁵² with the United States and NATO Status of Forces Agreement (SoFA) expected later in 2014.

¹⁴⁷ Rule 25. Medical and Religious Personnel and Objects. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

¹⁴⁸ See UNAMA's 2013 Mid-Year Report on Protection of Civilians in Armed Conflict, pp. 45 to 50, available at

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

¹⁴⁹ 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.

¹⁵⁰ The *Tashkil* and support from international Coalition Forces provide for 97 ANP EOD teams. The remaining 13 teams are expected to become fully operational by August 2014 upon graduation of ANP EOD/C-IED students at the Afghan National Police Academy, C-IED school, Kabul. UNAMA meetings with Chief Counter-IED, Ministry of Interior, 20 May 2014, and ISAF, 28 May 2014, ISAF HQ, Kabul.

¹⁵¹ *Ibid.*, and UNAMA meetings with the Head of Presidential Information Coordination Center (PICC) 2 June 2014, Kabul.

¹⁵² The Bilateral Security Agreement is a strategic partnership agreement between the United States and Afghanistan which articulates conditions for U.S. military forces in Afghanistan after

UNAMA reiterates that a robust counter-IED programme is crucial to counter the increased threat of IEDs against Afghan civilians and rising insecurity in Afghanistan. Maintaining the progress made by both the Ministry of Defence and Ministry of Interior in building national counter-IED capability requires a continued commitment from the Afghan Government and international military forces.

To support civilian protection and sustain Afghanistan's security, it is imperative that ISAF transfer the necessary counter-IED capacity and technical assistance to Afghan security forces and provide sufficient support to sustain and evolve their counter-IED capability over the next several years.

Pro-Government Armed Groups¹⁵³

*It was by the power of my dick that I burned those houses. No one can do anything about it.*¹⁵⁴

--Pro-Government militia commander addressing a presidential delegation investigating an attack on two villages in Pashtun Kot district, Faryab province, on 21 April 2014 by an armed group under the commander in which five civilians were killed and 150 families displaced.

In the first six months of 2014, UNAMA observed an increase in attacks and abuses of civilians by Pro-Government armed groups and a total absence of accountability for their illegal actions. Between 1 January and 30 June 2014, UNAMA documented 30 civilian casualties (12 killed and 18 injuries)¹⁵⁵ resulting from 13 separate incidents of abuses, operations and fighting among Pro-Government armed groups.

UNAMA confirmed civilian casualties resulted from six incidents of fighting between armed groups, three search operations, one targeted killing and one incident of ill-treatment. UNAMA also confirmed an additional two incidents of conflict-related ground engagements where a Pro-Government armed group was part of an Afghan security forces' operation. In these two incidents, UNAMA verified that civilian casualties were caused by the armed group. UNAMA also documented several incidents of threats,

2014 as part of a train, advise and assist (TAA) mission. See Commander ISAF's Afghanistan Update, Winter 2014, 6 March 6 2014, Kabul, *available at* <http://www.isaf.nato.int/article/isaf-news/commander-isafs-afghanistan-update-winter-2014.html>.

¹⁵³ The term "Pro-Government Armed Group" refers to an organised armed non-State actor engaged in conflict and distinct from Government forces, rebels, and criminal groups. In Afghanistan, these armed groups are commonly referred to as illegal armed groups. Pro-Government Armed Groups do not include the Afghan Local Police which fall under the command and control of the Ministry of Interior. These armed groups have no legal basis under the laws of Afghanistan. Armed groups have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organisations; and are not under the control of the State(s) in which they operate. In some cases, armed groups receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to the following groups: 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).

¹⁵⁴ Literal translation from the Dari original ("من به زور ... آن خانه ها را در دادم. هیچ کس چیزی کرده نمیتواند"). The statement was attributed to the Pro-Government militia commander by several witnesses interviewed by UNAMA and it was referenced by high-ranking Faryab government officials.

¹⁵⁵ Between 1 January and 30 June 2013, UNAMA documented seven civilian deaths and two injured (nine civilian casualties) directly attributed to Pro-Government armed groups.

intimidation and harassment, including extortion at illegal check-posts established by armed groups.

In six incidents in Baghlan, Kunduz and Faryab provinces, fighting between two armed groups resulted in five civilian deaths and five injured. For example, on 28 May, two opposing armed groups exchanged fired during a wedding party in Deh Salah district, Baghlan province, killing a woman and 12-year old child and wounding one civilian man.

Throughout 2014, UNAMA noted a lack of accountability for human rights abuses carried out by Pro-Government armed groups, observing a failure by district and provincial authorities to investigate, prosecute and punish perpetrators, even in cases where the perpetrators were known to communities and security authorities, and could have been located. In some cases, perpetrators remained in positions essentially controlling territory, continuing to carry out abuses with impunity.

Case study of “Andar Uprising”: Impunity for summary executions by a Pro-Government armed group, Andar district, Ghazni province, June 2014¹⁵⁶

UNAMA highlights concern with the lack of action by Afghan authorities in Ghazni province, following the summary execution of three men by members of a Pro-Government armed group. The killings took place in the context of large security operation by Afghan security forces and international military forces.

On 1 June 2014, Afghan security forces, international military Special Forces and members of the 'Andar Uprising'¹⁵⁷ launched a joint operation in Andar district, Ghazni province targeting Anti-Government Elements. The operation included airstrikes by international military forces which killed 11 combatants. During the ground search operation, Afghan security forces arrested three men from a *madrassa* in Alizai village. Although the civilian/combatant status of the detainees was disputed, communities identified the men as civilians.

As admitted to UNAMA by members of the Andar Uprising and NDS officials from Ghazni province, the leader of the 'Andar Uprising' shot dead the three men, with several sources informing UNAMA the executions occurred while the three detainees were in the custody of Afghan security forces.

Government authorities have not launched an investigation into the extrajudicial killings nor has any individual been held accountable although the perpetrators are well-known

¹⁵⁶ UNAMA carried out numerous interviews with Government and security authorities from Andar district and Ghazni provincial authorities, witnesses, members of the Andar uprising, community representatives and other relevant interlocutors from 2 to 16 June 2014.

¹⁵⁷ The 'Andar uprising' against the Taliban is a community- based defense initiative which commenced in Andar district, Ghazni province, in April 2012. Local Hezbi-e-Islami leaders and Andar citizens reportedly initiated the Uprising due to objections to Taliban's interference with their lives, including the closures of schools, clinics, bazaars, etc. In October 2012, a strong ALP tashkeel was deployed to Andar. Since then, many members of the Uprising have joined the ALP, but some continue fighting as members of the original "Uprising." According to a range of sources, the "Uprising" group regularly provides support to Afghan security forces as well as joint operations carried out by international military Special Forces and Afghan national security forces, due to their knowledge of the local population and their ability to identify Anti-Government Elements. See also pages 48-49 of UNAMA's Annual Report on Protection of Civilians 2012 and p. 28 of UNAMA's 2013 Mid-year Report on Protection of Civilians *available at* <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US>.

to local authorities. NDS officials from Ghazni province informed UNAMA there has been a general lack of accountability for the killings and other illegal actions by members of the Andar Uprising.

Whether the men executed were civilians or combatants, their execution was illegal: under international humanitarian law, the deliberate killing of combatants captured and *hors de combat* is prohibited, as are wilful killings of civilians.

The continued lack of due diligence by the Government to prevent and address human rights abuses committed by armed groups suggests a lack of political will from district and provincial level authorities to take action to address abuses. Afghan authorities stated an inability to hold Pro-Government armed groups accountable for human rights abuses due to their large number, large amount of weapons and control of territory.

