



# AFGHANISTAN

PROTECTION OF CIVILIANS IN ARMED CONFLICT

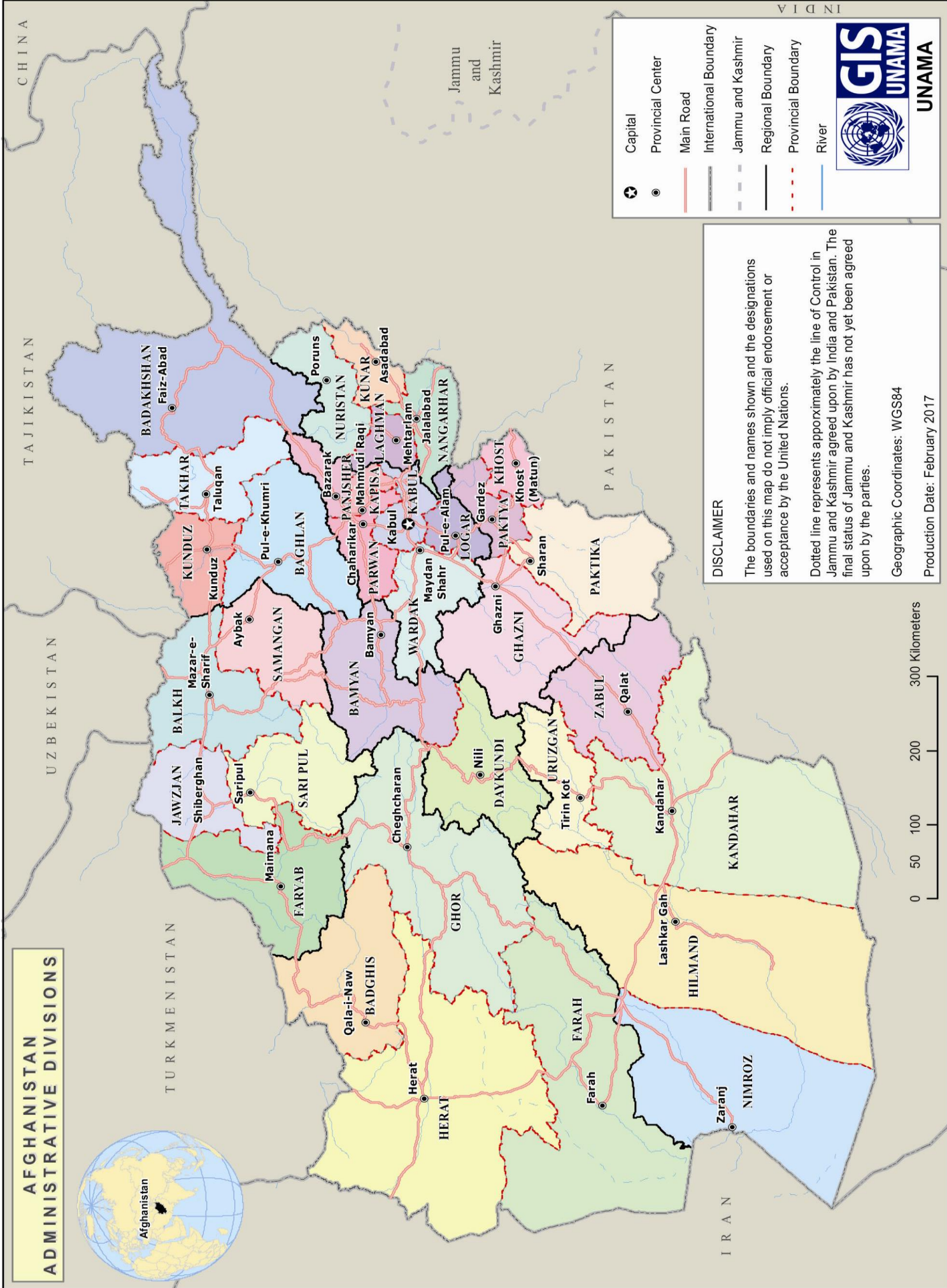
MIDYEAR REPORT 2017

JULY 2017  
KABUL, AFGHANISTAN



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

# AFGHANISTAN ADMINISTRATIVE DIVISIONS



**DISCLAIMER**

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

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

Geographic Coordinates: WGS84  
Production Date: February 2017

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



CHINA

TAJIKISTAN

UZBEKISTAN

TURKMENISTAN

INDIA

PAKISTAN

IRAN

Jammu and Kashmir

0 50 100 200 300 Kilometers

Photo on Front Cover: © Omar Sobhani/REUTERS.

A victim of the 31 May suicide truck bomb attack in central Kabul city lies injured shortly after the blast. The explosion took place during the morning rush hour in a busy area of the city, killing at least 92 civilians and injuring 491 others.

**“The human cost of this ugly war in Afghanistan – loss of life, destruction and immense suffering – is far too high. The continued use of indiscriminate, disproportionate and illegal IED devices by Anti-Government Elements is particularly appalling and must immediately stop.”**

Tadamichi Yamamoto, United Nations Special Representative of the Secretary-General for Afghanistan, Kabul, July 2017.

**“The statistics in this report, horrifying though they are, can never fully convey the sheer human suffering of the people of Afghanistan. Each one of these casualty figures reflects a broken family, unimaginable trauma and suffering, and the brutal violation of people’s human rights. Many Afghan civilians are suffering psychological trauma, having lost family and friends, and are living in fear knowing the risks they face as they go about their daily lives. Many more have been forced from their homes and suffered lasting damage to their health, education and livelihoods. The continuing national tragedy of Afghanistan must not be overlooked.”**

Zeid Ra’ad Al Hussein, United Nations High Commissioner for Human Rights, Geneva, July 2017.

## **Mandate**

The 2017 Mid-Year Report on the Protection of Civilians in Armed Conflict in Afghanistan 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 2017.

The UNAMA Human Rights Unit prepared this report pursuant to the UNAMA mandate under United Nations Security Council Resolution 2344 (2017) “to monitor the situation of civilians, to coordinate efforts to ensure their protection, to monitor places of detention, 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 2344 (2017) recognizes the importance of on-going monitoring and reporting to the Security Council on the situation of civilians in the armed conflict, particularly on civilian casualties.

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

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

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## Methodology

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

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

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

When documenting incidents of civilian casualties, UNAMA proactively consults sources of different genders, as well as those belonging to minority racial, religious and ethnic groups, and marginalized sectors of society. In doing so, UNAMA takes care to protect vulnerable sources from any possible repercussions for providing information, including by meeting in safe locations, conducting interviews with women in accordance with prevailing social norms, and halting investigations where it may endanger sources. UNAMA also proactively monitors, documents, and advocates on civilian casualty trends impacting the above-mentioned groups.

Where UNAMA is not satisfied with the quantity or quality of information concerning an incident, it will not consider it as verified. Unverified incidents are not included in this report. In some instances, investigations may take several weeks before conclusions can be drawn, which means that civilian casualty figures documented 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 and unless more satisfactory evidence is obtained or the case will be closed without conclusion and will not be included in the statistical reporting.

In all cases, UNAMA is guided by the applicable norms of international humanitarian law. In some incidents, the civilian status of the reported victims cannot be conclusively established or is disputed. UNAMA defines civilians as persons who are not members of the armed forces or of an organized armed group. It does not document civilian casualties where the civilian directly participated in hostilities at the time of death or injury, nor does it document the death or injury of individuals protected from attack who are not civilians under international humanitarian law, such as persons *hors de combat* or the medical and religious personnel of the armed forces.<sup>1</sup> UNAMA does not presume fighting-age males are either civilians or fighters. Rather, such claims are assessed and documented based upon the facts available for the incident in question. Where insufficient information is available, such casualties will not be included in the statistical reporting.

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<sup>1</sup> For more information, see Chapter on Legal Framework and the definition of civilians and ‘civilian casualties’ in Glossary.

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

As multiple parties are engaged in the conflict, UNAMA makes every effort to identify as precisely as possible the party responsible for a particular civilian casualty. Due to limitations associated with the operating environment, such as the joint or partnered nature of some military operations, to the inability of primary sources in many incidents to identify clearly or distinguish between diverse military actors or insurgents, or to the absence of any claim of responsibility, this may not always be possible. UNAMA attributes responsibility for each civilian casualty incident to either Pro-Government Forces or Anti-Government Elements, jointly to both groups, or as “perpetrator-undetermined” in the case of explosive remnants of war that cannot be conclusively attributed to one party or may be left behind from previous conflicts.

In cases of ground engagements between Pro-Government Forces and Anti-Government Elements in which a civilian casualty cannot be attributed to one party, UNAMA attributes responsibility to both groups and records them in a separate category entitled “Pro-Government Forces and Anti-Government Elements”.

UNAMA does not claim that the statistics presented in this report are complete and acknowledges possible under-reporting of civilian casualties given limitations inherent in the operating environment.



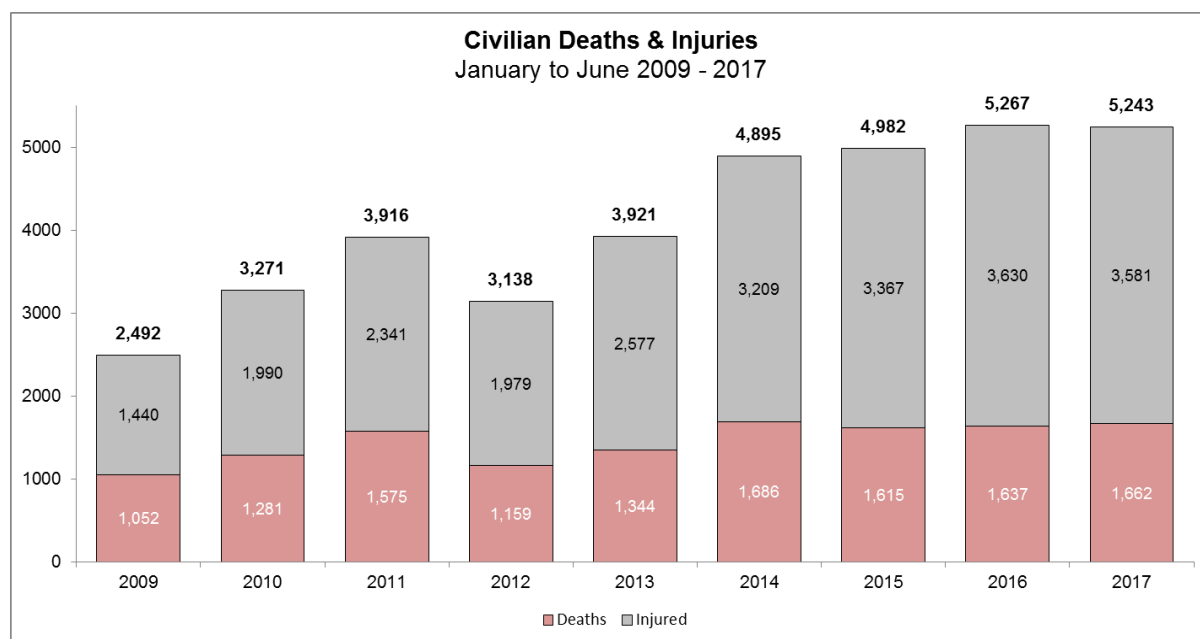
## Executive Summary

*“I called my sons as soon as I heard the explosion but their phones were not reachable. They left home this morning to visit a relative who had promised to find them jobs. I came to the scene but the police would not let me through so I visited all of the hospitals nearby but I couldn’t find them – either alive or dead. Today, I came back to the scene of the blast to see if I can find their bodies here. I am a widow – my husband died years ago – so I was living alone with my two sons and now they are missing. I don’t know what to do. I don’t know where to find them.”<sup>2</sup>*

- Mother of two men presumed killed by the 31 May suicide attack in the Wazir Akbar Khan area of Kabul city. At the time of publication, both men remained missing. The attack killed 92 civilians and injured 491 others.

During the first half of 2017, armed conflict continued to cause severe harm to civilians across Afghanistan, killing and injuring civilians at levels similar to the same period last year. Between 1 January and 30 June 2017, UNAMA documented 5,243 civilian casualties (1,662 deaths and 3,581 injured), marking a decrease of less than one per cent in overall civilian casualties. Civilian deaths increased by two per cent while the number of civilians injured decreased by one per cent.<sup>3</sup> Between 1 January 2009 and 30 June 2017, armed conflict in Afghanistan has claimed the lives of 26,512 civilians and injured 48,931 others.

Key trends observed in the first six months of 2017 include an overall decrease in civilian casualties from ground engagements and increases in civilian casualties from improvised explosive device (IED) tactics.<sup>4</sup> Nineteen per cent of all civilian casualties occurred in Kabul city from suicide and complex attacks.



In the first six months of 2017, the majority of civilian casualties resulted from the indiscriminate and unlawful use of IED tactics by Anti-Government Elements in civilian-populated areas - particularly suicide bombs and pressure-plate devices.<sup>5</sup> IED tactics caused 2,079 civilian casualties (596 deaths and

<sup>2</sup> UNAMA interview with relative of victims, Kabul city, 1 June 2017.

<sup>3</sup> Between 1 January and 30 June 2016, UNAMA documented 5,267 civilian casualties (1,637 deaths and 3,630 injured).

<sup>4</sup> Improvised explosive devices (IED) tactics refers to all switch/trigger types, including pressure-plate, suicide, command detonated (remote/radio activated) and magnetic.

<sup>5</sup> In previous Protection of Civilians in Armed Conflict reports, UNAMA counted civilian casualties resulting from suicide and complex attack separately from non-suicide IED devices, i.e. those caused by pressure-plate, magnetic, and remote-detonated triggers. Given that suicide and complex attacks involve IED tactics (see footnote 7), and the characteristics of the attacks are similar: typically of an indiscriminate nature as a result of the use of improvised bombs, the effects of which cannot be completely controlled and are detonated in areas populated by civilians, UNAMA has counted them together in this report. While some civilian casualties arising from complex attack also occur as a result of shooting or the use of other weapons during the

1,483 injured),<sup>6</sup> accounting for 40 per cent of all civilian casualties in the first six months of 2017. The majority of civilian casualties from these devices occurred in the context of suicide and complex attacks,<sup>7</sup> followed by pressure-plate IED detonations.

Of those civilian casualties caused by IED tactics, suicide devices accounted for the majority. In the first half of 2017, more civilian deaths and injury from suicide and complex attacks were documented by UNAMA than any previous six month period since the mission began systematic documentation of civilian casualties in 2009. Of extreme concern, suicide and complex attacks caused 1,151 civilian casualties (259 deaths and 892 injured), a 15 per cent increase compared to the first six months of 2016. While the suicide attack in central Kabul on 31 May which caused at least 92 civilian deaths and injured 491 others – the deadliest incident documented by UNAMA since 2001 - contributed to the high casualty figures recorded in the first half of 2017, other large-scale attacks generating hundreds of civilian casualties have been recorded in previous years.<sup>8</sup>

After combined IED tactics, ground engagements were the second leading cause of civilian casualties. Following record levels of civilian casualties from ground engagements in 2016, civilian death and injury from ground fighting between Anti-Government Elements and Pro-Government Forces decreased during the first six months of 2017 compared to the same period last year. UNAMA documented 1,809 civilian casualties (434 deaths and 1,375 injured), a 10 per cent decrease from last year. The decrease in civilian casualties from ground engagements resulted from a reduction in the number of civilians killed and injured from the use of indirect/explosive weapons – mainly mortars – by Pro-Government Forces.<sup>9</sup>

UNAMA welcomes the efforts of the Afghan national security forces to reduce civilian casualties in the context of ground engagements with Anti-Government Elements. The mission observes, however, that ongoing civilian displacement<sup>10</sup> and increased territorial control by Anti-Government Elements potentially contributed to the reduction in civilian casualties from ground engagements: less volatile front-lines may have enabled civilians to leave areas in advance anticipation of active combat, particularly in the southern region. To a lesser extent, reductions in the north-eastern region also led to the decrease due to the absence of a comparable Anti-Government Element offensive on Kunduz city as occurred in April 2016.

Beyond the human suffering resulting from civilian death and injury, ground engagements give rise to a range of extreme protection concerns, including: displacement of communities, families and individuals; civilian property damage such as loss of homes and livelihoods; access to humanitarian aid, education, and health-care; and restricted freedom of movement. Moreover, the use of explosive weapons such as mortars, rockets and grenades during ground fighting creates the potential for subsequent civilian deaths and severe injury from unexploded ordnance left behind from armed clashes, which in 2017 increasingly occurred.

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attack, the majority of civilian casualties in the four complex attacks documented by UNAMA during the first half of 2017 occurred from the use of suicide-triggered IEDs.

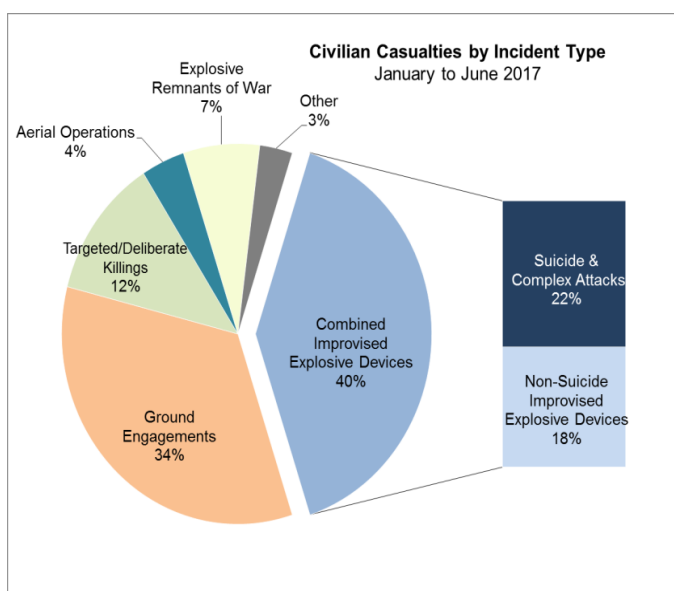
<sup>6</sup> These figures do not include civilian casualties resulting from targeted killings carried out with an IED device (see footnote 115 on combined IED tactics).

<sup>7</sup> According to UNAMA's definition, a complex attack includes the following elements: two or more attackers, two or more types of weapons and one of the weapons is a suicide IED, i.e. body-borne IED or vehicle-borne suicide IED.

<sup>8</sup> For example, UNAMA notes that Anti-Government Elements carried out a complex attack on 19 April 2016 targeting the VIP Security Directorate in Kabul that resulted in 56 civilian deaths and 337 injured civilians. In another incident, on 23 July 2016, a *Daesh*/ISKP claimed suicide attack targeting peaceful demonstrators in Kabul city killed 85 civilians and injured 413 others.

<sup>9</sup> Between 1 January and 30 June 2017, UNAMA documented 385 civilian casualties (99 deaths and 286 injured) from the use of indirect and/or explosive weapons during ground engagements by Pro-Government Forces, a 42 per cent decrease compared to the same period in 2016 when UNAMA recorded 660 civilian casualties (184 deaths and 476 injured).

<sup>10</sup> Between 1 January and 27 June 2017, 138,300 people fled their homes due to conflict. Forced displacement is reported from 29 out of 34 provinces and 58 per cent of all displaced people are girls and boys under 18. Source: Afghanistan: OCHA Weekly Field Report (19 - 25 June 2017).



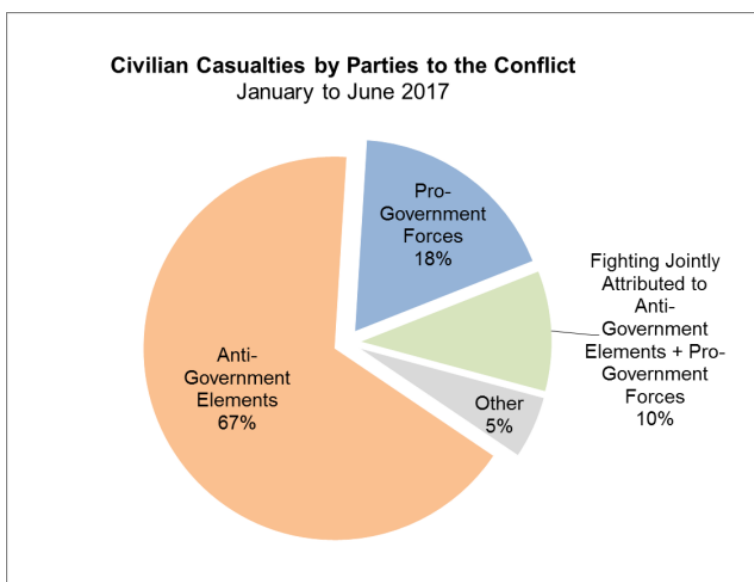
In contrast to the small overall reduction in civilian casualties, both child and women casualties rose during the first half of 2017. Reversing the decline in women casualties documented in 2016, UNAMA documented 636 women casualties (174 deaths and 462 injured), a 23 per cent increase compared to the same period last year. Child casualties increased by one per cent, reaching 1,577 child casualties (436 deaths and 1,141 injured) with a nine per cent increase in child deaths. While children remained at serious risk of harm from unexploded ordnance, the use of pressure-plate IEDs and aerial operations in civilian-populated areas substantially contributed to the increases in

both women and child casualties.

Kabul province continued to record the highest number of civilian casualties, mainly in Kabul city. Of the 1,048 civilian casualties (219 deaths and 829 injured) documented in Kabul province, 94 per cent resulted from suicide and complex attacks carried out by Anti-Government Elements in Kabul city.<sup>11</sup> After Kabul, the highest numbers of civilian casualties occurred in Helmand, Kandahar, Nangarhar, Uruzgan, Faryab, Herat, Laghman, Kunduz and Farah provinces.<sup>12</sup> In the first six months of 2017, civilian casualties increased in 15 of Afghanistan’s 34 provinces, mainly due to increased attacks by Anti-Government Elements.<sup>13</sup>

### Attribution of Civilian Casualties

Anti-Government Elements caused the majority - 67 per cent - of civilian casualties in the first six months of 2017 (43 per cent Taliban, 19 per cent unidentified Anti-Government Elements, five per cent *Daesh*/ISKP). UNAMA attributed 18 per cent to Pro-Government Forces (15 per cent to Afghan national security forces, two per cent to international military forces, and one per cent to pro-Government armed groups). Unattributed cross-fire during ground engagements between Anti-Government Elements and Pro-Government Forces caused 10 per cent of civilian casualties, four per cent arose from the detonation of unattributed explosive remnants of war, and cross-border shelling and shooting by Pakistan Military Forces caused the remaining one per cent.



<sup>11</sup> UNAMA documented 986 civilian casualties (209 deaths and 777 injured) from suicide and complex attacks in Kabul city in the first six months of 2017.

<sup>12</sup> See table below for civilian casualty figures by province.

<sup>13</sup> UNAMA documented increases in civilian casualties in Kabul, Kapisa, Daikundi, Laghman, Nuristan, Faryab, Khost, Paktya, Jawzjan, Badghis, Farah, Ghor, Herat, Helmand, and Zabol provinces.

### **Anti-Government Elements**

Between 1 January and 30 June, Anti-Government Elements caused 3,489 civilian casualties (1,141 deaths and 2,348 injured), a 12 per cent increase compared to the same period in 2016.<sup>14</sup> This increase resulted from a rise in civilian casualties caused by Anti-Government Elements during suicide and complex attacks in combination with an increase in incidental civilian deaths and injuries from bullets fired by Anti-Government Elements during ground engagements, particularly during ground attacks against police check posts.

Of the 3,489 civilian casualties attributed to Anti-Government Elements, UNAMA attributed 2,262 civilian casualties (830 deaths and 1,432 injured) – or 43 per cent of total civilian casualties – to Taliban. Of these incidents, the group publically claimed responsibility for 94 attacks that resulted in 551 civilian casualties (186 deaths and 365 injured). UNAMA attributed 257 civilian casualties (104 deaths and 153 injured) – or five per cent – of total civilian casualties to *Daesh*/ISKP, of which the group claimed responsibility for nine attacks that caused 208 civilian casualties (74 deaths and 134 injured).<sup>15</sup> UNAMA attributed the remaining 970 civilian casualties (207 deaths and 763 injured) to unidentified Anti-Government Elements.<sup>16</sup>

### **Pro-Government Forces**

UNAMA attributed 945 civilian casualties (327 deaths and 618 injured) to Pro-Government Forces during the first half of 2017, a 21 per cent decrease compared to the same period last year.<sup>17</sup> A sharp reduction in civilian casualties from the use of indirect weapons - such as mortars - contributed to the lower numbers of civilian death and injury attributed to Pro-Government Forces.

While most civilian casualties caused by Pro-Government Forces continued to occur indirectly during ground fighting with Anti-Government Elements, weapons released or fired during aerial operations caused increasing numbers of civilian casualties. UNAMA documented 232 civilian casualties (95 deaths and 137 injured) from aerial operations, a 43 per cent increase in civilian casualties compared to the first six months of 2016, including a 67 per cent increase in civilian deaths.<sup>18</sup> Aerial operations conducted by the Afghan Air Force accounted for 114 civilian casualties (29 deaths and 85 injured) while international military force airstrikes caused 85 civilian casualties (54 deaths and 31 injured). UNAMA attributed 33 civilian casualties (12 deaths and 21 injured) from air strikes carried out by Pro-Government Forces, where UNAMA could not confirm the responsible party.<sup>19</sup> The increase in civilian casualties from aerial operations affirms the criticality of continuous review of targeting criteria and pre-engagement precautionary measures in both offensive and defensive aerial operations.

UNAMA welcomes the decrease in civilian casualties attributed to Pro-Government Forces and encourages the Afghan national security forces to continue efforts to ensure this reduction continues throughout the remainder of 2017. Increased civilian casualties from aerial operations and continued civilian deaths and injury from indirect weapons during ground fighting once again highlight the

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<sup>14</sup> Between 1 January and 30 June 2016, UNAMA attributed 3,122 civilian casualties (978 deaths and 2,144 injured) to Anti-Government Elements.

<sup>15</sup> UNAMA includes civilian casualties arising from attacks for which *Daesh*/ISKP affiliates claimed public responsibility in these figures, as well as civilian casualties attributed to *Daesh*/ISKP in Nangarhar province. In addition, the mission recorded 18 civilian casualties (15 deaths and three injured) and the abduction of 22 civilians by groups self-identifying as *Daesh*/ISKP in Jawzjan, Sari Pul, and Ghor provinces, which are not included in the *Daesh*/ISKP figures, instead attributed to unidentified Anti-Government Elements.

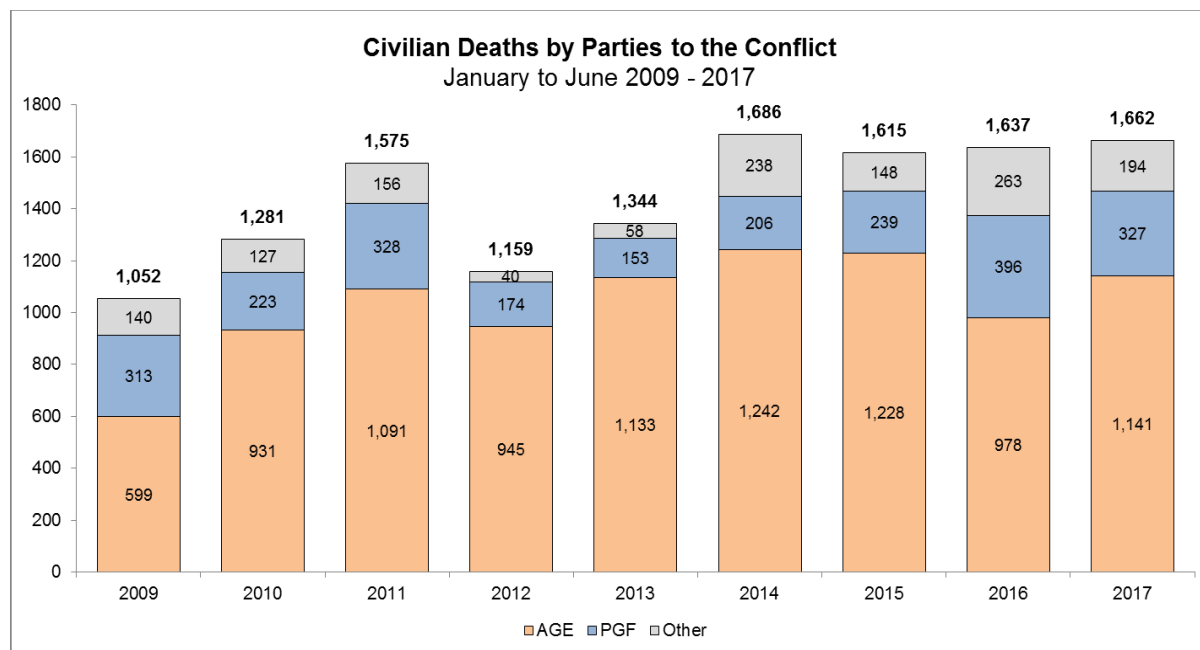
<sup>16</sup> UNAMA is frequently unable to accurately attribute civilian casualties from suicide and complex attacks to specific Anti-Government Elements without a claim of responsibility given the complexity of the actors involved in such attacks – including “terror cells” situated in Kabul – and UNAMA’s limitations with respect to intelligence gathering. For this reason, UNAMA has not attributed any attacks during the first six months of 2017 to the Taliban-affiliated Haqqani network.

<sup>17</sup> Between 1 January and 30 June 2016, UNAMA attributed 1,203 civilian casualties (396 deaths and 807 injured) to Pro-Government Forces.

<sup>18</sup> Between 1 January and 30 June 2016, UNAMA documented 162 civilian casualties (57 deaths and 105 injured) from aerial operations.

<sup>19</sup> Only Pro-Government Forces conduct aerial operations in Afghanistan.

importance of finalizing and implementing the National Policy on Civilian Casualty Prevention and Mitigation.



### Observations

The armed conflict continued unabated in Afghanistan during the first six months of 2017. As in 2016, sustained ground fighting between Anti-Government Elements and Pro-Government Forces in numerous provinces across the country coincided with asymmetric attacks in villages, towns, and cities by Anti-Government Elements, mainly using indiscriminate tactics. Reflecting the extent to which the armed conflict invaded the lives of Afghans countrywide during the first half of the year, violence killed and maimed civilians in nearly every conceivable setting of day to day life. Civilians lost their lives, limbs, sight or suffered harm while inside of their own homes, travelling on public roads, attending classes, praying in mosques, purchasing food, playing outside, working in offices, laboring in agricultural fields, visiting the bank, and lying in hospital beds.

While this report documents extreme civilian harm throughout Afghanistan, the findings within can never accurately portray the extent of the human suffering endured by thousands of Afghan civilians affected by conflict during the first half of 2017. Beyond the egregious cases of civilian death or injury highlighted in this report, armed conflict changed the lives of countless civilians through displacement and damage to homes, schools, and medical clinics - amongst other facilities - all of which restricted access to education, health-care, and economic opportunities, including gainful employment. The psychological trauma imposed on members of the civilian population and local communities by the loss of family and friends in violent and unpredictable circumstances, and by the ever-present risk of becoming civilian casualties themselves, must not be understated.

The changing composition of civilian casualties during the first six months of 2017 raises serious concerns regarding civilian protection. Despite a decrease in civilian casualties from ground engagements, including a substantial decrease in the number of civilian deaths caused by ground fighting between Anti-Government Elements and Pro-Government Forces, civilian casualty numbers remained at similar levels to the first half of 2016 with increases in child deaths and women casualties.

Anti-Government Elements continued to display contempt for civilian lives by using indiscriminate tactics and perpetrating attacks deliberately targeting, killing and injuring civilians in violation of international humanitarian law. Attacks targeting civilian Government workers, tribal elders, religious

leaders, and civilians perceived to support the Government continued. Even where Anti-Government Elements appeared to direct attacks at non-civilian objects, indiscriminate and disproportionate tactics were often used - principally the detonation of explosive weapons in civilian-populated areas. This meant that Afghan civilians often bore the brunt of such attacks, regardless of the target. Such methods also generated disproportionate civilian casualties on numerous occasions.

The significant reduction in civilian casualties accorded to Pro-Government Forces is a positive step. UNAMA notes, however, that the Government has yet to endorse the National Policy on Civilian Casualty Prevention and Mitigation. The mission highlights that without progress towards a peace agreement, the potential for the intensification of ground clashes throughout 2017 remains highly likely. In this context, UNAMA once again urges the Government to endorse the National Policy on Civilian Casualty Prevention and Mitigation, complete the action plan for its implementation, and ensure the practical realization of the measurable goals contained therein during all of its operations.

The impact of a pervasive lack of accountability for serious violations of international humanitarian law, particularly with respect to civilian casualties by Anti-Government Elements, must not be underestimated. UNAMA emphasizes that civilian casualties arising from situations reasonably suspected to involve violations of international humanitarian law, including serious violations that may amount to war crimes, must be investigated and perpetrators held accountable either through prosecution – where relevant – or administrative and disciplinary action. Depending on context, allegations of unlawful or excessive civilian casualties in violation of international human rights law likewise require investigation.

It is of fundamental importance that Anti-Government Elements and the Government of Afghanistan engage in good-faith systematic tracking of civilian harm, including all situations that may have resulted in civilian casualties, to ensure that where such casualties do occur as a result of lawful actions, lessons may be learned to strengthen civilian protection at both the strategic and tactical levels and the harm is publically acknowledged. Only through taking these actions can both the dignity and rights of civilian victims of the armed conflict be upheld and reinforced, including the right to reparations.

This report on the Protection of Civilians in Armed Conflict details civilian casualties and key conflict related human rights concerns recorded by UNAMA during the first six months of 2017. The report identifies the main trends causing civilian casualties and related harm requiring mitigation action by parties to the conflict. UNAMA encourages the use of the report's findings for advocacy and awareness-raising with relevant stakeholders for the shared objective of preventing civilian casualties.

## **Recommendations**

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

### **Anti-Government Elements**

In compliance with obligations under international humanitarian law:

- Cease the deliberate targeting of all civilians and civilian objects, including Government officials, journalists, human rights defenders, judges and prosecutors, aid-workers, religious scholars, mullahs and places of worship and culture.
- Cease the indiscriminate and disproportionate use of all IEDs, including the use of body-borne IEDs and vehicle-borne IEDs during suicide and complex attacks, in areas frequented by civilians, and immediately stop using pressure-plate IEDs.
- Cease the practice of firing mortars, rockets and grenades from and into civilian-populated areas.
- Enforce statements by Taliban leadership that prohibit attacks against civilians and in civilian-

populated areas; implement directives ordering Taliban members to prevent and avoid civilian casualties; and make public Taliban civilian protection policies.

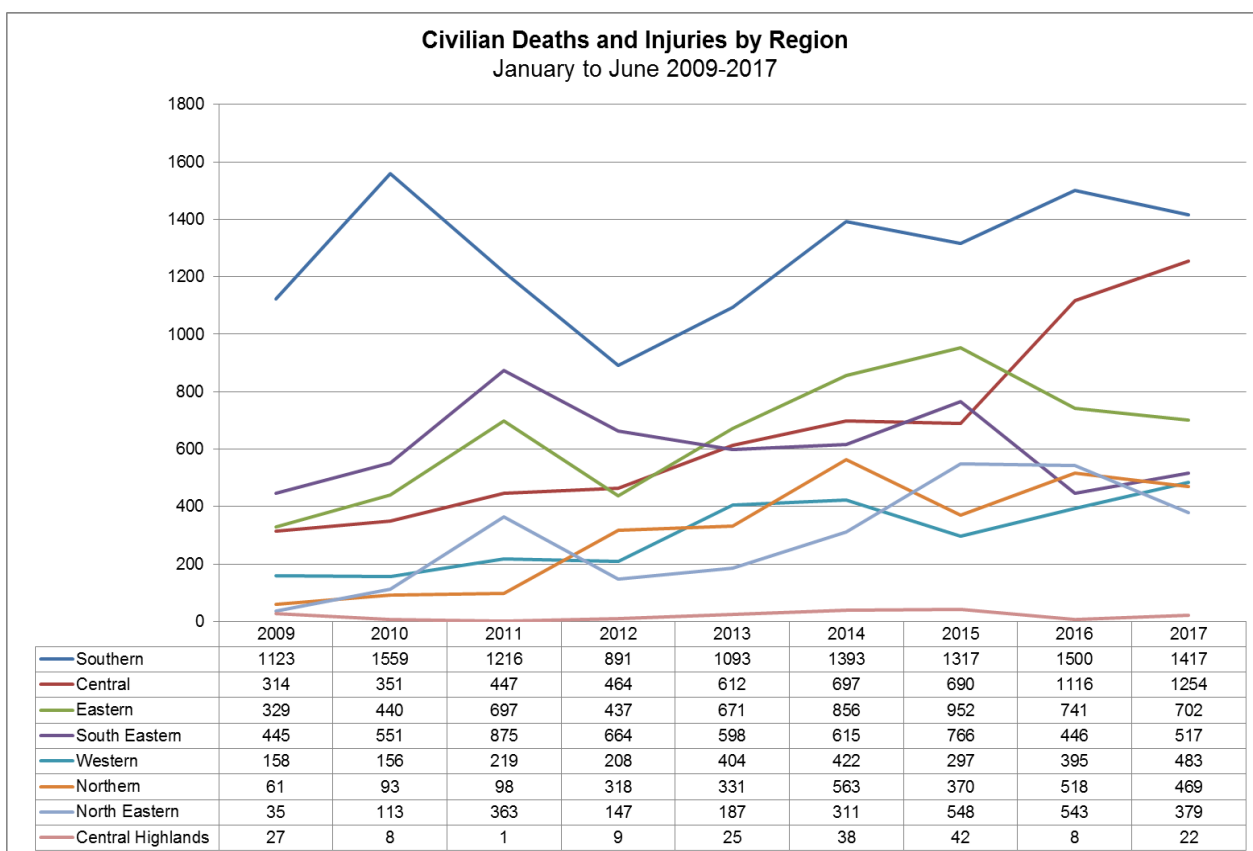
- Ensure that all directives and orders comply with international humanitarian law; hold accountable those conducting indiscriminate attacks and any member who targets, kills or injures civilians; ensure that schools, hospitals, clinics and other protected sites under international humanitarian law are not used for military purposes; cease all attacks and threats against healthcare workers, including polio vaccinators and polio vaccination campaigns; and refrain from any acts that impede individuals' rights to access to the highest attainable standards of education and healthcare.
- Immediately cease restrictions placed on women and girls' legitimate freedoms to move, to receive education and health-care and to work, as such restrictions have no basis in law or religion; and immediately stop imposing punishments under parallel justice structures.

