

AFGHANISTAN

ANNUAL REPORT 2014

PROTECTION OF CIVILIANS IN ARMED CONFLICT



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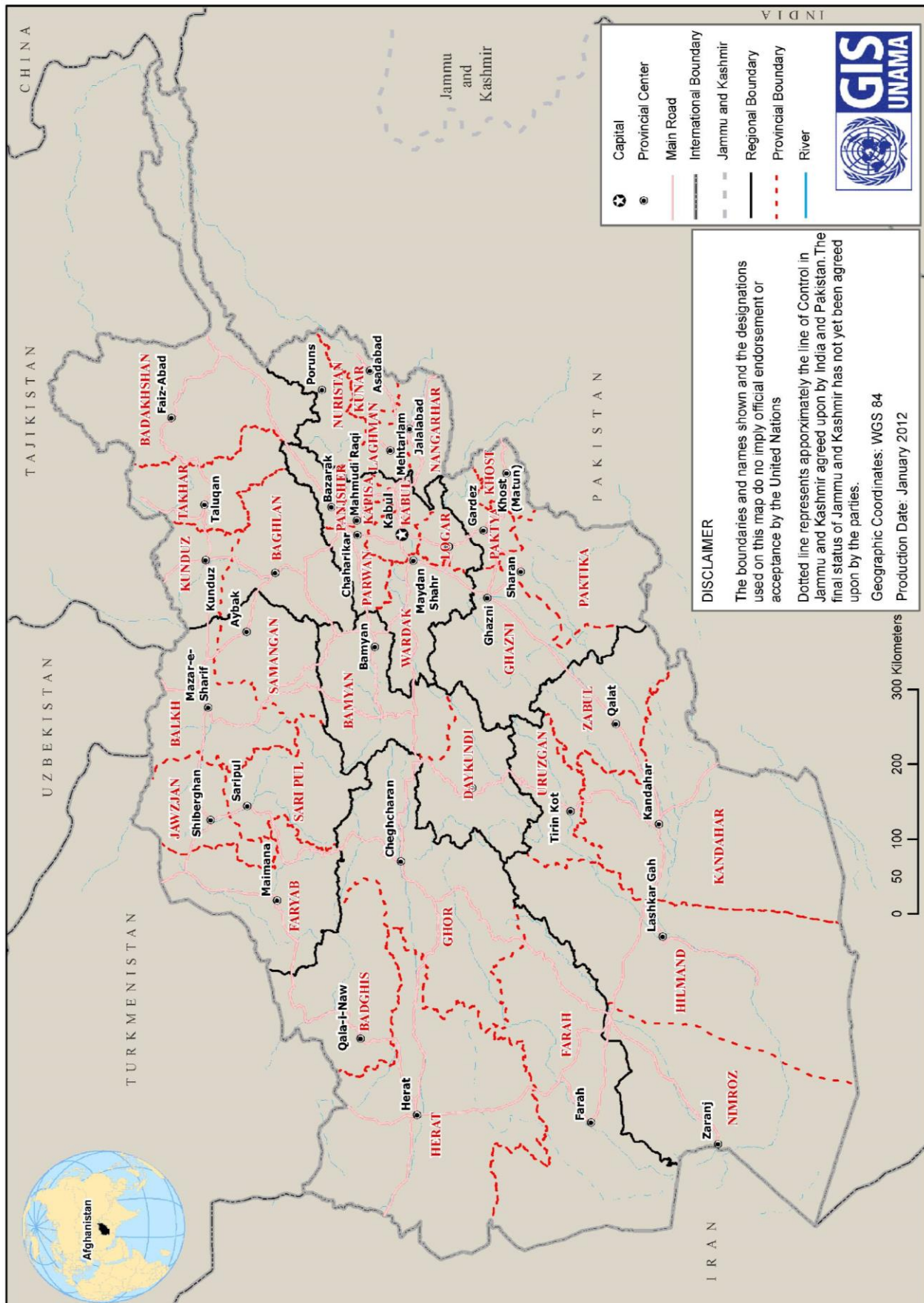
United Nations Assistance Mission
in Afghanistan



United Nations Office of the High
Commissioner for Human Rights

Kabul, Afghanistan
February 2015

AFGHANISTAN ADMINISTRATIVE DIVISION



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Photo on Front Cover © 2014/Ihsanullah Mahjoor/Associated Press.
Bodies of civilians killed in a suicide attack on 23 November 2014 in
Yahyakhail district, Paktika province that caused 138 civilian casualties
(53 killed including 21 children and 85 injured including 26 children).
Photo taken on 24 November 2014.

"The conflict took an extreme toll on civilians in 2014. Mortars, IEDs, gunfire and other explosives destroyed human life, stole limbs and ruined lives at unprecedented levels. The thousands of Afghan children, women and men killed and injured in 2014 attest to failures to protect civilians from harm. All parties must uphold the values they claim to defend and make protecting civilians their first priority."

Nicholas Haysom, United Nations Special Representative of the Secretary-General in Afghanistan, December 2014, Kabul

"This annual report shows once again the unacceptable price that the conflict is exacting on the civilian population in Afghanistan. Documenting these trends should not be regarded as a "body count", but as a vital step towards accountability. It is high time that States live up to their responsibility to protect civilians, and that perpetrators of war crimes and other violations understand that they will face justice for what they have done."

Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, January 2015, Geneva

Mandate

This annual report on the Protection of Civilians in Armed Conflict in Afghanistan for 2014 was prepared by the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) and covers the period from 1 January to 31 December 2014.