UNAMA observed that accountability efforts for these groups were often compromised because of the perpetrator's linkages with provincial and national-level powerbrokers.¹⁵⁸ In many instances, impunity arose from the perpetrator's alleged usefulness in preventing infiltration of Anti-Government Elements into an area and a fear by Afghan authorities that if the abuses were addressed the armed group would 'switch sides' and support Anti-Government Elements.

Targeting of civilians by Pro-Government armed group: Pashtun Kot district, Faryab¹⁵⁹

On 20 April 2014, approximately 200 men from a Pro-Government armed group, accompanied by 20-25 Afghan National Police (ANP) members in ANP vehicles, entered Tahtizghan and Qala-e-Niyazbig villages in Pashtunkot district, Faryab province. Members of the armed group - in plain sight of ANP - captured, tortured, mutilated and killed a highway patrol officer, and hung the body from an ANP armored vehicle. Following the killing, the armed group drove through the two villages and deliberately fired at houses, killing two civilians. The armed group also summarily executed another two civilians, in total killing five civilians. The armed group burnt homes, looted property and livestock and destroyed property. The attack resulted in the displacement of at least 150 families.

In response to the attack, the Government deployed a delegation which included a presidential envoy, the provincial governor and national and provincial security authorities. The delegation met with victims, viewed burnt villages from a distance, and met with the leader of the Pro-Government armed group who, according to several witnesses, insulted the delegation and dared them to act against him.

Provincial government and security authorities claimed that substantial additional police, logistics and support would be required to disarm the armed group and reported a fear of the consequences should arrest warrants be issued and implemented. On 23 June, more than 100 people gathered at the provincial governor's office in Maimana

¹⁵⁸ See UNAMA 2013 Annual Report on Protection of Civilians in Armed Conflict, pages 62-64 for more information. *Available at*

<http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US>.

¹⁵⁹ Between 21 April and 20 June 2014, UNAMA carried out more than 25 interviews with victims in Maimana hospital, Pashtun kot district authorities, Faryab provincial authorities, civil society representatives, Pashtun kot community members in Maimana city, Faryab province.

city to protest against the Government's failure to protect them. As of 30 June 2014, all of those responsible for the attack on the villages and killing of civilians remained at large and the 150 families were still displaced. ANP participants in the attack also remained on active duty.

Negative Impact of Pro-Government Armed Groups on human rights protection and security

While Pro-Government armed groups caused less than one per cent of the total recorded civilian casualties in the first six months of 2014, the impact of their actions on the human rights situation and protection of civilians in the areas they operated was negative and broad in scope. Communities living in areas heavily influenced by armed groups consistently reported to UNAMA their anger with ongoing illegal taxation, harassment and intimidation and their frustration with the Government's failure to address such acts and protect them. UNAMA observed that these abuses created an environment of oppression, leading to an erosion of legitimate Government authority and reduced human rights protection.

A situation of powerlessness and oppression in situations where such armed groups operated was further substantiated by the results of the 'Afghan People's Dialogue 2014',¹⁶⁰ a survey of Afghan public opinion compiled and published by civil society, after extensive focus groups and consultations across Afghanistan.

The report details Afghans' growing concerns with armed groups gaining further power after the transition of security from international military to Afghan forces.¹⁶¹ The report highlights the common view among Afghans that disempowerment and disarmament of such militias should be a priority step in the peace process.¹⁶² Such concerns were viewed as requiring immediate attention from the Government and the international community¹⁶³.

Under international human rights law, the Government has a duty to protect the right to life and must investigate any unlawful killing, including those committed by Pro-Government armed groups.¹⁶⁴ UNAMA highlights that impunity for human rights violations and abuses of such groups risks perpetuating instability and lack of civilian protection, which undermines the legitimacy of the Government and fuels the insurgency..

¹⁶⁰ The full report can be downloaded in Dari, Pashto and English from several websites: www.sanayee.org.af, www.cshrn.af, www.aihrc.org.af, www.acsf.af and www.afghanwomennetwork.af.

¹⁶¹ Afghan People's Dialogue on Peace Report: *Afghan People's Dialogue on Peace, Building the Foundations for an Inclusive Peace Process – Local Roadmaps for Peace*, Kabul, June 2014, page 9.

¹⁶² Ibid page ii.

¹⁶³ Ibid page ii.

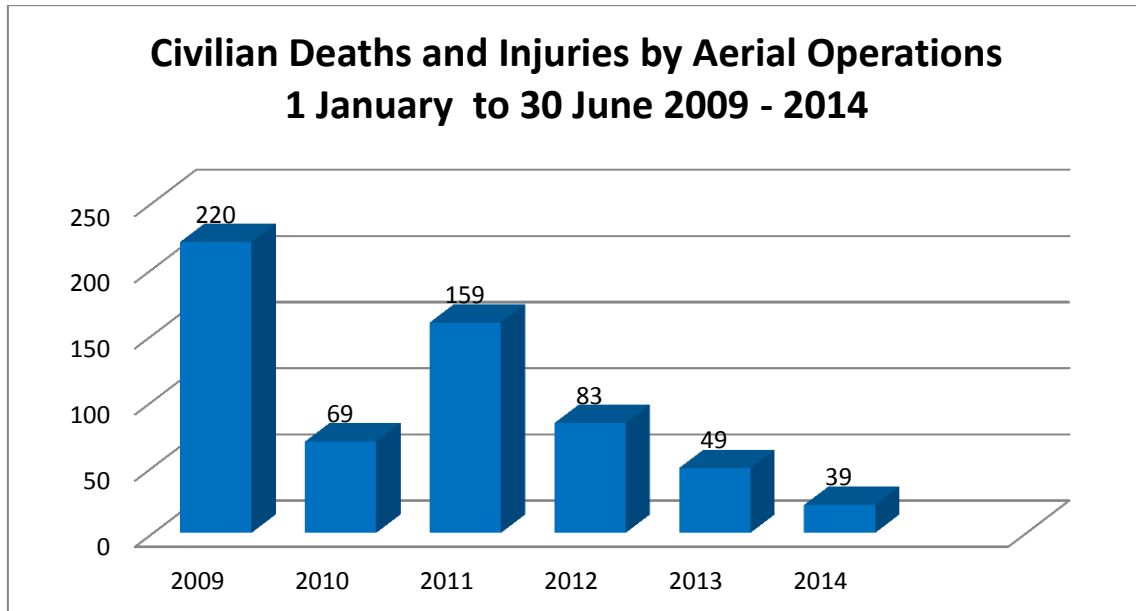
¹⁶⁴ This duty, together with the potential liability for failure to comply, flows from the obligation to protect the right to life and other rights. Investigations by the State must be as prompt as possible, exhaustive, impartial and independent to meet the requirement of effective investigation, and open to public scrutiny. For more information, see Section II, Accountability and the Rights of Victims, International Legal Protection of Human Rights in Armed Conflict. OHCHR, Geneva, 2011.

Civilian Casualties Attributed to International Military Forces

Aerial operations

In the first six months of 2014, UNAMA observed the continuing trend of reduced civilian casualties from air operations. Between 1 January and 30 June, UNAMA documented 39 civilian casualties (25 civilian deaths and 14 injuries) from 18 aerial operations carried out by international military forces, a 58 per cent reduction compared to 2013.¹⁶⁵ Aerial operations accounted for one per cent per cent of civilian casualties caused by Pro-Government Forces, and less than one per cent of all civilian casualties.