## **Government of Afghanistan**

- Cease the indirect (without line of sight) use of mortars, rockets, grenades and other weapons, and aerial attacks in civilian-populated areas; develop and implement clear tactical directives, rules of engagement and other procedures in relation to the use of explosive weapons and armed aircraft.
- Endorse and implement the National Policy on Civilian Casualty Prevention and Mitigation including through the action plan, which should include concrete objectives and additional measures to prevent civilian casualties in the conduct of hostilities; and ensure the establishment of a dedicated entity within the Government to investigate all incidents of conflict-related harm to civilians.
- Immediately disband and disarm all illegal armed groups, militias and "national uprising movements" and cease the use of irregular forces, militias and armed groups in operations of Afghan national security forces.
- Complete the formal ratification of - and adopt an action plan to implement - Protocol V to the 1980 Convention on Certain Conventional Weapons; and ensure remedial measures to minimize the risks and effects of explosive remnants of war by strengthening national capacity and allocating resources to implement the action plan by taking necessary steps to clear affected areas following operations.
- Continue to prioritize the further capacity development of Afghan national security forces to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation; dedicate all necessary resources to ensure the full implementation of the national counter-IED strategy.
- Ensure that all allegations of violations of international humanitarian law and international human rights law and human rights abuses are investigated, including violations of women's rights by Afghan national security forces and pro-Government armed groups; and prosecute and punish those found responsible, as required under Afghan and international law.
- Ensure that the right to remedy of victims of serious violations of international humanitarian law and gross violations of international human rights law is fulfilled through equal and effective access to justice, reparations – including restitution, compensation, rehabilitation, and guarantees of non-repetition – and access to relevant information concerning violations and reparation mechanisms, without discrimination on any ground, including gender or ethnicity.
- Ensure respect for medical facilities, medical personnel and medical transport as neutral facilities and actors; respect education facilities; and ensure that all people in Afghanistan have access to the highest attainable standards of education and healthcare.

### International Military Forces

- Continue to support the Government of Afghanistan in implementing the National Policy on Civilian Casualty Prevention and Mitigation in the conduct of hostilities and developing an appropriate action plan, which should include concrete objectives to prevent civilian casualties in the conduct of hostilities.
- Continue to provide training, resources and related support to Afghan national security forces beyond 2017, at policy and operational levels, and expand civilian casualty mitigation support to the tactical level, noting in particular the need for appropriate protocols, training and civilian casualty mitigation measures in relation to the use of indirect fire weapons and armed aircraft, so as to ensure compliance with obligations under international humanitarian law.
- Continue support to Afghan national security forces in command, control and effective conduct of counter-IED operations and IED-disposal, including IED exploitation, in 2017 and beyond.
- Continue to support Afghan national security forces in developing capacity to mark, clear, and destroy explosive remnants of war in compliance with the obligations imposed on the Government by international humanitarian law and Protocol V to the 1980 Convention on Certain Conventional Weapons when ratified.
- Continue to conduct post-operation reviews and investigations, and ensure transparency, following allegations of civilian casualties in operations involving international military forces, including security and intelligence forces, with particular regard to aerial operations – including those deploying unmanned aerial vehicles – and search operations, with a view to improving operational practice and accountability, as well as to ensuring operations are carried out in line with obligations under international humanitarian law and international human rights law, and ensuring compensation for victims and survivors.





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

### Women and Armed Conflict

*“A group of five [Anti-Government Elements] entered the living room where [the victim] was with her husband and six children and dragged her out into the yard without saying anything. [The victim] was screaming and begging, asking why they were doing this. They cruelly shot her dead even though she was pregnant. They accused her of supporting the government. Once she said that [Anti-Government Elements] are against humanity. None of the district mullahs would perform her funeral rites out of fear of the [Anti-Government Elements].”<sup>20</sup>*

--Witness to the targeted killing of a woman by Anti-Government Elements on 30 January in Yamgan district, Badakhshan province based on allegations she supported the government.

During the first six months of 2017, armed conflict killed and injured an increasing number of civilian adult women, reversing the decline in women casualties documented by UNAMA in 2016.<sup>21</sup> UNAMA documented 636 women casualties (174 deaths and 462 injured), a 23 per cent increase compared to the same period in 2016.<sup>22</sup> Women comprised 12 per cent of conflict-related civilian casualties.

#### Leading Causes of Women Casualties:

**Ground Engagements:** 328 women casualties (72 deaths and 256 injured) – 51 per cent of women casualties

**Suicide & Complex Attacks:** 122 women casualties (24 deaths and 98 injured) – 21 percent of women casualties

**Improvised Explosive Devices (not including suicide IEDs):** 76 women casualties (36 deaths and 40 injured) – 12 per cent of women casualties

**Aerial Operations:** 55 women casualties (15 deaths and 40 injured) – 10 per cent of women casualties

UNAMA documented substantial increases in women killed and injured by aerial operations,<sup>23</sup> improvised explosive devices (particularly pressure-plate IEDs),<sup>24</sup> and suicide and complex attacks.<sup>25</sup> Women casualties from ground engagements remained largely consist with figures recorded during the same period in 2016.<sup>26</sup>

Anti-Government Elements continued to cause the majority of women casualties, responsible for 349 women casualties (101 deaths and 248 injured), a 72 per cent increase compared to the same period in 2016. In contrast, women casualties attributed to Pro-

Government Forces decreased by 14 per cent to 183 women casualties (46 deaths and 137 injured).<sup>27</sup> Cross-fire incidents between Pro-Government Forces and Anti-Government Elements caused 86 women casualties (22 deaths and 64 injured).<sup>28</sup>

<sup>20</sup> UNAMA interview with witness, Faizabad, Badakhshan province, 12 February 2017.

<sup>21</sup> In both UNAMA’s 2016 Mid-Year and Annual Reports on Protection of Civilians, the mission recorded a reduction in women civilian casualties. See 2016 Mid-Year Report on Protection of Civilians, p. 13; 2016 Annual Report on Protection of Civilians, p. 17. UNAMA uses the terminology “women casualties” to refer only to adult women casualties of conflict deemed civilian in compliance with international humanitarian law.

<sup>22</sup> Between 1 January and 30 June 2016, UNAMA documented 517 civilian women casualties (133 deaths and 384 injured).

<sup>23</sup> Women casualties from aerial operations increased by 49 per cent compared to the same period in 2016 when UNAMA documented 37 women casualties (four deaths and 33 injured).

<sup>24</sup> Women casualties from all improvised explosive devices (excluding suicide devices) increased by 65 per cent compared to the same period in 2016 when documented 46 women casualties (18 deaths and 28 injured). UNAMA documented 51 women casualties (27 deaths and 24 injured) from pressure-plate IEDs in the first half of 2017 compared to 25 women casualties (11 deaths and 14 injured) during the same period in 2016.

<sup>25</sup> Women casualties from suicide and complex attacks increased by 165 per cent compared to the same period in 2016 when UNAMA documented 46 women casualties (six deaths and 40 injured).

<sup>26</sup> UNAMA documented 326 women casualties (86 deaths and 240 injured) from ground engagements during the first six months of 2016. The remainder of women casualties occurred as a result of incidents of targeted and deliberate killings (27 women casualties (16 deaths and 11 injured)); explosive remnants of war (16 women casualties (two deaths and 14 injured)); parallel justice structure punishments (four women casualties (three deaths and one injured)); incidents of abduction (three women casualties (two deaths and one injured)); and search operations (five women casualties (four deaths and one injured)).

<sup>27</sup> Between 1 January and 30 June 2016, UNAMA attributed 203 women casualties (50 deaths and 153 injured) to Anti-Government Elements and 213 women casualties (54 deaths and 159 injured) to Pro-Government Forces.

The presence of women in the workforce, particularly in government employment, contributed to the increase in women civilian casualties as a result of deliberate and indiscriminate attacks against civilian Government workers. On 7 February, a suicide attack in Kabul city targeting the staff of the Supreme Court killed nine women and injured seven. The attack caused a total of 63 civilian casualties (21 deaths and 42 injured).<sup>29</sup> On 13 May a magnetic IED killed two women and injured three women and a girl after it detonated on the shuttle bus taking women staff to work at the Water Supply Department in Kabul. The use of high levels of explosives during suicide attacks in civilian-populated areas also impacted women. For example, the 31 May vehicle-borne IED attack in the Wazir Akbar Khan area of Kabul city, which caused 583 total civilian casualties (92 deaths and 491 injured), killed three women and injured 52 others, some of whom worked for Roshan Telecom while the strength of the blast injured others in their own homes some distance from the blast site (*for more information see section on Suicide and Complex Attacks*).

In line with general civilian casualty trends, the number of women casualties from targeted and deliberate killings<sup>30</sup> decreased by 18 per cent compared to the first half 2016.<sup>31</sup> UNAMA documented 27 women casualties (16 deaths and 11 injured) from such attacks, of which 12 women casualties (11 deaths and one injured) arose from attacks deliberately targeting women. Anti-Government Elements deliberately killed women for numerous reasons including those working as police officers, for alleged “immoral behavior”, for making statements critical of Anti-Government Elements, and for refusing a marriage proposal from an Anti-Government Element commander. In one incident, on 11 April, Anti-Government Elements shot dead five members of the same family (two children, two women, and one man) in Sari Pul city, Sari Pul province after previously illegally detaining one of the women based on allegations of “immoral behavior” and releasing her after community elders guaranteed her continued presence in the village while they determined her “sentence”. In another incident, on 22 May, a self-identified *Daesh*/ISKP member beat and then suffocated to death a 33-year-old woman in Sheberghan city, Jawzjan province after she refused to carry out a suicide attack. On 28 June, Anti-Government Elements abducted and killed two sisters aged in their early twenties in Argo district, Badakhshan province. Both women worked as police officers, having recently returned from six months of training in Turkey aimed at increasing the representation of women in the Afghan National Police. Their colleagues recovered their bodies from the Argo River one week after their deaths.

The remaining women casualties from targeted or deliberate killings occurred indirectly during attacks targeting perceived and official Afghan national security force members and Anti-Government Elements. For example, on 16 March, in Darzab district, Jawzjan province, Afghan Local Police shot and injured a man and his mother after mistaking them for Anti-Government Elements as they approached a check-post. The shooting occurred as the man tried to transport his mother to the local hospital by motorcycle to care for his sick and pregnant wife.

Anti-Government Elements also continued to impose parallel justice structure punishments on women alleged to have behaved “immorally”. In one case, Anti-Government Elements severely beat a woman in her home in Darah-i-Suf Payin district, Samangan province, after accusing her of adultery and prostitution. In another case, in Wardoj district, Badakhshan province, Anti-Government Elements publically stoned a woman to death after deeming her guilty of adultery. UNAMA documented two instances of parallel justice structure punishments targeting women during the first six months of 2017 in comparison to seven incidents that resulted in seven women casualties (two deaths and five injured)

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<sup>28</sup> UNAMA attributed five women casualties (three deaths and two injured) to Pakistan Military Forces and 13 women casualties (two deaths and 11 injured) to undetermined actors.

<sup>29</sup> *Daesh*/ISKP claimed responsibility for the attack via Al Amaq News Agency, accessible at [https://twitter.com/Terror\\_Monitor/status/829307292050976769](https://twitter.com/Terror_Monitor/status/829307292050976769), last accessed on 13 July 2017.

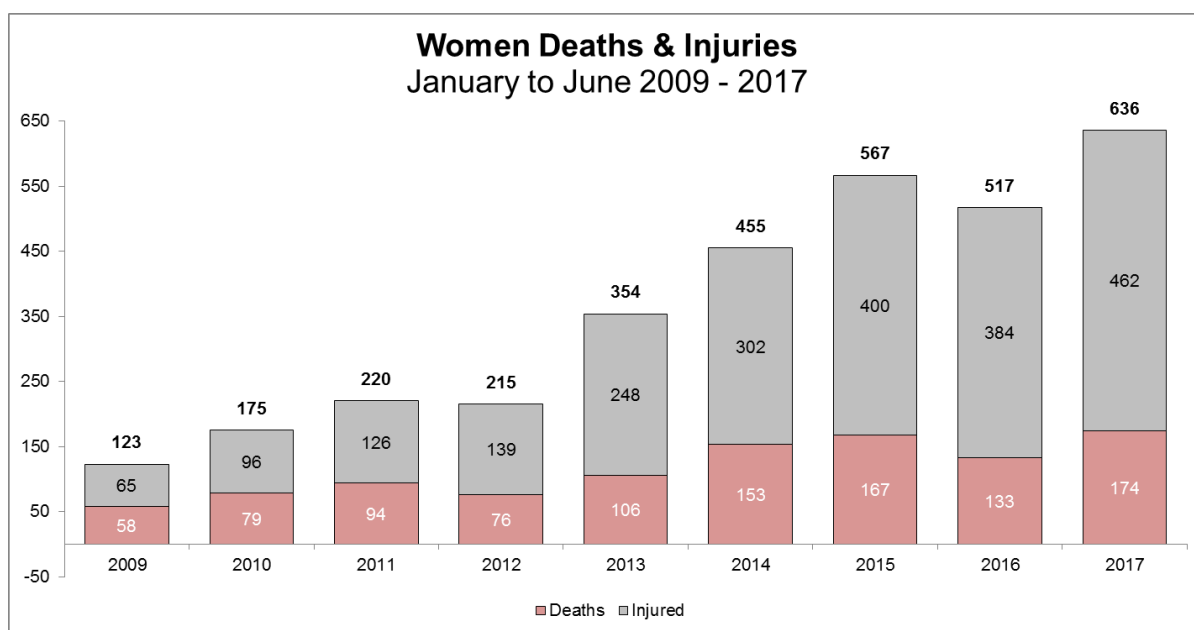
<sup>30</sup> Casualties include attacks deliberately targeting women and women casualties resulting from attacks aimed at specific men.

<sup>31</sup> Between 1 January and 30 June 2016, UNAMA documented 33 women casualties (13 deaths and 20 injured) from targeted and deliberate killings.

during the same period in 2016.<sup>32</sup> This may reflect under-reporting from areas under increased Anti-Government Element control (*for more information, see section on Parallel Justice Structure Punishments*).

UNAMA documented one incident of conflict-related sexual violence involving women. On 6 April in Dushi district, Baghlan province, an Anti-Government Element fighter sexually assaulted a woman after requesting food and hospitality from her male relative while passing through their village. While sources report that the Anti-Government Element shadow governor ordered an investigation into the incident, the findings and any accountability efforts remain unknown.

Anti-Government Elements continued to impose restrictions on women’s fundamental rights, including girls’ access to education. For example, in February, Anti-Government Elements issued verbal threats directly to girls’ schools in several villages in Farah district, Farah province, resulting in the closure of six schools between 10 and 20 February. The closures temporarily denied education to over 3,500 girl students. While the schools re-opened on 20 February, only ten per cent of students initially returned, fearing the consequences of doing so.



<sup>32</sup> The term “parallel justice structure punishments” refers to the deliberate killing and/or injuring of a person as punishment by Anti-Government Elements that results from the trial, conviction, and execution or punishment of a person suspected of a crime, based on the notions of the crimes as defined by Taliban or other Anti-Government Elements.

## Children and Armed Conflict

*“I saw the dead bodies of my sister, her husband, and her seven-year-old son. Their body parts were scattered all over. My sister’s husband and my nephew had been decapitated. We looked for their heads but we only found my nephew’s the next day. We collected all of the pieces of their bodies that we could find and took them home. My sister has five other children under the age of ten. They are so helpless now and will remain miserable for their entire lives.”<sup>33</sup>*

--Brother of a woman killed by a pressure-plate IED in Ahmad Aba district, Paktya province, on 13 April. The detonation killed her seven-year-old son and husband and injured two women, one of whom had a subsequent miscarriage, after the car they travelled in struck the device.

Child casualties remained at high levels during the first six months of 2017, with a notable increase in child deaths.<sup>34</sup> UNAMA documented 1,577 child casualties (436 deaths and 1,141 injured) during the first six months of 2017, a one per cent increase in child casualties compared to the first half of 2016 – a nine per cent increase in child deaths and a one per cent decrease in injured children. Children accounted for 30 per cent of all civilian casualties.

Anti-Government Elements continued to cause most child casualties, responsible for 709 child casualties (171 deaths and 538 injured), a 28 per cent increase compared to the first half of 2016.<sup>35</sup> In comparison, child casualties attributed to Pro-Government Forces decreased by 19 per cent to 403 child casualties (150 deaths and 253 injured).<sup>36</sup>

### Leading Causes of Child Casualties:

**Ground Engagements:** 723 child casualties (170 deaths and 553 injured) – 46 per cent of child casualties

**Unexploded Ordnance:** 296 child casualties (81 deaths and 215 injured) – 19 per cent of child casualties

**Improvised Explosive Devices (not including suicide/ devices):** 282 child casualties (92 deaths and 190 injured) – 18 per cent of child casualties

**Aerial Operations:** 108 child casualties (48 deaths and 60 injured) - seven per cent of child casualties

Boys comprised the overwhelming majority – 71 per cent – of child casualties. Conflict killed 308 boys and injured 799 others, an overall increase of one per cent compared to the same period in 2016.<sup>37</sup> Girl casualties remained at levels similar to the first half of 2016, at 460 girl casualties (121 deaths and 334 injured).<sup>38</sup>

Fighting during ground engagements between Anti-Government Elements and Pro-Government Forces continued to cause most child casualties for both boys and girls despite a 12 per cent decrease in child casualties from this incident type.<sup>39</sup> Consistent with overall trends concerning civilian casualties, child casualties from the use of indirect and/or explosive weapons such as mortars, rockets, and

<sup>33</sup> UNAMA interview with the victim’s relative, Gardez city, 18 April 2017.

<sup>34</sup> In May, UNAMA published a press release raising concern at the increase in child casualties during the first four months of 2017. Between 1 January and 30 April, UNAMA preliminarily documented 987 child casualties (283 deaths and 704 injured), a 21 per cent increase in child deaths compared to the same period in 2016. Available at: <https://unama.unmissions.org/un-urges-parties-take-action-child-deaths-conflict-hit-new-high>, last accessed 15 July 2017.

<sup>35</sup> Between 1 January and 30 June 2016, UNAMA documented 553 child casualties (139 deaths and 414 injured) attributed to Anti-Government Elements.

<sup>36</sup> Between 1 January and 30 June 2016, UNAMA documented 497 child casualties (142 deaths and 355 injured) attributed to Pro-Government Forces.

<sup>37</sup> During the first six months of 2016, UNAMA documented 1,092 boy casualties (284 deaths and 808 injured). UNAMA documented 10 child casualties (seven deaths and three injured) of unspecified gender. After ground engagements, unexploded ordnance caused most boy casualties (249 boy casualties (74 deaths and 175 injured)) followed by IEDs (not including those with a suicide trigger) (229 boy casualties (71 deaths and 158 injured)).

<sup>38</sup> During the first six months of 2016, UNAMA documented 460 girl casualties (112 deaths and 348 injured). During the first half of 2017, after ground engagements, aerial operations caused most girl casualties (54 girl casualties (22 deaths and 32 injured)) followed by IEDs (not including those with a suicide trigger) (53 girl casualties (21 deaths and 32 injured)).

<sup>39</sup> Ground engagements in the first half of 2017 caused 278 girl casualties (62 deaths and 216 injured) and 441 boy casualties (104 deaths and 337 injured).

grenades, during ground fighting decreased by 27 per cent to 406 child casualties (89 deaths and 317 injuries).<sup>40</sup>

Of concern, improvised explosive devices (not including suicide devices) caused substantially more child deaths and injuries during the reporting period. UNAMA documented a 32 per cent increase in child casualties from improvised explosive devices, recording 282 child casualties (92 deaths and 190 injured) compared to 214 child casualties (67 deaths and 147 injured) during the same period in 2016 – mostly due to increased child casualties from pressure-plate IEDs.<sup>41</sup> For example, on 16 February in Urgan district, Paktika province, a pressure-plate IED detonation killed eight boys and four men and injured three boys and one man after the device detonated against the pick-up vehicle transporting them home from a madrassa.

Equally concerning, child casualties from aerial operations nearly doubled, reaching 108 child casualties (48 deaths and 60 injured) during the first six months of 2017 compared to 62 child casualties from aerial operations (13 deaths and 49 injured) during the same period in 2016.<sup>42</sup> For example, on 3 June, in Jalrez district, Maidan Wardak province, airstrikes from an Afghan Air Force helicopter killed two children and injured four children and two women after impacting their home despite the absence of ongoing fighting in the area at the time.

UNAMA documented eight incidents involving the abduction of 17 boys by Anti-Government Elements during the first half of 2017. In one incident, on 21 March, in Bati Kot district, Nangarhar province, Taliban attacked the private residence of two off-duty Afghan Local Police and abducted one of the officers and his two sons. Taliban killed the Afghan Local Police officer and released the two boys later on the same night.<sup>43</sup>

UNAMA documented two incidents of conflict-related sexual violence perpetrated against children, one by Afghan national security forces and another by Anti-Government Elements. Such incidents are likely under-reported as a result of prevailing social norms, such as stigma associated with being a victim of sexual violence that may result in marginalization or exclusion from society. In one case, on 22 January, in Barmal district, Paktika province, Afghan National Border Police sexually abused a 13-year-old boy at their check-post before shooting him. The boy later died in the local clinic from his injuries. The perpetrators are currently serving six year prison sentences for murder after being investigated and prosecuted by the Afghan National Police prosecution unit. The second case concerned the rape of a 14-year-old boy by Anti-Government Elements on 19 January in Lashkar Gah, Helmand province, after he went walking through a forest to collect flour for his mother.

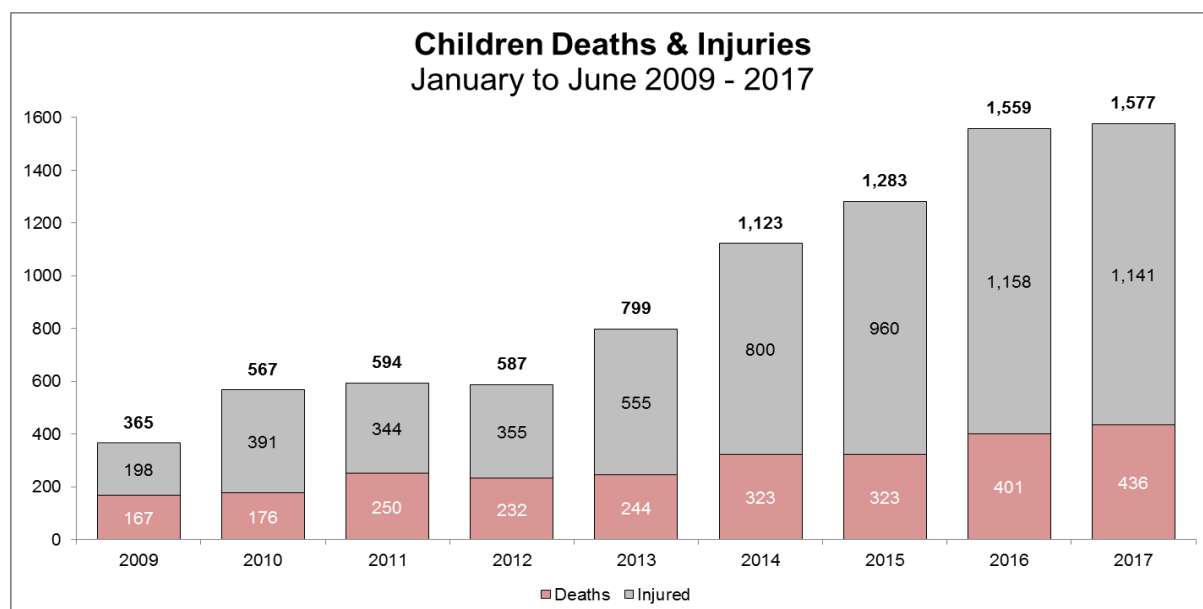
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<sup>40</sup> Between 1 January and 30 June 2016, the use of indirect and/or explosive weapons during ground fighting resulted in 556 child casualties (139 deaths and 417 injured).

<sup>41</sup> During the first half of 2017, pressure-plate IEDs caused 180 child casualties (66 deaths and 114 injured), a 70 per cent increase compared to the same period in 2016 when UNAMA documented 106 child casualties (36 deaths and 70 injured).

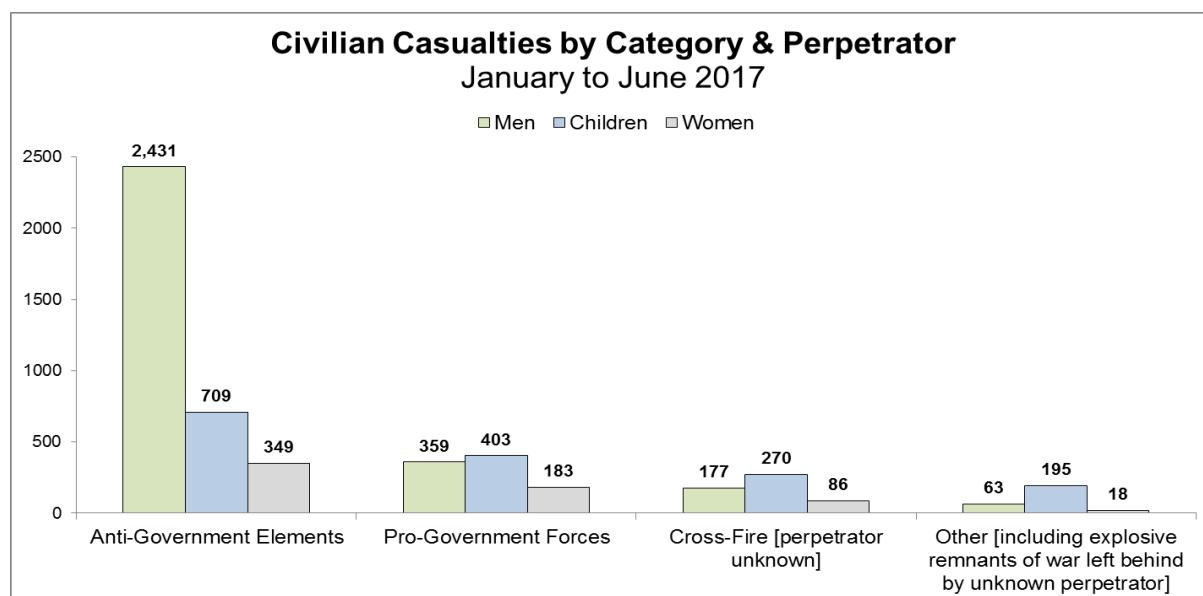
<sup>42</sup> The remaining child casualties were caused by: targeted and deliberate killings - 70 child casualties (19 deaths and 51 injured); suicide and complex attacks – 67 child casualties (five deaths and 62 injured); search operations – 14 child casualties (12 deaths and two injured); escalation of force incidents – nine child casualties (six deaths and three injured); parallel judicial structure punishments – three child casualties (two deaths and one injured); during incidents of abduction – two injured children; one incident of threat and intimidation (one child injured); one child death after being force to clear IEDs by Afghan Local Police; and one child injured by a stray bullet at a time of no ground fighting.

<sup>43</sup> Taliban claimed responsibility for killing the Afghan Local Police Officer on its Dari/Pashto website, formerly accessible at: [www.alemara1.org?p=79656](http://www.alemara1.org?p=79656), copy on record with UNAMA.



*Conflict-Related Recruitment and Use of Children<sup>44</sup>*

UNAMA continued to receive reports of recruitment and use of children by Anti-Government Elements and Afghan security forces.<sup>45</sup> From 1 January to 30 June, UNAMA documented 33 incidents involving the recruitment and use of 37 boys, including ten in the northeastern region, nine in the southern region and seven in central highlands. UNAMA recorded 20 boys recruited and used by Taliban, two by other Anti-Government Elements, one by ISIL-KP and 14 boys by Afghan national security forces.<sup>46</sup> For example, on 5 February, UNAMA verified the case of a 12-year-old suicide bomber who surrendered himself to police in Helmand province after Taliban recruited him to carry out a suicide attack.



<sup>44</sup> Child recruitment refers to compulsory, forced or voluntary conscription or enlistment of children into any kind of armed force or armed group(s) under the age stipulated in the international treaties applicable to the armed force or armed group in question. Use of children refers to the use of children by armed forces or armed groups in any capacity, including, but not limited to, children, boys and girls, used as fighters, cooks, porters, messengers, spies and collaborators. It does not only refer to a child who is taking or has taken a direct part in hostilities. Source: Field Manual Monitoring and Reporting Mechanism (MRM) on Grave Violations Against Children in Situations of Armed Conflict, June 2014, UNICEF, DPKO and Office of the SRSR for Children in Armed Conflict.

<sup>45</sup> UNAMA shared these cases with the United Nations Country Task Force on Monitoring and Reporting.

<sup>46</sup> The southern region comprises Helmand, Kandahar, Nimroz, Uruzgan, and Zabul provinces; central highlands region comprises Bamyan and Daikundi provinces; and western region comprises Badghis, Farah, Ghor, and Herat provinces.

## Impact of Armed Conflict on Health-Care

*"I cannot sleep at night; I am very scared."<sup>47</sup>*

-- Head of a health clinic threatened by Anti-Government Elements in [district withheld], Baghlan province, June 2017.

UNAMA documented 32 incidents targeting and/or impacting health-care and health-care workers during the first six months of 2017, resulting in 58 civilian casualties (27 deaths and 31 injured) and the abduction of 18 civilians compared to 67 incidents during the same period in 2016 that caused 11 civilian casualties (five deaths and six injured). Most civilian casualties from incidents targeting health-care facilities occurred during the complex attack on the Mohammad Sardar Daud Khan Hospital on 8 March that caused 48 civilian casualties (26 deaths and 22 injured) (*discussed further below*).

With respect to health-care workers, UNAMA documented the deliberate killing of one health-care worker by Anti-Government Elements on 14 May in Baghlan province after he lacked the capacity or facilities to operate on an injured fighter and the shooting and wounding of a polio vaccinator by Anti-Government Elements on 15 May in Mando Zayi district, Khost province. Anti-Government Elements abducted 18 health-care workers in seven incidents, ultimately releasing all unharmed without payment of ransom following intervention by local elders.

UNAMA documented 12 incidents of threat and intimidation by Anti-Government Elements that resulted in the temporary closure of at least 20 clinics, denying access to health-care to hundreds of people in the affected areas. In one incident on 19 May, Anti-Government Elements ordered officials to re-locate a first aid trauma post in Baghlan-i-Jadid district, Baghlan province to an area under their control so that medics could treat their injured fighters. In response, the health clinic closed for five days, after which it was re-opened following the intervention of local elders.

On five occasions during the first half of 2017, Anti-Government Elements continued to target ambulances. In one case, on 7 May, Anti-Government Elements ambushed and shot at an ambulance in Andar district, Ghazni province, damaging the vehicle, as it travelled through an area of active ground fighting between Afghan national security forces and Anti-Government Elements. In two cases, Anti-Government Elements deliberately burned down medical facilities and in a further two incidents, Anti-Governments deliberately destroyed medical equipment. For example, on 26 March, in Bati Kot district, Nangarhar province, Anti-Government Elements set fire to a non-governmental organization supported polio vaccination room, completely destroying all of the equipment inside prior to the commencement of a polio vaccination campaign.<sup>48</sup>

UNAMA attributed two incidents impacting health-care to Pro-Government Forces, both of which concerned entry to medical facilities. On 1 March, Afghan National Army (ANA) soldiers entered a health clinic in Baghlan-e-Jadid district, Baghlan province, and parked their vehicles there - resulting in the closure of the facility for the day. On 2 January, ANA broke the locks of a health facility in Tagab district, Kapisa province and remained there for one day after the front line of fighting moved to the area. UNAMA did not document the use of any health facilities for military purposes by Anti-Government Elements.

UNAMA reiterates that international humanitarian law requires parties to the conflict to protect the sick and wounded and that, pursuant to international human rights law, Afghans have the right to the highest

<sup>47</sup> UNAMA telephone interview with victim, [exact location withheld], Baghlan province, 3 June 2017.

<sup>48</sup> Including this incident, UNAMA documented four incidents impacting the immunization of children against polio (poliomyelitis – endemic in Afghanistan), including two incidents in Ghazni and Baghlan provinces where Anti-Government Elements delayed the administration of vaccines and one incident in which health-workers refused to travel into an Anti-Government Element-controlled area out of fear.

attainable standard of health, an entitlement that continues to apply during armed conflict.<sup>49</sup> In addition, medical personnel and facilities (including vehicles, such as ambulances) exclusively engaged in treating the sick and wounded in Afghanistan are protected from attack based on civilian status.<sup>50</sup> UNAMA highlights that while military use and occupation of health facilities does not necessarily violate international humanitarian law, it should only be happen when required by military necessity in order to avoid harm to civilians caused by the blurring of the distinction between civilian and military objects.<sup>51</sup>

### **Complex Attack Targeting Military Hospital in Kabul Kills 26 Civilians and Injures 22 Others**

*“My daughter is an ANA officer and, through her, my husband had been admitted into the hospital for treatment. My nephew and I were sitting next to my husband’s bed when the explosions and gunfire started. We closed the door to the ward and everyone hid under the beds. After a few hours, the sounds of gunfire and explosions ceased and we thought the attack was over. When we heard sounds from the corridor, another man hiding with us in the ward thought it must be the military arriving to rescue us. He opened the door and was shot dead instantly. The two attackers came through the door and fired on us. My husband was killed and so were four others. I was injured. The killers were dressed like doctors, in white coats.”<sup>52</sup>*

-- Victim of the complex attack.

On 8 March, multiple attackers carried out a complex attack targeting Mohammad Sardar Daud Khan Hospital – an ANA military hospital facility – located in a central area of Kabul city. Following the detonation of three improvised explosive devices (two suicide body-borne IEDs, one inside the main gate and another on the second floor of the main building, and a vehicle-borne IED in the staff parking area), three attackers proceeded to move through the seven floors of the main hospital for five hours indiscriminately shooting people with automatic assault rifles, killing victims with military knives, and deploying hand grenades in hallways before being killed by Afghan national security forces.

The attack killed at least 49 people and injured 88 others, nearly all of whom were protected by international humanitarian law from attack. Victims included medical personnel (including medical administrative staff with military rank), *hors de combat* soldiers and civilian patients, staff and family members. Specifically, UNAMA verified at least 48 civilian casualties (26 deaths and 22 injured); 44 casualties among medical personnel with military rank (nine deaths and 35 injured); and the killing of 13 *hors de combat* (wounded) soldiers and the injury of six others.

The hospital primarily serves ANA soldiers and their family members, however, patients also include civilians in need of trauma or specialist care, as well as detainees from nearby detention facilities, including those identified as Anti-Government Elements. On the day of the attack, approximately 328 patients were admitted to the hospital; around 240 of these patients were ANA and the rest civilian. In total there were approximately 800-900 doctors, officials, staff, and security on the compound when the attack took place.

<sup>49</sup> See Universal Declaration of Human Rights (1949), Article 25; International Covenant on Economic, Social, and Cultural Rights (1966), Article 12; United Nations Committee on Economic, Social and Cultural Rights General Comment No. 14 (2000). See also International Court of Justice, Advisory Opinion on Legal Consequences of Construction of the Wall in Occupied Palestinian Territories, 9 July 2004, para. 106.

<sup>50</sup> Common Article 3 to the Geneva Conventions of 12 August 1949 (“Common Article 3”); Protocol II Additional to the Geneva Conventions of 12 August 1949, 8 June 1977 (“Additional Protocol II”), Articles 4(2), 7, 13; International Committee of the Red Cross (ICRC), Customary International Humanitarian Law, 2005, Volume I: Rules (“ICRC Customary International Humanitarian Law Study”), accessible at: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1>, Rules 1, 6, . Medical staff assigned to medical duties by parties to the conflict e.g. military doctors, are also protected from attack by international humanitarian law. See Common Article 3; Additional Protocol II, Article 9(1); ICRC Customary International Humanitarian Law Study, Rule 25. See also ICC Statute, Articles 8(2)(c), (e)(i), (e)(ii).

<sup>51</sup> See also Additional Protocol II, Article 11(2): “The protection to which medical units and transports are entitled shall not cease unless they are used to commit hostile acts, outside their humanitarian function. Protection may however cease only after a warning has been given setting, whenever appropriate, a reasonable time limit, and after such warning has remained unheeded.” See ICRC Customary International Humanitarian Law Study, Rules 1, 7, 15.

<sup>52</sup> UNAMA interview with victim, Kabul city, 9 March 2017.



On 9 March 2017, *Daesh*/ISKP claimed responsibility for the attack which they stated targeted “the military hospital in Kabul” via several different statements released by Al Amaq news agency.<sup>53</sup> In response, the President assigned a high level commission to investigate the attack. At the time of publication of this report, the results of the commission’s investigation had not been publically released.<sup>54</sup>

The deliberate attack on the military hospital constituted multiple serious violations of international humanitarian law that may amount to war crimes, including deliberately attacking a protected medical facility and the killing and injury of civilians, *hors de combat fighters* (sick and wounded fighters unable to fight), and protected military medical personnel.<sup>55</sup>

## Explosive Remnants of War

*“My son and daughter stepped out of the house to play. After a few minutes, I heard a loud explosion. I ran to the scene and found my children in a pool of blood. My three-year-old son was already dead. My six-year-old daughter was bleeding badly from the stomach and screaming for help. I can’t describe it and I don’t want to remember. Now, after treatment, my daughter is fine, but we lost our dear son. It’s so hard for my wife. She looks at his photograph and cries all of the time. The loss of our son has deeply shattered us. We will never be able to overcome this. God knows when this war will be over.”<sup>56</sup>*

-- Father of boy killed by unexploded ordnance on 2 March in Gardez district, Paktya province. The detonation also injured the victim’s sister.

Between 1 January and 30 June 2017, explosive remnants of war caused 365 civilian casualties (93 deaths and 272 injured), an increase of six per cent compared to the same period in 2016.<sup>57</sup> UNAMA documented 192 incidents of detonation of explosive remnants of war that caused civilian casualties compared to 156 during the first six months of 2016.