The continuing decrease may be attributed to the drawdown of international force, completion of transition of security responsibilities to Afghan security forces in 2013, and the reduction in aerial operations by international military forces.



Of the 18 incidents of aerial operations resulting in civilian casualties, eight took place in the central region and the remaining ten incidents occurred in the east, south and south-east regions.

Examples of civilian casualties from aerial operations:

- On 5 March, an international air asset targeted a mid-ranking Anti-Government Element commander of an IED cell, killing him and one civilian, his eight-year-old son.
- On 31 March in Marawara district, Kunar province, international military forces conducted a RPA strike against two insurgents, killing both and injuring one civilian woman working in a field at the time of the attack.

¹⁶⁵ Between 1 January and 30 June 2013, UNAMA recorded 49 civilian deaths and 43 injuries (92 civilian casualties).

- On 15 April, an international military helicopter opened fire on and killed a 46-year-old woman and her son, and injured another son. The civilian family was collecting firewood in a mountainous area and were mistaken for insurgents.

IV. Human Rights Protection in Conflict Areas

It was first day of Nowroz and we were all celebrating the New Year. Suddenly I heard a loud explosion close to my house. I ran outside towards the explosion site. When I arrived at the scene I saw human body parts scattered on the ground. I started to distinguish between dead and live children. I found one child alive and rushed her to the hospital.¹⁶⁶

-- Father of a child killed in a UXO detonation that killed seven children (six died on the spot and one died later in the hospital), Bamiyan city, Bamiyan province, 21 March 2014.

Children and Armed Conflict

Killing and Maiming

Between 1 January and 30 June 2014, UNAMA documented 485 incidents which resulted in the deaths of 295 children and injury to 776.¹⁶⁷ Over the first six months of 2014, an average of 40 children were killed or injured every week.

Children casualties from ground engagements more than doubled, with 520 children civilian casualties (112 children's deaths and 408 injured) up 110 per cent from 2013,¹⁶⁸ the leading cause of children's casualties, a new trend for 2014. On 14 June, Afghanistan's presidential run-off election day, 20 children were killed and a further 39 injured mostly from ground engagements, representing the highest number of child casualties recorded on a single day since 2009.

Improvised explosive devices (IEDs) continued to kill and maim children across Afghanistan. Between 1 January and 30 June, IEDs killed 83 children and injured 183 (266 children casualties), up seven per cent from the same period in 2013.

Unexploded Ordnance and Explosive Remnants of War

Explosive remnants of war (ERW) left behind from both previous and current conflicts continued to cause serious harm to Afghan children. Over the past six months, ERW killed 50 children and injured 106 (156 children casualties), with some children suffering the loss of one or more body parts as a result.

Rape and other forms of Sexual Violence

Five incidents of sexual violence against children were reported between 1 January and 30 June 2014, two of which were verified by the UNAMA Child Protection team. One incident involved the rape of a girl in Jalrez district of Maidan Wardak province by an Afghan Local Police member on 20 April 2014, and the other the sexual abuse of a 15-year-old-boy by pro-Government militia member in Qala Zal district of Kunduz

¹⁶⁶ UNAMA interview with father of victims, Bamiyan city, Bamiyan province, 23 March 2014.

¹⁶⁷ Compared to the 798 child casualties (243 killed and 555 injured) recorded over the same period in 2013, child casualties increased by 32 per cent in 2014.

¹⁶⁸ Between 1 January and 30 June 2013, UNAMA recorded 60 children killed and 188 injured (248 children civilian casualties) from ground engagements.

province in May. Notably, sexual violence against children in Afghanistan continued to be underreported due to stigmatisation and fear of reprisals.

Attacks on Election Workers, Facilities and Protection of Civilians by Parties to the Armed Conflict during the April and June 2014 Elections

I went with another tribal elder to the Dawlat Shah district headquarters to discuss the transfer of ballot boxes. We set off to return home and decided to walk until a taxi came. We arrived at an open area and were confronted by three armed men-wearing masks who ordered us to stop. I saw two more armed men standing nearby and three others on the mountainside. They told us that a Taliban commander wanted to see us urgently. We realized they had been waiting for us. We decided to try and escape because we feared for our lives. The three men chased us and then opened fire. My friend was shot and fell to the ground but I was able to keep running. When I reached a village, I saw there was a bullet hole in my clothes. I tried to call his phone but he did not answer - he was dead. I called on the local community members to help me; we rented a taxi and collected his dead body.¹⁶⁹

-- Witness to a targeted killing of a tribal elder, Dawlat Shah district, Laghman province on 1 April 2014.

Presidential and provincial council elections in Afghanistan took place on 5 April 2014 and a run-off election on 14 June 2014. UNAMA documented attacks and threats against civilian electoral personnel by parties to the conflict in 2014.¹⁷⁰

In the first six months of 2014, UNAMA recorded 173 civilian deaths and 501 injured (674¹⁷¹ civilian casualties) from attacks directly targeting the electoral process carried out by parties to the conflict.¹⁷² The vast majority of these civilian casualties resulted from ground engagements and IED attacks by Anti-Government Elements targeting IEC convoys, polling centres or electoral candidates and their supporters during the electoral period.

Through the electoral process, the Taliban issued multiple statements on their public website, discrediting the electoral process, warning civilians to stay away from polling centres and making threats against elections workers. The Taliban claimed responsibility for 29 attacks directly targeting the electoral process – these attacks resulted in 79 civilian casualties (38 civilian deaths and 41 injured).

The most serious election-related attack claimed by the Taliban took place on 14 June in Aybak city, Samangan province; a RC-IED attack against a minibus carrying

¹⁶⁹ UNAMA interview with witness, 18 June 2014, Jalalabad city, Nangahar province. UNAMA confirmed that the tribal elder was targeted because he had agreed to assist with facilitation of the election in his village.

¹⁷⁰ See applicability of Common Article 3 of the Geneva Conventions in the legal section of this report.

¹⁷¹ These figures include Afghan National Police killed or injured while specifically and only guarding a polling centre or escorting an IEC vehicle convoy on 5 April or 14 June 2014. The figures do not include other attacks against Afghan security forces.

¹⁷² As this report only covers the protection of civilians in armed conflict, these figures do not include election-related violence carried out by individuals or groups not associated with parties to the armed conflict. For example, an attack on an IEC worker by a candidate's representative would not be included in these figures.

Independent Election Commission (IEC) staff and female voting centre searchers, their children and male relatives killed 11 civilians, including four women and a small child, and injured four others. The Taliban stated they had deliberately targeted a vehicle carrying poll workers.¹⁷³

5 April Presidential and Provincial Council Elections

On 5 April – Presidential and Provincial Council Election Day - UNAMA documented 151 civilian casualties (27 deaths of civilian voters, IEC staff, children, women and other civilians and a further 128 injured) from attacks deliberately targeting the electoral process. In addition to these civilian casualties, UNAMA verified reports of six ANP killed and 20 injured (a total of 26 ANP casualties) while protecting polling centres or escorting IEC convoys of electoral materials. These figures do not include Afghan security forces killed or injured at check-posts or while performing duties outside of electoral protection.

The majority of the civilian casualties on 5 April election day resulted from ground engagements, in particular, mortars, rockets and shooting, mainly targeting polling centers, although some IED attacks took place.

14 June Run-off Presidential Election

On 14 June, election day, UNAMA documented 217 civilian casualties including 54 deaths of civilian voters, IEC staff, children, women and other civilians and a further 163 injured from 110 attacks deliberately targeting the electoral process. In addition to the above civilian casualties, UNAMA received reports of 87 ANP casualties (21 ANP killed and 66 injured)¹⁷⁴ while protecting polling centres or escorting IEC convoys of electoral materials.

Of the 110 incidents of election-related violence, carried out by a party to the conflict all civilian casualty incidents resulted from attacks by Anti-Government Elements with one exception of ANA responding to an attack and a stray mortar hitting a residential home.

Within the 110 incidents, UNAMA recorded 58 ground engagements – mostly stand-off attacks using area weapons such as mortars and rockets – as well as 31 IED attacks. Other incidents included assaults, abductions, mutilation and crossfire. The majority of civilian casualties resulted from mortars directed at polling centres and district administration centres which impacted residential areas and homes. The vast majority of women and child casualties resulted from such attacks.

On 14 June Election Day, children accounted for 38 per cent of the total civilian casualties. Most child deaths resulted from mortars or rockets targeting polling centres and impacting civilian homes.

¹⁷³ See Taliban statement at <http://shahamat-english.com/index.php/news/46172--blast-in-samangan-leaves-7-killed>, accessed 15 June 2014 and <http://www.shahamat-english.com/index.php/news/46205-commander,-14-poll-workers-killed-in-bomb-attack>, accessed 16 June 2014.

¹⁷⁴ These figures do not include Afghan security forces killed or injured at check-posts or while performing duties outside of electoral protection.

UNAMA also documented two separate instances of Anti-Government Elements in Herat province alleged to have cut off fingers of civilians who had voted. In one of the incidents, Anti-Government Elements were alleged to have cut off the index fingers of 11 civilians as punishment for having voted. The Taliban issued a statement denying involvement in the finger cutting incident.

Following is an account from one of the victims:

"At 0800 hours we went to the polling center in the Asadi area to vote. On the way back, 12 of us traveling in a private vehicle were stopped by eight or nine armed men on motorcycles. The men instructed us to go to Haqawba village (our home village) where we remained for two hours. Then they took us to Tagow Village and then Shaku Arbab Ismail village. We heard the men speaking saying a decision had been taken that our fingers should be cut. The men forced the local doctor to come to the area and inject us with anesthesia. Before they cut our fingers, they tied a string to the finger to cut off the blood flow. Then, one by one, we were selected.

They did not ask who we voted for. They just laid us on the ground, sharpened a knife and cut our fingers on a big stone. I passed out after they cut my finger but before they left they told us to 'Go to the President you voted for and tell him to treat your wounds.' They said they were still looking for voters and now are village is somehow surrounded by these insurgents. There are no Afghan security posts nearby.¹⁷⁵"

--A victim of mutilation as punishment for voting during the Presidential runoff elections in Kushk Rabat-e-Sangi District, Herat province on 14 June 2014.

On Election Day 14 June, UNAMA recorded nine deaths as well as nine injuries of IEC staff, including female searchers. For example, on 14 June, a RC-IED detonated in the vicinity of a bus carrying IEC staff, killing 11 and injuring two.

Most of the attacks on 14 June resulting in civilian casualties took place in the western region. Of the 97 civilian casualty incidents, 35 took place in the west, mostly in Herat, Farah and Ghor provinces. UNAMA recorded 18 incidents in the eastern region, mostly Nangarhar and Kunar. Eleven (11) incidents occurred in the north, mostly Faryab and the remaining incidents mostly occurring in the northeast, south and southeast regions.

Other attacks and incidents during electoral process

In addition to the civilian casualties recorded on the two election days, UNAMA documented incidents of Anti-Government Elements carrying out attacks against elections workers, candidates and their supporters and other civilians involved in the electoral process.

Examples of attacks against civilians involved in the electoral process:

- On 14 June, Anti-Government Elements fired several mortar rounds targeting the polling centre near the Terezai district administration building in Khost province. One of the rounds missed its target and hit a civilian house belonging

¹⁷⁵ UNAMA interview with victims, 15 June 2014, Herat city, Herat province.

to a Kuchi family, killing six civilians (all children) and injuring 12, of which 10 were children and 2 were women.

- On 14 June, a mortar landed in De Alika area of Shindand District, Herat province killing one woman, two children, and injuring two women and one child.
- On 14 June in Rodat district of Nangarhar province, two children were killed (a six-year-old girl and a 16-year-old boy) and seven civilians were wounded (five boys and two men) when a mortar round fired by AGE impacted next to a well from which they were collecting water.
- On 5 April, Anti-Government Elements attacked a polling station in Khanabad district, Kunduz with mortar and small arms fire. Afghan security forces also responded by firing mortar rounds. One man was killed and five children were injured as a result of the crossfire.
- On 8 March, in Passaband district, Ghor province, Anti-Government Elements attacked an electoral civic education team while it was conducting civic awareness training. Although the electoral team escaped unharmed, one ANP guarding the team was captured and executed by the Anti-Government Elements.

Explosive Remnants of War (ERW)

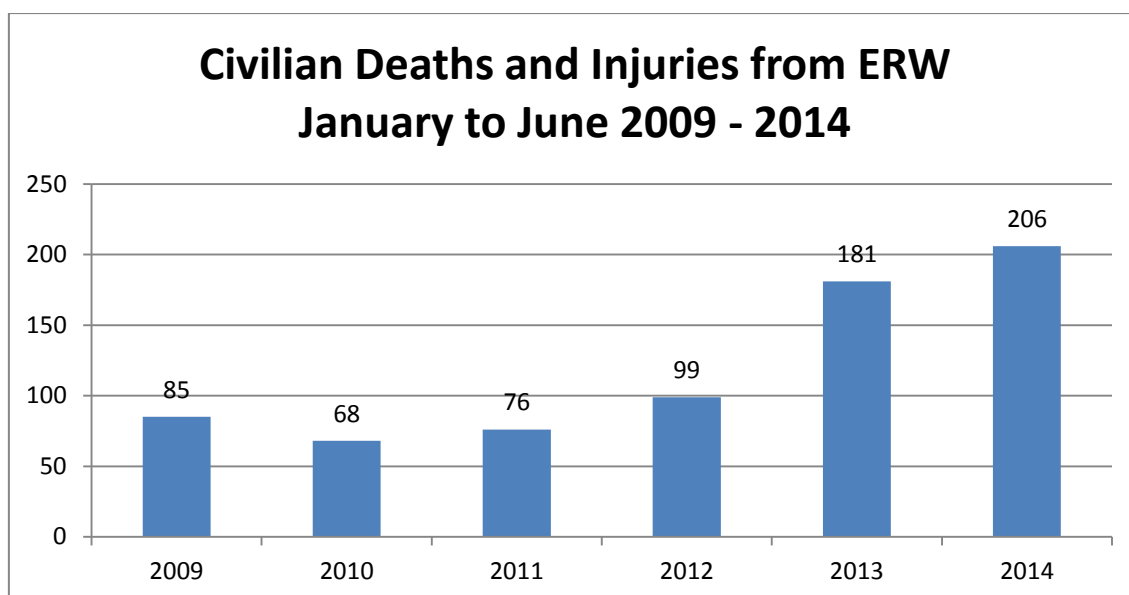
In the first six months of 2014, Explosive Remnants of War (ERW)¹⁷⁶ increasingly killed and injured Afghan civilians, particularly children. Between 1 January and 30 June 2014, UNAMA verified 97 separate incidents of UXO detonation resulting in 206 civilian casualties (68 civilian deaths and 138 injured) from ERW, up 14 per cent from 2013.¹⁷⁷ Of the 206 civilian casualties, 156 – 76 per cent – were children.