Children continued to comprise the majority - 81 per cent - of all civilian casualties from explosive remnants of war, particularly boys.<sup>58</sup> UNAMA documented 296 child casualties (81 deaths and 215 injured) from leftover devices. In addition to killing, explosive remnants of war caused life-changing injuries to children alongside severe emotional and psychological trauma where children witnessed the deaths of siblings or friends. In the first six months of 2017, UNAMA continued to record cases in which children lost eye-sight and/or limbs, particularly legs.

Explosive remnants of war mostly killed and injured children after they attempted to play with leftover devices; however, UNAMA also recorded cases in which children became casualties while working outside in agricultural fields, tending animals, or collecting scrap metal. In one incident on 14 May in Mehterlam city, Laghman province, an unexploded mortar round fired during fighting earlier that day detonated and killed five boys from the same family aged between five and nine-years-old after they tried

<sup>53</sup> Al Amaq circulated three claims attributed to *Daesh*/ISKP, available at the following Twitter account: [https://twitter.com/Terror\\_Monitor/status/839535022856007680](https://twitter.com/Terror_Monitor/status/839535022856007680); [https://twitter.com/Terror\\_Monitor/status/839539126831456256](https://twitter.com/Terror_Monitor/status/839539126831456256); [https://twitter.com/Terror\\_Monitor/status/839470489009430529](https://twitter.com/Terror_Monitor/status/839470489009430529), all last accessed 14 July 2017.

<sup>54</sup> On 8 May, Resolute Support and the Presidential Palace reported that Afghan and United States Special Forces soldiers killed the *Daesh*/ISKP leader accused of ordering the attack. See Statement by Afghanistan Presidential Palace, available at: <http://president.gov.af/ps/press-release/daesh>; Resolute Support statement, available at <https://twitter.com/ResoluteSupport/status/861299456980996096>, both last accessed on 14 July 2017.

<sup>55</sup> Common Article 3; Additional Protocol II, Articles 4, 9(1), 13(2); ICRC Customary International Humanitarian Law Study, Rules 1, 7, 11, 25, 28, 156; ICC Statute, Article 8(2)(c), (e)(i), e(ii), e(iv).

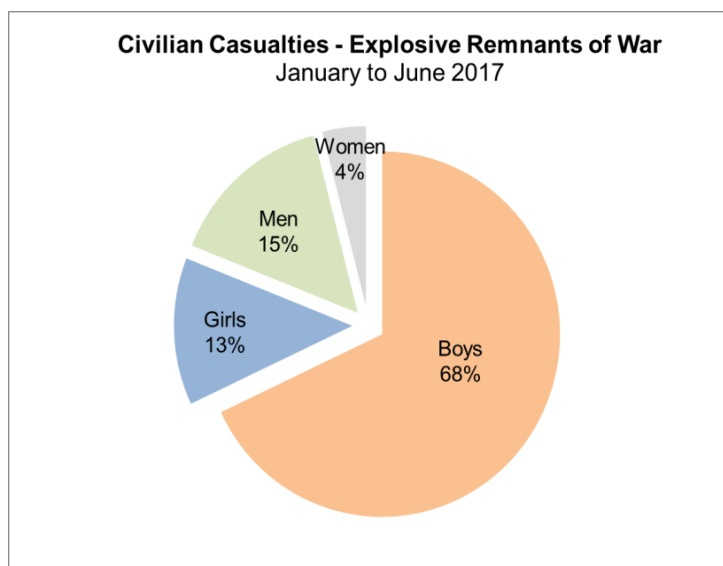
<sup>56</sup> UNAMA telephone interview with witness and father of victims, Gardez city, 10 May 2017.

<sup>57</sup> Between 1 January and 30 June 2016, UNAMA documented 344 civilian casualties (99 deaths and 245 injured) from explosive remnants of war.

<sup>58</sup> During the first half of 2017, boys comprised 84 per cent of child casualties from explosive remnants of war – 249 boy casualties (74 deaths and 175 injured).

to play with it. In another case, on 21 January, in Zeharay district, Kandahar province, unexploded ordnance killed two girls aged six and eight-years-old and a 10-year-old boy after they picked it up and carried it in their hands while collecting scrap metal.

UNAMA remains extremely concerned by the sustained high number of civilian casualties caused by



explosive remnants of war, many of which are predictable and avoidable. In general, provinces most affected by the use of indirect and/or explosive weapons such as rockets, mortars, and grenades, during recent ground fighting continued to experience higher levels of civilian casualties from unexploded ordnance, highlighting the immediate risk posed to civilians from the use of such weapons in civilian-populated areas.<sup>59</sup> In addition, the experience of Kandahar province demonstrates the long-term risk to civilians returning to, or living in, areas with a history of armed conflict where improved security enables

movement of the population for work or leisure. Despite experiencing comparatively less civilian casualties from indirect and/or explosive weapons during 2016 and the first half of 2017, Kandahar province recorded the highest number of civilian casualties from unexploded ordnance.<sup>60</sup>

UNAMA emphasizes that the delayed impact of current and recent ground fighting poses serious risk to displaced persons who will move back to severely conflict-affected areas in the future.

UNAMA welcomes the Government’s commitment to ratifying Protocol V to the 1980 Convention on Certain Conventional Weapons concerning explosive remnants of war. Nonetheless, it notes that at the time of writing, the Government of Afghanistan has yet to formally ratify the protocol.<sup>61</sup> UNAMA urges the Government to formally ratify the protocol and urges all parties to immediately commence tracking, marking, clearing, and destroying unexploded ordnance. UNAMA remains ready to support process of ratification. The mission once again urges the Government of Afghanistan to prioritize the implementation of its National Civilian Casualty Prevention and Mitigation Policy, and to ensure its

<sup>59</sup> Eight of the provinces with the highest number of incidents of detonation of explosive remnants of war causing civilian casualties in the first half of 2017 also appeared in the ten provinces with the highest number of incidents of use of indirect and/or explosive weapons causing civilian casualties during ground fighting between 1 January 2016 and 30 June 2017. The eight provinces were: Baghlan, Faryab, Ghazni, Helmand, Kunar, Nangarhar, Uruzgan, and Zabul. Kandahar and Paktya were the other two provinces among the top ten for explosive remnant of war detonations causing civilian casualties during the first half of 2017.

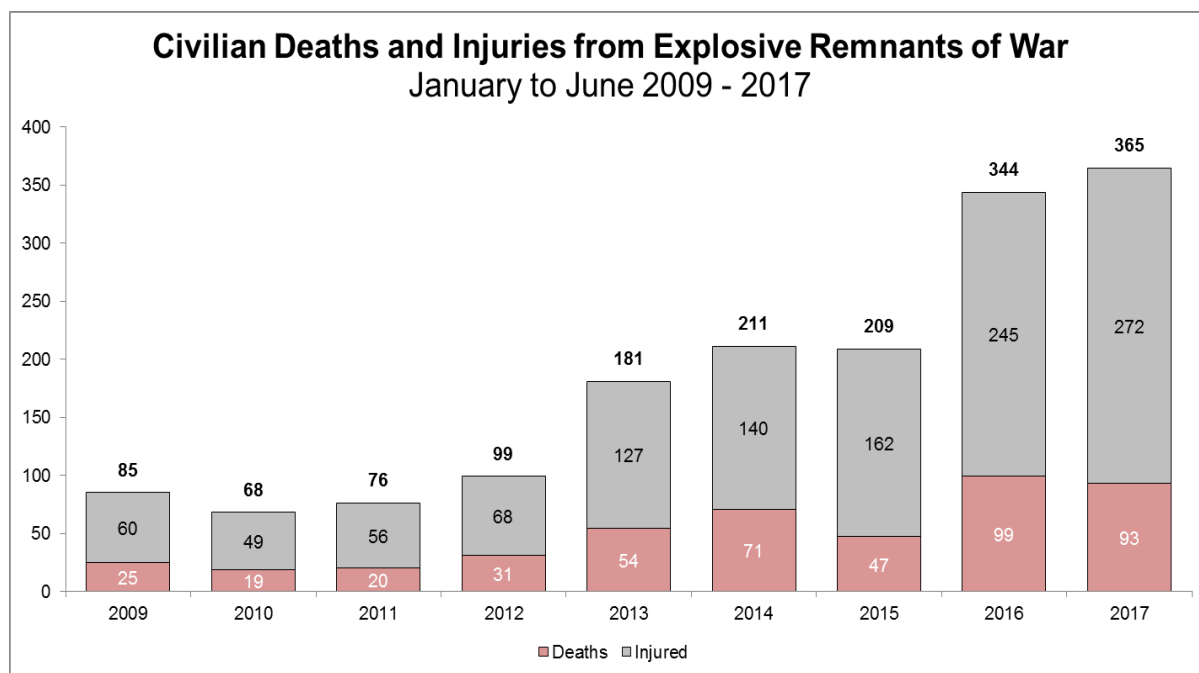
<sup>60</sup> Kandahar province recorded 76 civilian casualties (20 deaths and 56 injured) from unexploded ordnance in the first six months of 2017.

<sup>61</sup> During communications with the Government of Afghanistan, including the Ministry of Foreign Affairs, UNAMA received information indicating that the President of the Islamic Republic of Afghanistan “ratified the convention [and all five protocols] through decree #126 on 25 February 2016” and that the convention “passed through all legal stages and hence after its provisions are applicable to be executed” for “further information and further action”. The Ministry of Foreign Affairs also previously stated to UNAMA that the Government of Afghanistan submitted an instrument of accession for the 1980 Convention on Certain Conventional Weapons and its five additional protocols to the office of the United Nations Secretary-General in July 2016 in compliance with the procedure for formal accession to the convention. On this basis UNAMA noted in the UNAMA 2016 Annual Report that it “believed” that Afghanistan became a party to the convention and its five protocols in early 2017. While welcoming the Government’s commitment to Protocol V, UNAMA notes that as of 12 July 2017, Afghanistan is listed as a signatory to the 1980 Convention on Certain on Conventional Weapons (since 10 April 1981), but not as having ratified/acceded to the convention or any of its additional protocols (see UN Treaty website: <https://treaties.un.org/>). UNAMA encourages the Government of Afghanistan to re-deposit its “Instrument of Accession” to the office of the United Nations Secretary-General.

compliance with the obligations contained in Protocol V.

Notwithstanding, UNAMA emphasizes that international humanitarian law requires that every effort be made during the conduct of military operations to spare civilian population from harm, and that all necessary precautions must be taken to avoid injury, loss or damage to civilian property.<sup>62</sup> In addition to ongoing efforts in the area of mine risk awareness, parties should immediately begin tracking and marking locations of possible contamination from unexploded ordnance for potential destruction and ensure that leftover devices are destroyed.

During the first six months of 2017, UNAMA recorded no conflict-related attacks against humanitarian de-miners that resulted in civilian death or injury. In contrast, the mission recorded five attacks that resulted in 19 civilian casualties (nine deaths and 10 injured) same period in 2016. Notwithstanding, Anti-Government Elements continued to abduct humanitarian de-miners. On 22 May, in Chahr Asyab district, Kabul province, Anti-Government Elements motivated by potential ransom possibilities abducted four employees of a de-mining organization in an area bordering Maidan Wardak province. On 24 May, the Anti-Government Elements released the de-miners following the intervention of elders. During the same period last year, UNAMA recorded eight incidents of abduction of humanitarian de-miners in which Anti-Government Elements abducted 52 humanitarian de-miners. UNAMA urges Anti-Government Elements, including Taliban, to allow humanitarian de-miners to access all areas contaminated by unexploded ordnance without exception.



<sup>62</sup> Implicit in Common Article 3; Additional Protocol II, Articles 4, 13. See also Additional Protocol I, Article 57 (not applicable to non-international armed conflict but accepted as customary international law – see ICRC Customary International Humanitarian Law, Rules 15-22).

## **Cross-Border Engagement**

Between 1 January and 30 June 2017, UNAMA documented 12 incidents of cross-border shelling from Pakistan into Afghanistan that caused 34 civilian casualties (10 deaths and 24 injured), a substantial increase compared to the same period in 2016 when UNAMA documented 10 civilian casualties (three deaths and seven injured) from six incidents.

UNAMA continued to record civilian casualties from cross-border shelling in Nangarhar province (seven civilian casualties (one death and six injured)) and Kunar province 13 civilian casualties (seven deaths and six injured) during the first six months of 2017. For example, on 26 February cross-border shelling killed two siblings - a seven-year-old boy and 10-year-old girl – after an artillery round impacted their home in Khas Kunar district, Kunar province. Cross-border shelling in Khas Kunar and Lalpur districts of Kunar provinces displaced more than 400 families in addition to destroying at least 15 civilian homes and burning down a forest area.

In contrast to 2016, UNAMA also documented casualties from cross-border shelling in the Spin Boldak area of Kandahar province. On 18 April, a rocket fired by Pakistan Military Forces impacted an Afghan National Border Police base in Spin Boldak, Kandahar province, injuring seven civilians in an adjacent civilian hospital. On 5 May, rockets and mortar rounds fired by Pakistan Military Forces into the Spin Boldak area of Kandahar province killed five civilians and injured 12 others during clashes with Afghan National Border Police. During the same clashes - in addition to the civilian casualties caused by rockets and mortars - shooting by Pakistan Military Forces also caused ten civilian casualties (two deaths and eight injured).

UNAMA also recorded two incidents in which Pakistan Military Forces shot dead a civilian shepherd herding sheep and goats near the border, one case occurred in Tara Zayl district, Khost province while the other took place in Nari district, Kunar province.

## II. Ground Engagements: Civilians Caught in the Cross-Fire

*"I was teaching at the boys' high school when a mortar round fired from a nearby Afghan National Army base impacted in a classroom, killing two boys and wounding eight others, including another teacher. The victims were taken to the public hospital. Tribal elders and members of the community demonstrated in front of the Provincial Governor's compound demanding the perpetrators be brought to justice."<sup>63</sup>*

-- A teacher and witness of the impact of a mortar fired by the Afghan National Army that impacted Habiburhaman Boys' High School in Bislam area, Mihtarlam city, Laghman province, killing two boys and wounding eight others on 25 February.

Between 1 January and 30 June 2017, UNAMA documented 1,809 civilian casualties (434 deaths and 1,375 injured) from ground engagements, mainly between Anti-Government Elements and Pro-Government Forces, a 10 per cent decrease compared to the same period in 2016.<sup>64</sup> Notwithstanding, the reduction in civilian casualties from ground fighting, ground engagements remained the second leading cause of civilian casualties during the first half of 2017, causing 34 per cent of all civilian casualties.<sup>65</sup>

Anti-Government Elements continued to cause most civilian casualties during ground engagements, responsible for 780 civilian casualties (173 deaths and 607 injured) - a 46 per cent increase compared to the same period in 2016 - comprising 43 per cent of all ground engagement civilian casualties.<sup>66</sup> In contrast, civilian casualties attributed to Pro-Government Forces during ground engagements decreased by 35 per cent to 544 civilian casualties (146 deaths and 398 injured), accounting for 30 per cent of civilian casualties generated by ground fighting.<sup>67</sup> Cross-fire during fighting between Anti-Government Elements and Pro-Government Forces where the perpetrator could not be identified resulted in the remaining 441 civilian casualties (103 deaths and 338 injured).<sup>68</sup>

Ground engagements continued to severely impact women and children, responsible for 52 per cent of all women civilian casualties during the first half of 2017 and 46 per cent of all child casualties.<sup>69</sup> Women and children comprised 58 per cent of all ground engagement civilian casualties, increasing to 69 per cent of civilian casualties from the use of indirect and/or explosive weapons.

While UNAMA welcomes the decrease in civilian casualties from ground engagements during the first six months of 2017, in particular the significant decrease in civilian casualties attributed to Pro-Government Forces, it observed that multiple factors appeared to contribute to the reduction. Increased territorial control by Anti-Government Elements in the southern region led to more static front-lines and correlated civilian displacement from some of the most active areas of fighting.<sup>70</sup> A comparative lack of major

<sup>63</sup> UNAMA telephone interview with a teacher of the school and witness of the incident, Jalalabad city, 25 February 2017.

<sup>64</sup> Between 1 January and 30 June 2016, UNAMA documented 2,010 civilian casualties (568 deaths and 1,442 injured) from ground engagements.

<sup>65</sup> Combined IED tactics (including suicide and complex attacks, magnetic, remote-controlled, and pressure-plate IEDs) caused more civilian casualties than ground engagements. In comparison ground engagements caused more civilian casualties than IEDs with non-suicide trigger types (i.e. magnetic, pressure-plate, and remote-controlled IEDs).

<sup>66</sup> Between 1 January and 30 June 2016, Anti-Government Elements caused 536 civilian casualties (146 deaths and 390 injured) during ground engagements.

<sup>67</sup> Between 1 January and 30 June 2016, Pro-Government Forces caused 831 civilian casualties (241 deaths and 590 injured) during ground engagements.

<sup>68</sup> During the first half of 2017, Pakistan Military Force also caused 44 civilian casualties (12 deaths and 32 injured) during cross-border firing.

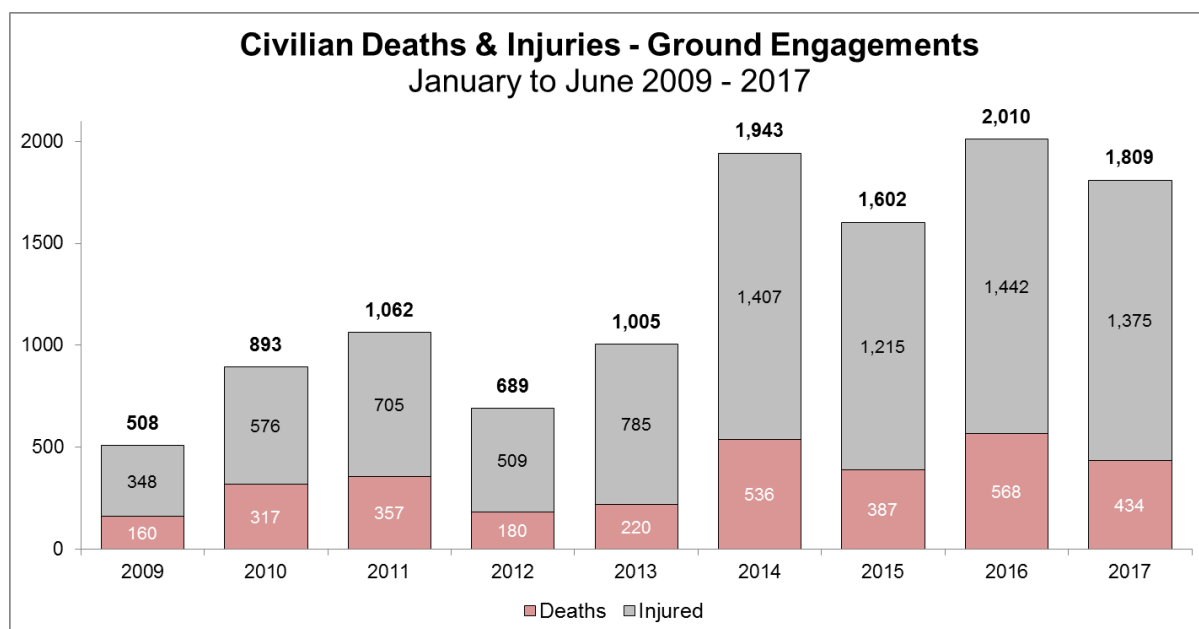
<sup>69</sup> Ground engagements caused 328 women casualties (72 deaths and 256 injured) and 723 child casualties (170 deaths and 553 injured). The use of indirect/explosive weapons during ground fighting caused 406 child casualties (89 deaths and 317 injured) and 205 women casualties (47 deaths and 158 injured).

<sup>70</sup> The southern region comprises Helmand, Kandahar, Uruzgan, Nimroz, and Zabul provinces. In 2016, this region recorded the highest number of civilian casualties from ground engagements, overwhelmingly in Helmand and Uruzgan provinces (see UNAMA 2016 Annual Report on Civilian Casualties, p. 48). Despite remaining the two provinces recording most civilian casualties from ground engagements during the first half of 2017, both experienced a decrease in civilian casualties from this tactic compared with the same period in 2016. Helmand province experienced a 28 per cent reduction, recording 246 civilian casualties (90 deaths and 156 injured) compared to 340 civilian casualties (114 deaths and 226 injured) during the same period in

offensives by parties to the conflict, particularly in Uruzgan and Kunduz provinces, in contrast to those in the first months of 2016 also influenced the reduction in civilian casualties.<sup>71</sup> The impact of these factors on civilian casualty figures manifested in the reduction of civilian casualties caused by the use of indirect and/or explosive weapons and the increase in civilian casualties from shooting during ground engagements. For example, Anti-Government Elements instead targeted stationary Afghan national security check-posts and convoys and made minor incursions into district administration centres.

Based on the above, UNAMA remains concerned that without concrete action by parties to the conflict, civilians will continue to suffer unacceptable levels of preventable death and injury from ground fighting as 2017 continues.

While civilian casualties from ground engagements decreased overall, several provinces continued to record increases in civilian death and injury from ground fighting, most notably Laghman, Faryab, Nangarhar, and Farah provinces, predominantly due to increased Anti-Government Element strength and presence and an intensification of fighting compared to the same period in 2016.<sup>72</sup> Farah, Faryab, Helmand, Kandahar, Laghman, Nangarhar, and Uruzgan documented the highest number of civilian casualties from ground fighting.<sup>73</sup>



2016, while Uruzgan recorded a 26 per cent reduction, documenting 209 civilian casualties (17 deaths and 192 injured) during ground engagements compared to 281 civilian casualties (92 deaths and 189 injured) during the same period in 2016. Kandahar province also experienced a 22 per cent decrease in civilian casualties from ground fighting, documenting 115 civilian casualties (22 deaths and 93 injured) compared to 147 civilian casualties (32 deaths and 115 injured) during the same time in 2016.

<sup>71</sup> For example, during the first half of 2016, UNAMA documented 73 civilian casualties (26 deaths and 47 injured) between 7 and 15 March in Dehrawud district, Uruzgan province during co-ordinated attacks by Anti-Government Elements targeting Afghan national security forces. See UNAMA 2016 Mid-Year Report on Civilian Casualties, p. 37. In April 2016, UNAMA documented 90 civilian casualties (12 deaths and 78 injured) caused by ground engagements during a Taliban offensive to take control of Kunduz city compared to none during the same period in 2017.

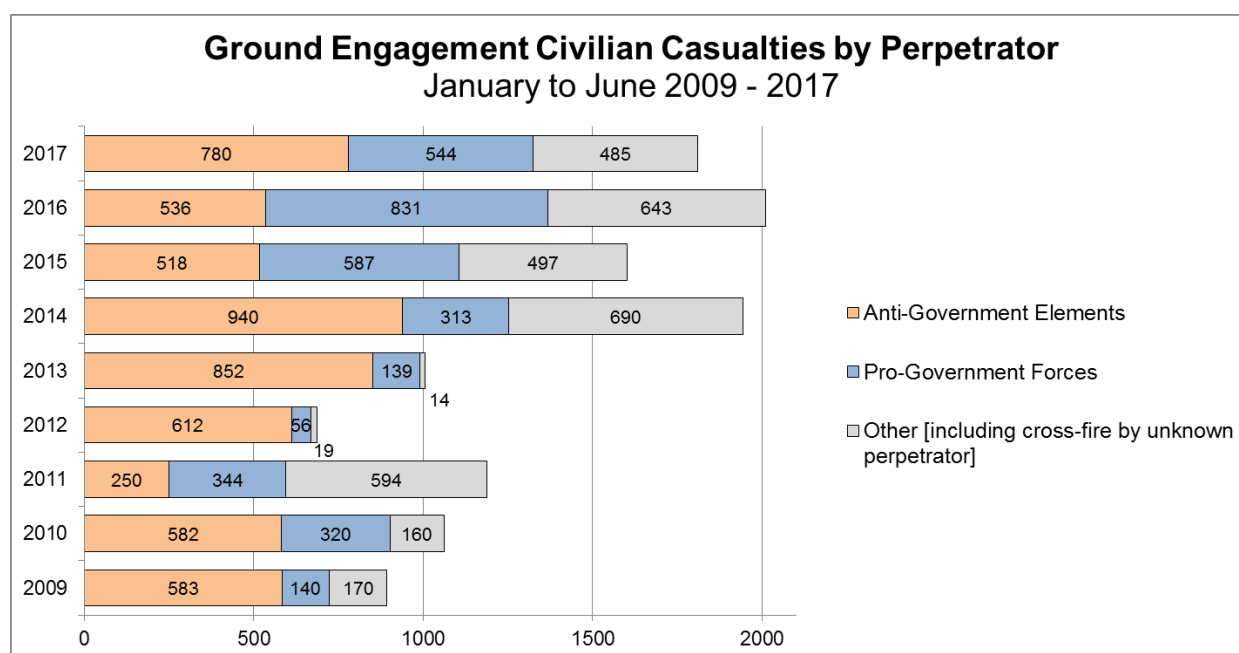
<sup>72</sup> Ground engagement civilian casualties increased in 15 of 34 provinces. While some constituted comparatively small increases (e.g. Daikundi province recorded one incident compared to none during the first half of 2016), the following provinces documented both high numbers of and notable increases in civilian casualties from ground fighting (all comparisons made between first half of 2017 and first half of 2016): Farah province - 78 civilian casualties (17 deaths and 61 injured) compared to 36 civilian casualties (11 deaths and 25 injured); Faryab province - 166 civilian casualties (24 deaths and 142 injured) compared to 121 civilian casualties (33 deaths and 88 injured); Laghman province - 156 civilian casualties (34 deaths and 122 injured) compared to 70 civilian casualties (12 deaths and 58 injured); Nangarhar province - 133 civilian casualties (31 deaths and 102 injured) compared to 93 civilian casualties (24 deaths and 69 injured).

<sup>73</sup> See footnotes 70 and 72 for civilian casualty figures for these provinces.

**Increase in Ground Engagement Civilian Casualties in Mehterlam district, Laghman Province**

UNAMA documented a sharp increase in civilian casualties from ground fighting between Afghan national security forces and Anti-Government Elements in Mehterlam district, Laghman province in the first six months of the year. The mission documented 125 civilian casualties (28 deaths and 97 injured) caused indirectly by shooting and the use of indirect and/or explosive weapons during ground engagements, more than triple the number recorded during the same period in 2016.<sup>74</sup> Most civilian casualties – 87 civilian casualties (20 deaths and 67 injured) - occurred as a result of the use of indirect and/or explosive weapons. In one case, on 17 May, a mortar round fired by Afghan national security forces in response to an Anti-Government Element attack against them as they conducted a search operation struck a residential compound, killing two women and injuring a 15-year-old girl. On the same day, shrapnel from a mortar round fired by Anti-Government Elements that struck a civilian home wounded seven civilians (including two children and three women) in the same area.

Increased Taliban attacks targeting Afghan national security force security check-posts situated on the Alingar and Alishing roads to Mehterlam city in April and subsequent Afghan national security force clearing operations in May led to the increase. UNAMA attributed similar numbers of civilian casualties to both Anti-Government Elements – 48 civilian casualties (11 deaths and 37 injured) and Pro-Government Forces – 44 civilian casualties (13 deaths and 31 injured). UNAMA attributed 33 civilian casualties (four deaths and 29 injured) to cross-fire where the specific perpetrator was not identifiable.



<sup>74</sup> Between 1 January and 30 June 2016, UNAMA documented 41 civilian casualties (five deaths and 36 injured) from ground engagements in Mehterlam district, Laghman province.

## Civilian Casualties from Indirect and/or Explosive Weapons

*"It was late afternoon when a mortar round hit our home, only three metres away from where the three children were sitting together with their mother. Shrapnel killed two of them on the spot and the third died on the way to hospital. Their mother was seriously injured. The suddenness of the incident is so tragic. We lost the three children in an instant. It has been difficult for the whole family, particularly their mother and father."<sup>75</sup>*

- Uncle of two boys and a girl killed by a mortar round fired by the Afghan National Army in Saydebad district, Maidan Wardak province on 14 June. The incident also seriously injured an adult woman.

UNAMA recorded 890 civilian casualties (195 deaths and 695 injured) from the use of indirect and/or explosive weapons, such as rockets, mortars, and grenades, during ground engagements in the first half of 2017, a decrease of 23 per cent compared to the same period in 2016.<sup>76</sup> UNAMA emphasizes the devastating short and long-term consequences that the use of these weapons in civilian-populated areas

**13 May:** in Pashtun Kot district, Faryab province, Afghan national security forces fired mortar rounds targeting Anti-Government Elements that impacted a civilian home, killing two five-year old girls and injuring nine other civilians (seven children and two women).

**27 April:** in Khawaja Bahawuddin district, Takhar province, Anti-Government Elements fired a mortar round targeting Afghan national security forces that impacted a civilian home, killing three children and a woman and injuring a woman.

can have beyond the immediate killing and maiming of civilians, including damage to civilian property and delayed civilian deaths and injury from unexploded ordnance.<sup>77</sup>

The use of indirect and/or explosive weapons such as rockets, mortars, and grenades, in the context of ground fighting accounted for 49 per cent of all civilian casualties from ground engagements during the first six months of 2017. Several provinces experienced increases in civilian casualties from these weapons, including Farah, Faryab, Laghman, and Nangarhar.<sup>78</sup>

While Pro-Government Forces continued to cause most civilian casualties from the use of indirect and/or explosive weapons - 385 civilian casualties (99 death and 286 injured) - UNAMA notes that this reflects a 42 per cent decrease compared to the same period in 2016.<sup>79</sup> Civilian casualties attributed to Anti-Government use of indirect and/or explosive weapons also decreased – by 12 per cent – to 297 civilian casualties (54 deaths

and 243 injured).<sup>80</sup> UNAMA welcomes the decreases in civilian casualties from these weapons, particularly the substantial reduction in civilian casualties attributed to Pro-Government Forces, while acknowledging that conflict dynamics during the reporting period likely contributed to the reduction.

<sup>75</sup> UNAMA telephone interview with relative of victims, Kabul city, 20 June 2017.

<sup>76</sup> During the first six months of 2016, UNAMA recorded 1,152 civilian casualties (319 deaths and 833 injured) from the use of indirect and/or explosive weapons during ground engagements.

<sup>77</sup> See section on Explosive Remnants of War for more information on the correlation between civilian casualties from unexploded ordnance and the use of indirect and/or explosive weapons during ground engagements.

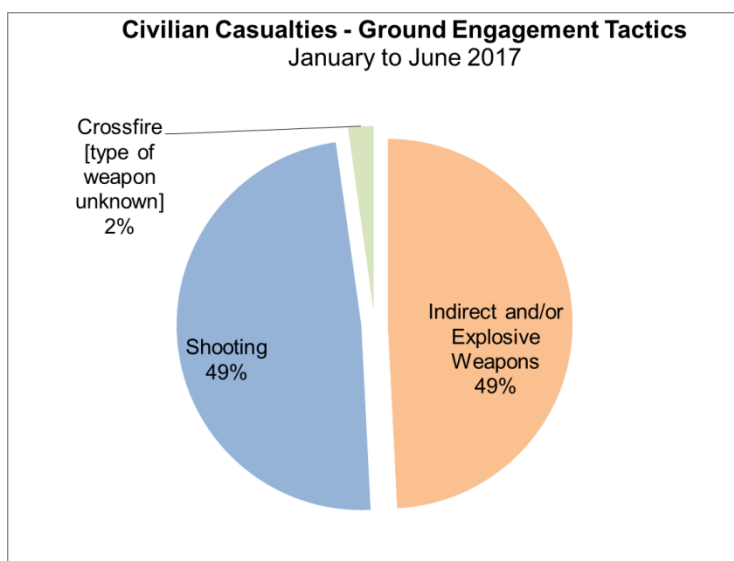
<sup>78</sup> During the first six months of 2017 from indirect and/or explosive weapons (all comparisons made with the first six months of 2016): Faryab province recorded 109 civilian casualties (15 deaths and 94 injured) compared to 62 civilian casualties (23 deaths and 39 injured); Laghman province recorded 93 civilian casualties (20 deaths and 73 injured) compared to 45 civilian casualties (four deaths and 41 injured); Nangarhar province recorded 66 civilian casualties (11 deaths and 55 injured) compared to 37 civilian casualties (nine deaths and 28 injured); and Farah province recorded 57 civilian casualties (eight deaths and 49 injured) compared to 19 civilian casualties (three deaths and 16 injured).

<sup>79</sup> During the first six months of 2016, UNAMA documented 660 civilian casualties (184 deaths and 476 injured) from Pro-Government Force use of indirect and/or explosive weapons during ground engagements; 338 civilian casualties (88 deaths and 250 injured) from Anti-Government Element use of indirect and/or explosive weapons during ground engagements. Pakistan Military Forces caused nine civilian casualties (three deaths and six injured) from cross-border firing and the remaining 145 civilian casualties (44 deaths and 101 injured) from the use of these weapons occurred from cross-fire where the specific perpetrator causing the civilian casualty could not be determined.

<sup>80</sup> The mission attributed 174 civilian casualties (32 deaths and 142 injured) to cross-fire during fighting between Anti-Government Elements and Pro-Government Forces where the perpetrator could not be identified and 34 civilian casualties (10 deaths and 24 injured) to the use of indirect and/or explosive weapons by Pakistan Military Forces during the first six months of 2017.



Anti-Government Elements continued to fire rockets and mortar rounds into densely populated civilian areas. For example, on 16 May, Anti-Government Elements fired four mortar rounds into Assadabad city, publically stating that it targeted “enemy military units, bases as well as government facilities”. The mortar rounds struck the provincial communications office and neighboring areas, killing the head of human resources and a communications officer, and two boys aged between seven and nine-years-old.<sup>81</sup>



Of concern, UNAMA observed that most civilian casualties caused by pro-Government armed groups and Afghan Local Police during ground engagements occurred from the use of indirect and/or explosive weapons. Pro-Government armed groups caused 19 civilian casualties (two deaths and 17 injured) from indirect and/or explosive weapons while Afghan Local Police caused 13 civilian casualties (two deaths and 11 injured). UNAMA notes with concern that neither actor is permitted to use indirect and/or explosive weapons and both lack

training on the proper use of such weaponry, raising serious concerns regarding the harm posed to civilians by the possession and use of these weapons.<sup>82</sup>

### **Increased Civilian Casualties from Shooting during Ground Engagements**

*“It was around 4 pm, on Monday, my father was speaking to some of our relatives in front of our house. From their nearby positions, [Anti-Government Elements] suddenly started shooting towards the group. One bullet hit my father on his chest and killed him on the spot. I do not know why we should suffer and lose our people for nothing. My father had no job and was not supporting any party involved in the conflict. He was a resident of the area who was just killed unnecessarily. Our whole family is devastated.”<sup>83</sup>*

-- Son of the victim of an Anti-Government Element shooting that killed one civilian in Lashkar Gah district, Helmand province, on 9 March.

Between 1 January and 30 June, UNAMA documented 879 civilian casualties (225 deaths and 654 injured) from shooting<sup>84</sup> during ground fighting, a 34 per cent increase compared to the same period in 2016.<sup>85</sup> Anti-Government Elements caused over half of the civilian casualties from this tactic – 467 civilian casualties (112 deaths and 355 injured), more than double the 185 civilian casualties (56 deaths and 129 injured) attributed to these actors during the equivalent period in 2016. Pro-Government Forces caused civilian casualties from shooting during ground fighting at similar levels to same period last year,

<sup>81</sup> Taliban published a claim of responsibility for conducting the mortar strike on its English website, accessible at: <http://alemarah-english.com/?p=14726>, last accessed 14 July 2017.

<sup>82</sup> UNAMA Meeting with Director of Afghan Local Police Directorate and NATO Resolute Support Adviser to Afghan Local Police, Ministry of Interior, 12 June 2017. NATO Resolute Support Adviser stated that Afghan Local Police are not authorized or permitted to use mortars and that they are permitted to use heavy machine guns and similar weapons only; however, Afghan Local Police did not provide UNAMA with a copy of any relevant policy or instructions. Regarding, pro-Government armed groups, there exists no legal basis for their existence and consequently, no legal permission for their use of these weapons.

<sup>83</sup> UNAMA telephone interview with the victim’s relative, Kandahar city, 13 March 2017.

<sup>84</sup> UNAMA defines shooting during ground fighting as the use of firearms with bullets as opposed to indirect and/or explosive weapons such as mortar, rockets, and grenades. This includes, but is not limited to, civilian casualties caused by assault weapons, such as AK-47s, and machine guns.

<sup>85</sup> Between 1 January and 30 June 2016, UNAMA recorded 657 civilian casualties (182 deaths and 475 injured) from shooting during ground engagements.

responsible for 159 civilian casualties (47 deaths and 112 injured), a one per cent increase compared to the same period in 2016.<sup>86</sup> Civilian casualties caused by firearms accounted for 49 per cent of civilian casualties from ground engagements.<sup>87</sup>

Conflict dynamics in the southern region – particularly Helmand and Uruzgan provinces – drove the increase in civilian casualties from shooting during ground engagements as Anti-Government Elements intensified attacks against Afghan national security forces and check-posts, leading to significant increases in both the number of shooting incidents causing civilian casualties and the number of civilian casualties arising from such engagements. The southern region recorded over half – 54 per cent – of all ground engagement civilian casualties from shooting during the first six months of 2017 with 479 civilian casualties (104 deaths and 375 injured).

Stray bullets fired during ground fighting killed and injured civilians randomly inside of their homes, as they worked in fields, while travelling in their cars, and when walking past Afghan national security force check-posts. The use of firearms during ground fighting particularly affected children. UNAMA documented 309 child casualties (77 deaths and 232 injured) from this tactic, a 58 per cent increase compared to the same period in 2016, with nearly double the number of child deaths.<sup>88</sup>

For example, on 22 May in Shindand district, Herat province, a bullet fired during a clash between different Anti-Government Element factions killed an eight year-old-girl while she was in her home. On 24 May, in Pul-e-Khumri district, Baghlan province, cross-fire between Afghan national security forces and Anti-Government Elements injured a 15-year-old boy.