After ground engagements and IEDs, explosive remnants of war caused more harm to children than any other type of incident. Of the 97 UXO incidents resulting in civilian casualties, UNAMA attributed five incidents to international military forces (six civilian deaths and six injured), while the remaining incidents were unattributed, and include UXO from recent ground engagements between Pro-Government Forces and Anti-Government Elements, as well as UXO from previous conflicts.¹⁷⁸

¹⁷⁶ ERW: Explosive Remnants of War means unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

¹⁷⁷ Between 1 January and 30 June 2013, UNAMA documented 54 civilian deaths and 127 injuries (181 civilian casualties).

¹⁷⁸ The number of ERW civilian casualties by international military forces may be higher. UNAMA did not attribute responsibility to ISAF unless ISAF or multiple authoritative sources, including MACCA and Afghan national security forces, had confirmed an incident. UNAMA may be underreporting civilian casualties caused by ERW.



UNAMA's Protection of Civilians in Armed Conflict 2013 Mid-year and Annual reports highlighted concerns regarding a correlation between rising civilian casualties from ERW, an increase in ground engagement causing civilian casualties,¹⁷⁹ and the escalated pace of ISAF base and firing range closure¹⁸⁰, with high explosive firing ranges that had not been sufficiently cleared of unexploded ordnance prior to closure.¹⁸¹

Throughout 2013 and over the first six months of 2014, UNAMA continued its advocacy with ISAF regarding the clearance of ERW from bases and firing ranges no longer in use. ISAF and the international community indicated a commitment on the issue of range clearance and UNAMA noted significant steps taken in 2014 to ensure firing ranges no longer in use were or were slated to be cleared of UXO.

In 2013 and 2014, the majority of high-explosive firing ranges were handed over to Afghan security forces.¹⁸² The remaining 121 ranges fall under the responsibility of five nations – 107 to the United States and 14 to four other nations. Thirty ranges have been cleared of surface-level ERW, six ranges are undergoing surface-level clearance, 35 ranges are currently being surveyed while 36 ranges require surveying.¹⁸³

Throughout 2014, ISAF and troop contributing nations undertook several initiatives to clear ranges no longer required by coalition forces and Afghan national security forces.

¹⁷⁹ The increase in civilian casualties from ground engagements indicates increased fighting in civilian populated areas, which may lead to unexploded and abandoned ordnance, when indirect fire or aerial platforms have been used, for example: air dropped munitions, missiles, rockets, mortars and grenades.

¹⁸⁰ In 2013, UNAMA also documented several incidents of civilian casualties from children collecting scrap metal from live (and marked) firing ranges.

¹⁸¹ Identifying 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 origin of the ordnance.

¹⁸² In late 2013, ISAF identified 284 firing ranges, of which 163 were handed over to ANSF. UNAMA meeting with US Army Corps of Engineers, ISAF HQ, Kabul, 9 June 2014.

¹⁸³ *Ibid.*

In 2014, ISAF put policies and measures in place regarding effective management of high-explosive ranges and munitions disposal areas.¹⁸⁴

Although these steps are welcomed, ERW continued to pose a serious hazard to Afghans, particularly children. With the sharp rise in ground engagements in 2014 and the associated risk of UXO from kinetic engagements, it is imperative that Afghan security forces be fully supported to mark hazardous areas, ensure clearance of UXO from the battlefield and continue awareness raising programs that educate children of the deadly dangers of UXO.

UNAMA highlights that efforts to address the medium and long-term risks of UXO should be continued, particularly through the post-2014 train, assist and advise mission of international military forces. UNAMA reiterates its recommendation that troop-contributing countries promptly establish a funding mechanism to be used, and allocate funds to enable large-scale clearance operations to begin.

As recommended in the *UNAMA's 2013 Annual Protection of Civilians* report, one option would be to use the existing the Voluntary Trust Fund for Mine Action administered by UNMAS in New York, which was established in 1994 by member States to channel money for humanitarian mine action globally. This mechanism could be used for ISAF explosive remnants of war. Alternatively, a new trust fund could be established in Afghanistan or nations could contract clearance organizations directly. As of June 2014, no decision has been taken in this regard.

Examples of civilian casualties from explosive remnants of war:

- On 21 March, a group of children found UXO in Bamyán city, Bamyán province and began playing with it. The ordnance exploded, killing six children immediately while a seventh child died later in the hospital.
- On 5 March, two boys collecting metal from a munitions disposal area near an international military base in Ghazni centre, Ghazni province, were killed after picking up an unknown type of ordnance. The UXO detonated, killing both boys.

Cross border Shelling

Over the first six months of 2014, cross-border shelling from Pakistan into Afghanistan continued to harm civilians and civilian property. Between 1 January and 30 June 2014, UNAMA documented 15 incidents of cross-border shelling which killed or injured civilians or destroyed civilian property. These incidents killed three civilians – all children –and injured 35, including 30 children, three women and five men. Two of the civilian child deaths occurred in Dangam district, Kunar province while the third took place in Marawara district. Although authorities reported other incidents of cross-border shelling, UNAMA documented only those incidents which caused civilian casualties, resulted in loss of livelihood or destroyed civilian property.

¹⁸⁴ For details regarding ISAF policy framework and current operations regarding clearance, see *ISAF Civilian Casualty Avoidance and Mitigation Framework: Sustaining Best Practice. Report to the Troop Contributing Nations, (DRAFT)*, 30 May 2014, pp. 52-58.

UNAMA documented an additional three incidents in Dangam district which did not harm civilians but killed livestock and destroyed civilian property. The most recent incident took place on 31 May 2014, after the Pakistani military fired approximately 200 mortar rounds, several of which impacted in civilian areas. The mortars damaged three civilian homes and killed 28 farm animals.

Besides loss of life, injury and property destruction, incidents of cross-border shelling impacting villages often resulted in the displacement of families. For example, on 31 May 2014, more than 200 families left their homes in the Wara, Loya Goriga and Khuwar ser areas of Dangam district after ordnance impacted in the vicinity of their homes.

Throughout 2014, communities and government authorities continued to protest against cross-border shelling. On 31 May, the Kunar provincial governor released a statement accusing Pakistan of carrying out air operations in Kunar province and claiming that Pakistan had fired 976 missiles across the border over a one-week period.¹⁸⁵ On 1 June, a peaceful protest took place in Asadabad city, Kunar province against the recent cross-border shelling.

Civilian casualties from cross-border shelling incidents are slightly higher than previous years. During the same six-month period in 2013 (January to June), UNAMA documented two civilian deaths and eight injuries (10 civilian casualties), in Dangam, Sirkany, Sheigal and Marawara districts of Kunar province. During the same period in 2012, UNAMA documented one civilian death and seven injuries from cross-border shelling, all in Dangam district.

Examples of cross-border shelling cases in 2014 which resulted in civilian casualties:

- On 13 June, two mortar rounds fired from across the border impacted in Sheigal district, Kunar province, injuring a seven-year old girl and a 12 year old boy.
- Between 26 and 27 May, approximately 70 mortar rounds were fired across the border from Pakistan to Afghanistan which impacted on agricultural fields and a residential area in Dangam district, Kunar province, injuring 12 civilians, including eight boys and three girls.
- On 25 May, rounds fired from across the border impacted in Dangam district, wounding eight civilians including six children.
- On 27 January, a mortar round fired across the border impacted on a residential area in Marawara district, Kunar province, killing one girl and two boys and wounding five other boys. The ages of the victims ranged from four to ten-years-old.

¹⁸⁵ UNAMA also received reports of civilian deaths from this incident but could not confirm the civilian status of those killed.

V. Legal Framework

The legal framework used for this report includes international human rights law, international humanitarian and criminal law and binding United Nations Security Council resolutions on Afghanistan.¹⁸⁶ All contain obligations relevant to protection of civilians during armed conflict in Afghanistan which are explained in the section below.

Legal Responsibilities of Parties to the Armed Conflict

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

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

See Glossary for definition of Pro-Government Forces and Anti-Government Elements.

(i) Obligations under International Humanitarian Law

Afghanistan is a party to the four Geneva Conventions of 1949 and to Additional Protocol II of 1977¹⁸⁷ which addresses the protection of civilians in a non-international armed conflict and prohibits attacks against civilians and objects indispensable to the survival of the civilian population.

Article 3 common to the four Geneva Conventions of 1949 establishes minimum standards that parties, including State and non-State actors, shall respect in non-international armed conflict. Common Article 3 explicitly prohibits murder¹⁸⁸, violence, extrajudicial executions, torture, mutilation and other forms of violence,¹⁸⁹ at any time and in any place.

¹⁸⁶ United Nations Security Council Resolution 2145 (2014) highlights the obligations of all parties to the armed conflict in Afghanistan to comply with international law “including international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians.”

¹⁸⁷ Afghanistan ratified Additional Protocol II 1977 on 10 November 2009. It entered into force on 24 December 2009.

¹⁸⁸ 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 in the context of the non-international armed conflict in Afghanistan. A targeted killing is not limited to civilians, and a combatant can also be the subject of a targeted killing.

¹⁸⁹ Common Article 3 of the Geneva Conventions of 12 August 1949, is applicable during conflicts of a non international character. “In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms

The contents of the four Geneva Conventions of 1949 and several rules similar to those found in their Additional Protocols are also largely part of customary international law.¹⁹⁰ Among the most relevant principles that apply to the conduct of all the parties to Afghanistan's non-international armed conflict are the following:

- Distinction: The civilian population as such, as well as individual civilians, shall not be the object of attack.¹⁹¹
- 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."¹⁹²
- Precautions in attack: "...civilians shall enjoy general protection against the dangers arising from military operations".¹⁹³ 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."¹⁹⁴
- All States contributing to the international military forces in Afghanistan are signatories to the four Geneva Conventions of 1949. While not all troop-contributing States are signatories of Additional Protocol II 1977, they are still bound by the relevant rules of customary international humanitarian law applicable in non-international armed conflicts.

(ii) Obligations under International Human Rights Law

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

Afghanistan is a signatory to numerous international human rights treaties,¹⁹⁵ including the International Covenant on Civil and Political Rights (ICCPR) which obligates the

and those placed ' *hors de combat* ' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

¹⁹⁰ See ICRC, Customary International Humanitarian Law, ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

¹⁹¹ Additional Protocol II, article 13(2).

¹⁹² ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005)

¹⁹³ Additional Protocol II, article 13(1).

¹⁹⁴ Rules 15 to 21 ICRC Study on Customary International Human Rights Law.

¹⁹⁵ Afghanistan is a party to the following human rights treaties and conventions: The International Covenant on Civil and Political Rights, ratified on 24 April 1983; the International

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

While they cannot become parties to international human rights treaties, non-State actors, including armed groups are increasingly deemed to be bound by international human rights obligations, particularly those exercising de facto control over some areas, such as the Taliban.¹⁹⁶

Under international human rights law, States must investigate the use of lethal force by their agents,¹⁹⁷ particularly those involved in law enforcement. This duty, together with potential liability for failure to comply, flows from obligation to protect the right to life.¹⁹⁸ For State investigations to be effective, they must be as prompt as possible, exhaustive, impartial, independent¹⁹⁹ and open to public scrutiny.²⁰⁰ A State's duty to investigate applies to all law enforcement contexts, including those arising during armed conflict.²⁰¹

Covenant on Economic, Social and Cultural Rights, ratified on 24 April 1983; the International Convention on the Elimination of all Forms of Racial Discrimination, ratified on 5 August 1983; the Convention on the Elimination of all Forms of Discrimination against Women, ratified on 5 March 1983; the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, ratified on 26 June 1987; the Convention on the Rights of the Child, ratified on 27 April 1994; the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 19 October 2002; the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, ratified on 24 September 2003; and *the* Convention on the Rights of Persons with Disabilities, acceded to on 18 September 2012. See http://www.aihrc.org.af/English/Eng_pages/X_pages/conventions_af_z_party.html.

¹⁹⁶ See United Nations Secretary-General, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011, para. 188. Also see Report of the International Commission of Inquiry to investigate all Alleged Violations of International Human Rights Law in the Libyan Arab Jamahiriya A/HRC/17/44, 1 June 2011; the Report of the International Commission of Inquiry on the Situation of Human Rights in the Syrian Arab Republic, A/HRC/19/69, para. 106; United Nations Mission in the Republic of South Sudan (UNMISS), Conflict in South Sudan: A Human Rights Report, 8 May 2014, para. 18.

¹⁹⁷ See Paragraphs 9, 10 and 17 of the *United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, adopted on 24 May 1989 by the Economic and Social Council Resolution 1989/65. See also United N Security Council and General Assembly resolutions concerning non-international armed conflict, calling for all parties to respect international human rights law.

¹⁹⁸ UNHRC, General Comment No. 31 (2004), § 15; UNHRC, General Comment No. 6 (1982), § 4; ECtHR, *McCann case*, § 169; ECtHR, *Kaya case*, § 86; ECtHR, *Ergi v. Turkey*, Application No. 23818/94, Judgment of 28 July 1998, §§ 82, 86; ECtHR, *Isayeva v. Russia*, Application No. 57950/00, Judgment of 24 February 2005, §§ 208-9, 224-5; IACiHR, *Abella (La Tablada) case*, § 244; IACiHR, *Alejandre case*, § 47; ACiHPR, *Civil Liberties case*, § 22.

¹⁹⁹ IACiHR, *Abella (La Tablada) case*, § 412; ECtHR, *Özkan case*, § 184; ECtHR, *Orhan v. Turkey*, Application No. 25656/94, Judgment of 18 June 2002, § 335; ECtHR, *Isayeva et al. case*, § 210-11; ECtHR, *McCann case*.

²⁰⁰ ECtHR, *Hugh Jordan v. the United Kingdom*, Application No. 24746/94, Judgment of 4 May 2001, § 109; ECtHR, *Özkan case*, § 187; ECtHR, *Isayeva et al. case* § 213; ECtHR, *Isayeva case*, § 214.

²⁰¹ See C. Droege, "Distinguishing Law Enforcement from Conduct of Hostilities" P57-63 Expert Meeting "Incapacitating Chemical Agents" Law Enforcement, Human Rights Law and Policy Perspectives Montreux, Switzerland 24-26 April 2012 at <http://www.icrc.org/eng/assets/files/publications/icrc-002-4121.pdf>; Nils Melzer, "Conceptual Distinction and Overlaps between Law Enforcement and the Conduct of Hostilities," in *The Handbook of the International Law of Military Operations* (Oxford: Oxford University Press,

(iii) Obligations under International Criminal Law

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

States whose military forces are among the international military forces party to the conflict in Afghanistan, also have a responsibility to investigate and prosecute alleged crimes that may have been committed by their nationals in Afghanistan.²⁰²

States have an obligation to investigate and prosecute violations of Article 8(2) (e)(i) of the ICC Statute which stipulates “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.