### **Attribution of Ground Engagement Civilian Casualties**

<b>Pro-Government Force</b>	<b>Ground Engagement Civilian Casualties</b>
Afghan National Army	226 (72 deaths and 154 injured)
Afghan National Police	60 (18 deaths and 42 injured)
Afghan Local Police	24 (six deaths and 18 injured)
Afghan National Security Forces <sup>89</sup>	184 (43 deaths and 141 injured)
Pro-Government Armed Groups	29 (five deaths and 24 injured)
<b>Anti-Government Element</b>	<b>Ground Engagement Civilian Casualties</b>
Taliban	747 (162 deaths and 585 injured)
<i>Daesh</i> /ISKP	18 (nine deaths and nine injured)
Unidentified AGE	15 (two deaths and 13 injured)
<b>Cross-fire where attribution not possible</b>	<b>441 (103 deaths and 338 injured)</b>

<sup>86</sup> Between 1 January and 30 June 2016, UNAMA attributed 157 civilian casualties (49 deaths and 108 injured) to shooting by Pro-Government Forces during ground engagements.

<sup>87</sup> Indirect and/or explosive weapons also caused 49 per cent (*see previous section for figures*). The remaining two per cent of civilian casualties occurred as a result of ground fighting where the specific weapon causing the civilian casualty could not be identified. In the first half of 2017, UNAMA documented 243 civilian casualties (64 deaths and 179 injured) from shooting during ground fighting cross-fire where the specific perpetrator could not be identified and 10 civilian casualties (two deaths and eight injured) from cross-border shooting by Pakistan Military Forces.

<sup>88</sup> During the first six months of 2016, UNAMA recorded 195 child casualties (40 deaths and 155 injured) from shooting during ground engagements.

<sup>89</sup> UNAMA attributed civilian casualties from ground engagements to “Afghan National Security Forces” where the specific Afghan national security force actor that caused the civilian casualty could not be identified. In addition, UNAMA attributed 16 civilian casualties (one death and 15 injured) to Afghan National Civil Order Police; one civilian death caused by Afghan National Border Police; and four injured civilians to the National Directorate of Security during ground engagements. UNAMA attributed 44 civilian casualties (12 deaths and 32 injured) to Pakistan Military Forces (*see section on Cross-Border Engagement above for more details*).

Most ground engagement civilian casualties occurred during fighting between Afghan national security forces and Taliban; however, UNAMA also documented 30 civilian casualties (15 deaths and 15 injured) from fighting between different Anti-Government Element groups, including fighting between Taliban and *Daesh*/ISKP and inter-Taliban fighting. In-fighting between pro-Government armed groups caused eight civilian casualties (two deaths and six injured) in Faryab province, one civilian death in Kunduz province, and one civilian death in Balkh province.

Recalling that 2016 experienced the highest number of civilian casualties caused by fighting between Afghan national security forces and Anti-Government Elements, UNAMA welcomes the reduction in civilian casualties from ground engagements during the first six months of 2017.<sup>90</sup> Nevertheless, UNAMA remains concerned that ground fighting continued to cause high numbers of civilian casualties, particularly among women and children.

UNAMA reiterates to that international humanitarian law prohibits indiscriminate attacks<sup>91</sup> - those that are not directed at a specific military objective, and, either through choice of weapon or tactic, cannot be directed at a specific military object - as well as disproportionate attacks, defined as those which may be expected to cause incidental loss of civilian life, injury to civilians, and damage to civilian objects excessive to its anticipated military advantage.<sup>92</sup> In addition, international humanitarian law requires parties to the conflict to take all feasible precautions during the conduct of military operations avoid, and at least minimize, harm to the civilian population and to protect the civilian population and objects under their control against the effects of attacks.<sup>93</sup>

In this regard, UNAMA urges parties to the conflict to cease firing mortars, rockets, grenades and other indirect and/or explosive weapons into civilian-populated areas and to review procedures and rules of engagement on the use of indirect fire weapons. Parties to the conflict - including Anti-Government Elements - should locate their bases and infrastructure outside of densely-populated civilian areas, avoid fighting from, and occupying, civilian objects (particularly homes, schools, and medical clinics), and assist in the removal of civilians from the vicinity of military objectives (including by ensuring security for civilian properties left behind by civilians evacuated or displaced from fighting).

The mission implored parties to the conflict to examine all situations during ground fighting that potentially resulted in civilian casualties to enable lessons learned to inform strategy and tactics with the aim of improving civilian protection, in addition to making public acknowledgement and compensation possible. Reasonable allegations that violations of international humanitarian law occurred during ground fighting – such as the failure to take precautions - including those that may amount to war crimes – such as indiscriminate attacks - must be investigated and, where relevant, be followed by prosecution, disciplinary, or administrative action.<sup>94</sup>

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<sup>90</sup> In 2016, UNAMA documented 4,300 civilian casualties (1,072 deaths and 3,228 injured) from ground engagements – the highest number of civilian casualties caused by ground engagements since UNAMA started documentation in 2009. See UNAMA 2016 Annual Report on Civilian Casualties, p. 45 for more information.

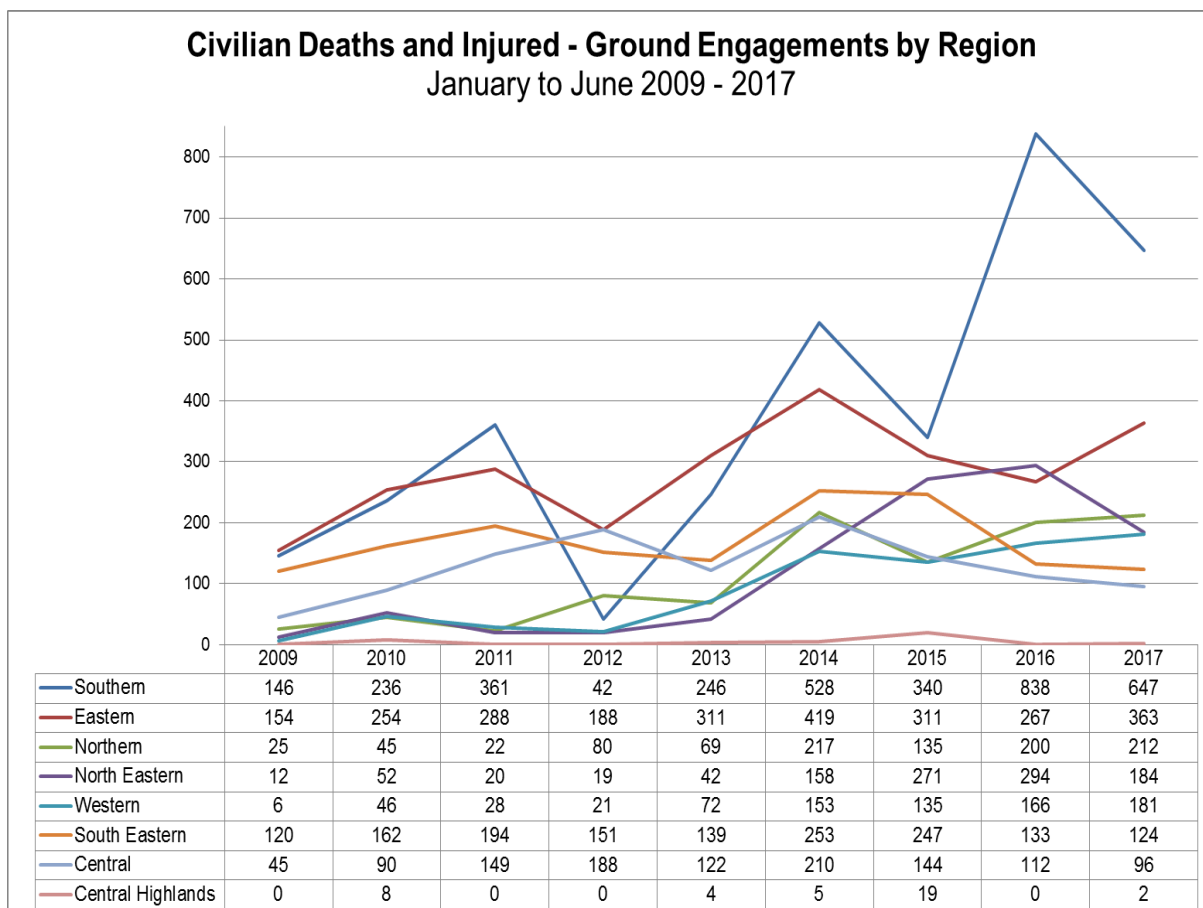
<sup>91</sup> Implicit in Common Article 3; Additional Protocol II, Articles 4, 13. See also Additional Protocol I, Articles 51 (not applicable to non-international armed conflict but accepted as customary international law – see ICRC Customary International Law Study Rule 11); *Prosecutor v. Dusko Tadić*, IT-94-1, Appeals Chamber Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, para. 127.

<sup>92</sup> Common Article 3; Additional Protocol II; ICRC Customary International Humanitarian Law Study, Rule 14. See also Additional Protocol I, Articles 85(3)(b) (not applicable to non-international armed conflict but accepted as customary international law – see ICRC Customary International Law Study Rule 14).

<sup>93</sup> Implicit in Common Article 3; Additional Protocol II, Articles 4, 13. See also Additional Protocol I, Article 57 (not applicable to non-international armed conflict but accepted as customary international law – see ICRC Customary International Humanitarian Law, Rules 15-22).

<sup>94</sup> With respect to the obligation to investigate violations of international humanitarian law that amount to war crimes, see *preamble* to the ICC Statute; ICRC Customary International Humanitarian Law Study Rule 158. While the obligation to investigate allegations of violations of international humanitarian that do not amount to war crimes is not expressly stated, it can arguably be

UNAMA once again urges the Government to prioritise the adoption and implementation of its National Policy on Civilian Casualty Prevention and Mitigation, which must include the establishment of robust, practical measures to reduce civilian casualties from the use of indirect and/or explosive weapons by Afghan national security forces, and ensure accountability for those personnel responsible for negligent or intentional harm caused to civilians. In addition, UNAMA strongly urges the Government to ensure that Afghan Local Police do not have unregulated and unauthorized access to the indirect and/or explosive weapons, including mortar rounds and rockets. Moreover, the Government must hold accountable all pro-Government armed group members who use indirect and/or explosive weapons, including the senior members of such groups who order use of such weaponry.



inferred from the international customary international law obligation to ensure respect for international humanitarian law. See ICRC Customary International Humanitarian Law Study, Rules 139, 144. See Annex I: Legal Framework for more information on international human rights law obligation to investigate allegations of violations.

### III. Civilian Casualties Attributed to Anti-Government Elements

Civilian casualties attributed to Anti-Government Elements rose by 12 per cent during the first half of 2017 compared to the same period in 2016. Between 1 January and 30 June 2017, UNAMA documented 3,489 civilian casualties (1,141 deaths and 2,348 injured) caused by Anti-Government Elements.<sup>95</sup> Anti-Government Elements caused 67 per cent of civilian casualties, with suicide and complex attacks the leading cause of civilian casualties attributed to Anti-Government Elements.

Civilian casualties from incidents publically claimed by Taliban	551 (186 deaths and 365 injured)
Civilian casualties from incidents attributed to Taliban that were not publically claimed	1,711 (644 deaths and 1,067 injured)
Civilian casualties from incidents publically claimed by <i>Daesh</i> /ISKP	208 (74 deaths and 134 injured)
Civilian casualties from incidents attributed to <i>Daesh</i> /ISKP not publically claimed	49 (30 deaths and 19 injured)
Civilian casualties attributed to anti-government elements where there was no public claim of responsibility or attribution to a specific group was not possible <sup>96</sup>	970 (207 deaths and 763 injured)

The increase in civilian casualties attributed to Anti-Government Elements resulted mainly from increased numbers of civilian deaths and injuries attributed to Anti-Government Elements during ground engagements<sup>97</sup> combined with slight increases in civilian casualties from suicide and complex attacks, and other attacks using improvised explosive devices. Levels of civilian death and injury from other predominantly Anti-Government Element tactics including abductions of civilians, incidents of threat and intimidation, and parallel justice structure punishments decreased. Civilian casualties from Anti-Government Element targeted and deliberate killings of both civilians and non-civilians remained similar to the same period in 2016.<sup>98</sup>

During the first half of 2017, more civilian casualties arose from Anti-Government Element use of improvised explosive devices tactics, including during suicide and complex attacks<sup>99</sup> than from all ground

<sup>95</sup> Between 1 January to 30 June 2016, UNAMA attributed 3,122 civilian casualties (978 deaths and 2,144 injured) to Anti-Government Elements.

<sup>96</sup> During the first six months of 2016: Taliban claimed responsibility for 109 incidents resulting in 1,054 civilian casualties (255 deaths and 799 injured); UNAMA attributed 2,435 civilian casualties (803 deaths and 1,632 injured) to Taliban (including both claimed and unclaimed attacks); *Daesh*/ISKP claimed responsibility for four incidents resulting in 23 civilian casualties (10 deaths and 13 injured); UNAMA attributed 14 incidents resulting in 123 civilian casualties (26 deaths and 97 injured) to *Daesh*/ISKP; and UNAMA attributed 541 civilian casualties (140 deaths and 401 injured) to Unidentified Anti-Government Elements.

<sup>97</sup> While civilian casualties attributed to Anti-Government Elements during ground engagements increased, civilian casualties from ground engagements decreased overall (see *Chapter on Ground Engagements for more details*).

<sup>98</sup> During the first half of 2017, UNAMA documented: six civilian casualties (one death and five injured) from Anti-Government Element incidents of threat, intimidation, and harassment, a 57 per cent decrease compared to the same period in 2016 when UNAMA documented four incidents resulting in 14 civilian casualties (14 injured); 23 civilian casualties (eight deaths and 15 injured) from detonations of explosive remnants of war left behind by Anti-Government Elements; and *as discussed below* – 42 civilian casualties (34 deaths and eight injured) from incidents of abduction and 17 civilian casualties (nine deaths and eight injured) from incidents of parallel justice structure punishments.

<sup>99</sup> UNAMA defines complex attack as a deliberate and coordinated attack which includes a suicide device (i.e., body-borne IEDs or suicide vehicle-borne IEDs), more than one attacker and more than one type of device (i.e., body-borne-IEDs and mortars).

engagements – a direct manifestation of the tactical deployment of such weapons in attacks either deliberately targeting civilians or of an indiscriminate and/or disproportionate nature in civilian-populated areas.

**Leading Causes of Anti-Government Element Civilian Casualties:**

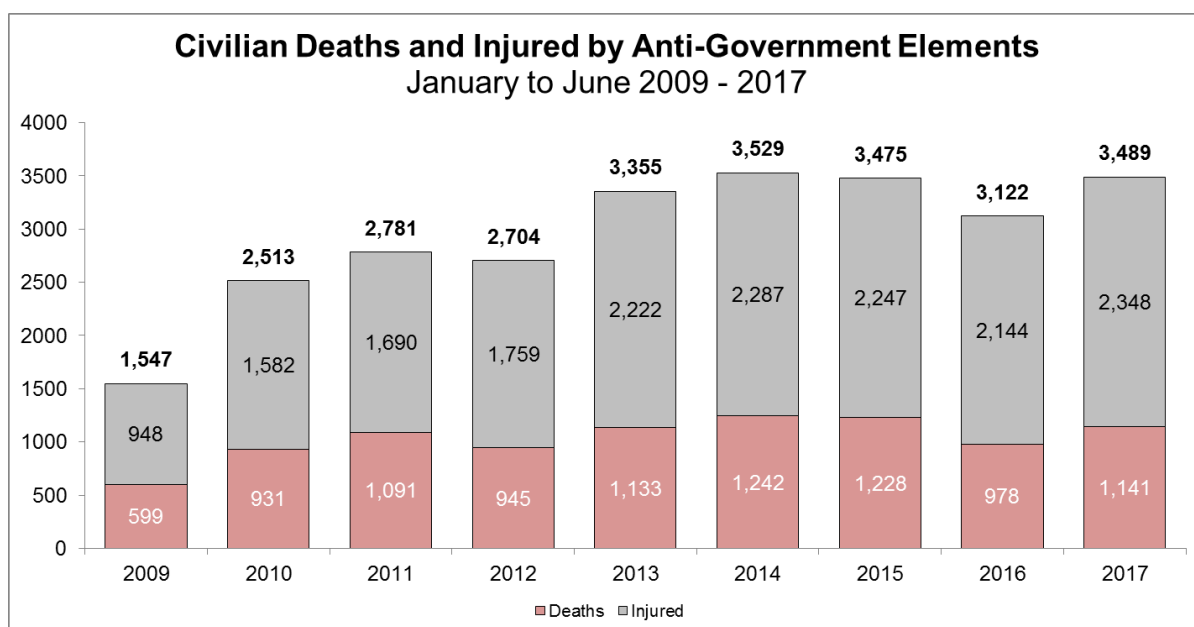
**Suicide & Complex Attacks** – 1,151 civilian casualties (259 deaths and 892 injured)

**Improvised Explosive Devices (non-suicide trigger)** - 928 civilian casualties (337 deaths and 591 injured)

**Ground Engagements** - 780 civilian casualties (173 deaths and 607 injured)

**Targeted/Deliberate Killings** - 542 civilian casualties (320 deaths and 222 injured)

UNAMA attributed 65 per cent of civilian casualties caused by Anti-Government Elements to Taliban – 2,262 civilian casualties (830 deaths and 1,432 injured). This does not take into account likely under-reporting from Taliban-controlled areas due to lack of access and the possibility that UNAMA attributed some Taliban-perpetrated attacks resulting in civilian casualties to unidentified Anti-Government Elements.<sup>100</sup> UNAMA attributed 257 civilian casualties (104 deaths and 153 injured) or seven per cent of civilian casualties arising from Anti-Government Element actions to *Daesh*/ISKP, predominantly in Kabul and Nangarhar provinces.



All three elements must be present for an attack to be considered complex. UNAMA defines suicide attacks as attacks using only suicide devices - generally body or vehicle-borne IEDs.

<sup>100</sup> UNAMA is unable to accurately attribute suicide and complex attacks to specific Anti-Government Elements without a claim of responsibility given the complexity of the actors involved in such attacks – including “terror cells” situation in Kabul – and UNAMA’s limitations with respect to intelligence gathering. For this reason, UNAMA has not attributed any attacks during the first six months to the Taliban-affiliated Haqqani network – attacks claimed by Taliban are attributed to Taliban while other attacks are classified as perpetrated by unidentified Anti-Government Elements.

## Tactics and Incident Types Causing Most Harm to Civilians

### Suicide and Complex Attacks

*"It was the end of the workday and the main gate was crowded with persons leaving for home. The explosion took place about five meters from me, although because the area was so crowded I could not see what happened. Two women and a man, who had been walking ahead, fell on me and I lost consciousness. I awoke in the hospital with large wounds in my leg. The doctors removed shrapnel and ball-bearings. The explosion was so strong – for five days after, my head was not normal and I had trouble recognizing things. Fortunately, I had been near a concrete wall which protected me from greater injury. Only as I recovered did I learn that the explosion had been caused by a suicide bomber and how many of my colleagues had been killed in the blast."<sup>101</sup>*

-- Victim of a suicide attack targeting staff of the Afghan Supreme Court that killed 21 civilians and injured 42 others in Kabul city on 7 February. *Daesh/ISKP* claimed responsibility for the attack.<sup>102</sup>

Between 1 January and 30 June, UNAMA documented 1,151 civilian casualties (259 deaths and 892 injured) from 23 suicide and complex attacks, a 15 per cent increase compared to the same period in 2016.<sup>103</sup> This is the highest number of civilians killed and injured by suicide and complex attacks documented by UNAMA in a six month period since it began documenting civilian casualties in 2009 and follows record levels of civilian casualties from these tactics recorded in 2016. Suicide and complex attacks overtook improvised explosive devices without suicide-triggers to become the leading cause of Anti-Government Element attributed civilian casualties.

Taliban claimed responsibility for 10 suicide and complex attacks resulting in 318 civilian casualties (93 deaths and 225 injured) – six per cent of all civilian casualties during the first six months of 2017 - while *Daesh/ISKP* claimed responsibility for seven suicide and complex attacks, resulting in 183 civilian casualties (66 deaths and 117 injured) comprising three per cent of all civilian casualties. The remaining 650 civilian casualties (100 deaths and 550 injured) took place during six suicide attacks attributed to unidentified Anti-Government Elements, including the 31 May suicide attack in Kabul city (*discussed below*).

#### Significant Attacks in Kabul city

**31 May:** Vehicle-borne IED in a truck detonated in central Kabul city during rush-hour: 583 civilian casualties (92 deaths and 491 injured). Deadliest attack recorded by UNAMA since 2001. No claim of responsibility (*see below for details*).

**8 March:** Complex attack on a military hospital in Kabul city: 48 civilian casualties (26 deaths and 22 injured). *Daesh/ISKP* claimed responsibility (*see Chapter on Human Rights Protections in Conflict-Affected Areas for more details*).

**1 March:** Complex attack on co-located Afghan National Police and ANA compound: 81 civilian casualties (19 deaths and 62 injured). Taliban claimed responsibility.

**7 February:** Body-borne IED detonated at Supreme Court exit gate as staff departed work: 63 civilian casualties (21 deaths and 42 injured). *Daesh/ISKP* claimed responsibility.

**10 January:** Body and vehicle-borne IEDs detonated outside of the Parliament Administration building at the end of the work day: 109 civilian casualties (34 deaths and 75 injured). Taliban claimed responsibility.

Consistent with 2016, suicide and complex attacks most affected civilians in Kabul city, which recorded 986 civilian casualties (209 deaths and 777 injured), a 59 per cent increase compared to the same period in

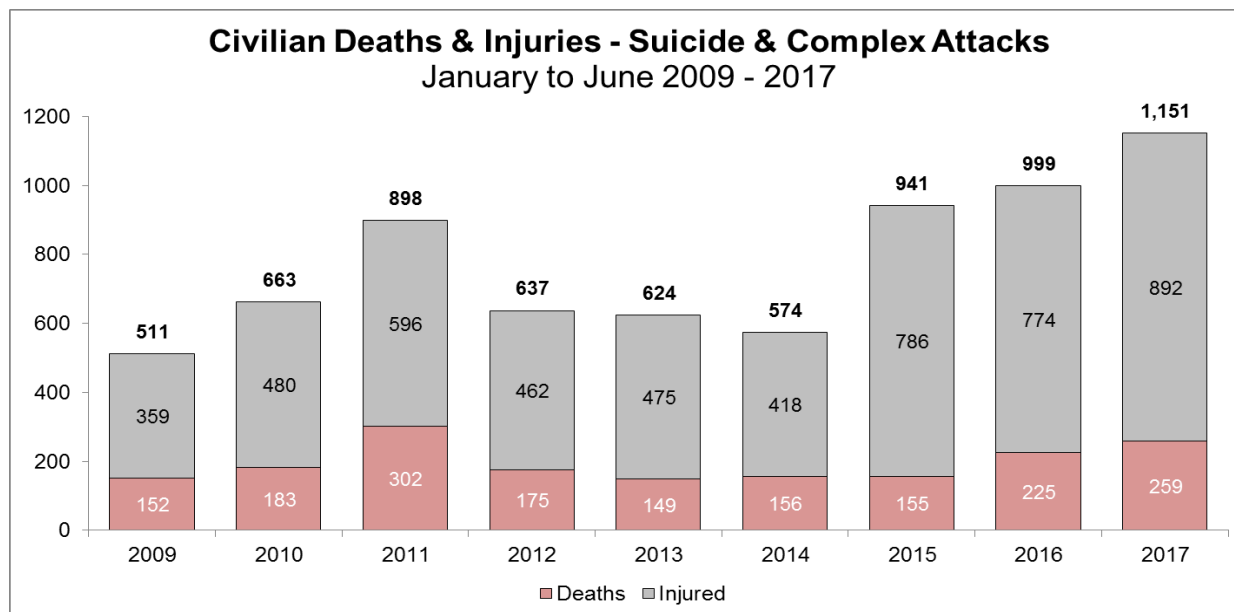
<sup>101</sup> UNAMA interview with victim, Kabul city, 26 March 2017.

<sup>102</sup> Al Amaq circulated a claim attributed to *Daesh/ISKP*, accessible at the following Twitter account: [https://twitter.com/Terror\\_Monitor/status/829307292050976769](https://twitter.com/Terror_Monitor/status/829307292050976769), last accessed 14 July 2017.

<sup>103</sup> During the first half of 2016, UNAMA recorded 999 civilian casualties (225 deaths and 774 injured) from 25 suicide and complex attacks.

2016, and 86 per cent of all civilian casualties from these tactics recorded during the first six months of 2017.<sup>104</sup>

After Kabul, suicide and complex attacks most affected Helmand and Khost provinces. In Helmand province, UNAMA documented two suicide attacks in Lashkar Gah city targeting the New Kabul bank as Afghan national security forces collected salaries that resulted in 72 civilian casualties (29 deaths and 43 injured), both claimed by Taliban, as well as one suicide attack targeting a National Directorate of Security (NDS) check-post in Nahr-e-Seraj district that killed one civilian. In Khost province, UNAMA documented four suicide attacks resulting in 35 civilian casualties (five deaths and 30 injured) during the first half of 2017 compared to zero during the same period in 2016. Taliban claimed responsibility for three of the four attacks, two targeting the Khost Protection Force and one targeting an ANA base, resulting in a total of 29 civilian casualties (five deaths and 24 injured).<sup>105</sup> In total, three suicide attacks targeted the Khost Protection Force, a pro-Government paramilitary group based in the province.



### 31 May Suicide Attack in Kabul & Subsequent Events

*“I was working on the third floor, checking equipment. I don’t remember hearing an explosion – I just remember suddenly the ceiling coming down on us. I was injured in my head and chest but I was conscious. As I looked around I could see all of my colleagues were down, unconscious or dead – I couldn’t tell. Many were buried under the collapsed ceiling. I called out from a window to the street below, ‘Please bring help! Please bring a ladder!’ but there was no one who could help.”<sup>106</sup>*

– Victim injured by 31 May suicide attack in Kabul city.

On 31 May, a suicide attacker detonated a waste water vacuum tanker truck laden with at least 2,000 kg of military grade explosives in a busy civilian-populated area of Kabul city during the morning rush hour, resulting in at least 92 civilian deaths and the injury of 491 others, the deadliest single attack recorded by UNAMA since 2001.

Due to the massive quantities of explosives used, the blast destroyed several Roshan Telecommunications and German Embassy buildings and caused significant damage to nearby hotels, banks, and other businesses as well as to several embassies and some UN compounds in a one kilometre radius. Victims included Roshan employees (31 killed, 50 injured), Afghan guards outside nearby embassies (10 killed), and dozens of bystanders on the busy street, patrons of local hotels and shops, as well as 14 students injured at a nearby high school. While the intended target is

<sup>104</sup> During the first half of 2016, UNAMA documented 619 civilian casualties (108 deaths and 511 injured) from suicide and complex attacks in Kabul city.

<sup>105</sup> Taliban published claims of responsibility on its English website, accessible at: <http://alemarah-english.com/?p=15261>; <http://alemarah-english.com/?p=13602>; <http://alemarah-english.com/?p=12019>, all last accessed 14 July 2017.

<sup>106</sup> UNAMA interview with victim, a Roshan employee, Wazir Akbar Khan hospital, Kabul city, 8 June 2017.



not completely clear, some Afghan security authorities stated the view that the attack may have been directed at an embassy or the NATO compound.

The attack provoked an immediate response, with outrage over the Government's inability to secure the city and ongoing instability expressed in media, particularly social media. On 2 June, protests began near the site of the 31 May attack at Zanbaq square and were initially peaceful, until a new group of demonstrators joined and attacked Afghan security forces with bricks, stones, metal pieces, and, allegedly firearms. Security forces responded to the violence by firing water from fire trucks, tear gas, rubber bullets, and eventually live ammunition. At least five persons involved in the protests were killed and at least 11 more were injured during the violence, which also caused the injury of 19 members of the security forces.

On 3 June, a funeral ceremony was held for one of the protestors killed on 2 June, the son of a prominent politician. During the ceremony, which was attended by many government and security officials, two suicide attackers detonated body-borne IEDs emplaced in shoes and possibly belts. UNAMA verified four civilians killed and 49 injured in the attack. The Afghan intelligence service (NDS) released a video of the alleged confession of a third suspect who claimed to have been trained in a Quetta madrassa.

NDS blamed the Taliban Haqqani Network for the 31 May attack, citing evidence of direct Pakistani Inter-Services Intelligence (ISI) aid.<sup>107</sup> Taliban condemned the attack and denied involvement on 31 May via twitter,<sup>108</sup> and again on 1 and 12 June on its English website.<sup>109</sup> On 13 June, Taliban deputy leader Sirajuddin Haqqani released an audio statement on the Taliban's Dari website fervently denying responsibility for both the 31 May and 3 June attacks.<sup>110</sup> *Daesh*/ISKP denied issuing an alleged claim of responsibility which had originally been attributed to it, accusing Taliban of circulating the fabricated *Daesh*/ISKP claim.<sup>111</sup>

Protesters at Zanbaq square and several other locations erected tents where they remained until all but one of the tents were removed by mutual agreement between the Afghan Government and protesters on 13 June. One final tent nearby the site of the 31 May attack at Sherpur Square remained until, on 20 June during early morning hours, ANSF forcibly removed protesters and dismantled it. Afghan security forces claim protesters were armed and resisted, while protesters complain that force was used without warning. Protesters reported that two were killed (including a 16 year old boy) and 27 more were injured by security forces.

The Attorney General suspended the Commander of the Kabul Joint Garrison Command and the Kabul city Chief of Police amidst investigations into the protest violence. UNAMA continues to independently verify casualties as well as the exact circumstances of use of force, including deadly force.

The UN Secretary-General and the UN Security Council condemned the 31 May attack, which occurred at the start of the holy month of Ramadan, recalling that indiscriminate attacks against civilians are grave violations of human rights and international humanitarian law and can never be justified, and underlining the need to bring perpetrators, organizers, financiers and sponsors of these reprehensible acts of terrorism to justice.<sup>112</sup>

UNAMA once again urges all Anti-Government Elements to immediately cease all suicide and complex attacks against civilian targets and in civilian-populated areas.<sup>113</sup>

<sup>107</sup> See <https://www.facebook.com/Afghanistan.NDS/posts/1414635241957074>, last accessed on 14 July 2017.

<sup>108</sup> Accessible at <https://twitter.com/ZabihullaM4/status/869836365973790720> last accessed 14 July 2017.

<sup>109</sup> Statement of 1 June accessible at: <http://alemarah-english.com/?p=15425>; statement of 12 June accessible at: <http://alemarah-english.com/?p=16034>, both last accessed on 14 July 2017.

<sup>110</sup> Accessible at <http://alemarah-dari.com/?p=57335>, last accessed on 14 July 2017.

<sup>111</sup> See Afghan Analysts Network, <https://www.afghanistan-analysts.org/a-black-week-in-kabul-2-who-are-the-most-likely-perpetrators/>, last accessed on 14 July 2017.

<sup>112</sup> Accessible at <https://unama.unmissions.org/united-nations-secretary-general-condemns-kabul-terrorist-attack> and <https://unama.unmissions.org/united-nations-security-council-condemns-attack-kabul>, both last accessed on 14 July 2017.

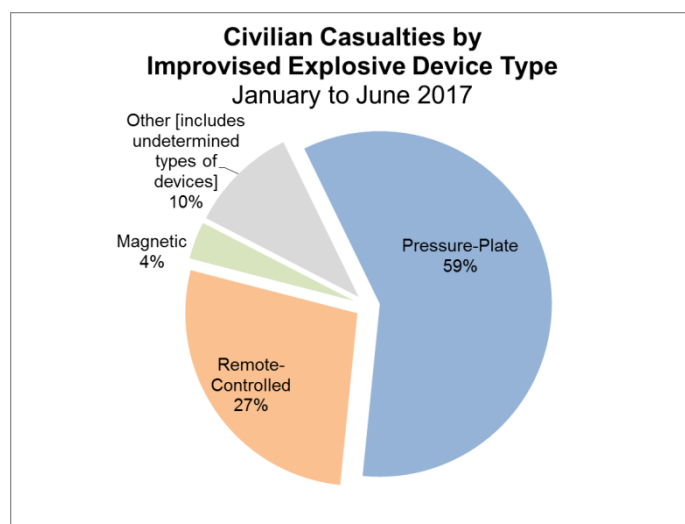
<sup>113</sup> See <https://unama.unmissions.org/unama-condemns-indiscriminate-killing-afghan-capital>, last accessed on 14 July 2017.

## Improvised Explosive Devices (non-suicide)

*“A few minutes after my brother and his family left home to attend an engagement party, I heard a terrible explosion and saw dust and smoke in the sky. My nephew came running, shouting that they had hit a pressure-plate bomb. We all ran to the incident site. I noticed pieces of their vehicle thrown everywhere. As I got closer, I saw body parts. I didn’t know what to do first – collect the body parts or find my brother? I was in shock. The bodies lay everywhere – 11 of my family were killed, including my brother. They had their new clothes on, ready to attend a happy event, but now they are no longer alive and the explosion destroyed their bodies. Only three grandchildren of my brother survived– the rest are all gone.”*

- Family member of victims killed and injured by a pressure-plate IED detonation on 19 May in Mohammed Agha district, Logar province.<sup>114</sup> The incident killed 11 civilians (four children, six women, and one man) and injured three children.

Between 1 January and 30 June 2017, UNAMA documented 928 civilian casualties (337 deaths and 591 injured) from IED detonations without suicide triggers.<sup>115</sup> Reversing the decline recorded by UNAMA in 2015 and 2016, civilian casualties from IED detonations increased by two per cent in the first six months of 2017, predominantly due to a rise in civilian casualties from pressure-plate IEDs.<sup>116</sup> Non-suicide IEDs caused 18 per cent of total civilian casualties.



Taliban claimed responsibility for nine incidents of non-suicide IED detonation that caused 37 civilian casualties (three death and 34 injured), including the detonation of two remote-controlled IEDs on 16 May in Kandahar city targeting Afghan National Police that killed one civilian and injured nine others. *Daesh*/ISKP claimed responsibility for one remote-controlled IED detonation in Herat city on 12 May that caused 24 civilian casualties (seven deaths and 17 injured) outside of a bakery in a Shi’ite Muslim area of the city.<sup>117</sup>

### Increased Civilian Casualties from Pressure-Plate Improvised Explosive Devices

UNAMA is extremely concerned by the substantial increase civilian casualties from pressure-plate IEDs during the first half of 2017. UNAMA documented 547 civilian casualties (252 deaths and 295 injured), a 22 per cent increase compared to the same period in 2016 and a 42 per cent increase in civilian deaths.<sup>118</sup>

<sup>114</sup> UNAMA telephone interview with victims’ relative, 21 May, Kabul city.

<sup>115</sup> This chapter addresses IED tactics aimed at general targets as opposed to IEDs used to carry out targeted killings. In total, UNAMA documented 2,173 civilian casualties (616 deaths and 1,557 injured) from combined IED tactics during the first six months of 2017 i.e. both IED tactics aimed at general targets and IEDs used to carry out targeted or deliberate killings against specific individuals in addition to those used during suicide and complex attacks, a five per cent increase compared to the same period in 2016 when UNAMA documented 2,078 civilian casualties (536 deaths and 1,542 injured). UNAMA documented 94 civilian casualties (20 deaths and 74 injured) from IEDs used during targeted killings during the first half of 2017 (not included in the figures detailed in this section, instead see section on Anti-Government Element Targeted and Deliberate Killings).

<sup>116</sup> Between 1 January and 30 June 2016, UNAMA documented 911 civilian casualties (289 deaths and 622 injured) from non-suicide IEDs.

<sup>117</sup> Al Amaq circulated a claim attributed to *Daesh*/ISKP, accessible at the following Twitter account: [https://twitter.com/Terror\\_Monitor/status/829307292050976769](https://twitter.com/Terror_Monitor/status/829307292050976769), last accessed 14 July 2017.

<sup>118</sup> In the first half of 2016, UNAMA documented 448 civilian casualties (177 deaths and 271 injured) from pressure-plate IEDs.

**Four pressure-plate IED detonations resulted in 55 civilian casualties (42 civilian deaths and 13 injured):**

**26 May, Adraskan district, Herat province,** a transport van hit a pressure-plate IED on a public road, killing eight civilians (including two children and three women) and injuring six others (including two children and two women).

**19 May, Muhammad Agha district, Logar province,** a civilian vehicle hit a PPIED, killing 11 civilians (including four children and six women) and injuring three children, as they travelled together in the same vehicle to attend an engagement party.

**14 April, Nawa-Barakzai district, Helmand province,** a civilian car struck a pressure-plate IED, killing 11 civilians (including two children and a woman).

**16 February, Urgun district, Paktika province,** a civilian pick-up vehicle detonated a pressure-plate IED, killing eight boys and four men and injuring three boys and one man. The vehicle was taking children home for the weekend from their madrassa.

Pressure-plate IEDs accounted for over half – 59 per cent - of all non-suicide IED civilian casualties and 10 per cent of overall civilian casualties.<sup>119</sup>

UNAMA observed that as Anti-Government Elements gained increased territorial control, they turned to pressure-plate IEDs as a tactic to prevent the advancement of Pro-Government Forces during clearing operations, often emplacing the devices on roads used by civilians around areas inhabited by civilians (*for further discussion in the context of Helmand province, see below*). While Anti-Government Elements typically intend to target Afghan national security forces with pressure-plate IEDs, the devices are inherently indiscriminate. As victim-activated devices, Anti-Government Elements cannot direct the effects of pressure-plate IEDs against a specific target after emplacing them, mainly on roads used by civilian vehicles, with civilians in contested districts particularly at risk. Due to their indiscriminate nature, the use of pressure-

plate IEDs may amount to a violation of international humanitarian law.<sup>120</sup>

The devastating and indiscriminate effects of pressure-plate IEDs are apparent from related child casualties, which spiked by 70 per cent to 180 child casualties (66 deaths and 114 injured). Women casualties from pressure-plate IEDs doubled to 51 civilian casualties (27 deaths and 24 injured).<sup>121</sup>

Most civilian casualties from pressure-plate IEDs occurred in the southern (299 civilian casualties (140 deaths and 159 injured)) and south-eastern regions of Afghanistan (107 civilian casualties (45 deaths and 62 injured)). Of concern, civilian casualties from pressure-plate IEDs more than doubled in the south-eastern region and increased by eight per cent across the southern region.<sup>122</sup>

**Sharp rise in pressure-plate IED civilian casualties in Helmand province**

Civilian casualties from pressure-plate IEDs more than doubled in Helmand province during the first half of 2017 compared to the same period in 2016. UNAMA observed that the increase appeared to occur as a direct consequence of the increased tactical use of pressure-plate IEDs by Anti-Government Elements to block Afghan national security force access to contested areas by emplacing the devices on main roads linking civilian-populated areas. UNAMA documented 74 detonations resulting in 135 civilian casualties (65 deaths and 70 injured) compared to 27 detonations causing 50 civilian casualties (15 deaths and 35 injured) during the same period in 2016.

<sup>119</sup> During the first half of 2017, UNAMA recorded 270 pressure-plate IED detonations causing civilian casualties in comparison to 254 during the first half of 2016.

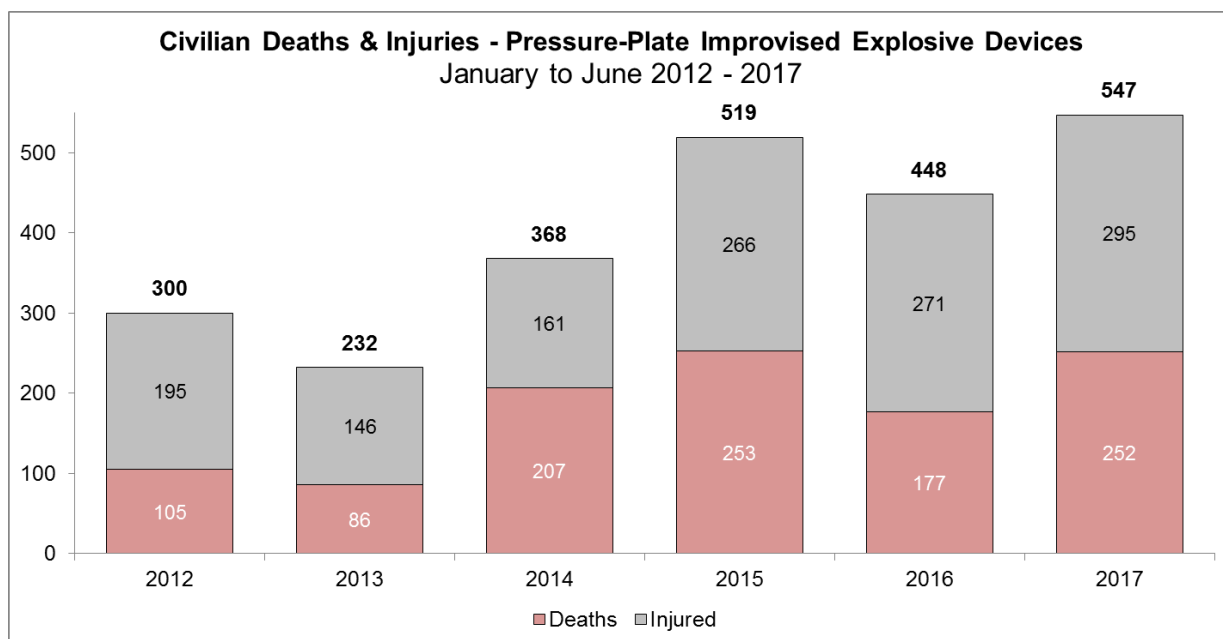
<sup>120</sup> See Additional Protocol I, Article 51 (not applicable to non-international armed conflict but accepted as customary international law – see ICRC Customary International Law Study Rule 11); *Prosecutor v. Dusko Tadić*, IT-94-1, Appeals Chamber Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, para. 127.

<sup>121</sup> During the first half of 2016, UNAMA documented 106 child casualties (36 deaths and 70 injured) and 25 women casualties (11 deaths and 14 injured) from pressure-plate IED detonations.

<sup>122</sup> The southern region comprises Helmand, Kandahar, Uruzgan, Nimroz, and Zabul provinces. The south-eastern region comprises Ghazni, Khost, Paktika, and Paktya provinces. During the first half of 2016, UNAMA documented 278 civilian casualties (111 deaths and 167 injured) from pressure-plate IEDs in the southern region and 47 civilian casualties (16 deaths and 31 injured) in the south-eastern region.

The district of Nad-e-Ali in Helmand province exemplified these trends. Of strategic importance to both Taliban and Afghan national security forces due to its location in proximity to the provincial capital and its agricultural potential, the district is heavily contested. Anti-Government Elements took control of most of the district with the exception of the district administration centre in 2016. UNAMA documented 20 pressure-plate IED detonations that resulted in 34 civilian casualties (22 deaths and 12 injured) in the first half of 2017 compared to only four civilian casualties (two deaths and two injured) from four pressure-plate IED detonations during the same period in 2016.

While UNAMA received reports that Anti-Government Elements sometimes warn the population to avoid certain areas in which pressure-plate IEDs are emplaced, such actions are insufficient to mitigate the severe risk that pressure-plate IEDs pose to civilians.



**Civilian Casualties from Remote-Controlled Improvised Explosive Devices**

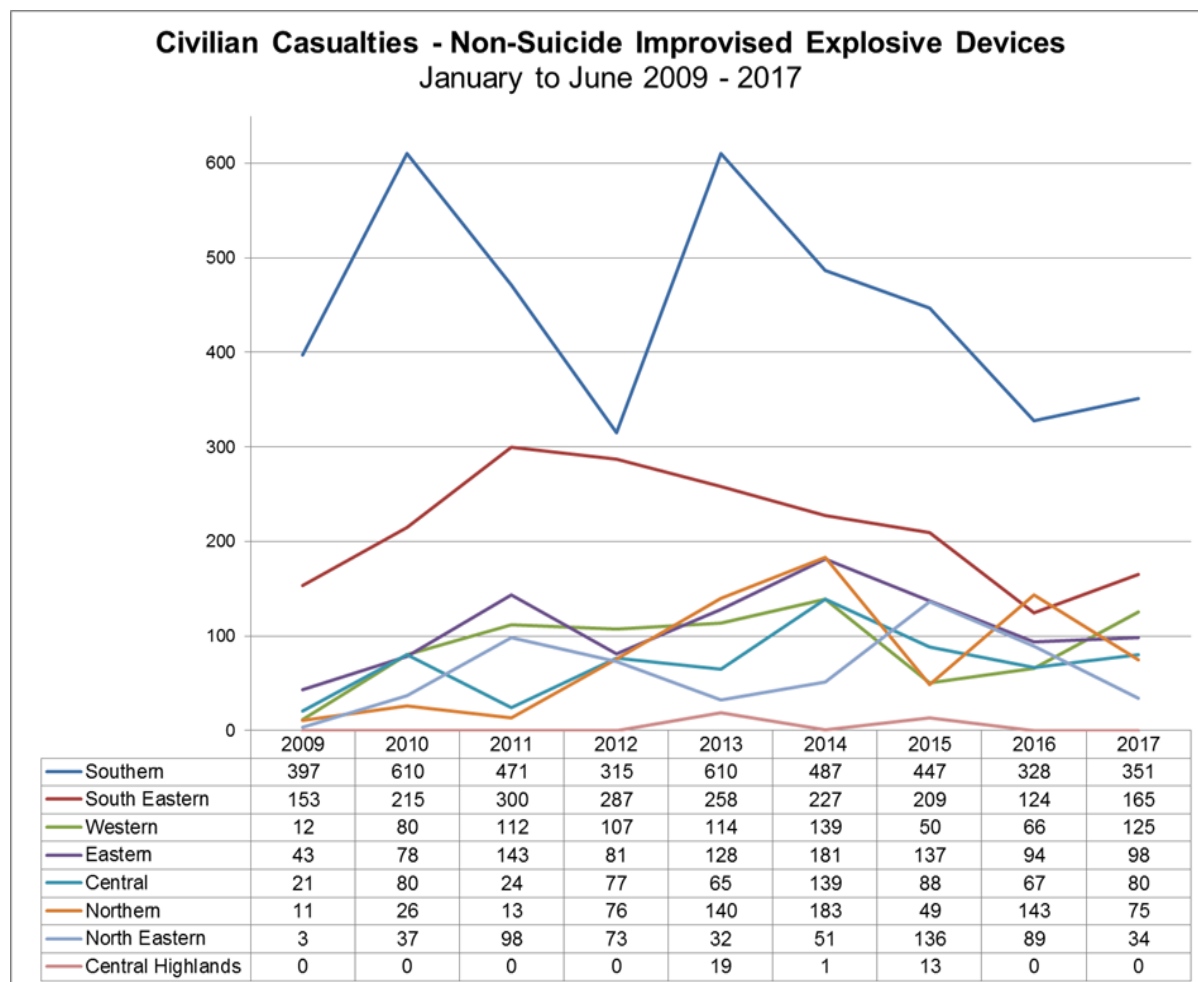
UNAMA documented 255 civilian casualties (50 deaths and 205 injured) from remote-controlled IEDs during the first six months of 2017, a 22 per cent decrease compared to the same period in 2016.<sup>123</sup> Remote-controlled IEDs caused 27 per cent of all non-suicide IED civilian casualties. Anti-Government Elements continued to detonate remote-controlled IEDs in civilian-populated areas or against civilian targets during the first six months of the year. For example, on 13 March, in Kabul city, a remote-controlled IED detonated at the side of the road on a Roshan private telecommunications company bus, killing one woman and injuring 23 civilians. No party claimed responsibility.

**Civilian Casualties from Magnetic Improvised Explosive Devices**

UNAMA documented 33 civilian casualties (three deaths and 30 injured) from 11 incidents of magnetic IED detonations in the first six months of 2017, a decrease of 28 per cent compared to the same period in 2016.<sup>124</sup> For example, on 13 May, in Kabul city, a magnetic IED placed inside a shuttle bus belonging to the Water Supply Department detonated and killed two women passengers who worked at the ministry and injured three women and a girl. No party claimed responsibility.

<sup>123</sup> During the first half of 2016, UNAMA documented 327 civilian casualties (74 deaths and 253 injured) from remote-controlled IED detonations.

<sup>124</sup> During the first half of 2016, UNAMA documented 46 civilian casualties (two deaths and 44 injured) from 14 magnetic IED detonations. The remaining 92 civilian casualties (31 deaths and 61 injured) from improvised explosive devices occurred from other devices or from devices that UNAMA did not have the ability to identify in terms of trigger type.



### Indiscriminate and/or Disproportionate Attacks

*“I was outside of the bank when a car pulled up beside ANA vehicles and blew up. At the time, ANA soldiers were waiting to withdraw their salaries from the bank. There were many bodies on the ground – bleeding, injured, killed. I saw one child completely burned to death and a dead woman lying on the ground. The women in the area were begging and the children were street vendors. The bank is very near to a public park.”<sup>125</sup>*

-- Eyewitness to Taliban-claimed suicide attack targeting ANA soldiers collecting salaries at the New Kabul Bank in Lashkar Gah city, Helmand province, on 11 February. The vehicle-borne IED attack killed seven civilians (including three children and two women) and injured nine others (including four children and two women) in addition to ANA casualties.<sup>126</sup>

In clear violation of international humanitarian law, Anti-Government Elements continued to carry out indiscriminate and disproportionate attacks the first half of 2017, imposing extreme levels of harm on the civilian population. Even where Anti-Government Elements appeared to direct attacks at non-civilian targets during the first six months of 2017, the propensity of these actors to deploy indiscriminate tactics - principally the detonation of sizeable improvised explosive devices in areas populated or used by civilians - meant that Afghan civilians often bore the brunt of such attacks, regardless of the target. Such tactics also generated disproportionate civilian casualties on numerous occasions. UNAMA urges Anti-Government Elements to immediately cease the use of improvised explosive devices, including during

<sup>125</sup> UNAMA telephone interview with the witness, Kandahar city, 12 February 2017.

<sup>126</sup> Taliban published claims of responsibility on its English website, accessible at: <http://alemarah-english.com/?p=10544>, last accessed 14 July 2017. Taliban stated “As the civilians are not allowed into such gatherings [...] the claims of civilians damages are absolutely baseless”.

suicide and complex attacks, in all areas with a civilian presence (*see below for discussion of attacks deliberately targeting civilians*).

UNAMA emphasizes that international humanitarian law obliges Anti-Government Elements to refrain from conducting attacks of an indiscriminate nature,<sup>127</sup> and that such attacks may amount to war crimes.<sup>128</sup> In addition, where parties to a conflict carry out an attack against a military objective, international humanitarian law prohibits disproportionate attacks - namely, those that are expected to cause incidental loss of civilian life, injury to civilians, or damage to civilian objects, excessive in relation to the anticipated concrete and direct military advantage.<sup>129</sup> Anti-Government Elements must immediately cease the use of improvised explosive devices in civilian-populated areas.

UNAMA observed that the use of suicide IED tactics, in particular, regularly appeared to constitute indiscriminate and/or disproportionate attacks when not directed against civilian targets by virtue of both the levels of explosives and locations of detonation, preventing Anti-Government Elements from effectively directing the effects against non-civilian targets or limiting incidental civilian harm. For example, on 3 May, *Daesh*/ISKP conducted a suicide attack targeting an international military force convoy composed of armoured military vehicles during the rush hour in Kabul city, killing six civilians and injuring 24 others in the vicinity. The attack slightly injured three international military force soldiers.<sup>130</sup> The detonation of an amount of explosives of the level used in the 31 May suicide vehicle-borne IED attack in Kabul city can never be justified in any area with a civilian presence (*see above section on Suicide and Complex Attacks for further discussion of this attack*).<sup>131</sup>

UNAMA notes that all 10 suicide and complex attacks for which the Taliban claimed responsibility targeted Afghan national security forces, pro-Government armed groups, or the National Directorate of Security. Notwithstanding, these attacks alone resulted in 318 civilian casualties (93 deaths and 225 injured). In one case, on 27 May, Taliban detonated a suicide vehicle-borne IED in Khost city targeting the Khost Protection Force, a para-military pro-Government armed group, next to a civilian bus stand. The attack killed five civilian men and injured seven others as they waited in and around the bus stand. The exact number of Khost Protection Force members killed and injured is not clear but estimated to be at least eight killed and three wounded.<sup>132</sup> Three attacks targeted members of the Afghan national security forces as they collected salaries at the branches of the Kabul New Bank, a civilian location in central areas of Lashkar Gah city, Helmand province and Gardez city, Paktika province, resulting in a combined total

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<sup>127</sup> ICRC Customary International Humanitarian Law Study, Rule 14 states that indiscriminate attacks included those “which employ a method or means of combat which cannot be directed at a specific military objective” and consequently. “are of a nature to strike military objectives and civilians or civilian objects without distinction.” See Additional Protocol I, Article 51 (not applicable to non-international armed conflict but accepted as customary international law – see ICRC Customary International Law Study Rule 11); *Prosecutor v. Dusko Tadić*, IT-94-1, Appeals Chamber Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, para. 127. See also ICRC Customary International Humanitarian Law Study, Rule 14.

<sup>128</sup> While the ICC Statute does not expressly criminalize indiscriminate and disproportionate attacks in non-international armed conflicts, such attacks may give rise to inferences of a direct attack against civilians in some circumstances. See, for example, *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-A, Appeal Judgement, 30 November 2006, paras. 132, 133. See also ICRC Customary International Humanitarian Law, Rule 156; ICC Statute, Articles 8(2)(c), 8(2)(e)(i); *Prosecutor v. Dusko Tadić*, IT-94-1, Appeals Chamber Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, paras. 120-127.

<sup>129</sup> Common Article 3; Additional Protocol II; ICRC Customary International Humanitarian Law Study, Rule 14. See also Additional Protocol I, Articles 85(3)(b) (not applicable to non-international armed conflict but accepted as customary international law – see ICRC Customary International Law Study Rule 14).

<sup>130</sup> Al Amaq circulated a claim of responsibility, accessible at the following Twitter account: [https://twitter.com/Terror\\_Monitor/status/859735581290409985](https://twitter.com/Terror_Monitor/status/859735581290409985), last accessed 14 July 2017. NATO Resolute Support posted a statement on Twitter, accessible at: <https://twitter.com/ResoluteSupport/status/859661443125346304>, last accessed 14 July 2017.

<sup>131</sup> See footnote 127.

<sup>132</sup> Taliban published a claim of responsibility on its English website, accessible at: <http://alemarah-english.com/?p=15261>, last accessed 14 July 2017.

of 114 civilian casualties (37 deaths and 77 injured) contrasted with around 64 non-civilian casualties (18 deaths and 46 injured).<sup>133</sup>

Anti-Government Elements continued to fire mortar rounds into densely populated urban areas. For example, on 25 May, Taliban fired multiple mortar rounds into Kunduz city to target international military forces residing in a guesthouse near the Provincial Governor's office in the vicinity of at least three schools and various shops and businesses. At least one mortar round landed close to a boys' school, killing a nine-year-old-boy and injuring 12 other civilians.<sup>134</sup>

Finally, the documented increase in civilian casualties from pressure-plate IEDs (*discussed in more detail above*) – victim-activated devices frequently placed on roads used by civilians further demonstrates the severe harm that indiscriminate tactics had on civilians during the first half of 2017.

### **Anti-Government Element Targeted and Deliberate Killings**

*"After the killing of my father, my mother became mentally very disturbed and her condition is terrible. We don't have money to treat her. I have two younger brothers and six small sisters. It has been very difficult to survive. We have borrowed some money from our relatives and that's how we are surviving. We have some land but there is no water and we can't farm. We received 40,000 Afghanis from the Education Department for the funeral ceremony, that's it. We are looking for someone who can help us to treat my mother. I am also desperately looking for job. We are too scared to go anywhere to complain to seek justice. God will punish those who have killed my innocent father."<sup>135</sup>*

-- Son of a civilian government worker shot dead by Anti-Government Elements during the first half of 2017 [district and province withheld].

Between 1 January and 30 June 2017, UNAMA documented 542 civilian casualties (320 deaths and 222 injured) from 284 incidents of targeted killings perpetrated by Anti-Government Elements, accounting for 10 per cent of all civilian casualties.<sup>136</sup> Though the overall number of civilian casualties from targeted killings perpetrated by Anti-Government Elements increased by three per cent compared to the same period in 2016, UNAMA notes with concern that civilian deaths from such incidents increased by 33 per cent. In addition, the number of targeted killing incidents attributed to Anti-Government Elements increased from 221 to 284, suggesting that Anti-Government Elements carried out higher numbers of successful targeted killings, using more specific means. For example, incidents where Anti-Government Elements either shot to death or shot and injured the intended victim increased by 31 per cent - UNAMA documented 369 civilian casualties (270 deaths and 99 injured) from 241 incidents during the first half of this year.<sup>137</sup>

Taliban claimed responsibility for 51 incidents of targeted killings resulting in 128 civilian casualties (66 deaths and 62 injured), a 39 per cent increase compared to the same period in 2016.<sup>138</sup> In one incident, on 5 June, Taliban shot dead the Wazi Khwah District Judge and his driver in Andar district, Ghazni

<sup>133</sup> Two attacks in Lashkar Gah city, Helmand province on 11 February and 22 June deployed suicide vehicle-borne IEDs while the 20 May attack in Gardez city involved indiscriminate shooting and the use of grenades. UNAMA considers Uniformed Police of the Afghan National Police to be civilians unless directly participating in hostilities. UNAMA does not document non-civilian casualties i.e. ANA soldiers and relies on reports received by the relevant authorities, which often vary. While the identities and status of the non-civilians killed in the attack is not known, the number of casualties compared to civilians raises concerns regarding proportionality.

<sup>134</sup> Taliban published a claim of responsibility on its Pashto website, accessible at: <http://shahamat.info/?p=85786>, last accessed 14 July 2017.

<sup>135</sup> UNAMA telephone interview with the witness and son of the victim, [location withheld], 16 May 2017.

<sup>136</sup> This section discusses targeted killings perpetrated by Anti-Government Elements. For incidents of intentional killings of civilians by Pro-Government Forces, see section on Pro-Government Forces.

<sup>137</sup> In the first six months of 2016, UNAMA documented 184 comparable incidents resulting in 308 civilian casualties (201 deaths and 107 injured).

<sup>138</sup> During the first half of 2016, UNAMA documented 34 Taliban-claimed incidents of targeted and deliberate killing that resulted in 92 civilian casualties (36 deaths and 56 injured).

province, as he attempted to run away from a Taliban check-post.<sup>139</sup> *Daesh*/ISKP claimed responsibility for one targeted killing resulting in one civilian casualty. On 30 May 2017, *Daesh*/ISKP shot dead an Afghan National Police trainer with small arms fire as he travelled to his office in Behsud district, Nangarhar province.<sup>140</sup>

As in 2016, most civilian casualties – 62 per cent - from targeted killings perpetrated by Anti-Government Elements occurred during attacks deliberately targeting civilians.<sup>141</sup> UNAMA documented 199 incidents of deliberate killings by Anti-Government Elements targeting civilians that resulted in 334 civilian casualties (220 deaths and 114 injured), a decrease in comparison to the same period in 2016 when the mission recorded 229 incidents. Such attacks persisted predominantly against civilians viewed as connected to the Government or security forces through current or former employment, family members, perceived support or outlook. Of concern, incidents of deliberate killings targeting tribal elders increased to 29 from 19 during the same period in 2016, resulting in 40 civilian casualties (25 deaths and 15 injured), a 48 per cent increase in civilian casualties compared to the previous year (*for discussion on continued targeted killings of civilian Government workers, see section on Attacks Deliberately Targeting Civilians*).<sup>142</sup>

UNAMA documented 89 civilian casualties (32 deaths and 57 injured) that occurred collaterally during 30 incidents of deliberate killings targeting non-civilian targets such as members of the Afghan national security forces, pro-Government armed groups, or Afghan Local Police. For example, on 28 January, in Khanabad district, Kunduz province, Anti-Government Elements opened fire on a private vehicle after it failed to stop when ordered to, killing all five passengers inside, including an ANA officer that the group wanted to abduct, and four civilians. On 8 February, in Alingar district, Laghman province, Anti-Government Elements shot and killed a civilian man and injured a civilian man and 13-year-old boy after opening fire on their vehicle in an attempt to kill two ANA officers, who survived unharmed.

#### **Targeted killing of civilians in Nesh District, Kandahar province**

UNAMA is extremely concerned by the execution of 30 adult male civilians, shot to death by Anti-Government Elements in the northern villages of Nesh district in Kandahar province in 13 incidents between March and April. Anti-Government Elements shot to death 19 civilian men between 6 and 10 March and an additional 11 civilian men between 2 and 10 April after taking control of territory in proximity to the district administration centre in two phases.

Anti-Government Elements deliberately sought out civilian men in areas newly under their control who they believed had links to the Government or prior employment with the Afghan national security forces. For example, on 8 March, in Do Shana village, Anti-Government Elements shot to death a group of six civilian men aged 19 to 32-years-old after searching homes. On 10 March, in Chino village, Anti-Government Elements shot dead four men aged between 22 and 28 years of age under the same circumstances.

On three occasions, Anti-Government Elements abducted civilian men and held them for less than 24 hours before shooting them to death. For example, on 7 April, Anti-Government Elements abducted two men aged 20 and 21-years-old from an area between Nawa and Chino villages before shooting them dead. Their family received their bodies the next day. On 6 March, Anti-Government Elements

<sup>139</sup> Taliban posted a claim of responsibility on its English website at: <http://alemarah-english.com/?p=15670>, last accessed 14 July 2017.

<sup>140</sup> Al Amaq circulated three claims attributed to *Daesh*/ISKP, available at the following Twitter account: [https://twitter.com/Terror\\_Monitor/status/869930911969665024](https://twitter.com/Terror_Monitor/status/869930911969665024), last accessed 14 July 2017.

<sup>141</sup> Deliberate killings targeting Afghan National Police accounted for 55 incidents resulting in 119 civilian casualties (68 deaths and 51 injured). UNAMA did not include these figures in determining the number of incidents of targeted and deliberate killing incidents intentionally targeting civilians or non-civilian targets because not all incidents targeting Afghan National Police necessarily occurred while they benefited from civilian protection. Between 1 January and 30 June 2016, UNAMA documented 229 incidents of deliberate killings targeting civilians that resulted in 428 civilian casualties (254 deaths and 174 injured).

<sup>142</sup> Between 1 January and 30 June 2016, UNAMA documented 19 incidents of targeted and deliberate killings aimed at tribal elders resulting in 27 civilian casualties (17 deaths and 10 injured).



also abducted 35 adult men from Nawa, Gonbad, Jamak, Chini, Shin Karez, Farmo, and Bawri villages after searching for relatives of government and Afghan national security forces. The Anti-Government Elements released all abductees – with the exception of seven Afghan National Police officers – on 5 June.

The killings appeared to be motivated by the desire to remove Government supporters from the area to render it easier for Anti-Government Elements to retain control of its new territory. Revenge for previous targeted killings of civilians perpetrated by Afghan National Police who perceived the victims to be Anti-Government Element supporters may also have contributed. (see *Chapter on Civilian Casualties Attributed to Pro-Government Forces for more information*).

### Conflict-Related Abduction of Civilians

Between 1 January and 30 June 2017, UNAMA documented 131 cases of abduction of civilians by Anti-Government Elements resulting in 42 civilian casualties (34 deaths and eight injured) and the abduction of 467 civilians.<sup>143</sup> During the same period in 2016, UNAMA recorded 194 incidents of abduction resulting in the 85 civilian casualties (46 deaths and 39 injured) and the abduction of 1,115 civilians. Abductions accounted for two per cent of all civilian casualties in the first half of 2016.<sup>144</sup>

Taliban claimed responsibility for three abductions.<sup>145</sup> In one case, on 5 May, in Lash-e-Juwain district, Farah province, Taliban abducted three civilian men after they stole animals and released the abductees four to five days later after receiving a ransom payment.<sup>146</sup> In another incident, on 8 April, Taliban abducted a former Afghan National Police officer in Ab Kamari district, Baghlan province and released him on 15 April after payment of a ransom and mediation by local elders.<sup>147</sup> UNAMA attributed 109 incidents of abduction resulting in 31 civilian casualties (24 deaths and seven injured) and the abduction of 363 civilians to Taliban. In comparison, *Daesh*/ISKP did not claim responsibility for any incidents of abduction of civilians. UNAMA attributed 11 incidents of abduction resulting in seven civilian casualties (six deaths and one injured) and the abduction of 70 civilians to *Daesh*/ISKP, all in Nangarhar province.

As in 2016, Anti-Government Elements continued to target off-duty and former Afghan National Police officers, civilian Government workers, family members of civilian Government workers and Afghan national security forces, civilians believed to be government spies as well as civilians perceived to oppose Anti-Government Element values. In one incident, on 18 May, Anti-Government Elements abducted a 14-year-old boy in Darah Suf-e-Payin district, Samangan province after he was seen in a video of a wedding posted on social media dancing in a manner that the Anti-Government Elements deemed “immoral”. The Anti-Government Elements released the boy on 19 May following the intervention of local elders.

Most incidents of abduction resulted in the release of the abducted civilians following mediation of local elders or payment of a ransom. Civilian deaths and injury during incidents of abduction mostly occurred from the use of violence during the abduction or escape attempts. For example, in Shindand district, Herat province, Anti-Government Elements shot and wounded a civilian man attempting to escape after they abducted him the day before. In other cases, Anti-Government Elements shot dead abducted

<sup>143</sup> UNAMA attributed one additional case of abduction of one civilian to a pro-Government armed group.

<sup>144</sup> In contrast to the first six months of 2017, UNAMA documented several mass abductions during the same period last year. For more information on two incidents of mass abduction of civilians perpetrated by Taliban on the night of 30 to 31 May 2016 in Kunduz province (185 bus passengers initially detained and 157 civilian passengers subsequently released) and on 6 February 2016 in Helmand province (45 civilian bus passengers detained and subsequently released following an investigation by Taliban of any links with Afghan national security forces Afghan national security forces) see UNAMA 2016 Mid-Year Report on Protection of Civilians in Armed Conflict, pp. 64, 65.

<sup>145</sup> See section on Children and Armed Conflict for information on the Taliban abduction of two children in Bati Kot district, Nangarhar province.

<sup>146</sup> Taliban published a claim of responsibility on its English website, accessible at: <http://alemarah-english.com/?p=14185>, last accessed 14 July 2017.

<sup>147</sup> Taliban published a claim of responsibility on its English website, accessible at: <http://alemarah-english.com/?p=12960>, last accessed 14 July 2017.

civilians deliberately. For example, on 19 February, Anti-Government Elements abducted two local drivers from a main road in Bar Kunar district, Kunar province, believing them to be government spies. On 1 May, Anti-Government Elements shot dead both men, leaving their corpses in the area of their abduction.

### **Parallel Justice Structure Punishments**

Anti-Government Elements continued to impose parallel justice structure punishments on civilians in 2017.<sup>148</sup> UNAMA documented eight incidents of parallel justice structure imposed punishments on civilians by Anti-Government Elements in the first six months of 2017, resulting in 17 civilian casualties (nine deaths and eight injured) and the abduction of 36 civilians, a 45 per cent reduction in civilian deaths and injury compared to the same period in 2016.<sup>149</sup> Such cases are likely under-reported given limited access to areas controlled by Anti-Government Elements.

The imposition of parallel justice structure punishments on civilians, which included public executions by stoning and shooting, beating and lashing, and amputation – are illegal under the laws of Afghanistan, constitute criminal acts, and may amount to war crimes.<sup>150</sup> Examples of parallel justice structure punishments included the Taliban execution of two men in Farah province by shooting them to death after finding them guilty of kidnapping,<sup>151</sup> the Anti-Government Element stoning to death of a woman in Badakhshan province for adultery,<sup>152</sup> and the amputation of a 15-year-old boy's right hand and left foot after Anti-Government Elements found him guilty of burglary in Herat province.

### **Attacks Deliberately Targeting Civilians**

*"I was at work – preparing to go to the field - when suicide attackers shot and killed one of our security guards and a cleaner and entered our compound. We started running up and down to save our lives. The suicide attackers started shooting at staff in their offices, studio, library and main corridor, and killed three staff and wounded several others. The attack ended after the Afghan national security forces fought with the attackers for four hours. As a journalist, I've reported several security incidents, but I think this was the worst."<sup>153</sup>*

-- Witness of *Daesh*/ISKP-claimed complex attack on Radio Television Afghanistan in Jalalabad city, Nangarhar province on 17 May that killed five civilians and injured 14 others.<sup>154</sup>

Between 1 January and 30 June, at least 40 per cent of civilian casualties documented by UNAMA and attributed to Anti-Government Elements - and 27 per cent of all civilian casualties - resulted from attacks or incidents deliberately targeting civilians.<sup>155</sup> In the strongest terms, UNAMA reminds parties to the

<sup>148</sup> The term "parallel justice structure punishments" refers to the deliberate killing and/or injuring of a person as punishment by Anti-Government Elements that results from the trial, conviction, and execution or punishment of a person suspected of a crime, based on the notions of the crimes as defined by Taliban or other Anti-Government Elements.

<sup>149</sup> During the first half of 2016, UNAMA documented 27 incidents of parallel justice structure punishments, resulting in the deaths of 24 civilians and the injury of seven others.

<sup>150</sup> Due to the inherent illegality of these mechanisms, UNAMA views the existence of these structures and resulting punishments as abuses of human rights. Thus, the analysis by UNAMA does not evaluate the procedural elements reported by communities according to recognized human rights standards, for example, fair trial standards. Common Article 3 protects civilians through the explicit prohibition of murder, violence, passing of sentences and carrying out of executions without respect for fair trial standards, torture, mutilation, humiliating and degrading treatment and other forms of violence. These acts are prohibited at any time and in any place whatsoever. See the Legal Framework section of this report for further details on the applicability of Common Article 3 to Afghanistan.

<sup>151</sup> Taliban published a claim of responsibility on its English website, accessible at: <http://alemarah-english.com/?p=9174>, last accessed 14 July 2017.

<sup>152</sup> For more information on women victims of parallel justice structure imposed punishments, see section on Women and Armed Conflict.

<sup>153</sup> UNAMA interview with an eyewitness of the attack, Jalalabad city, 19 May 2017.

<sup>154</sup> Al Amaq circulated a claim attributed to *Daesh*/ISKP, circulated by the following Twitter account: [https://twitter.com/Terror\\_Monitor/status/864825360826990595](https://twitter.com/Terror_Monitor/status/864825360826990595), last accessed 14 July 2017.

<sup>155</sup> In the first six months of 2017, UNAMA documented 275 incidents or attacks targeting civilians carried out by Anti-Government Elements that resulted in 1,413 civilian casualties (465 deaths and 948 injured). UNAMA did not include attacks targeting Afghan National Police because they may not have benefited from protection based on civilian status depending on

conflict that attacks deliberately directed at civilians and civilian objects and the deliberate killing and injuring of civilians constitute serious violations of international humanitarian law that may amount to war crimes.<sup>156</sup> It is imperative that such attacks immediately cease and perpetrators, including those who order such attacks, are held accountable.

Taliban claimed responsibility for 41 attacks targeting civilians that resulted in 87 civilian casualties (48 deaths and 39 injured) while *Daesh*/ISKP claimed responsibility for five attacks that targeted civilians that gave rise to 125 civilian casualties (40 deaths and 85 injured).<sup>157</sup> UNAMA notes that while it attributed substantially less civilian casualties to *Daesh*/ISKP compared to Taliban in the first six months of 2016, the group targeted civilians in 33 of 45 attacks or incidents attributed to them.<sup>158</sup>

UNAMA is extremely concerned by the continued pattern of attacks targeting civilian Government workers, particularly by Taliban. During the first six months of 2017 alone, the mission documented 49 incidents or attacks targeting this category of civilians that resulted in 154 civilian casualties (49 deaths and 105 injured) – a 21 per cent increase compared to the same period in 2016<sup>159</sup> – and eight attacks targeting judges, judicial staff, or prosecutors, that caused 82 civilian casualties (31 deaths and 51 injured).<sup>160</sup> Taliban publically claimed responsibility for 21 of these attacks and incidents, responsible for 49 civilian casualties (17 deaths and 32 injured), while UNAMA attributed responsibility to Taliban for an additional 24 incidents or attacks that caused 41 civilian casualties (14 deaths and 27 injured). Taliban attacks targeting these categories of civilians took place across Afghanistan, with recorded incidents in 22 of 34 of Afghanistan's provinces. Taliban openly acknowledged targeting district or provincial governors with respect to at least seven incidents. Based on previous Taliban public statements openly designating the judiciary “legitimate military targets” and calling on “workers” of the “Kabul administration” to take advantage of an amnesty and “safeguard their li[v]es”, UNAMA notes that these killings appear to be perpetrated in furtherance of a larger policy targeting civilian Government workers and judicial and prosecution staff.<sup>161</sup> UNAMA emphasizes that widespread or systematic attacks directed against a civilian population in which civilians are deliberately killed may constitute crimes against humanity.<sup>162</sup>

UNAMA attributed four attacks targeting civilian Government workers or judicial staff to *Daesh*/ISKP, resulting in 91 civilian casualties (29 deaths and 62 injured). *Daesh*/ISKP claimed responsibility for three attacks including the 7 February suicide attack targeting staff of the Supreme Court in Kabul city that

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their activities at the time of attack. The mission recorded 383 incidents or attacks targeting Afghan National Police by Anti-Government Elements that resulted in 681 civilian casualties (202 deaths and 479 injured). UNAMA also did not include attacks by Anti-Government Elements aimed at unknown targets – 60 incidents resulting in 141 civilian casualties (39 deaths and 102 injured).

<sup>156</sup> War crimes include the commission of the acts prohibited by Common Article 3(1) against those not taking part in hostilities, including violence to life and person; the acts prohibited by Additional Protocol II, Article 4(2); and attacks intentionally directed at civilians or civilian objects. See ICC Statute, Articles 8(2)(c), 8(2)(e)(i); ICRC Customary International Law Study, Rule 156.

<sup>157</sup> These figures do not include civilian casualties caused by the 8 March complex attack on the Mohammad Sardar Daud Khan military hospital in Kabul. International humanitarian law protected the military hospital from attack by virtue of the special protections afforded to military medical facilities.

<sup>158</sup> This does not include six incidents of ground engagements causing civilian casualties attributed to *Daesh*/ISKP.

<sup>159</sup> Between 1 January and 30 June 2016, UNAMA documented 128 civilian casualties (19 deaths and 109 injured) from 43 attacks targeting civilian Government workers.

<sup>160</sup> Between 1 January and 30 June 2016, UNAMA documented 104 civilian casualties (36 deaths and 68 injured) from 19 attacks targeting judges, judicial staff, or prosecutors.

<sup>161</sup> For example, in a statement issued on 29 April 2016 prior to the Government's execution of six Taliban members convicted and sentenced to death, Taliban stated “[t]he enemy's supposed judicial bodies could possibly once again pay a hefty price for their crimes [...] their workers advocating implementation of such [executions] shall be categorically be classified as legitimate military targets”. See “Statement of Islamic Emirate regarding intent of executing prisoners by Ghani administration”, formerly accessible at: <http://shahamat-english.com/statement-of-islamic-emirate-regarding-intent-of-executing-prisoners-by-the-ghani-administration/>, copy on record with UNAMA. In a public statement issued on 21 May 2016, Taliban “invited” the “workers of invaders and Kabul administration” to take advantage of an amnesty to “protect themselves and their families from shame and harm in this world [...] to safeguard their li[v]es and wealth”. See “Invitation by Islamic Emirate to workers of invaders and Kabul administration”, accessible at <http://alemarah-english.com/?p=234>, last accessed on 14 July 2017.

<sup>162</sup> Crimes against humanity as defined in Article 7 of the ICC Statute include, *inter alia*, acts of murder when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

resulted in 63 civilian casualties (21 deaths and 42 injured) and the 17 May complex attack on Radio Television Afghanistan (a government media organ) in Jalalabad city that resulted in 19 civilian casualties (five deaths and 14 injured).<sup>163</sup> The mission reiterates once more that civilian Government workers, including civilian judges, judicial staff, and prosecutors, persons working in Government ministries and those holding district and provincial civilian leadership roles are civilians pursuant to international humanitarian law.