Furthermore, in its resolution 1325, the United Nations Security Council underlined that it is critical for all States to fully apply the relevant norms of international humanitarian and human rights law to women and girls, and to take special measures to protect them from gender-based violence during armed conflict.²⁰³

(iv) Definition of Civilian(s)

In relation to the conduct of hostilities, UNAMA recalls that “civilian(s)” are defined under international law as . persons who are not combatants or otherwise taking part in the conflict , or are not part of *levée en masse* (mass uprising²⁰⁴). Civilians may lose their protection against attacks if and for such time as they take direct part in hostilities.

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

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

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

2010), pp. 43-44. Nils Milzer, *Human Rights Implications Of The Usage Of Drones and Unmanned Robots In Warfare*, Directorate-General For External Policies Of The Union, Policy Department (2013) at <http://www.europarl.europa.eu/delegations/en/studiesdownload.html?languageDocument=EN&file=92953>.

²⁰² Irrespective of whether States are parties to the ICC statute, they all have obligations under customary law to investigate serious human rights and international humanitarian law violations when they are operating on the territory of Afghanistan.

²⁰³ S/RES/1325 (2000); See also S/RES/1820. (2008), S/RES/1888 (2009), S/RES/1889 (2009), and S/RES/1960 (2010).

²⁰⁴ In the Third Geneva Convention, “*levée en masse*” is described as follows: “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)).”

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

UNAMA notes that other actors and parties to the armed conflict in Afghanistan have been developing their own definition of the term, as described later in this report.²⁰⁵

²⁰⁵ See the definition of “civilian” used by the Taliban later in this report.[Better to refer to the exact page / section of the report]

VI. 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 remotely piloted aircraft (RPA).

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, Afghan Special Forces and the National Directorate of Security.

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

Armed Group: Organised armed non-State actor engaged in conflict and distinct from a Government force, such as militias, rebels, and criminal groups. These armed groups have no legal basis under the laws of Afghanistan. Armed groups are not within the formal military structures of States, State-alliances or intergovernmental organisations; and are not under the control of the State(s) in which they operate. In some cases though, armed groups may receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to the following groups: rebel opposition groups, local militias (ethnically, clan or otherwise based), insurgents, terrorists, guerrillas, and civil defence forces and paramilitary groups (when such are clearly not under State control).²⁰⁶

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

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

²⁰⁶ United Nations Humanitarian Negotiations with Armed Groups: A Manual for Practitioners, Gerard Mc Hugh and Manuel Bessler, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), New York, January 2006. See Section 2.3 on Characteristics of Armed Groups.

Civilian Casualties: Killed or 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 due to unavailability or denial of medical care. It also includes deaths from incidents for which responsibility cannot be determined with any degree of certainty.

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: International humanitarian law defines “civilians” as those persons who are not members of military/paramilitary forces or fighters of organised armed groups of a party to a conflict or those who are not part of *levée en masse* (mass uprising²⁰⁷). Civilians may lose protection against attacks for such time as they take direct part in hostilities.

COMISAF: Commander of the 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.

ISAF defines EoFs as: “a defensive process which seeks to determine the presence of a threat, its eventual extent and when applicable to match the threat with an appropriate defensive response for Force protection.”²⁰⁸

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

²⁰⁷ *Leve 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).

²⁰⁸ UNAMA interview with ISAF HQ, 31 January 2014, Kabul.

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

IDP: Internally Displaced Person(s).

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 Personal-Borne IEDs (PB-IED), Radio-Controlled IEDs (RC-IEDs), Vehicle-Borne IEDs (VB-IEDs), Suicide Vehicle Borne IEDs (SV-IED), Command-Wire IEDs (CW-IEDs), Victim-Operated IEDs (VO-IEDs), and Pressure-Plate IEDs (PP-IEDs).

Victim-operated IEDs – A victim-operated IED detonates when a person or vehicle triggers the initiator or switch which could be a pressure plate or pressure release mechanism, trip wire or another device, resulting in an explosion.²⁰⁹

Command-operated IEDs – Radio or remote controlled IEDs (RC-IEDs) operated from a distance that can enable operators to detonate a pre-placed device at the precise time a target moves into the target area.²¹⁰ RC-IEDs include user-detonated IEDs, such as roadside IEDs, and objects and animals rigged with IED devices, such as vehicles, bicycles, motorcycles and donkeys.

Magnetic-IEDs – IEDs attached by a magnetic device are a sub-category of command-operated IEDs, UNAMA records these devices separately due to the common delivery method in Afghanistan, i.e., placement on vehicles of targeted individuals.

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

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

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

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

²⁰⁹ *Ibid.*

²¹⁰ Small Arms Survey, *Improvised Explosive Devices*, Chapter 10 'Infernal Machines,' pp. 220-221.

IHL: International Humanitarian Law.

IM Forces: “International Military Forces” include all foreign soldiers forming part of ISAF and US Forces Afghanistan (including Operation Enduring Freedom) who are under the Commander of ISAF (COMISAF), who is also Commander of the US Forces in Afghanistan. The term also encompasses Special Operations Forces and other foreign intelligence and security forces.

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

ISAF: International Security Assistance Force in Afghanistan. ISAF operates under a peace enforcement mandate pursuant to Chapter VII of the United Nations Charter. ISAF is deployed under the authority of the United Nations Security Council. In August 2003, at the request of the Government of Afghanistan and the United Nations, NATO took command of ISAF. As at 1 June 2014, the ISAF force comprised approximately 49,902 soldiers from 48 Troop Contributing Nations, organised in six regional commands plus ISAF Headquarters in Kabul. Since November 2008, the Commander of ISAF has served as Commander of US Forces Afghanistan, although the chains of command remain separate. United Nations Security Council Resolution 2120 (2013) reaffirmed previous resolutions on ISAF and extended the authorisation of ISAF for 14 months until 31 December 2014.

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 Organisation.

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

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

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

Combatant hors de combat or protected personnel: 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.

SOPs: Standard Operating Procedures.

Targeted Killing: Intentional, premeditated and deliberate use of lethal force by States or their agents acting under colour of law (or by an organised armed group in armed conflict) against a specific individual who is not in the perpetrator's physical custody.²¹¹

UNDSS: United Nations Department of Safety and Security.

UNAMA: United Nations Assistance Mission in Afghanistan.

UNHCR: United Nations High Commissioner for Refugees.

USSOF: United States Special Operations Forces.

UXO: Unexploded Ordnance.

War Crimes: War crimes are serious violations of treaty and customary international humanitarian law. Under the definition of war crimes of the Statute of the International Criminal Court (Rome Statute), war crimes²¹² include serious violations of common Article 3 of the Geneva Conventions, including violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; outrages upon personal dignity, in particular humiliating and degrading treatment; taking of hostages; the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable.

²¹¹ Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal provided that relevant provisions of IHL and human rights law are respected. See United Nations General Assembly, Human Rights Council 14th Session, Agenda item 3, Report of the Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions, Philip Alston. Addendum, 'Study on Targeted Killings'. A/HRC/14/24/Add.6. 10 May 2010.

²¹² ICC Statute, Article 8. Customary international law applicable in both international and non-international armed conflicts defines war crimes as serious violations of international humanitarian law. State practice establishes this rule as a norm of customary international law. Rule 156. Definition of War Crimes. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}. See Additional Protocol II, Article 13(2). See Article 8 (2) (c) (i) of the Elements of Crime, Rome Statute of the International Criminal Court. War crimes include serious violations of the laws and customs of war applicable in non-international armed conflicts (based primarily on Article 3 common to the four Geneva Conventions of 1949, their Additional Protocol II of 1977, the 1999 Optional Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1989 Convention on the Rights of the Child, the 1994 Convention on the Safety of United Nations and Associated Personnel, the Statutes of the International Criminal Tribunals for Rwanda and the former Yugoslavia, and the Statute of the Special Court for Sierra Leone). See War Crimes under the Rome Statute of the International Criminal Court and their source in International Humanitarian Law Comparative Table, ICRC Advisory Service on International Humanitarian Law.