Anti-Government Elements continued to target the Shia Muslim religious minority during the first six months of 2017, most of whom also belong to the Hazara ethnic minority, albeit to a lesser extent than in the second half of 2016.<sup>164</sup> On 15 June, *Daesh*/ISKP claimed responsibility for an attack targeting Al Zahra mosque in Kabul city during the Shi'ite Lailat-UI-Qadir commemoration, killing five civilians and injuring seven others.<sup>165</sup> This attack followed a *Daesh*/ISKP claimed remote-controlled IED attack on 12 May outside of a bakery in a heavily Shi'ite neighbourhood of Herat city near a religious gathering marking birthday of Hazrat Mahdi, resulting in 24 civilian casualties (seven deaths and 17 injured).<sup>166</sup> On 1 January at the Imam Mohammad Baqir mosque in Herat city, an IED detonation by unknown Anti-Government Elements caused six civilian casualties (one death and five injured). In addition, UNAMA documented the shooting to death and subsequent beheading of three ethnic Hazara civilian men in Sayad district, Sari Pul province on 15 March by self-identified *Daesh*/ISKP fighters.<sup>167</sup> On 6 January, unidentified Anti-Government Elements stopped a bus carrying coal mine workers of predominantly Hazara ethnicity in Tala wa Barfak district, Baghlan province and shot and killed eight of the civilian passengers and shot and injured three others.<sup>168</sup>

#### **Anti-Government Elements Target Influential Religious Scholars**

*"I was sitting beside Malawi Sahib during the morning lesson when an explosion took place all of a sudden. I lost consciousness and then made my way outside. I was seriously injured. I saw Mawlai Sahib laying martyred on the ground. The religious books were destroyed too. It was a barbaric incident and very painful. I started crying when I saw the scene. It is against all values of Islam."*<sup>169</sup>

-Madrassa student injured in remote-controlled IED attack targeting the head of the Parwan provincial Ulema Shura in Chaharikar city, on 9 May. The incident killed the head of the Ulema Shura and injured six other civilians.

Between 1 January and 30 June, UNAMA documented 11 attacks by Anti-Government Elements targeting influential religious scholars that may point to a disturbing emerging trend.<sup>170</sup> The most significant attack took place on 6 June in Herat city, when Anti-Government Elements detonated a remote-controlled IED outside an entrance of the Herat Blue Mosque that appeared to target a gathering of the provincial Ulema shura attended by the Provincial Governor as it finished its weekly meeting. The attack killed nine civilians, including five members of the Ulema Council, and injured 21

<sup>163</sup> Al Amaq circulated claims attributed to *Daesh*/ISKP for both incidents, accessible at the following Twitter accounts – Kabul Supreme Court Attack: [https://twitter.com/Terror\\_Monitor/status/829307292050976769](https://twitter.com/Terror_Monitor/status/829307292050976769), Jalalabad RTA attack: [https://twitter.com/Terror\\_Monitor/status/864825360826990595](https://twitter.com/Terror_Monitor/status/864825360826990595), both last accessed 15 July 2017.

<sup>164</sup> For more information, see UNAMA 2016 Annual Report on Protection of Civilians, pp. 39-42, 86, 87.

<sup>165</sup> Al Amaq circulated a claim attributed to *Daesh*/ISKP, accessible at the following Twitter account of an Afghan news agency: <https://twitter.com/pajhwok/status/875568956374831104/photo/1>, last accessed 15 July 2017.

<sup>166</sup> Only the 12 May attack featured a claim of responsibility by a party to the conflict. Al Amaq circulated a claim attributed to *Daesh*/ISKP, accessible at the following Twitter account: [https://twitter.com/Terror\\_Monitor/status/863763840038776832](https://twitter.com/Terror_Monitor/status/863763840038776832), last accessed 15 July 2017. See UNAMA 2016 Annual Report on Protection of Civilians pp. 39-42 for more information on 2016 attacks targeting the Shia Muslim religious minority.

<sup>167</sup> For more information on self-identified *Daesh*/ISKP fighters, see section below on *Daesh*/ISKP.

<sup>168</sup> UNAMA documented no incidents of abduction of ethnic Hazara civilians during the first six months of 2017.

<sup>169</sup> UNAMA telephone interview with victim, Kabul city, 12 June 2017.

<sup>170</sup> UNAMA documented 13 incidents; however, it does not include two incidents in the box above because the motivation for their killing was unclear: on 24 June, Anti-Government Elements shot dead the Imam of a mosque in Muqur district, Ghazni province; and on 23 June in Muhammad Agha district, Logar province, Anti-Government Elements shot into a mosque, killing a local influential elder and member of the district shura and another civilian man, and injuring two civilian men.

civilians, of which seven belonged to the shura from both the Sunni and Shi'ite sects of Islam. No party claimed responsibility for the attack.

Prior to this attack, Anti-Government Elements shot to death the deputy of the Logar provincial Ulama shura on 26 May as he walked to morning prayers in Pul-e-Alam and a remote-controlled IED attack by Anti-Government Elements killed the head of Parwan provincial Ulama shura in Charikar on 9 May and injured six other civilians in his madrassa.<sup>171</sup> Taliban claimed responsibility for shooting to death on 7 May the Kandahar provincial governor's media advisor, who was also known as an influential religious scholar, and on 9 May, for shooting to death a leading religious scholar, also in Kandahar city.<sup>172</sup> It appears that Taliban targeted influential scholars they perceived espoused Islamic principles in contravention to their doctrine. In addition, Anti-Government Elements shot dead two religious scholars in Nangarhar province on 1 April in Khowgiani district and on 13 January in Surkh Rod district, a religious scholar in Kunduz city on 24 May, and abducted and tortured a Mullah in Chaparhar district, Nangarhar province on 19 June in addition to other incidents. No party claimed responsibility for the Nangarhar or Kunduz attacks.

UNAMA notes that it documented only two incidents targeting religious leaders during the first half of 2016.

### **Daesh/Islamic State Khorasan Province**

*"After chatting with some friends outside of the shop, I went inside to buy something. There was a motorcycle parked in the middle of the street and one of the elders asked its owner to park it at one side of the street. I couldn't understand what happened because shortly afterwards it exploded and I fell on the ground. Everyone was trying to escape. Someone put me in a vehicle and I lost consciousness. Someone wanted to fuel ethnic and religious tensions in the area but they cannot - Sunni and Shia are brothers and have lived here together for centuries."*<sup>173</sup>

--Victim of *Daesh*/ISKP claimed remote-controlled IED attack on 12 May in Herat city outside of a bakery in a heavily Shi'ite populated area.<sup>174</sup> The attack killed seven civilians and injured 17 others. The intended target of the attack may have been a religious gathering of Shi'ite worshippers nearby.

Between 1 January and 30 June 2017, UNAMA attributed 257 civilian casualties (104 deaths and 153 injured) and the abduction of 70 civilians to *Daesh*/ ISKP, responsible for five per cent of overall civilian casualties.<sup>175</sup> Of these civilian casualties, 72 civilian casualties (37 deaths and 35 injured) and the abduction of 105 civilians took place in Nangarhar province, either in Jalalabad city or areas of the province contested by, or under the territorial control of, *Daesh*/ISKP fighters. UNAMA also documented one incident in which *Daesh*/ISKP set fire to property belonging to a mobile clinic in Chapadara district, Kunar province. The remaining 184 civilian casualties (67 deaths and 117 injured) arose from *Daesh*/ISKP-claimed suicide and complex attacks in Kabul city and one remote-controlled IED attack in Herat city. *Daesh*/ISKP claimed responsibility for nine attacks nation-wide that resulted in 208 civilian casualties (74 deaths and 134 injured). In addition to these civilian casualties, UNAMA also documented 18 civilian casualties (15 deaths and three injured) and the abduction of 22 civilians perpetrated by self-identified *Daesh*/ISKP fighters in Ghor, Jawzjan, and Sari Pul provinces (*discussed further below*).

<sup>171</sup> The Taliban Political Commission denied the organization's involvement in the Parwan and Herat attacks, 11 July 2017.

<sup>172</sup> Taliban published claims of responsibility on its English website, accessible at: <http://alemarah-english.com/?p=14362>; <http://alemarah-dari.com/?p=54546>, both last accessed 15 July 2017.

<sup>173</sup> UNAMA interview with victim, Herat city, Herat province, 12 May 2017.

<sup>174</sup> Al Amaq circulated a claim attributed to *Daesh*/ISKP, accessible at the following Twitter account: [https://twitter.com/Terror\\_Monitor/status/863763840038776832](https://twitter.com/Terror_Monitor/status/863763840038776832), last accessed 15 July 2017.

<sup>175</sup> Between 1 January and 30 June 2016, UNAMA attributed 123 civilian casualties (26 deaths and 97 injured) to *Daesh*/ISKP, all of which occurred in Nangarhar province. UNAMA refers to "self-identified *Daesh*/ISKP fighters" where Anti-Government Elements identify or claim to be "*Daesh*" but there is no factual information supporting a formal link to *Daesh*/ISKP in Nangarhar province or the Islamic State in the Levant in Iraq and Syria. In 2016, such groups caused civilian casualties in Jawzjan, Sari Pul, and Ghor provinces. Civilian casualties resulting from attacks by these groups are not included in the *Daesh*/ISKP attributed figures; UNAMA attributes civilian deaths and injuries from "self-identified *Daesh*/ISK fighters" to Anti-Government Elements without a specific group attribution. *See below for further discussion.*

In continuation of *Daesh*/ISKP's apparent ability to conduct large, deadly attacks against civilian targets in

**Major *Daesh*/ISKP Claimed Attacks**

**Kabul, 15 June:** Suicide attack targeting the Shi'ite Al Zahra mosque during Lailat-UI-Qadir, a religious commemoration. Afghan National Police officers thwarted the attack; however a suicide attacker detonated inside of the mosque kitchen: 12 civilian casualties (five deaths and seven injured).

**Nangarhar, 17 May:** Complex attack targeting Radio Television Afghanistan compound in central Jalalabad city. Attackers detonated suicide and vehicle IEDs, after which armed attackers entered the compound and engaged with Afghan national security forces in the vicinity: 19 civilian casualties (five deaths and 14 injured).

**Herat, 12 May:** Remote-controlled IED attack outside of a bakery in Herat city in a Shia Muslim majority neighbourhood, near to a large Shia Muslim gathering: 24 civilian casualties (seven deaths and 17 injured).

**Kabul, 3 May:** Suicide vehicle-borne IED detonated against a convoy of international military force armoured vehicles during rush-hour in central Kabul: 30 civilian casualties (six deaths and 24 injured).

**Kabul, 8 March:** Complex attack targeting ANA Military Hospital in central Kabul: 48 civilian casualties (26 deaths and 22 injured) (*see chapter on Human Rights Protections in Conflict-Affected Areas for more information*).

**Kabul, 7 February:** Suicide body-borne IED detonated at exit gate of Supreme Court as staff left work for the day: 63 civilian casualties (21 deaths and 42 injured).

Kabul city, that emerged during the second half of 2016, actors from the group claimed responsibility for four suicide attacks and one complex attack in the city during the first six months of 2017, resulting in 160 civilian casualties (60 deaths and 100 injured). For the first time, *Daesh*/ISKP also claimed responsibility for a remote-controlled IED attack in Herat city. The detonation targeted the Shia Muslim religious minority, causing 24 civilian casualties (seven deaths and 17 injured).<sup>176</sup> In contrast to 2016, UNAMA observes that only one of the attacks claimed by *Daesh*/ISKP in Kabul city specifically targeted the Shia Muslim religious minority.<sup>177</sup>

UNAMA notes that while it documented an overall 109 per cent increase nation-wide in civilian casualties attributed to *Daesh*/ISKP during the first six months of 2017 compared to the same period in 2016, the apparent capacity of *Daesh*/ISKP to conduct and/or claim attacks outside of Nangarhar province only developed during the second half of 2016. UNAMA documented a 41 per cent decrease in civilian casualties attributed to *Daesh*/ISKP in Nangarhar province between 1 January and 30 June 2017 compared to the first half of 2016.<sup>178</sup> The decrease is likely influenced by intensified joint international and Afghan military operations aimed at removing the group. Ground engagements

accounted for 18 civilian casualties attributed to *Daesh*/ISKP in Nangarhar province (nine deaths and nine injured). UNAMA notes with concern that 26 of the 37 attacks attributed to *Daesh*/ISKP in Nangarhar province targeted civilians or civilian objects. *Daesh*/ISKP targeted civilians they believed provided "intelligence to the government", former Taliban, and tribal elders. For example, on 3 March, in Achin district, Nangarhar province, *Daesh*/ISKP beheaded two civilians – a 16-year-old boy and a man – after accusing them of providing intelligence to government officials that led to an aerial strike that killed

<sup>176</sup> Al Amaq circulated a claim attributed to *Daesh*/ISKP, circulated by the following Twitter account: [https://twitter.com/Terror\\_Monitor/status/863763840038776832](https://twitter.com/Terror_Monitor/status/863763840038776832), last accessed 15 July 2017. See UNAMA 2016 Annual Report on Protection of Civilians pp. 39-42 for more information on 2016 attacks targeting the Shia Muslim religious minority. Beyond publication by Al Amaq – the media agency of Islamic State in the Levant – UNAMA has no means to verify the accuracy of these statements.

<sup>177</sup> Al Amaq circulated claims attributed to *Daesh*/ISKP for these attacks, circulated by the following Twitter account, accessible at the following links: <https://twitter.com/pajhwok/status/875568956374831104/photo/1>; [https://twitter.com/Terror\\_Monitor/status/864792519346925569](https://twitter.com/Terror_Monitor/status/864792519346925569); [https://twitter.com/Terror\\_Monitor/status/863763840038776832](https://twitter.com/Terror_Monitor/status/863763840038776832); [https://twitter.com/Terror\\_Monitor/status/859735581290409985](https://twitter.com/Terror_Monitor/status/859735581290409985), all last accessed 15 July 2017.

<sup>178</sup> During the first half of 2016, UNAMA attributed 123 civilian casualties (26 deaths and 97 injured) to *Daesh*/ISKP in Nangarhar province. UNAMA notes also that *Daesh*/ISKP claimed responsibility for a remote-controlled IED attack targeting a Mullah in a mosque on 10 June in Nangarhar province that resulted in 81 civilian casualties (three deaths and 78 injured), influencing the comparative percentage decrease in civilian casualties.

*Daesh*/ISKP fighters. In other incidents, *Daesh*/ISKP caused civilian casualties while targeting Afghan national security forces. In one case, on 30 June, a road-side improvised explosive detonated as a civilian pick-up vehicle passed over it in Achin district, Nangarhar province, killing six civilians (including two children and two women) and injuring five children.

#### **Civilian Casualties Attributed to Fighters Self-identified as *Daesh*/ISKP**

During the first half of 2017, UNAMA continued to document civilian casualties caused by self-identified *Daesh*/ISKP fighters in Sari Pul and Ghor provinces with no apparent formal links to *Daesh*/ISKP in Nangarhar province (or the Islamic State of Iraq and the Levant), as well as in Jawzjan province.

In Sayad district, Sari Pul province, UNAMA documented two incidents of targeted killings perpetrated by self-identified *Daesh*/ISKP fighters, both of which targeted civilians. On 18 March, fighters shot dead a civilian man and shot and injured his sister after they refused to pay them tax, while on 15 March fighter shot dead and subsequently beheaded three civilians of Hazara ethnicity as they travelled to a graduation ceremony. In neighbouring Ghor province, UNAMA documented one IED attack on 3 April in Chagcharan district targeting Taliban attributed to self-identified *Daesh*/ISKP fighters that injured a civilian woman. Self-identified *Daesh*/ISKP fighters carried out two incidents of abduction in Ghor province. On 25 March, fighters abducted five civilians (a civilian man, his wife, and three children) in Chagcharan district following a tribal dispute, releasing them four days later after negotiations with tribal elders. On 30 May, fighters from the same group motivated by a personal dispute abducted 11 civilian men in Dawlat Yar district, provoking the counter-abduction by members of the affected community of six civilians belonging to the same tribe as the fighters. Following negotiations, both groups released all abductees unharmed.<sup>179</sup>

Groups identifying as *Daesh*/ISKP also continued to cause civilian provinces in Jawzjan province. UNAMA documented 11 civilian deaths and the abduction of six civilians from six incidents, including the deliberate shooting to death of six employees of the International Committee of the Red Cross and the abduction of two staff members on 8 February.<sup>180</sup> In June, Al Amaq (the press agency of the Islamic State of Iraq and the Levant) issued public statements containing photos purporting to be of *Daesh*/ISKP fighters in Jawzjan province and weapons captured from ANA by the same group during an offensive to take the Darz Ab district administration centre between 19 to 21 June.<sup>181</sup> This indicates the possibility that *Daesh*/ISKP in Jawzjan province may be accepted as members of the broader *Daesh*/ISKP and ISIL groups. Between 18-23 June, UNAMA documented 21 civilian casualties (six deaths and 15 injured) in Darz Ab district caused by ground fighting between Anti-Government Elements and Pro-Government Forces and aerial operations.

## **Recommendations**

Of fundamental importance, Anti-Government Elements must respect international humanitarian law, which binds all parties to the conflict, by recognizing and applying a definition of civilian that complies with international humanitarian law and includes, in particular, any persons who support or work for the Government in a civilian capacity, such as ministry employees, judicial staff and prosecutors, and contractors and labourers; aid-workers; and humanitarian de-miners. In this regard, Anti-Government

<sup>179</sup> For more information on the abductions and killing of civilians in Ghor district, see UNAMA 2016 Annual Report on Protection of Civilians, pp. 76, 77, 94.

<sup>180</sup> At the time of the publication of this report, the perpetrators have not yet released the abductees.

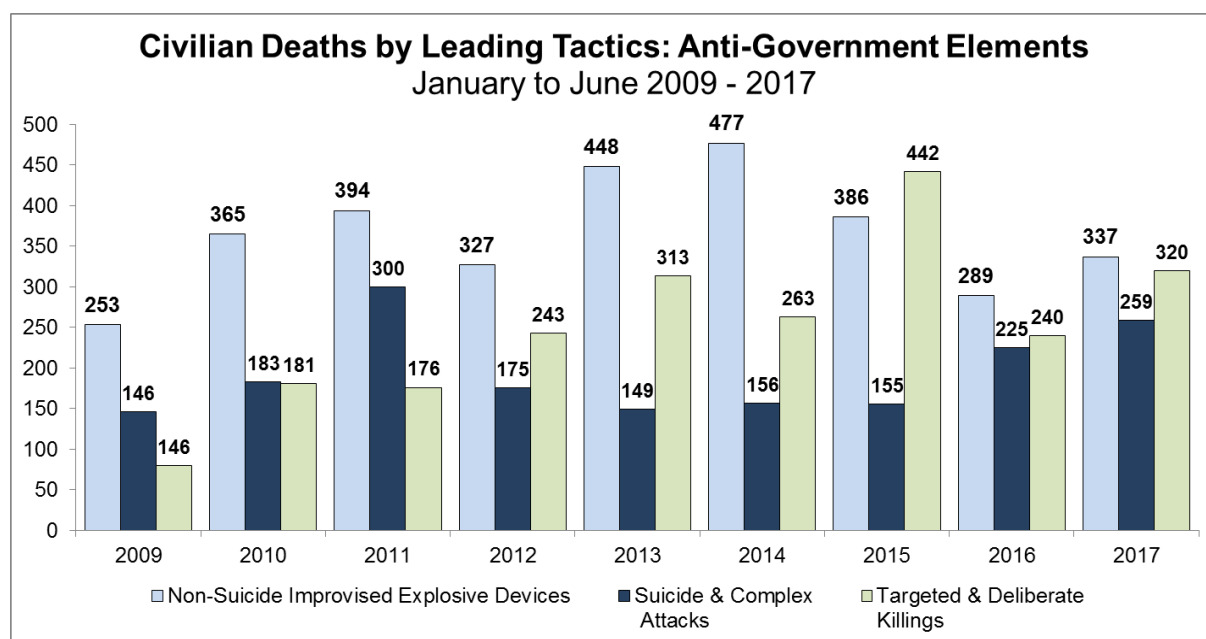
<sup>181</sup> Al Amaq posted statements concerning *Daesh*/ISKP fighters in Jawzjan province, circulated by the following Twitter account: [https://twitter.com/Terror\\_Monitor/status/879368308604116992](https://twitter.com/Terror_Monitor/status/879368308604116992); [https://twitter.com/Terror\\_Monitor/status/878170541047259140](https://twitter.com/Terror_Monitor/status/878170541047259140). While UNAMA has yet to attributed civilian casualties to *Daesh*/ISKP in Khost province, it notes that Al Amaq posted statements claiming responsibility for two attacks in Khost – one targeting Afghan National Police in June and another targeting a “Shiite Sorcerer” in July, circulated by the following Twitter account: [https://twitter.com/Terror\\_Monitor/status/880727329135247360](https://twitter.com/Terror_Monitor/status/880727329135247360); [https://twitter.com/Terror\\_Monitor/status/881580896003870720](https://twitter.com/Terror_Monitor/status/881580896003870720). All links last accessed on 15 July.

Elements must immediately cease all attacks deliberately targeting civilians and civilian objects and the deliberate killing and injury of civilians (including the abduction of civilians and the unlawful imposition of parallel justice structure punishments).

In addition, Anti-Government Elements must cease the use of indiscriminate tactics that cannot distinguish civilians and non-civilians during attacks and the use of tactics likely to cause civilian casualties disproportionate to the military advantage anticipated, particularly by: refraining from firing mortars into civilian-populated areas; immediately discontinuing IED attacks (including suicide and complex attacks) in civilian-populated areas; and immediately prohibiting and ceasing the use of pressure-plate IEDs, removing or making safe all emplaced devices.

UNAMA calls on Anti-Government Elements to ensure that all directives and orders are compliant with international humanitarian law and hold accountable any member who targets, kills, or injures civilians as well as those that carry out indiscriminate and disproportionate attacks. The mission urges the Taliban, in particular, to enforce statements by Taliban leadership that prohibit attacks against civilians and in civilian-populated areas; implement directives ordering Taliban members to prevent and avoid civilian casualties; and make public Taliban civilian protection policies.

In order to minimize civilian casualties caused by Anti-Government Element tactics, UNAMA strongly recommends that the Government prioritises the clearance of pressure-plate IEDs from areas used by civilians, particularly in contested districts, by continuing to priorities the further capacity development of Afghan national security forces to command, control, and effectively conduct counter-IED operations and IED-disposal, including exploitation, and dedicate all necessary resources to ensure the full implementation of the national counter-IED strategy. In this context, UNAMA urges international military forces to support Afghan national security forces in command, control and effective conduct of counter-IED operations and IED-disposal, including IED exploitation, through 2017 and beyond.





## IV. Civilian Casualties Attributed to Pro-Government Forces

### Overview

Between 1 January and 30 June 2017, UNAMA attributed 945 civilian casualties (327 deaths and 618 injured) to Pro-Government Forces,<sup>182</sup> a decrease of 21 per cent compared to the same period in 2016.<sup>183</sup> Civilian casualties attributed to Pro-Government Forces accounted for 18 per cent of all civilian casualties.

**Afghan National Security Forces:** 783 civilian casualties (245 deaths and 538 injured) – 15 per cent of total civilian casualties

**International Military Forces:** 86 civilian casualties (55 deaths and 31 injured) – two per cent of total civilian casualties

**Pro-Government Armed Groups:** 42 civilian casualties (14 deaths and 28 injured) – less than one per cent of total civilian casualties

**Unidentified Pro-Government Forces:** 34 civilian casualties (13 deaths and 21 injured) – less than one per cent of total civilian casualties

As in 2016, the majority – 58 per cent – of all civilian casualties attributed to Pro-Government Forces occurred in the context of ground engagements with Anti-Government Elements. Specifically, Pro-Government Forces caused 544 civilian casualties (146 deaths and 398 injured) during ground fighting - mainly from the use of indirect and/or explosive weapons in proximity to civilians - representing a 35 per cent decrease compared to the same period in 2016.<sup>184</sup> This decrease in civilian casualties attributed to Pro-Government Forces during ground fighting essentially drove the reduction in overall civilian casualties attributed to this group during the first half of 2017.

After ground engagements, aerial operations caused most civilian casualties – 232 civilian casualties (95 deaths and 137 injured), accounting for 25 per cent of all civilian casualties attributed to Pro-Government Forces, and four per cent of total civilian casualties. In contrast to ground engagements,

civilian casualties from aerial operations increased by 43 per cent compared to the same period in 2016.<sup>185</sup>

The remaining civilian casualties attributed to Pro-Government Forces occurred outside of the context of ground fighting, including during incidents of killing and injuring of civilians (either known to be civilian or mistaken for Anti-Government Elements), which accounted for 69 civilian casualties (32 deaths and 37 injured). In addition, Pro-Government Force actions during search operations caused 42 civilian casualties (31 deaths and 11 injured); incidents of escalation of force resulted in 25 civilian casualties (12 deaths and 13 injured); and threat and intimidation of civilians caused eight civilian casualties (eight injured).<sup>186</sup>

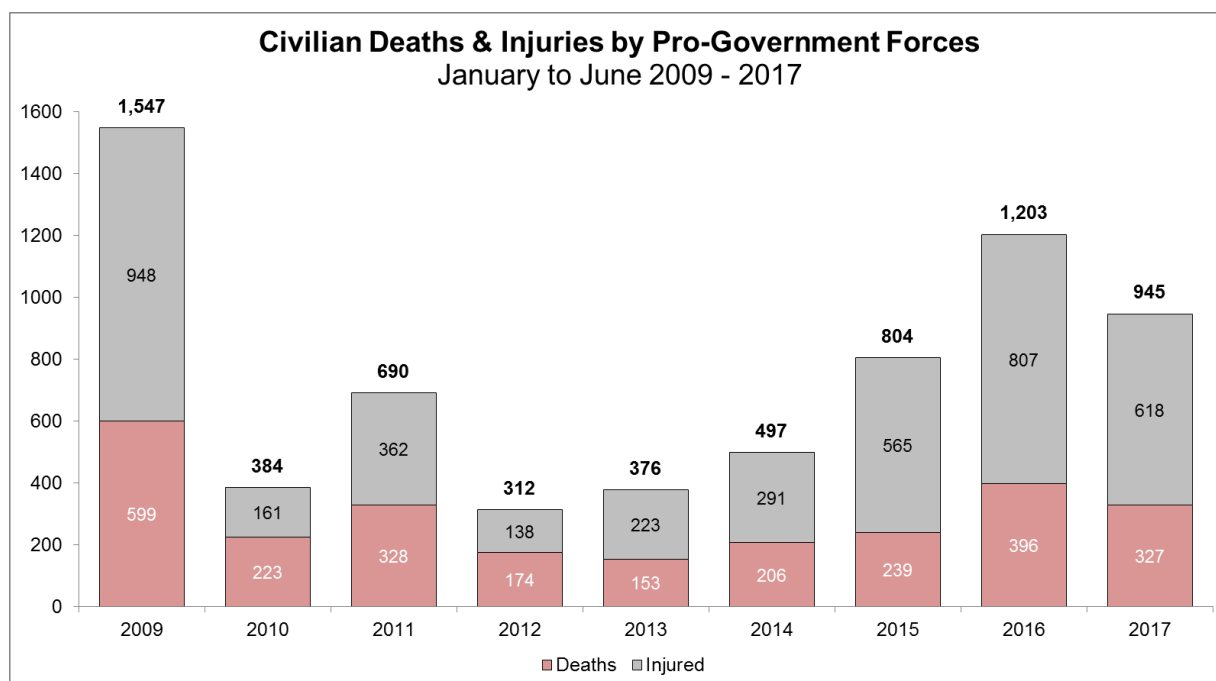
<sup>182</sup> See Glossary for definition of Pro-Government Forces.

<sup>183</sup> Between 1 January and 30 June 2016, UNAMA attributed 1,203 civilian casualties (396 deaths and 807 injured) to Pro-Government Forces.

<sup>184</sup> Between 1 January and 30 June 2016, UNAMA attributed 831 civilian casualties (241 deaths and 590 injured) to Pro-Government Forces during ground fighting.

<sup>185</sup> Between 1 January and 30 June 2016, UNAMA attributed 162 civilian casualties (57 deaths and 105 injured) to aerial operations, all conducted by Pro-Government Forces.

<sup>186</sup> Explosive remnants of war left behind by Pro-Government Forces accounted for 21 civilian casualties (eight deaths and 13 injured) and two incidents (one of forced clearance of a pressure-plate IEDs and another of accidental discharge of a weapon) accounted for four civilian casualties (three deaths and one injured) by Pro-Government Forces.



## Aerial Operations

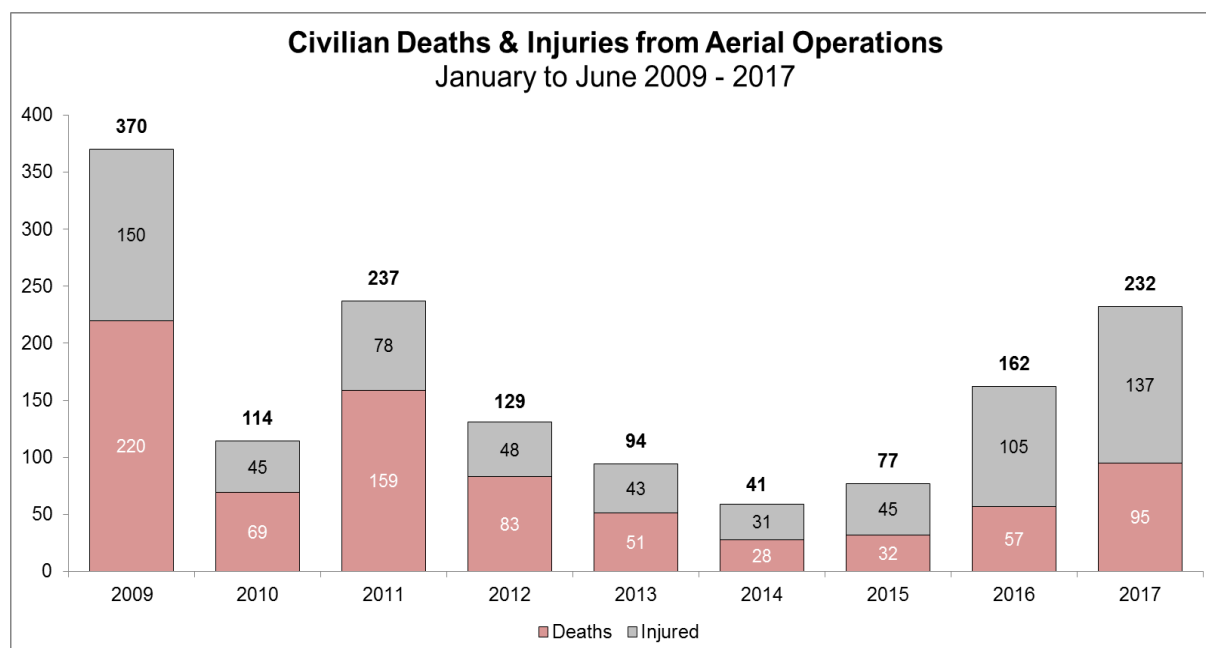
Between 1 January and 30 June, UNAMA documented 232 civilian casualties (95 deaths and 137 injured) from 48 aerial operations, a 43 per cent increase compared to the first six months of 2016 when UNAMA documented 162 civilian casualties (57 deaths and 105 injured) from 48 aerial operations. Aerial operations accounted for four per cent of all civilian casualties with most incidents causing civilian casualties taking place in Farah, Helmand, Kunduz, Nangarhar, and Uruzgan provinces.<sup>187</sup>

Airstrikes continued to be conducted in areas populated by civilians and UNAMA documented substantial increases in women and child casualties from aerial operations. Airstrikes caused 108 child casualties (48 deaths and 60 injured), more than three times the number of child deaths recorded from this tactic type during the first six months of 2016, when UNAMA documented 62 child casualties (13 deaths and 49 injured). Civilian women casualties from aerial operations rose to 55 women casualties (15 deaths and 40 injured) compared to 37 women casualties (four deaths and 33 injured) during the equivalent period in 2016. The increase in women and child casualties from aerial strikes occurred primarily due to one Afghan Air Force strike in Farah province on 3 March and several international military force helicopter airstrikes in Helmand province in February (*both discussed in more detail below*).

UNAMA attributed 114 civilian casualties (29 deaths and 85 injured) to 19 aerial operations carried out by the Afghan Air Force; 85 civilian casualties (54 deaths and 31 injured) to international military forces during 21 aerial operations; and 33 civilian casualties (12 deaths and 21 injured) to eight incidents of airstrikes conducted by undetermined Pro-Government Forces.<sup>188</sup>

<sup>187</sup> Aerial operations caused 43 civilian casualties (36 deaths and seven injured) in Helmand province, 45 civilian casualties (15 deaths and 30 injured) in Kunduz province, 31 civilian casualties (seven deaths and 24 injured) in Farah province, 31 civilian casualties (seven deaths and 24 injured) in Uruzgan province, and 24 civilian casualties (13 deaths and 11 injured) in Nangarhar province.

<sup>188</sup> Only the Afghan Air Force and international military forces officially conduct aerial operations in Afghanistan. UNAMA shared all incidents of aerial strikes attributed to international military forces with NATO Resolute Support. In relation to all eight incidents attributed to Pro-Government Forces, NATO Resolute Support reported no international military force aerial operations during a 72 hour period around the time of the airstrikes.



### Afghan Air Force Aerial Operations

During the first six months of 2017, UNAMA documented 114 civilian casualties (29 deaths and 85 injured) from 19 aerial operations by the Afghan Air Force, similar to the same period in 2016 when UNAMA documented 110 civilian casualties (18 deaths and 92 injured) from 32 aerial operations by Afghan National Security Forces.<sup>189</sup> Civilian casualties from aerial operations by the Afghan Air Force comprised 49 per cent of civilian casualties caused by airstrikes during the reporting period. UNAMA observed that a significant number of civilian casualties attributed to Afghan Air Force aerial operations arose during one incident in Farah province on 3 March (*discussed below*).

Uruzgan province experienced the highest number of aerial operations by the Afghan Air Force that caused civilian casualties, recording four incidents that resulted in 31 civilian casualties (seven deaths and 24 injured).<sup>190</sup> UNAMA also documented civilian casualties from Afghan aerial operations in Baghlan, Farah, Faryab, Ghazni, Helmand, Jawzjan, Kunduz, Takhar, and Maidan Wardak provinces.

As of 31 May, the Afghan Air Force operated at least 52 aircraft capable of conducting offensive aerial operations including 12 fixed wing attack planes; 13 Mi-17 helicopters modified to include fixed forward firing machine guns (seven of which are capable of deploying rockets); and 27 MD-530 helicopters.<sup>191</sup> This represents an increase in offensive aerial capacity compared to the first half of 2016, when the Afghan Air Force operated at least 41 aircraft capable of conducting offensive aerial operations.<sup>192</sup> During the first six months of 2017, the Afghan Air Force supplemented its offensive aerial capacity by receiving four additional fixed wing attack planes.<sup>193</sup>

<sup>189</sup> Of the 114 civilian casualties, children accounted for 58 civilian casualties (17 deaths and 41 injured) while women comprised 29 civilian casualties (six deaths and 23 injured).

<sup>190</sup> UNAMA documented three Afghan Air Force aerial operations in Kunduz province that caused civilian casualties during the first half of 2017, totaling five civilian casualties (one death and four injured), as well as four aerial operations that caused 18 civilian casualties (four deaths and 14 injured) attributed to unidentified Pro-Government Forces (see footnote 188).

<sup>191</sup> See United States Department of Defense, 'Report on Enhancing Security and Stability in Afghanistan', June 2017, pp. 55-60.

<sup>192</sup> See United States Department of Defense, 'Report on Enhancing Security and Stability in Afghanistan', June 2016, pp. 61-67.

<sup>193</sup> See United States Department of Defense, 'Report on Enhancing Security and Stability in Afghanistan', June 2017, p.55.

### **Afghan Air Force Helicopter Strikes Kill Seven Children and Injure 24 Civilians in Farah province**

*“My neighbour helped my family and I to escape the village in car. We went to an open area. There were two vehicles behind us, one was a truck full of civilians fleeing the village. As we were about to exit the car, two helicopters appeared and started shooting at us. I fell unconscious and when I woke up, I saw flesh, blood, and wounded persons all around me.”<sup>194</sup>*

-Eye-witness to the airstrikes.

On 3 March, helicopter strikes carried out by the Afghan Air Force killed seven children (all younger than 12-years-old) and injured 24 other civilians (including 11 children and seven women) as they tried to escape fighting between Anti-Government Elements and Afghan national security forces in Bala Baluk district, Farah province.

The incident occurred in the context of a ground operation conducted by ANA accompanied by Afghan Air Force aerial support after Anti-Government Elements attacked Afghan security forces during an earlier search operation. After the ground operation started, civilians attempted to flee the area in a multi-vehicle convoy. When the convoy reached an open uninhabited area and the people started to exit their vehicles, the AAF helicopters opened fire on them and the surrounding area.

Despite repeated requests by UNAMA for details on the Government action taken to investigate the circumstances behind the airstrikes, as well as efforts made to compensate victims, both the Afghan Air Force and Ministry of Defence did not provide UNAMA with any information at the time of publication of this report. UNAMA emphasizes that the Government is obliged to investigate all reasonable allegations of violations of international humanitarian law, including attacks that may have targeted civilians, indiscriminate attacks, and failure to take precautions. UNAMA again urges the Government to undertake assessment of all incidents resulting in civilian casualties, particularly those that cause significant numbers of civilian casualties, and to share its findings with UNAMA in the interests of accountability and transparency.

### ***International Military Force Aerial Operations***

Between 1 January and 30 June, UNAMA documented 85 civilian casualties (54 deaths and 31 injured) from 21 aerial operations carried out by international military forces in comparison to 50 civilian casualties (38 deaths and 12 injured) from 13 aerial operations during the same period in 2016.<sup>195</sup> Civilian casualties from international military force aerial operations accounted for 37 per cent of all civilian casualties from airstrikes during the first six months of 2017. UNAMA observed that the number of weapons released during international military force sorties increased substantially compared to the first half of 2016, likely due to increased aerial operations targeting *Daesh*/ISKP in Nangarhar province.<sup>196</sup>

As in 2016, Nangarhar province experienced the highest number of international military force aerial operations causing civilian casualties, recording eight incidents that resulted in 24 civilian casualties (12 deaths and 12 injured) mainly due to operations targeting *Daesh*/ISKP. For example, on 4 April, in Achin district, Nangarhar province, airstrikes from an international military force airplane caused three civilian deaths (including two children) and injured two girls and two women while targeting *Daesh*/ISKP fighters. Helmand province suffered the highest number of civilian casualties (38 civilian casualties (31

<sup>194</sup> UNAMA interview with victim and witness, Farah city, 4 March 2017.

<sup>195</sup> Of the 85 civilian casualties, women comprised 16 civilian casualties (eight deaths and eight injured) and children accounted for 39 civilian casualties (28 deaths and 11 injured).

<sup>196</sup> See United States Air Forces Central Command Combined Air Operations Center Airpower Summary for June 2017, available at: [http://www.afcent.af.mil/Portals/82/Documents/Airpower%20summary/Airpower%20Summary%20-%20May%202017\\_Final.pdf?ver=2017-06-08-084015-140](http://www.afcent.af.mil/Portals/82/Documents/Airpower%20summary/Airpower%20Summary%20-%20May%202017_Final.pdf?ver=2017-06-08-084015-140), last accessed 25 June 2017. It reports 1,245 weapons released during the first six months of 2017 compared to 545 during the same period in 2016.

deaths and seven injured)) from international military force airstrikes, largely as a result of three aerial operations in Sangin district in February (*see below for more details*).

UNAMA documented no civilian casualties from the 13 April airstrike targeting *Daesh*/ISKP in Achin district, Nangarhar province using the GBU-43 bomb, colloquially known as “MOAB”, short for Massive Ordnance Air Blast.<sup>197</sup>

### **International Military Force Airstrikes in Helmand province Kill 26 Civilians**

Over three days in February, airstrikes by international military forces killed 26 civilians and injured six others – mainly women and children – in Sangin district, Helmand province. While ground engagements between Afghan national security forces and Anti-Government Elements occurred elsewhere in Sangin district during February, information received by UNAMA did not indicate ongoing ground engagements in the areas targeted by the airstrikes at the time of the aerial operations, suggesting pre-planned targeted strikes. Regardless, the high numbers of women and child casualties caused by the airstrikes raised concerns with respect to the precautions taken during the aerial operations to minimize harm to civilians.

All three aerial operations – conducted consecutively on 9, 10, and 11 February - appeared to strike civilian homes containing extended families: (i) on 9 February, an airstrike in the Mata Lakara area impacted a civilian home neighbouring a building used by Anti-Government Elements, killing eight children and one woman, in addition to nine Anti-Government Elements; (ii) on 10 February, an airstrike in the Chinari area struck a house, killing 13 civilians (including nine children and three women) and injuring two others; and (iii) on 11 February, in the Haji Aminullah Shela area, an airstrike hit a civilian home, killing four civilians (three children and a woman) and injuring four others (three children and a woman).

UNAMA shared the details of its findings on the airstrikes with Resolute Support, who rejected causing the civilian casualties on the basis that they were unable to corroborate the allegations of despite “repeated and exhaustive” investigations, including after accounting for all munitions deployed during operations in the area during the relevant dates and all locations at which UNAMA alleged civilian casualties. UNAMA urges international military forces to conduct transparent post-operation reviews and investigations and – in the interests of accountability – to make public its findings.

UNAMA emphasizes that international humanitarian law obliges parties to the conflict to take all feasible precautions to avoid and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects during the conduct of aerial operations.<sup>198</sup> In addition, international humanitarian law prohibits those attacks that result in incidental harm to civilians greater than the anticipated military advantage<sup>199</sup> and indiscriminate attacks<sup>200</sup>.

Given the increases in civilian casualties from aerial operations, UNAMA recommends that both the Afghan Air Force and international military forces refrain from the use of airstrikes in civilian-populated areas and apply greater restraint in the use of airstrikes in areas where civilians are likely to be present; review current targeting criteria and pre-engagement precautionary measures to prevent civilian harm during aerial operations; and conduct transparent post-operation reviews and investigations following allegations of civilian casualties during aerial operations with a view to improving operational practice and accountability as well as to ensuring operations are carried out in line with international humanitarian and human rights law obligations. Where such violations are criminal, appropriate measures must be taken

<sup>197</sup> See Resolute Support Press Statement: “U.S. Forces target, destroy ISIS-K stronghold” at: <http://www.rs.nato.int/article/press-releases/u.s.-forces-target-destroy-isis-k-stronghold.html>, last accessed 6 June 2017.

<sup>198</sup> ICRC Customary International Humanitarian Law Study, Rules 15 to 21.

<sup>199</sup> ICRC Customary International Humanitarian Law Study, Rule 14.

<sup>200</sup> Additional Protocol II, Article 13(2); ICRC Customary International Humanitarian Law Study, Rule 1. *See also* ICRC Customary International Law Study, Rules 1-24.

against those responsible, including prosecution.<sup>201</sup> Compensation should be paid to civilians harmed by aerial operations and surviving family members and reparations made to victims of violations of international humanitarian and human rights law.<sup>202</sup>

UNAMA strongly urges the Afghan Air Force in particular to continue developing and implementing clear tactical directives, rules of engagement and other procedures in relation to the use of armed aircraft, including incorporating lessons learned from airstrikes that caused civilian casualties. Recognizing the value of transparent dialogue on civilian protection, UNAMA once again urges the Afghan Air Force to routinely engage with UNAMA about aerial incidents causing civilian casualties.

The mission recommends that international military forces continue to provide training, resources, and related support to the Afghan Air Force throughout and beyond 2017, noting the need for appropriate protocols, training, and civilian casualty mitigation measures in relation to the use of armed aircraft.

### **Killings of Civilians by Afghan National Security Forces**

Between 1 January and 30 June, UNAMA recorded 21 incidents of killings of civilians by Afghan national security forces (not including Afghan Local Police, *discussed below*) outside of the context of ground engagements, search operations, or escalation of force incidents, that caused 29 civilian casualties (18 deaths and 11 injured).<sup>203</sup>

Afghan national security forces intentionally killed or injured civilians in ten cases, resulting in 15 civilian casualties (13 deaths and two injured) including four incidents where Afghan National Police in Nesh district, Kandahar province, killed civilians perceived to be Anti-Government Element supporters (*see below*). Other killings of civilians by Afghan national security forces included the shooting to death of a Mullah perceived to be an Anti-Government Element supporter in Qadis district, Badghis province. In the same district, Afghan Public Protection Force members shot dead a three-year-old girl and injured her father and a woman after shooting towards their village following an attack on their check-posts earlier that day by Anti-Government Elements.

#### **Killings of Civilians by Afghan National Police in Nesh District, Kandahar province**

Between January and March, Afghan National Police deliberately killed four civilians perceived to be Anti-Government Element supporters in Nesh district, Kandahar province. UNAMA received credible reports that on 11, 13, and 18 January, Afghan National Police beat to death three young men aged between 19 to 21-years-old, all of whom studied at a local madrasa. On 3 March, Afghan National Police shot to death a 23-year-old man in Nesh district after arresting him and detaining him at the district police headquarters. Sources reported that the Afghan National Police accused him of planting improvised explosive devices and supporting Anti-Government Elements.

Information received by UNAMA indicates that the killings perpetrated by Afghan National Police may have been carried out in revenge for a coordinated Anti-Government Element attack in Nesh district on 1 December 2016 during which they attacked the Nesh district police chief and killed 18 of his guards (in addition to causing 16 civilian casualties (12 deaths – all women and children – and four injured). UNAMA notes that following the January killings by Afghan National Police, Anti-Government

<sup>201</sup> With respect to the obligation to investigate violations of international humanitarian law that amount to war crimes, see *preamble* to the ICC Statute; ICRC Customary International Humanitarian Law Study Rule 158. While the obligation to investigate allegations of violations of international humanitarian law that do not amount to war crimes is not expressly stated, it can arguably be inferred from the international customary international law obligation to ensure respect for international humanitarian law. See ICRC Customary International Humanitarian Law Study, Rules 139, 144. See Annex I: Legal Framework for more information on international human rights law obligation to investigate.

<sup>202</sup> See General Assembly Resolution 40/147 of 16 December 20015 on Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law regarding reparations.

<sup>203</sup> Between 1 January and 30 June 2016, UNAMA documented 22 comparable incidents that resulted in 26 civilian casualties (21 deaths and five injured).

Elements took temporary control over areas of Nesh district in March and April, during which time UNAMA documented the killing of 30 civilian men perceived to be Government supporters or former Afghan national security force employees (see *Chapter on Anti-Government Elements for more information*).

UNAMA is extremely concerned by the harm inflicted on civilians in Nesh district during the first six months of 2017 by both parties to the conflict in the area. It reminds all parties to the conflicts that the intentional killing of civilians is a war crime. UNAMA urges the Government to priorities accountability for serious violations of international humanitarian law with respect to all sides of conflict. The recent experience of Nesh district demonstrates the cycle of violence perpetuated by a lack of accountability. UNAMA shared information on the cases with the Ministry of Interior. The Ministry of Interior responded that they have no information regarding the allegations.<sup>204</sup>

In 11 incidents, Afghan national security forces shot dead a total of five civilians and injured nine others after firing at them from check-posts after mistaking the victims for Anti-Government Elements and failing to provide warnings. For example, on 16 April, Afghan national police shot a 65-year-old man in the leg as he returned home from taking his cows to graze on a hill-side. He subsequently died from his injuries in hospital. An Afghan National Army soldier shot dead a 13-year-old boy as he collected grass close to their check-post on 19 May in Bala Murghab districts, Badghis province and another shot and injured two civilian men in Shindand district, Herat province, on 4 February after they disembarked their vehicles near to a check-post while going to a picnic.

#### **Pro-Government Forces Kill Three Civilians in Nangarhar province**

*“They were sleeping at the brick factory because the area is unsafe and their home was far from their work at the factory. [...] The bullets made their faces unrecognizable. It was hard to recognize them. My 10 year old cousin survived the attack by hiding behind some bricks.”<sup>205</sup>*

--Relative of victims.

On 12 June, Pro-Government Forces shot dead a father and his two sons, aged five and 12-years-old in Shinwar district, Nangarhar province as they reacted to an improvised explosive device attack on a joint international and Afghan military force convoy. Pro-Government Forces opened fire with small arms in the immediate area, striking the man and two boys as they sat together at a nearby brick factory. According to information received by UNAMA, no shooting took place in the area prior to the attack.

UNAMA shared this case with NATO Resolute Support and requested information on any investigation or examination conducted into the civilian casualties and follow-up action taken, including compensation to victims. At the time of publication of this report, UNAMA received no information from the Ministry of Interior. NATO Resolute Support rejected involvement in causing civilian casualties.<sup>206</sup>

<sup>204</sup> Information received by UNAMA in meeting with Chief of Operations and Deputy Director for the Ministry of Interior on 12 June 2017 and documents received from the ministry on 10 July 2017. UNAMA also notes that the Concluding Observations of the Committee against Torture, issued on 12 May following the Committee’s review of Afghanistan, highlighted the general climate and culture of impunity in Afghanistan and drew specific attention to the situation in Kandahar province, noting “numerous and credible allegations indicating ANP Commander in Kandahar, as being widely suspected of complicity, if not of personal implication, in severe human rights abuses, including extrajudicial killings and settlement of secret detention centers”. The Committee against Torture considered the second periodic report of Afghanistan (CAT/C/AFG/2) at its 1515th and 1518th meetings (see CAT/C/SR.1515 and 1518), held on 25 and 26 April 2017, and adopted the concluding observations at its 1535 and 1537th meetings, held on 9 and 10 May 2017.

<sup>205</sup> Interview with relative of victims, Jalalabad city, Nangarhar province, 2 July 2017.

<sup>206</sup> Meeting between UNAMA Human Rights Unit staff and Resolute Support on 25 May, Kabul city.

### *Search Operations*

Between 1 January and 30 June 2017, UNAMA documented 42 civilian casualties (31 deaths and 11 injured) from 14 search operations, a decrease of 26 per cent in civilian casualties compared to the same period in 2016.<sup>207</sup> Incidents included a National Directorate of Security search operation in Bati Kot district, Nangarhar province on 23 May that resulted in 16 civilian casualties (three deaths and 13 injured). Cross-fire between Anti-Government Elements injured 11 civilians (including seven children and three women) on the ground while rockets fired from helicopters providing support killed two children and their mother and injured another boy and the father of the family.

Three partnered search operations - involving international military forces through presence or participation on the ground - resulted in 17 civilian casualties (16 deaths and one injured). For example, on 25 April, international and Afghan Special Forces conducted a search operation targeting Anti-Government Elements in Kakar district, Zabul province. During the raid shots fired by the Pro-Government Forces killed two children and two women and injured a woman. UNAMA reiterates its recommendation to international military forces to redouble efforts to ensure that all feasible precautions have been taken to protect the civilian population, particularly during partnered search operations with Afghan national security forces.

#### **Destruction of Weapons Cache in Helmand Province Kills Nine Civilians**

On 1 April, in Lashkar Gah district, Helmand province, Afghan Pro-Government Forces conducted a night search operation, during which they discovered an under-construction house containing an Anti-Government Element cache of improvised explosive devices. The Afghan Pro-Government Forces destroyed the cache using dynamite, causing a neighbouring house to collapse, killing six children, two women, and an elderly man. While the Afghan Pro-Government Forces moved approximately 30 adult men out of the village during the search operation, they did not evacuate civilians in the area around the house containing the cache before destroying it.

UNAMA shared this case with the Ministry of Defence and requested information on any investigation conducted into the civilian casualties and follow-up action taken, including compensation to victims. Representatives of the Ministry of Defence stated to UNAMA that the case is under investigation but at the time of publication of this report – UNAMA had received no further information.<sup>208</sup>

### *Escalation of Force Incidents*

Between 1 January and 30 June 2017, UNAMA documented an increase in civilian casualties from escalation of force incidents, documenting 20 incidents that resulted in 25 civilian casualties (12 deaths and 13 injured) compared to nine incidents that caused 12 civilian casualties (six deaths and six injured) during the same period in 2016. UNAMA attributed seven escalation of force incidents causing nine civilian casualties (seven deaths and two injured) to ANA, nine incidents resulting in 12 civilian casualties (three deaths and nine injured) to Afghan National Police, and one incident each to international military forces (one civilian killed), pro-Government armed groups (one injured civilian), Afghan Local Police (one civilian death), and Afghan national security forces where the specific actor could not be identified (one injured civilian).

<sup>207</sup> UNAMA documented 57 civilian casualties (32 deaths and 25 injured) from search operations during the first half of 2016.

<sup>208</sup> Meeting between UNAMA Human Rights Unit staff and Ministry of Defence representatives, 5 April 2017 in Kabul city.



## Afghan Local Police

Between 1 January and 30 June, UNAMA attributed 64 civilian casualties (15 deaths and 49 injured) to Afghan Local Police, more than double the number of civilian casualties compared to the same period in 2016.<sup>209</sup>

UNAMA observed an increase in incidents where Afghan Local Police targeted civilians, documenting 28 civilian casualties (five deaths and 23 injured) compared to 11 civilian casualties (seven deaths and four injured) during the first half of 2016. While most of these civilian casualties occurred during an incident on 11 April in Kunduz city, when an Afghan Local Police officer threw a hand grenade at civilian men as part of a personal dispute, UNAMA remains concerned that Afghan Local Police continued to deliberately injure and kill civilians. For example, on 26 March, an Afghan Local Police commander opened fire on a group of civilians in Taloqan city, Takhar province, in response to a land dispute, killing three civilians and injuring four others.

Afghan Local Police also caused increased civilian casualties during ground engagements in the first six months of 2017, all of which occurred as Afghan Local Police responded to Anti-Government Element initiated attacks, mostly against check-posts. UNAMA documented 24 civilian casualties (six deaths and 18 injured) during ground engagements compared to 10 civilian casualties (four deaths and six injured) during the first six months of 2016, predominantly in the eastern region provinces of Laghman (nine civilian casualties (two deaths and seven injured)) and Nangarhar (four civilian casualties (one death and three injured)).<sup>210</sup> UNAMA is particularly concerned by the continued impact on civilians of Afghan Local Police use of indirect and/or explosive weapons without authorization or adequate training (*for more discussion see Chapter on Ground Engagements*).

UNAMA continued to document additional human rights abuses perpetrated against civilians by Afghan Local Police, including the beating of four civilian men in Seuri district, Zabul province, after they complained about civilian casualties caused by a mortar round fired by Afghan Local Police.<sup>211</sup> In Sari Pul city, Afghan Local Police burnt down at least four homes of civilians they believed related to Anti-Government Elements and tortured one man by beating him to the extent requiring hospitalization in retaliation for the Anti-Government Element abduction of five sons of an Afghan Local Police commander.<sup>212</sup>

UNAMA continued to share accounts of allegations against Afghan Local Police personnel with the Afghan Local Police Directorate on a quarterly basis during the first six months of 2017 and monitored accountability measures taken at the national and provincial levels. UNAMA recalls that it observed increased efforts by the Afghan Local Police Directorate in the area of accountability throughout 2016.<sup>213</sup> The Afghan Local Police Directorate reported that it investigated 106 allegations against the Afghan Local Police from 1 January to 30 June 2017, of which 15 have been transferred to justice institutions.<sup>214</sup> Notwithstanding, the mission remains concerned at the prevailing lack of accountability for violations of human rights committed by Afghan Local Police and encourages the Government and leadership of the

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<sup>209</sup> Between 1 January and 30 June 2016, UNAMA attributed 29 civilian casualties (12 deaths and 17 injured) to Afghan Local Police. As of 3 July 2017, the total number of Afghan Local Police personnel stood at 29,057 personnel in 31 provinces and 199 districts. Information received by email from Afghan Local Police Directorate on 3 July 2017.

<sup>210</sup> Afghan Local Police also caused civilian casualties in Ghazni, Maidan Wardak, and Zabul provinces.

<sup>211</sup> The remainder of civilian casualties attributed to Afghan Local Police occurred during one escalation of force incident (one civilian death) and one search operation (one civilian death and one civilian injured).

<sup>212</sup> On 17 April, in Sayad district, Sari Pul province, Anti-Government Elements abducted Afghan Local Police Commander's five children (boys) and burnt down his house. Anti-Government Elements released the boys after 10 days captivity following mediation by local elders.

<sup>213</sup> For more information see UNAMA 2016 Annual Report on Protection of Civilians, pp. 111-113.

<sup>214</sup> Information received by email from the Afghan Local Police Directorate on 3 July 2017. UNAMA could not independently verify this claim. The NATO Resolute Support adviser to Afghan Local Police stated that these investigations cover a three year period and that approximately half of those allegations concern suspected human rights violations. Information received in an email dated 5 July 2017.

Afghan Local Police to ensure independent and objective investigations in good faith into all allegations of violations of international human rights and humanitarian law by Afghan Local Police personnel and to continue efforts to promote accountability.

### **Pro-Government Armed Groups**

Between 1 January and 30 June 2017, UNAMA attributed 42 civilian casualties (14 deaths and 28 injured) to pro-Government armed groups, a decrease of 60 per cent compared to the same period in 2016.<sup>215</sup> As in 2016, most civilian casualties attributed to pro-Government armed groups occurred in Faryab province – 28 civilian casualties (six deaths and 22 injured), a 56 per cent decrease compared to the first half of 2016.<sup>216</sup> This reduction, in combination with a decrease in civilian casualties caused by pro-Government armed groups in neighbouring Jawzjan province drove the overall reduction in civilian casualties attributed to these actors, mainly due to less involvement of pro-Government armed groups in Afghan national security force operations.<sup>217</sup> Pro-Government armed group abuses also took place in Samangan, Daikundi, Khost, Kunduz, and Balkh provinces.

The majority of civilian casualties attributed to pro-Government armed groups occurred during ground engagements – 29 civilian casualties (five deaths and 24 injured), of which 10 civilian casualties (four deaths and six injured) took place during fighting amongst pro-Government armed groups. UNAMA is particularly concerned that over half of civilian casualties caused by ground fighting occurred as a result of the use of indirect and/or explosive weapons – 19 civilian casualties (two deaths and 17 injured) (*for more discussion, see Chapter on Ground Engagements*). For example, on 19 January, in Shirin Tagab district, Faryab province, rocket-propelled grenades fired by a pro-Government armed group damaged six civilian homes and injured two children and a woman as they responded to an Anti-Government Element attack.

UNAMA documented eight cases in which pro-Government armed groups deliberately killed civilians, resulting in 12 civilian casualties (nine deaths and three injured). In three cases, members of pro-Government armed groups targeted civilians who refused to pay illegal taxation. In one case, on 1 February in Khamab district, Jawzjan province, a magnetic IED placed by pro-Government armed group members detonated in a carpet shop killing a shopkeeper who refused to pay them tax and injuring three other civilians; and on 3 January in Qasyar district, Faryab province, pro-Government armed group members beat and stabbed to a civilian man to death for the same reason. Five incidents concerned the deliberate targeting of civilians with perceived connections to Anti-Government Elements or rival pro-Government armed groups. On 8 May in Almar district, Faryab province, pro-Government armed group members shot dead the father of an Anti-Government Element recruit and on 17 April in the same district, pro-Government armed group members shot dead a civilian related to an Anti-Government Element member. On 1 January, in Sholgareh district, Balkh province, pro-Government armed group member shot dead a civilian boy as he returned from taking food to an injured Anti-Government Element fighter.<sup>218</sup>

As in 2016, pro-Government armed groups continued to carry out human rights abuses with impunity. UNAMA continued to receive reports of the persistent failure of the Government to hold pro-Government armed group members responsible for abuses perpetrated against civilians, in many

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<sup>215</sup> Between 1 January and 30 June 2016, UNAMA attributed 104 civilian casualties (29 deaths and 75 injured) to pro-Government armed groups.

<sup>216</sup> Between 1 January and 30 June 2016, UNAMA attributed 63 civilian casualties (16 deaths and 47 injured) in Faryab province to pro-Government armed groups.

<sup>217</sup> Between 1 January and 30 June 2017, UNAMA documented five civilian casualties (two death and three injured) perpetrated by pro-Government armed groups in Jawzjan province compared to 17 civilian casualties (17 civilians injured) during the same period in 2016.

<sup>218</sup> UNAMA also documented one incident of escalation of force in which pro-Government armed group members shot dead a civilian man in Gurziwan district, Faryab province, after he tried to view the scene of an IED attack targeting the group and one incident in which pro-Government armed group members abducted a child in Darah-i-Suf Payin district, Samangan province, because his father had links with Anti-Government Elements. The group released the boy unharmed nine days later.

instances due to their relationship with political and security power-holders. Despite the decrease in civilian casualties attributed to pro-Government armed groups, UNAMA remains fundamentally concerned by their continued existence given the absence of clear legal standing for such groups, the abuses they continue to commit against civilians, their ongoing access to indirect and/or explosive weapons, and the pervasive lack of accountability in relation to their actions. These factors combined enable such groups to continue to take advantage of the fragile security environment, abuse the local population, and place civilians in the areas they operate at risk of harm.

There exists no legal basis in Afghan law for the existence of pro-Government armed groups. UNAMA emphasizes that the Government has the primary responsibility to protect the right to life and security of all Afghans. It repeats its call to the Government to disband all pro-Government armed groups and to investigate all allegations of human rights abuses by pro-Government armed groups, followed by the prosecution of those identified as alleged perpetrators, including those at senior levels.

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

UNAMA welcomes the efforts taken by the Government of Afghanistan to reduce civilian casualties during the first six months of 2017 and encourages it to continue to take robust and practical measures to reduce civilian casualties during its operations. While civilian casualties attributed to Pro-Government Forces decreased, it is crucially important that the Government continues to dedicate all necessary resources to the development, and more importantly, implementation of policies to increase protect for civilians. UNAMA reiterates again that the Government must prioritise taking action at the operational and tactical level, including close scrutiny of the numbers of civilians killed and injured, locations of these casualties, and the reasons.

In particular, UNAMA notes that at the time of publication of this report, the National Policy on Civilian Casualty Prevention and Mitigation remains with the National Security Council and has yet to be approved despite the Government's report to the NATO Warsaw Summit on 8-9 July 2016 stating that it was finalized. UNAMA once again urges the Government to prioritize the implementation of this policy and the completion of its action plan.

The Civilian Casualties Avoidance and Mitigation Board (CAMB), scheduled to meet every three months, met once during the reporting period on 15 February 2017.

UNAMA reminds the Government that - without exception – all reasonable allegations that civilian casualties occurred from violations of international humanitarian law, or international human rights law, must be investigated independently, impartially, effectively, and thoroughly and those responsible subjected to prosecution or disciplinary or administrative action. In addition, the mission urges the Government to ensure that it systematically tracks civilian harm by examining all situations in which civilian casualties may have arisen during its operations – whether from lawful or unlawful conduct – and to act upon its findings by applying lessons learned to future military operations, providing compensation to victims (including communities), and publically acknowledging harm.

Recognizing the value in transparent dialogue about civilian protection, UNAMA urges the Afghan national security forces to routinely engage with UNAMA about incidents causing civilian casualties, including providing information on investigations into incidents of civilian casualties and follow-up actions, such as the application of lessons learned to policies and directives, accountability efforts where warranted, and the provision of adequate and timely redress to civilians impacted by operations.

## ANNEX I: Legal Framework

The legal framework used for this report includes international human rights law, international humanitarian law, international criminal law and United Nations Security Council resolutions, which are binding on Afghanistan.<sup>219</sup> All contain obligations relevant to protection of civilians during armed conflict in Afghanistan, detailed below.

### Definition of Civilian(s)

In determining the status of each conflict-related casualty, UNAMA applies the international humanitarian law definition of civilian as persons who are not members of the armed forces or of an organized armed group.<sup>220</sup> It does not document casualties where the civilian(s) was (were) directly participating in hostilities at the time of death or injury nor does it document the death or injury of individuals protected from attack who are not civilians under international humanitarian law such as persons *hors de combat* or the medical and religious personnel of the armed forces.<sup>221</sup>

This report therefore documents those killed and injured in attacks against or impacting categories of people whose regular activities do not amount to direct participation in hostilities, including civil 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 applying their own definition of the term – or reject the definition used by UNAMA – as described in previous Protection of Civilians reports.<sup>222</sup>

### 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 armed forces supporting the Government of Afghanistan (Afghan national security forces supported by international military forces), and non-State armed opposition groups, including the Taliban and Islamic State Khorasan Province (*‘Daesh’*). The combined forces of the Government of Afghanistan (including international military forces) are referred to in this report and within Afghanistan as “Pro-Government Forces”, while non-State armed opposition groups are referred to in this report and within Afghanistan as “Anti-Government Elements”. (See Glossary for definition of Pro-Government Forces and Anti-Government Elements.)

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

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<sup>219</sup> United Nations Security Council Resolution 2344 (2017) “calls for full respect for and protection for all human rights and fundamental freedoms, in accordance with international law, including international humanitarian law, throughout Afghanistan [...]”

<sup>220</sup> ICRC Customary International Humanitarian Law Study, Rule 5, available at: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1>. See also ICRC Commentary to Common Article 3 of the 1949 Geneva Conventions (“Common Article 3”) (2016), para. 523: “For their part, non-State Parties to a non-international armed conflict do not have armed forces in the sense established under domestic law. However, the existence of a non-international armed conflict requires the involvement of fighting forces on behalf of a non-State party to the conflict that are capable of engaging in sustained armed violence, which requires a certain level of organization. Such organized armed groups constitute the ‘armed forces’ of a non-State Party to the conflict in the sense of Common Article 3” at: <https://ihl-databases.icrc.org/ihl/full/GCi-commentary> (last accessed: 25 June 2017). See also ICRC ‘Interpretive Guidance on the Notion of Direct Participation in the Hostilities under International Humanitarian Law’, ICRC, Geneva, 2009 – Part I: Recommendation II concerning the interpretation of international humanitarian law relating to the notion of direct participation in hostilities: “In non-international armed conflict, organized armed groups constitute the armed forces of a non-State party to the conflict and consist only of individuals whose continuous function it is to take a direct part in hostilities”.

<sup>221</sup> See also ICRC ‘Interpretive Guidance on the Notion of Direct Participation in the Hostilities under International Humanitarian Law’, ICRC, Geneva, 2009.

<sup>222</sup> See, for example, UNAMA 2016 Annual Report on Protection of Civilians pp. 72, 78 and Annex 4: Statement by the Government of the Islamic Republic of Afghanistan on the UNAMA 2016 Report on Protection of Civilians in Armed Conflict, Annex 6: Taliban Response to UNAMA 2016 Report on Protection of Civilians in Armed Conflict.

Resolution 1325 (2000) of the Security Council underlined that it is critical for all States to fully apply the relevant norms of international humanitarian law and international human rights law to women and girls, and to take special measures to protect them from gender-based violence during armed conflict.<sup>223</sup>

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

Afghanistan is a party to the four Geneva Conventions of 1949 and the Additional Protocols, including Additional Protocol II of 1977,<sup>224</sup> which addresses the protection of civilians in a non-international armed conflict and prohibits attacks against civilians and objects indispensable to the survival of the civilian population.

Article 3 common to the four Geneva Conventions of 1949 establishes minimum standards that parties, including State and non-State actors, shall respect in non-international armed conflict. Common Article 3 explicitly prohibits violence to life and person, including murder,<sup>225</sup> mutilation, cruel treatment and torture, taking hostages, as well as outrages against personal dignity and extrajudicial executions,<sup>226</sup> at any time and in any place with respect to persons taking no active part in hostilities, including civilians.

The contents of the four Geneva Conventions of 1949 and several rules similar to those found in their Additional Protocols are also largely part of customary international humanitarian law.<sup>227</sup> The following are amongst the most relevant principles that apply to the conduct of all the parties to Afghanistan's non-international armed conflict:

- Distinction: The civilian population as such, as well as individual civilians, shall not be the object of attack and parties to the conflict must at all times distinguish between civilians and combatants.<sup>228</sup>
- Proportionality: “an attack against a military objective which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited.”<sup>229</sup>
- Precautions in attack: “[...] civilians shall enjoy general protection against the dangers arising from military operations”.<sup>230</sup> “In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects” and all feasible precautions must be

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<sup>223</sup> S/RES/1325 (2000). See also S/RES/1820 (2008), S/RES/1888 (2009), S/RES/1889 (2009), and S/RES/1960 (2010).

<sup>224</sup> Afghanistan ratified Additional Protocol II 1977 on 10 November 2009. It entered into force on 24 December 2009.

<sup>225</sup> UNAMA records civilian deaths and injuries with a nexus in the on-going armed conflict under different tactic-types, including targeted killing, suicide and complex attacks, IEDs, etc. In doing so, UNAMA documents alleged acts that amount to the war crimes pursuant to the ICC Statute and/or customary international law - including the war crime of murder pursuant to Article 8(e)(i) of the ICC Statute - as well as civilian deaths and injuries caused during the conduct of hostilities that may not violate IHL. UNAMA distinguishes conflict-related civilian deaths and injuries from domestic criminal offences such as murder or assault committed by a private actor outside the context of the armed conflict. Incidents lacking the requisite nexus with the on-going armed conflict are not included in this report.

<sup>226</sup> Common Article 3 of the Geneva Conventions of 12 August 1949 is applicable during conflicts of a non-international character. “In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ‘*hors de combat*’ by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.”

<sup>227</sup> See ICRC Customary International Humanitarian Law Study.

<sup>228</sup> Additional Protocol II, Article 13(2); ICRC Customary International Humanitarian Law Study, Rule 1. See also ICRC Customary International Law Study, Rules 1-24.

<sup>229</sup> ICRC Customary International Humanitarian Law Study, Rule 14.

<sup>230</sup> Additional Protocol II, Article 13(1); ICRC Customary International Humanitarian Law Study, Rule 15.

taken with the “view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.”<sup>231</sup>

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

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

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

Afghanistan is a party to numerous international human rights treaties,<sup>232</sup> including the International Covenant on Civil and Political Rights, which obligates the Government to provide basic human rights protections to all persons within the territory or jurisdiction of the State.

While they cannot become parties to international human rights treaties, non-State actors, including armed groups, are not precluded from being subject to human rights obligations under customary international law. Non-state actors are increasingly deemed to be bound by certain international human rights obligations, particularly those actors exercising *de facto* control over some areas, such as the Taliban.<sup>233</sup>

Under international human rights law, States must investigate the use of lethal force by their agents,<sup>234</sup> particularly those involved in law enforcement. This duty, together with potential liability for failure to comply, flows from the obligation to protect the right to life.<sup>235</sup> For State investigations to be effective, they must be as prompt as possible, exhaustive, impartial, independent<sup>236</sup> and open to public scrutiny.<sup>237</sup>

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<sup>231</sup> ICRC Customary International Humanitarian Law Study, Rules 15 to 21.

<sup>232</sup> Afghanistan is a party to the following human rights treaties and conventions: International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of all Forms of Racial Discrimination; Convention on the Elimination of all Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; Convention on the Rights of the Child; Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; and Convention on the Rights of Persons with Disabilities. For ratification dates, see [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN), last accessed 28 May 2017.

<sup>233</sup> See United Nations Secretary-General, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011, para. 188. See also Report of the International Commission of Inquiry to investigate all Alleged Violations of International Human Rights Law in the Libyan Arab Jamahiriya A/HRC/17/44, 1 June 2011; the Report of the International Commission of Inquiry on the Situation of Human Rights in the Syrian Arab Republic, A/HRC/19/69, para. 106; United Nations Mission in the Republic of South Sudan (UNMISS), Conflict in South Sudan: A Human Rights Report, 8 May 2014, para. 18.

<sup>234</sup> See Paragraphs 9, 10 and 17 of the *United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, adopted on 24 May 1989 by the Economic and Social Council Resolution 1989/65. See also United Nations Security Council and General Assembly resolutions concerning non-international armed conflict, calling for all parties to respect international human rights law.

<sup>235</sup> UNHRC, General Comment No. 31 (2004), § 15; UNHRC, General Comment No. 6 (1982), § 4; ECtHR, *McCann case*, § 169; ECtHR, *Kaya case*, § 86; ECtHR, *Ergi v. Turkey*, Application No. 23818/94, Judgment of 28 July 1998, §§ 82, 86; ECtHR, *Isayeva v. Russia*, Application No. 57950/00, Judgment of 24 February 2005, §§ 208-9, 224-5; IACiHR, *Abella (La Tablada) case*, § 244; IACiHR, *Alejandro case*, § 47; IACiHPR, *Civil Liberties case*, § 22.

<sup>236</sup> IACiHR, *Abella (La Tablada) case*, § 412; ECtHR, *Özkan case*, § 184; ECtHR, *Orban v. Turkey*, Application No. 25656/94, Judgment of 18 June 2002, § 335; ECtHR, *Isayeva et al. case*, § 210-11; ECtHR, *McCann case*.

<sup>237</sup> ECtHR, *Hugh Jordan v. the United Kingdom*, Application No. 24746/94, Judgment of 4 May 2001, § 109; ECtHR, *Özkan case*, § 187; ECtHR, *Isayeva et al. case* § 213; ECtHR, *Isayeva case*, § 214. See also Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law at:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>, last accessed 15 January 2017.

A State's duty to investigate applies to all law enforcement contexts, including those arising during armed conflict.<sup>238</sup>

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

Afghanistan has the primary responsibility to investigate and prosecute international crimes i.e. war crimes, crimes against humanity, and genocide, within its jurisdiction.<sup>239</sup> Afghanistan became a State party to the Rome Statute of the International Criminal Court (ICC) in 2003. As a consequence, to the extent Afghanistan is unable or unwilling to exercise its jurisdiction over international crimes; the ICC may exercise its jurisdiction over Afghanistan.<sup>240</sup> The situation in Afghanistan is currently under preliminary examination by the Office of the Prosecutor of the ICC to determine whether there is a reasonable basis to request the Pre-Trial Chamber of the Court for authorization to commence a criminal investigation into crimes of sufficient gravity within the jurisdiction of the Court, including war crimes perpetrated by "Afghan authorities" and "Anti-government groups" connected to the on-going non-international armed conflict.<sup>241</sup>

War crimes in non-international armed conflict are defined as serious violations of Common Article 3 and other laws and customs applicable in armed conflict not of an international character. War crimes include – with respect to those not participating in hostilities – violence to life and person, including murder, and deliberately directing attacks against the civilian population as such, or individual civilians not taking part in hostilities.<sup>242</sup>

States whose military forces are among the international military forces party to the conflict in Afghanistan also have a responsibility to investigate and prosecute alleged crimes that may have been committed by their nationals in Afghanistan.<sup>243</sup> At the time of publication of this report, the ICC has identified the actions of international military forces during the interrogation of conflict-related detainees in the context of the non-international armed conflict in Afghanistan form potentially admissible international criminal cases that would arise from an investigation of the situation, should one be authorized.<sup>244</sup>

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<sup>238</sup> See C. Droege, "Distinguishing Law Enforcement from Conduct of Hostilities", pp. 57-63, contained in the Report on the Expert Meeting "Incapacitating Chemical Agents", Law Enforcement, Human Rights Law and Policy Perspectives, held in Montreux, Switzerland 24-26 April 2012, at:

<http://www.icrc.org/eng/assets/files/publications/icrc-002-4121.pdf>, last accessed 15 January 2017; Nils Melzer, "Conceptual Distinction and Overlaps between Law Enforcement and the Conduct of Hostilities," in *The Handbook of the International Law of Military Operations* (Oxford: Oxford University Press, 2010), pp. 43-44

<sup>239</sup> ICC Statute, *preamble*; Articles 1, 17. See also ICRC Customary International Law Study, Rule 158.

<sup>240</sup> ICC Statute, Articles 1, 12-17.

<sup>241</sup> See ICC Report on Preliminary Examination Activities 2016 (14 November 2016), pp. 43-51.

<sup>242</sup> ICC Statute, Article 8(2)(c),(e); ICRC Customary International Humanitarian Law, Rule 156.

<sup>243</sup> Irrespective of whether States are parties to the ICC statute, they all have obligations under customary law to investigate serious violations of international human rights and international humanitarian law when they are operating on the territory of Afghanistan. See ICRC Customary International Law Study, Rules 144, 157, 158.

<sup>244</sup> See ICC Report on Preliminary Examination Activities 2016 (14 November 2016), pp. 44, 47-50.

## ANNEX II: Glossary<sup>245</sup>

**AAF:** Afghan Air Force.

**Aerial operations/attack or airstrike:** 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).

**ANBP:** Afghan National Border Police.

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

**ALP:** Afghan Local Police.

**ANA:** Afghan National Army.

**ANP:** Afghan National Police.

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

**ANSF:** Afghan national security forces; an umbrella term that includes ANBP, Afghan Local Police, ANA, ANCOP, ANP, Afghan Special Forces and the National Directorate of Security.

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

**Armed Group:** Organized 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 organizations; 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).<sup>246</sup> Some armed groups operate in a manner generally aligned with the Government, although not under their control, and are referred to as pro-Government armed groups.