Annex 1: Document Provided to UNAMA by Taliban Representatives on 26 June 2014 (UNAMA Translation from original Pashto to English)

Reasons for Establishing Civilian Casualty Unit, its Policy and Some Examples of Civilian Casualty Incidents

Everyone knows that civilian casualty incidents used to occur in the country, but in many cases the perpetrators were not known. However, the Islamic Emirates would often be blamed for that. Therefore, the Islamic Emirates leadership established a Civilian Casualty Unit in 2013 within the framework of the Military Affairs Commission in order to identify perpetrators of civilian casualties no matter who they are and, if possible, to punish them and avoid future recurrence.

Right after the establishment (*of the Civilian Casualty Unit*), terms of reference based on 16 articles for daily activities of the Unit, was approved and handed over to the Military Commission. Since then the Civilian Casualty Unit has continued working seriously on the basis of the approved terms of reference. Each incident is specifically investigated and the results are published in monthly and annual reports. The Unit has listed specific articles in its terms of reference about registering civilian casualty incidents, investigation, precautionary measures and punishing the perpetrators. We quote some articles as examples for your further information: (*Then they quote a list of incidents which have been deleted here from this part*)

First: Mechanism for Registration and Investigation of Civilian Casualty Incidents

Articles 7th, 8th, 9th, 11th and 13th of the terms of reference explain this:

Article 7: This Unit is obliged to gather information about an untoward incident during its occurrence from Islamic Emirates' spokespeople, local community elders, independent media, sympathizers of the victims, *Mujahidin* responsible for that area and ordinary honest Muslims and then establish all aspects of the case.

Article 8: All parts and members of the Islamic Emirates Military Affairs Commission, Governors, heads of provincial commissions and responsible *Mujahidin* are obliged to cooperate completely upon the request of this Unit in identifying the perpetrators, their summoning, completing the interrogations and providing complete information.

Article 9: When it is felt necessary during any horrible incident, the officer-in-charge of this Unit shall send a delegation promptly in order to collect information from the area. Provincial in-charges and other authorities of the Emirates should be asked to cooperate. The expenses and other requirements to be met should be proposed to the head of the Military Affairs Commission so that the incident could be monitored in due time and closely.

Article 11: The Civilian Casualty Prevention Unit shall not ignore even a minor case of civilian casualties and shall conduct an appropriate investigation.

Article 13: This Unit shall register and document the exact number of all civilian casualties and all the relevant information of the incidents, date and findings in a special register so that it could be used as a reliable source when needed during some investigations, reports, history and for other orders.

Prosecution and Punishment of Perpetrators:

Article 4: All civilian casualties caused due to American invaders, NATO occupiers or the internal puppets' blind bombardment, ruthless firing, night raids and other operations, shall thoroughly be investigated, registered and reported to the in-charge of the Military Commission so that ways to avoid their future occurrence could be contemplated on.

Article 5: If *Mujahidin* were neglectful in any incidents, the investigation section of this Unit would be obliged to thoroughly interrogate those involved in negligence and if the doer was found guilty, he would be referred to the *Sharia* court for appropriate punishment.

Article 6: God forbid, should civilians suffer casualties during *Mujahidin* operations, this Unit has the responsibility to interrogate thoroughly the planner of the operations, the local in-charge and all other sides involved and to identify all legitimate aspects and then take appropriate steps.

Precautionary Measures for Preventing Civilian Casualties:

Article 10: This Unit is obliged to activate two telephone numbers and similarly an email address and identify their users in areas where operations are quick so that they could become a source for gathering information about such incidents and as a contact between people and the *Mujahidin*.

Article 12: On the basis of their (past) work experience, this Unit would also provide plans and roadmaps to the people in-charge and ordinary *Mujahidin* so that could result in preventing civilian casualties during operations and saving the lives and property of Muslims.

We must say that Civilian Casualty Unit has divided the country into several regions such as central region, eastern, northern and southern regions. There are some provinces under each region and the relevant region is responsible for registering and documenting of civilian casualties.

Based on the above mechanism and the investigations and reports of the Civilian Casualty Prevention Unit, Americans and Karzai administration are the perpetrators of many incidents. There are enough evidence and proofs with the Civilian Casualty Unit. We present some incidents as examples:

As was noticed above, forces of Karzai's administration and invader soldiers are the perpetrators of many incidents of civilian casualties in Afghanistan. We presented you with the above incidents as examples. We have documents and proofs about these incidents because our reports are based on witnesses from the crime scene and ground realities.

Likewise, we are ready to establish a practical mechanism for avoiding civilian casualties so that through (*that mechanism*) real perpetrators of civilian casualties could be identified and the ways to avoid (*civilian casualties*) could be thought about too.

ANNEX 2: Attacks Claimed by Taliban: breakdown by target type

Attacks directed at military targets

Afghan National Police	48
Afghan Local Police	5
Afghan National Army	3
Afghan Border Police	8
ANSF operation (more than one Afghan security force)	5
Pro-Government militia	1
ISAF, international special forces or other international military forces	0
National Directorate of Security	6
Total attacks against military resulting in civilian casualties and claimed by Taliban on website or twitter:	76

Attacks directed at civilians and civilian objectives

Aid or NGOs	2
APRP	1
Civilian Government	7
Civilian contractors / daily labourers	3
Elections convoys or workers	29
Judges, prosecutors and judicial authorities	6
Mullahs and mosques	2
Tribal elders	5
Other civilian objective	14
Education/healthcare	0
Total attacks targeting civilians and resulting in civilian casualties and claimed by Taliban on website or twitter:	69
Unknown	2
Total attacks claimed by Taliban which resulted in civilian casualties:	147

**Annex 3: Table of Taliban War Crimes Allegations by Verification Status:
1 January to 31 May 2014**

TOTAL	UNAMA Documentation	Results	Attribution
120	47 cases documented by UNAMA prior to publication of the Taliban statements	18 cases had the same number of casualties 04 cases had the same number of casualties with different ratio between killed and wounded	16 to Pro-Government Forces 2 to Crossfire between Pro-Government Forces and Anti-Government Elements 4 to AGEs
		11 cases had a lower number of casualties	5 to Pro-Government Forces 5 to Crossfire between Pro-Government Forces and Anti-Government Elements 1 to AGEs
		6 cases had a higher number of casualties	4 to Pro-Government Forces 2 to Crossfire between Pro-Government Forces and AGE
		5 cases were not related to the armed conflict	
		2 cases UNAMA could not determine if related to armed conflict.	
		1 case did not result in civilian casualties	
		34 cases documented by UNAMA after publication of Taliban statements	17 cases had the same number of casualties 1 case had the same number of casualties with a different ratio between killed and wounded
	4 cases had a lower number of casualties		3 to Pro-Government Forces 1 to Crossfire between Pro-Government Forces and Anti-Government Elements
	1 case was not related to the armed conflict		
	2 cases - UNAMA could not determine if related to armed conflict		
	8 cases - the casualties were not civilian or did not have casualties at all.		
	1 case - UNAMA could not determine whether the casualty was civilian		
	39 cases could not be confirmed by UNAMA.		