‘Anti-Government Elements’ described in this report are considered 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

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<sup>245</sup> Definitions contained in this Glossary are only for the purposes of this report.

<sup>246</sup> *United Nations Humanitarian Negotiations with Armed Groups: A Manual for Practitioners*, Gerard McHugh and Manuel Bessler, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), New York, January 2006. *See* Section 2.3 on *Characteristics of Armed Groups*.



longer under the latter's control. Abandoned explosive ordnance may or may not have been primed, fused, armed or otherwise prepared for use.

**Civilian Casualties:** Killed or injured civilians.

UNAMA documents civilian casualties resulting from conflict-related violence including: civilian deaths and injuries resulting directly from armed conflict – including those arising from military operations by Afghan national security forces and/or international military forces such as force protection incidents, aerial attacks, search and seizure operations, counter-insurgency or counter-terrorism operations. It includes casualties from the activities of non-State armed groups such as targeted killings (assassinations), deliberate killings, improvised explosive devices, or direct engagement in hostilities with Pro-Government Forces. It also includes civilian deaths and injuries resulting from the conflict-related violence, including casualties caused by explosive remnants of war and those attributed to members of the armed forces or organized armed groups abusing their status and/or power.

UNAMA considers civilians **'injured'** when they require medical treatment for physical injury – through admission to healthcare facilities or by receiving medical assistance from medically-trained personnel. 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.

**Children:** The Convention on the Rights of the Child, ratified by Afghanistan in 1994, defines a “child” as any person under the age of 18 (0-17 inclusive). The Rome Statute of the International Criminal Court, ratified by Afghanistan in 2003, establishes as a war crime the conscription or enlisting of children under the age of 15 years into State armed forces or non-State armed groups and using children to participate actively in hostilities (*see* Articles 8(2)(b) (xxvi) and 8(2) (e) (vii)).

**Civilian:** For the purposes of this report and as defined by international humanitarian law, civilians are any persons who are not members of military/paramilitary forces or member of an organized armed group with continuous combat function and are protected against direct attacks unless and for such time as they directly participate in hostilities. Civilians participating directly in hostilities are not counted as 'civilian casualties' in this report.

Person *hors de combat* or protected personnel: A person who is *hors de combat* (wounded, sick, shipwrecked, detained or surrendering) or who belongs to the medical or religious personnel of the armed forces must be protected from attack. If killed or wounded, individuals with *hors de combat* status or protected personnel status are not counted as “civilian casualties” in this report because they are not considered 'civilians' under international humanitarian law.

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

**COM-RS:** Commander of the NATO-led Operation Resolute Support Mission and other US Forces Afghanistan.

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

ISAF defines EoFs as “a defensive process which seeks to determine the presence of a threat, its eventual extent and when applicable to match the threat with an appropriate defensive response for Force protection.”<sup>247</sup>

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<sup>247</sup> UNAMA interview with ISAF HQ, 31 January 2014, Kabul.

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

**Explosive weapons:** Explosive weapons are not explicitly defined by international law. Explosive weapons generally consist of a casing with a high-explosive filling and whose destructive effects result mainly from the blast wave and fragmentation produced by detonation. Mortars, artillery shells, aircraft bombs, rocket and missile warheads, and many improvised explosive devices (IEDs) fall under this term. Certain types of explosive weapons may be categorized as **light weapons** (e.g. hand-held under-barrel and mounted grenade launchers, portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres of less than 100 mm). Many explosive weapons, such as aircraft bombs, rockets systems, artillery and larger mortars are categorized as **heavy weapons**.<sup>248</sup>

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

**High Explosive Training Range:** A range used by military or security forces to employ weapon systems that use explosive ammunition, including heavy weapons.

**IDP:** Internally Displaced Person(s). According to the Guiding Principles on Internal Displacement, internally displaced persons (also known as "IDPs") are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border."

**IED:** Improvised Explosive Device. A bomb constructed and deployed in ways other than in conventional military action. IEDs can broadly be divided into four categories: Command-Operated IEDs, Victim-Operated IEDs, Suicide IEDs, and Other IEDs.

*Command-Operated IEDs* – Radio or remote controlled IEDs (RC-IEDs) operated from a distance that can enable operators to detonate a pre-placed device at the precise time a target moves into the target area.<sup>249</sup> RC-IEDs include user-detonated IEDs, such as roadside IEDs, and objects and animals rigged with IED devices, such as vehicles, bicycles, motorcycles and donkeys. Magnetic-IEDs are IEDs attached by a magnetic or other device and are a sub-category of command-operated IEDs; UNAMA records these devices separately due to the common delivery method in Afghanistan, *i.e.*, placement on vehicles of targeted individuals.

*Victim-Operated IEDs* – A victim-operated IED detonates when a person or vehicle triggers the initiator or switch which could be a pressure plate (PP-IED) or pressure release mechanism, trip wire or another device, resulting in an explosion.<sup>250</sup>

*Other IEDs* – This category includes command-wired IEDs and timed-IEDs<sup>251</sup> and IEDs where the trigger/switch type for detonation could not be determined.

*Suicide IEDs* – Separately from data on IEDs, UNAMA documents civilian casualties resulting from complex and suicide attacks. Suicide IEDs are generally either Body-Borne IEDs (BB-IEDs) or Suicide Vehicle-Borne IEDs (SVB-IEDs). Body-Borne IEDs refer to situations where a suicide bomber wears an explosive vest or belt while Suicide Vehicle-Borne IEDs is defined as the detonation of a vehicle rigged

<sup>248</sup> Borrie, J. and Brehm, M., 'Enhancing civilian protection from use of explosive weapons in populated areas: building a policy and research agenda', in *International Review of the Red Cross*, Volume 93, Number 883. See also footnotes 33 and 196.

<sup>249</sup> Small Arms Survey, *Improvised Explosive Devices*, Chapter 10 'Infernal Machines,' pp. 220-221.

<sup>250</sup> *Ibid.*

<sup>251</sup> Since 2009, UNAMA has recorded very few incidents from these switch types.

with explosives by a driver or passenger inside the vehicle, or the detonation of a BB-IED by the driver or a passenger while inside the vehicle.

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

**Incidents:** Events with a nexus to the armed conflict resulting in civilian casualties, civilian abductions, or damage to civilian property, as well as threats/intimidation/harassment related to the armed conflict and the military use of medical and health-care facilities by parties to the conflict.

**Indirect Weapons:** Weapons systems, such as artillery and mortar rounds, that do not require a line of sight between the weapon and its target. The indirect use of weaponry is firing a weapon without a line of sight between the weapon and its target.

**Imam:** A religious scholar who leads prayers.

**International military forces:** “international military forces” include all foreign troops forming part of NATO-led Operation Resolute Support (formerly International Security Assistance Force, ISAF) and other US Forces Afghanistan (including Operation Freedom’s Sentinel, which replaced Operation Enduring Freedom on 1 January 2015) who are under the Commander of Resolute Support (COM-RS), who is also Commander of the US Forces in Afghanistan. The term also encompasses Special Operations Forces and other foreign intelligence and security forces.

**ISAF:** International Security Assistance Force in Afghanistan. ISAF operated under a peace enforcement mandate pursuant to Chapter VII of the United Nations Charter. ISAF was deployed under the authority of the United Nations Security Council. In August 2003, at the request of the Government of Afghanistan and the United Nations, NATO took command of ISAF. From November 2008, the Commander of ISAF served as Commander of US Forces Afghanistan, although the chains of command remained separate. United Nations Security Council resolution 2120 (2013) reaffirmed previous resolutions on ISAF and extended the authorisation of ISAF for 14 months until 31 December 2014. As of 1 January 2015, ISAF was replaced by the Resolute Support Mission (see Resolute Support Mission).

**Mahram:** A women’s husband, or her immediate male relative with whom marriage is proscribed for her under Shari’a law (i.e., father, brother, paternal and maternal uncles and her nephews).

**MoI:** Ministry of Interior.

**NATO:** North Atlantic Treaty Organization. Members of NATO are the main troop-contributing States to the Resolute Support Mission (see Resolute Support Mission and ISAF).

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

**NGO:** Non-Governmental Organization.

**Pro-Government armed groups:** The term “pro-Government armed group” refers to an organized armed non-State actor engaged in conflict and distinct from Government Forces, rebels and criminal groups. Pro-Government armed groups do not include the Afghan Local Police, which fall under the command and control of the Ministry of Interior. These armed groups have no legal basis under the laws of Afghanistan. Armed groups have the capacity to employ arms in the use of force to achieve political, ideological or other objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. In some cases, armed groups receive direct/indirect support of the host Government or other States. This

definition includes, but is not limited to, the following groups: “national uprising movements”<sup>252</sup>, local militias (ethnically, clan or otherwise based), and civil defence forces and paramilitary groups (when such groups are clearly not under State control).

**Pro-Government Forces:** Afghan Government National Security Forces and other forces and groups that act in military or paramilitary counter-insurgency operations and are directly or indirectly under the control of the Government of Afghanistan. These forces include, but are not limited to, the ANBP, Afghan Local Police, 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, ANCOP and ABP, which are law enforcement agencies not formally incorporated into the armed forces of Afghanistan and report to the Ministry of Interior. Members of law enforcement agencies lose their protection as civilians when they function as part of the armed forces or directly participate in hostilities. For members of police units that never have combat functions, the use of force in self-defence is not considered to result in a loss of protection as a civilian.

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

**Pro-Government Militia:** See pro-Government armed groups.

**Resolute Support (RS):** On 1 January 2015, the North Atlantic Treaty Organization (NATO) transitioned from its International Security Assistance Force (ISAF) mission in Afghanistan to its non-combat Resolute Support mission (to train, assist and advise Afghan national security forces). Unlike ISAF, which was authorized by the United Nations Security Council, the legal basis for Resolute Support is provided by a Status of Forces Agreement (SOFA), signed in Kabul on 30 September 2014 and ratified by the Afghan Parliament on 27 November 2014. United Nations Security Council resolution 2189 (2014) welcomed the bilateral agreement between the Islamic Republic of Afghanistan and NATO to establish RSM. As of March 2017, the Resolute Support force comprised 13,459 soldiers from 39 Troop Contributing Nations, organized in five regional Train, Advise Assist Commands (TAACs) – Capital, North, East, South, West. The Commander of Resolute Support also serves as Commander of US Forces Afghanistan, although the chains of command remain separate.

**Small arms:** Weapons designed for individual use. They include, *inter alia*, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns.<sup>253</sup>

**SOPs:** Standard Operating Procedures.

**Targeted Killing:** Intentional, premeditated and deliberate use of lethal force by States or their agents acting under colour of law or by an organized armed group in armed conflict against a specific individual who is not in the perpetrator’s physical custody.<sup>254</sup> UNAMA documents civilian casualties arising directly and collaterally from such attacks.

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<sup>252</sup> See Protection of Civilians in Armed Conflict Annual Reports 2014 for definitions and details of engagement of members of national uprising movements in the conflict.

<sup>253</sup> International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, Adopted by the United Nations General Assembly on 8 December 2005, A/CONF.192/15, accessible at: [http://www.un.org/events/smallarms2006/pdf/international\\_instrument.pdf](http://www.un.org/events/smallarms2006/pdf/international_instrument.pdf).

<sup>254</sup> Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal provided that relevant provisions of IHL and human rights law are respected. *See* United Nations General Assembly, Human Rights Council 14th Session, Agenda item 3, Report of the Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions, Philip Alston. Addendum, ‘Study on Targeted Killings’. A/HRC/14/24/Add.6. 10 May 2010. In UNAMA, for database recording purposes, the category of targeted killings also includes some cases of killings where the victim was briefly in the perpetrator’s custody at the time of the killing but the custody did not amount to an abduction, i.e. the person identified to

**Tashkil:** Dari word meaning “structure” that refers to the official staffing table and equipment allocations authorized by the Government of Afghanistan for a particular Government entity, including security forces and civilian Government.

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

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

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

**USSOF:** United States Special Operations Forces.

**UXO:** Unexploded Ordnance.

**War Crimes:** War crimes are serious violations of treaty or customary international humanitarian law.

War crimes in non-international armed conflict are defined as serious violations of Common Article 3 and other laws and customs applicable in armed conflict not of an international character. War crimes include – with respect to those not participating in hostilities – violence to life and person, including murder, and intentionally directing attacks against the civilian population as such, or individual civilians not taking part in hostilities.<sup>255</sup>

See Legal Framework for more details.



































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be killed is stopped by armed individuals, their identity is confirmed, and then the attackers kill the person, commonly at illegal checkpoints,

<sup>255</sup> ICC Statute, Article 8(2)(c),(e); ICRC Customary International Humanitarian Law, Rule 156.

### **ANNEX III: Provincial Breakdown of Civilian Casualties**

The attached table – organised in order of the province with the highest number of civilian casualties to the lowest for the period of 1 January to 30 June 2017 – contains the total number of civilian casualties documented in each of Afghanistan’s 34 provinces during the reporting period, the top three causes of civilian casualties in each province, and the percentage increase or decrease compared to the same period in 2016.

Province	Leading Cause	Second Cause	Third Cause	Total Civilian Casualties	Compared to 2016
Kabul	Suicide/Complex Attack	IED	Targeted/Deliberate Killings	1,048 (219 deaths and 829 injured)	26 per cent 
Helmand	Ground Engagement	IED	Suicide/Complex Attack	532 (238 deaths and 294 injured)	five per cent 
Kandahar	IED	Ground Engagement	ERW	395 (162 deaths and 233 injured)	10 per cent 
Nangarhar	Ground Engagement	Targeted/Deliberate Killings	IED	377 (132 deaths and 245 injured)	seven per cent 
Uruzgan	Ground Engagement	IED	Aerial attack	312 (39 deaths and 273 injured)	16 per cent 
Faryab	Ground Engagement	IED	Targeted/Deliberate Killings	289 (61 deaths and 228 injured)	five per cent 
Herat	IED	Ground Engagement	Targeted/Deliberate Killings	215 (107 deaths and 108 injured)	14 per cent 
Laghman	Ground Engagement	IED	Targeted/Deliberate Killings	210 (53 deaths and 157 injured)	58 per cent 
Kunduz	Ground Engagement	Aerial attack	Targeted/Deliberate Killings	190 (39 deaths and 151 injured)	seven per cent 
Farah	Ground Engagement	Targeted/Deliberate Killings	Aerial attack	181 (73 deaths and 108 injured)	33 per cent 
Ghazni	Ground Engagement	IED	Targeted/Deliberate Killings	165 (65 deaths and 100 injured)	26 per cent 
Paktya	Targeted/Deliberate Killings	Ground Engagement	IED	160 (47 deaths and 113 injured)	167 per cent 
Zabul	Ground Engagement	IED	ERW	135 (50 deaths and 85 injured)	two per cent 
Baghlan	Ground Engagement	Targeted/Deliberate Killings	ERW	105 (30 deaths and 75 injured)	36 per cent 
Khost	Suicide/Complex Attack	IED	Targeted/Deliberate Killings	104 (22 deaths and 82 injured)	58 per cent 
Kunar	Ground Engagement	Targeted/Deliberate Killings	ERW	100 (34 deaths and 66 injured)	47 per cent 
Paktika	IED	Targeted/Deliberate Killings	Ground Engagement	88 (43 deaths and 45 injured)	nine per cent 
Jawzjan	Ground Engagement	Targeted/Deliberate Killings	Aerial attack	70 (27 deaths and 43 injured)	19 per cent 
Badghis	Ground Engagement	Targeted/Deliberate Killings	IED & ERW	67 (19 deaths and 48 injured)	16 per cent 
Kapisa	Ground Engagement	IED	Targeted/Deliberate Killings	63 (16 deaths and 43 injured)	110 per cent 
Logar	IED	Targeted/Deliberate Killings	Ground Engagement	60 (27 deaths and 33 injured)	54 per cent 
Takhar	Ground Engagement	Aerial attack	Targeted/Deliberate Killings	53 (24 deaths and 29 injured)	10 per cent 
Balkh	IED	ERW	Targeted/Deliberate Killings	46 (19 deaths and 27 injured)	56 per cent 
Nimroz	Ground Engagement	ERW	Targeted/Deliberate Killings	43 (19 deaths and 24 injured)	16 per cent 
M. Wardak	Ground Engagement	Aerial attack	IED	43 (20 deaths and 23 injured)	22 per cent 
Parwan	Targeted/Deliberate Killings	Ground Engagement	IED	40 (13 deaths and 27 injured)	40 per cent 
Sar-i-Pul	Targeted/Deliberate Killings	ERW	Ground Engagement	40 (22 deaths and 18 injured)	20 per cent 
Badakhshan	Ground Engagement	IED	Targeted/Deliberate Killings	31 (14 deaths and 17 injured)	74 per cent 
Samangan	ERW	IED	Ground Engagement	24 (eight deaths and 16 injured)	17 per cent 
Daikundi	ERW	Targeted/Deliberate Killings	Ground Engagement	21 (seven deaths and 14 injured)	425 per cent 
Ghor	Ground Engagement	IED	ERW	20 (10 deaths and 10 injured)	67 per cent 
Nuristan	Ground Engagement	IED	Targeted/Deliberate Killings	15 (three deaths and 12 injured)	25 per cent 
Bamyan	ERW	n/a	n/a	one injured civilian	75 per cent 
Panjshir	n/a	n/a	n/a	no civilian casualties	100 per cent 

## ANNEX IV: Attacks Claimed by Taliban: Breakdown by Target Type

Between 1 January and 30 June 2017, the Taliban publicly claimed responsibility for 95 attacks that resulted in civilian casualties. Of the 95 attacks claimed by the Taliban, 54 targeted Pro-Government Forces while 41 deliberately targeted civilians.

The following table provides a breakdown by target type of the 95 attacks that resulted in 551 civilian casualties (186 deaths and 365 injured):

### Attacks directed at Afghan national security forces, international military forces and pro-Government armed groups

Afghan National Police	27
Afghan Local Police	3
Afghan National Army	6
Afghan national security forces	8
National Directorate of Security	4
Afghan Border Police	1
International military forces and other	1
Pro-Government militia	4
Total attacks against security/military forces resulting in civilian casualties and claimed by Taliban on website or twitter:	<b>54</b>

### Attacks directed at civilians and civilian objectives

Other civilian target	10
Civilian Government Administration	18
Judges, prosecutors and judicial staff	3
Tribal Elders	5
Contractors / Labourers	3
Traffic police	1
Places and people of worship	1
Total attacks claimed by Taliban directed at civilians or civilian locations which resulted in civilian casualties:	<b>41</b>

**Total attacks claimed by Taliban which resulted in civilian casualties: 95**



## ANNEX V: Table of Taliban Allegations of “War Crimes”

Between 1 January and 30 June 2017, the Taliban accused Pro-Government Forces of causing civilian casualties. These allegations appeared in public statements or reports of the Taliban. The following table is a summary of UNAMA’s investigation of 125 allegations of “war crimes” reportedly carried out by Pro-Government Forces.

TOTAL	UNAMA Documentation	Results	Attribution
125	82 cases documented by UNAMA prior to publication of the Taliban statements	20 cases had the same number of casualties 5 cases had the same number of casualties with different ratio between killed and wounded	19 to Pro-Government Forces 3 to Pro-Government Forces and Anti-Government Elements 3 to AGEs
		28 cases had a lower number of casualties	24 to Pro-Government Forces 3 to Pro-Government Forces and Anti-Government Elements 1 to AGEs
		13 cases had a higher number of casualties	7 to Pro-Government Forces 1 to Pro-Government Forces and Anti-Government Elements 5 to AGEs
		4 case was not related to armed conflict	
	12 case casualties were not civilian or did not have casualties at all.		
	17 cases documented by UNAMA after publication of the Taliban statements	6 cases had the same number of casualties 1 case had the same number of casualties with a different ratio between killed and wounded	3 to Pro-Government Forces 3 to Pro-Government Forces and Anti-Government Elements 1 to AGEs
		2 cases had a lower number of casualties	2 to Pro-Government Forces
		2 cases had a higher number of casualties	1 to Pro-Government Forces 1 to AGEs
		6 cases the casualties were not civilian or did not have casualties at all.	
	26 cases could not be confirmed by UNAMA.		

# ANNEX VI: Statement by the Government of the Islamic Republic of Afghanistan on the UNAMA 2017 Afghanistan Midyear Report on Protection of Civilians in Armed Conflict



د افغانستان اسلامي جمهوریت  
د بهرنیو چارو وزارت

Islamic Republic of Afghanistan  
MINISTRY of FOREIGN AFFAIRS

جمهوری اسلامی افغانستان  
وزارت امور خارجه

ریاست حقوق بشر و امور بین المللی زنان  
Directorate General of Human Rights and Women's International Affairs

شماره: 789  
تاریخ: ۹۶, ۴, ۲۵

## یادداشت

وزارت امورخارجه جمهوری اسلامی افغانستان با تقدیم تعارفات به دفتر هیئت معاونت سازمان ملل متحد (یوناما) در کابل، چنین اشعار میدارد:

اینک در پیوست بیانیه دولت ج.ا.ا. در رابطه به گزارش میان دوره یی سال ۲۰۱۷ در مورد حفاظت از افراد ملکی دفتر یوناما خدمت شما ارسال است.

وزارت امورخارجه جمهوری اسلامی افغانستان با اغتنام از فرصت به تجدید احترامات فایقه، می پردازد.



به دفتر هیئت معاونت سازمان ملل متحد (یوناما) در کابل!

**STATEMENT BY THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF AFGHANISTAN  
ON THE UNAMA PROTECTION OF CIVILIANS MID-YEAR REPORT 2017**

Kabul, July 11, 2017

The Government of the Islamic Republic of Afghanistan (GIROA) wishes to take this opportunity to thank the United Nations Assistant Mission in Afghanistan (UNAMA) for sharing its 2017 Mid-Year Report on Protection of Civilians in Armed Conflict.

As in the past years, this report exhibits the inhumane means and tactics, including suicide and complex attacks, targeted and deliberate killings, use of bombs and other explosive devices, abductions, arbitrary and extrajudicial punishments, and other similar means the Taliban and other terrorist groups employ against our civilian population. These heinous crimes are utterly alarming, and the GIROA urges UNAMA to pay keen attention to the increasing rates and trends of victimization of civilians, particularly women and children, by these terrorists. We, therefore, greatly appreciate UNAMA's efforts at monitoring the security situation in Afghanistan and reporting the rates and patterns of human rights violations by the enemies of our people.

Prevention and mitigation of harm to civilian population is a constitutional and ethical duty of the GIROA, and remains a top priority on its agenda. To this end, UNAMA's periodic reports on the cases of civilian harm during conflict helps us to continually improve our measures to better protect civilian persons and properties during military operations conducted by our National Defense and Security Forces against terrorists. As the report highlights, throughout the current year, we have made considerable strides in developing new, and improving existing, measures at the strategic, operational, and tactical levels to protect civilians during conflict.

Our national Policy on Prevention and Mitigation of Civilian Harm, soon to be endorsed by our National Security Council, provides specific guidelines to be undertaken by our security forces in three phases – pre-operation, during-operation, and post-operation – to prevent and mitigate harm to civilian persons and properties. The Policy strictly prohibits the use of indirect weapons, as well as the utilization of civilian facilities, including schools, hospitals, and clinics, for military purposes. It also obliges government agencies to promptly and thoroughly investigate any possible violations of the provisions of the Policy by any government official or agency, and take appropriate corrective measures.

The Policy's annexed Implementation Plan outlines a set of benchmarks such as the creation of a unified reporting mechanism on the cases of civilian harm, expanding the investigative capacity of the civilian casualty prevention and mitigation units within our defense and security agencies, improving coordination among mine and explosives clearing agencies, enhancing the government's strategic communications efforts aimed at civilian harm prevention, developing and implementing a system of rewards and punishment within the security sector in the area of civilian harm and its prevention, and other actions of this nature to be implemented within specified deadlines that would further enhance the protection of civilians during military operations.

With the assistance of the Resolute Support Mission, we completed a comprehensive training program on civilian harm prevention for the personnel of the Operations Departments down to the platoon level within our security sector. The curriculum covered issues such as the Islamic values and principles in war, the international conventions on war, rules of engagement, the provisions of our National Policy on Prevention and Mitigation of Civilian Harm, as well as specific tools to use in the pre, during, and post operation phases.

#### **Afghanistan Midyear Report on Protection of Civilians in Armed Conflict: 2017**

Over the past six months, as in the previous years, we continued our policy of providing support and compensation to families of victims and those who have lost property as a result of the ongoing conflict and attacks by terrorists. We will continue to do so into the future.

Our High Oversight Board on the Prevention of Civilian Casualties, as well as its related Working Group, will continue to meet regularly, review the implementation of the Policy, and provide regular reports to the top leadership of the country on the status of our efforts at preventing, minimizing, and mitigating civilian harm.

The GIRoA fully recognizes the protection of our civilian population as its utmost duty, and encourages and welcomes any and all efforts that would support us in this cause.

**ANNEX VII: NATO Resolute Support Official Response to the UNAMA 2017  
Afghanistan Midyear Report on Protection of Civilians**

NATO/RS UNCLASSIFIED Rel UNAMA



**HEADQUARTERS**  
Resolute Support Kabul,  
Afghanistan



DCOS-OPS

13 JULY 2017

**MEMORANDUM FOR RECORD**

**SUBJECT:** Official response to recommendations for International Military Forces contained in UNAMA's Protection of Civilians in Armed Conflict (PoCAC) Report.

1. The NATO Resolute Support (RS) mission would like to recognize UNAMA's efforts in advocating for the respect of Human Rights in Afghanistan and appreciates the comprehensive actions set forth in the 2017 Mid-Year PoCAC report. RS would also like to update UNAMA on the ongoing actions in regards to the recommendations listed for International Military Forces (IMF).

2. **Recommendation 1-2:** In January 2017, RS HQ began a comprehensive CIVCAS mitigation training campaign for NATO advisors, GIRoA officials, and the ANDSF. This training provides CIVCAS mitigation measures, investigative techniques, and comprehensive reporting procedures. Advising efforts continue to focus on the reduction of CIVCAS throughout Afghanistan.

3. **Recommendation 3-4:** The RS mission has an ongoing partnership with UNAMA, GIRoA and numerous international aid organizations to protect military forces and the civilian population from the threat of IED's and Explosive Remnants of War (ERW). RS HQ helps mitigate the threat of IEDs and ERWs through advising GIRoA, providing training programs to school teachers, and instituting public awareness programs throughout Afghanistan's population.

4. **Recommendation 5:** RS continues to investigate all allegations of CIVCAS in accordance with International Humanitarian Law and share its findings with UNAMA. All RS airstrikes are subject to a stringent and robust approval process that goes to great lengths to prevent Civilian Casualties (CIVCAS). In February 2017, coalition forces conducted a series of strikes in the vicinity of Sangin, Helmand province. Headquarter RS conducted a comprehensive and exhaustive investigation, which tracked, recorded, and accounted for all released munitions. This review did not identify any incidences of CIVCAS and RS is not in agreement with UNAMA's findings in regards to its CIVCAS allegations in Sangin.

5. The point of contact for this memorandum is ICC Yam Khatri, RS CCMT, at rshqopsq3civcassoms@hq.isaf.nato.int; or NATO UNCLASS at: 60-686-2344.

**Christopher K. Haas**  
Major General (OF-7), U.S. Army  
Deputy Chief of Staff-Operations  
Headquarters Resolute Support

NATO/RS UNCLASSIFIED Rel UNAMA

## ANNEX VIII: Taliban Response to the UNAMA 2017 Afghanistan Midyear Report on Protection of Civilians

په افغانستان کې د ملگرو ملتونو د مرستندويه مأموریت د حقوق بشر د ځانگړي د ملگري وگړو د ساتنې د راپور په اړه د افغانستان د اسلامي امارت ځواب

مننه له دې چې د ۲۰۱۷ ميلادي کال د لومړيو شپږو مياشتو لپاره د ملگري تلفاتو راپور مو زمونږ سره تر نشر لږ مخکې شريک کړ. مونږ ستاسو راپور وکوت او متأسفانه چې په راپور کې د راغليو پېښو د ارزونې په اړه مونږ دومره وخت ونه موند چې له مخې يې د هرې پېښې جلا جلا ځواب وويل شي، خو په مجموع کې به دا ووايو چې په راپور کې په ډېر مهارت سره دا هڅه شوې چې په افغانستان کې د ملگري تلفاتو ډيری برخه د افغانستان اسلامي امارت ته منسوبه شي.

اسلامي امارت په خپل گران هيواد افغانستان کې د ملگري تلفاتو په اړه ژوره اندېښنه لري او د ملگري تلفاتو د مخنيوي لپاره يې ځانگړی کميسون ټاکلی دی چې وخت په وخت خپلو مجاهدينو ته د ملگري تلفاتو د مخنيوي په هکله سپارښتنې کوي. ډيری وختونه اسلامي امارت خپل عمليات له دې امله ځنډولي چې هلته د ملگري تلفاتو اندېښنه وي، خو په مقابل کې امريکايان او د کابل ادارې عسکرو ته د ملگري وگړو ساتنه هيڅ معنی نه لري، دوی تل د جگړې پر مهال پر ملگري وگړو مخامخ ډزي کړي او يا يې هم د بمبار څخه دريغ نه دی کړی چې له امله يې په زرگونو خلک له خپلو سيمو څخه هجرت ته اړ شوي دي. همداراز امريکايان او د کابل د ادارې عسکر په ملگري کورونو د شپې چاپې وهي، پر ملگري سيمو بمباری کوي او حتی د ښارونو څخه خلک په اشتباه نيسي او بيا يې تر تعذيب او شکنجو لاندي وژني او جسدونه يې په صحراوو او يا هم په ښار کې غورځوي او ادعا کوي چې په مخامخ جگړه کې يې دا خلک وژلي دي.

کومې شمېرې چې تاسو په راپور کې د ملگري تلفاتو په برخه کې ذکر کړي، مونږ يې په کلکه ردوو. د اسلامي امارت د ملگري تلفاتو د مخنيوي کميسون موندني بيا ستاسو د موندني څخه ډير توپير لري. تاسو د اسلامي امارت په سيمو کې د ملگري تلفاتو د ډيری پېښو مسؤليت اسلامي امارت ته راجع کوئ، په داسې حال کې چې په همدې سيمو کې د بمباريو او هاوانونو په ډزو د ملگري تلفاتو حساب نه کوئ، او حتی زمونږ تر ولکې لاندي سيمو کې هغه پېښې هم مونږ ته منسوبوي چې ملگري جرمونه بلل کيږي، مثلاً د ښځو په وړاندې د تاوتریخوالي پېښې او داسې نور.

ستاسو په راپور کې ځينې هغه کسان هم په ملگريانو کې حساب شوي چې په وسله واله شخړه کې ښکېل دي او بلفعال د اسلامي امارت د مجاهدينو په شهادتونو کې لاس لري. همداراز که د اسلامي امارت د مجاهدينو له لورې په لويو لارو او يا نورو ځايونو کې کوم کس د تحقيقاتو لپاره د لنډ مهال لپاره درول کيږي نو هغه هم تاسو سرې تښتونه بولي په داسې حال کې چې همدا کار د کابل اداره کوي او بې گناه خلک توقيفوي او شکنجه کوي، خو تاسو بيا دا د هغوی حق بولي.

ستاسو د راپور تر ټولو غټه نيمگړتيا داده چې تاسو د کابل ادارې تر ولکې لاندي سيمو کې فعاليت کوئ، د پېښو د پلټنې پر مهال د کابل ادارې د رسمي چارواکو او رسنيو معلوماتو ته اولويت ورکوئ، او همداراز د کابل ادارې تر تهديد لاندي ملگريانو سره مرکې کوئ چې ښکاره خبره ده چې پايله به يې هم د اسلامي امارت پر ضد وي. خو تاسو د اسلامي امارت تر ساحو لاندي د پېښو تحقيقات هيڅ لازم نه بولي، بلکې د هغوی په اړه هم د کابل ادارې، ناټو او امريکايي ځواکونو د عمومي قومندانو راپورونو او اعلاميو ته اهميت ورکوئ.

اسلامي امارت نه يواځې دا چې داسې بريدونه نه کوي چې ملگري تلفات پکې اوري بلکې په شدت سره يې غندي. د مثال په ډول د کابل د زنبق څلور لارې چاودنه او د هرات د جامع جومات مخته چاودنه اسلامي امارت په لوره کچه په کلکو ټکو وغندله.

ستاسو د يو شمير سپارښتنو په اړه مونږ داسې وايو چې:

دا داسلامي امارت پاليسي ده چې ملگريانو، ژورناليستان، روغتيا پالان، مرستندويه کارکوونکي، عبادت ځايونه او کلتوري ځايونه هدف نه گرځوي، بلکې دفاع ځيني کوي؛

د اسلامي امارت مجاهدين په بې توپيره او غير متناسب توگه چاوديدونکي توکي نه استعمالوي؛

د اسلامي امارت مجاهدين د ملگري ځايونو څخه يا د ملگري ځايونو پر لور انداخت نه کوي، بلکې هميشه يې دا هڅه کړي ده چې د ملگريانو د ساحې څخه لري خپل عمليات تر سره کړي؛

## Afghanistan Midyear Report on Protection of Civilians in Armed Conflict: 2017

اسلامي امارت د ملكي تلفاتو په اړه خپله پاليسي هر وخت څرگنده كړي ده، اسلامي امارت دا خپله ديني وجيبه بولي او په وار وار د اسلامي امارت د مشرتابه لخوا په دې هكله اعلاميې خپرې شوي دي، حتی د بناغلي امير المؤمنین په اختريز پيغام كې پر مجاهدينو باندي غږ شوی چې په كومه سيمه كې چې د ملكي تلفاتو اندېښنه وي، هلته بايد د عملياتو څخه ډډه وكړي؛

د اسلامي امارت مجاهدين بي توپيره بریدونه نه كوي او ملكيان نه په نښه كوي، ددې لپاره چې د ملكي تلفاتو څخه مخنيوی شوی وي او د ملكي تلفاتو پيښې په سمه توگه څيرل شوي وي، اسلامي امارت ددې لپاره مستقل کمیسیون ټاکلی دی. همداراز مونږ دا په كلكه ردوو چې مجاهدين دي شفاخانې، مكثبونې او كلينيكونه د نظامي اهدافو لپاره استعمال كړی وي.

دا خبره هم بايد سپينه كړو چې اسلامي امارت د اسلاميت او افغانيت په چوكاټ كې د بنځو ټولو حقوقو ته ځان ژمن بولي.

يو وار بيا وايو چې كومي شمېرې چې تاسو په راپور كې د ملكي تلفاتو په برخه كې ذكر كړي، مونږ ته د منلو وړ نه دي او مونږ يې په كلكه ردوو. افغان ولس ښه پوهيږي چې د ملكي تلفاتو زيات مسؤلین څوك دي او كولاى شي چې په حقايقو ولاړ راپورونه د هغه راپورونو څخه تفكيك كړي چې يو اړخيزه قضاوت پكې شوی وي.

### Unofficial UNAMA translation:

Thanks for sharing with us the report on civilian casualties for the first six months of 2017, little before (shortly) its launching. We looked at the report and unfortunately we did not have time to evaluate and respond to each incident separately included in the report, but overall we would say that it has been skillfully attempted to attribute more civilian casualties to Islamic Emirate of Afghanistan (IEA).

The Islamic Emirate is deeply concerned over civilian casualties in Afghanistan and established a special commission to provide recommendations to the mujahiden from time to time on civilian casualty prevention. The Islamic Emirate many times suspended its operations where there were concerns of civilian casualties, but in contrast the civilian protection is meaningless for Americans and Kabul administration, all the time they directly target civilians during fighting or did not withhold bombardment which resulted in forced displacement of thousands of people. Similarly, American and Kabul Administration conduct night search raids on civilian residences, bombard on civilian population areas and even arrest people on suspicion from cities and kill them under mistreatment and torture and leave their bodies either in dessert or in cities and then claimed for killing them in fighting.

We strongly reject the figures of civilian casualties you provided in the report. The IEA civilian casualty prevention commission findings are greatly different from yours. In areas under the control of the Islamic Emirate you attribute more casualties to Islamic Emirate, although you do not count civilian casualties in these areas arising from bombardment and mortar shelling, even in area under our control you attribute those incidents of criminal acts, like violence against women etc.

In your report those people also counted civilians who are engaged in armed fighting and actively involved in martyring mujahiden. Similarly if Islamic Emirate mujahiden stops someone for investigation for short while on highways, you also count it abduction, although the Kabul administration is perpetrating the same act, detain and torture innocent civilians but you call this their legitimate rights.

The main shortcoming of your report is that you are working in an area under control of Kabul administration, while investigating incident you give priority to Kabul administration officials and media outlet information and as well interview with civilians under the threat of Kabul administration where the findings definitely could be against Islamic Emirate. But you do not consider important to investigate incidents in areas under control of the Islamic Emirate, in addition you also give preference to the Kabul administration, NATO and American forces Headquarters statements

Not only is the Islamic Emirate not perpetrating attacks which cause civilian casualties but it condemns in the strongest terms too. For instances, Islamic Emirate condemned in strong terms the Kabul Zanbaq square explosion and an explosion in front of Herat congregational mosque.

Our comment regarding your certain recommendations;

The Islamic Emirate policy is not to target civilians, journalists, health workers, aid workers, places of worship and cultural places but defend them.

The Islamic Emirate mujahiden (s) do not use indiscriminate and disproportionate IEDs.

### **Afghanistan Midyear Report on Protection of Civilians in Armed Conflict: 2017**

The IEA mujahiden do not fire on, or from, civilian populated areas, but always try to conduct operations away from civilian areas.

IEA always made its policy public on civilian casualties, Islamic Emirate deems it a religious obligation and recurrently issued statements by IEA leadership, even the Ameer-u-l Mumeneen called on mujahiden during Eid message, to suspend operations in areas whenever there is concern of civilian casualties.

The IEA mujahideen neither conducts indiscriminate attacks nor targets civilians, for the purpose of preventing civilian casualties and to properly investigate civilian casualty incidents, IEA established an independent commission. Similarly we strictly reject that mujahiden use hospitals, schools and clinic for military purposes.

This is to clarify that IEA is committed to women rights in the frame of Islam and Afghan tradition.

Once again the figures you mentioned in the report are not acceptable and we strictly reject it. Afghan citizens know better who is responsible for the majority of civilian casualties and can differentiate fact-based reports from one biased judgment.