The report is prepared pursuant to the UNAMA mandate under United Nations Security Council Resolution 2145 (2014) “to monitor the situation of civilians, to coordinate efforts to ensure their protection, to promote accountability, and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights.”

Security Council resolution 2145 (2014) recognizes the importance of ongoing monitoring and reporting to the United Nations Security Council on the situation of civilians in the armed conflict, particularly on civilian casualties.

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

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

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Methodology

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

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

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

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

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

UNAMA established an electronic database in 2009 to support its analysis and reporting on protection of civilians in armed conflict. The database is designed to facilitate the systematic, uniform and effective collection and analysis of information,

including disaggregation by age, gender, perpetrator, tactic, weapon, and other categories.

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

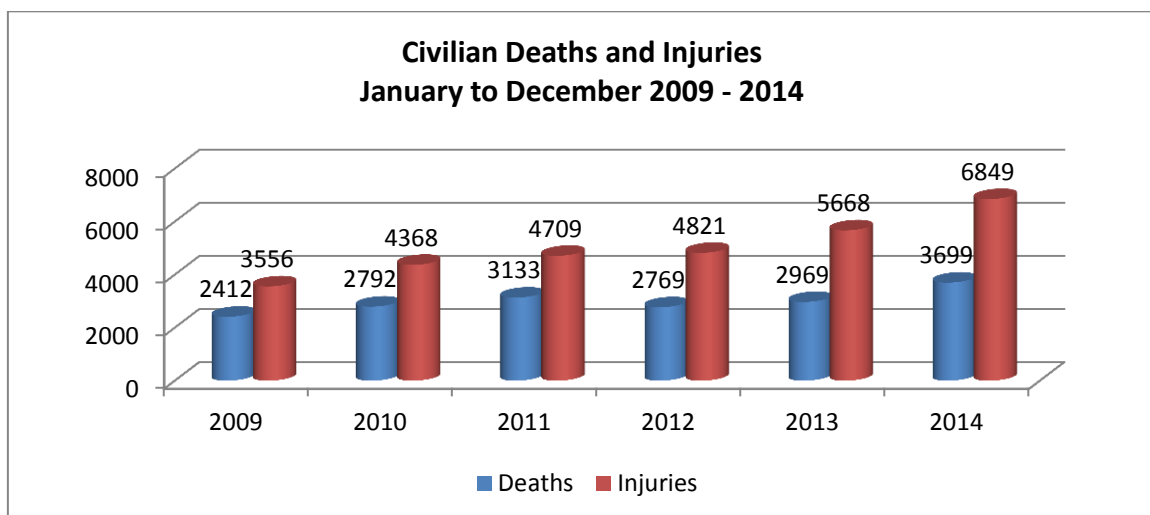
Executive Summary

It was in the afternoon. I was doing construction work in a building. My wife called me crying and told me to return home immediately because an explosion had killed our children. I was shocked and collapsed. Other workers helped me and took me to my home. My wife told me that all the injured and the killed were taken to hospitals. I went to a nearby hospital and saw my nine-year-old son lying dead on a bed. I was told that my other son was also dead. Then I saw my little daughter who was seriously injured, and my other son who was also severely injured, covered in blood. My daughter died the following day. It was such grief for me. Oh Allah Almighty, I lost three children! What was the crime committed by my children? They were playing, as usual, outside our house. I was told that it was a remote-controlled bomb and that the target was an Afghan National Army officer. Why don't the Taliban care about civilians, women and children? Which civilization, which law are the Taliban following? It is very simple: killing children and civilians is completely against Islamic law.¹

-- Father of three children killed and another child injured by an RC-IED that targeted an Afghan National Army convoy, Kabul city, 21 September 2014. Five civilians were killed and two injured.

The intensification of conflict-related violence in Afghanistan took an extreme toll on civilians in 2014, with civilian loss of life and injury reaching unprecedented levels. UNAMA documented 10,548 civilian casualties (3,699 deaths and 6,849 injured), marking a 25 per cent increase in civilian deaths, a 21 per cent increase in injuries for an overall increase of 22 per cent in civilian casualties compared to 2013.² In 2014, UNAMA documented the highest number of civilian deaths and injuries in a single year since it began systematically recording civilian casualties in 2009.

Between 1 January 2009 and 31 December 2014, UNAMA has documented 47,745 civilian casualties (17,774 killed and 29,971 injured).



¹ UNAMA interview with father of victims of an RC-IED attack, 26 October 2014, Kabul city.

² In 2013, UNAMA documented 8,637 civilian casualties (2,969 deaths and 5,668 injured).

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The 22 per cent rise in civilian casualties in 2014 resulted mainly from increased ground engagements across Afghanistan in which parties to the conflict also increasingly used high explosive weapons systems, such as mortars, rockets and grenades in civilian-populated areas - with devastating consequences for civilians. In 2014, civilian deaths and injuries from ground engagements increased by 54 per cent compared to 2013 making them the leading cause of civilian casualties and the biggest killers of women and children in 2014.

UNAMA attributed 72 per cent of all civilian casualties to Anti-Government Elements,³ 14 per cent to Pro-Government Forces⁴ (12 per cent to Afghan national security forces, two per cent to international military forces) and 10 per cent to ground engagements⁵ between Anti-Government Elements and Afghan national security forces in which a civilian casualty could not be attributed to a specific party.⁶ UNAMA attributed three per cent of all civilian casualties to unattributed explosive remnants of war⁷ and the remaining one per cent to cross-border shelling from Pakistan into Afghanistan.

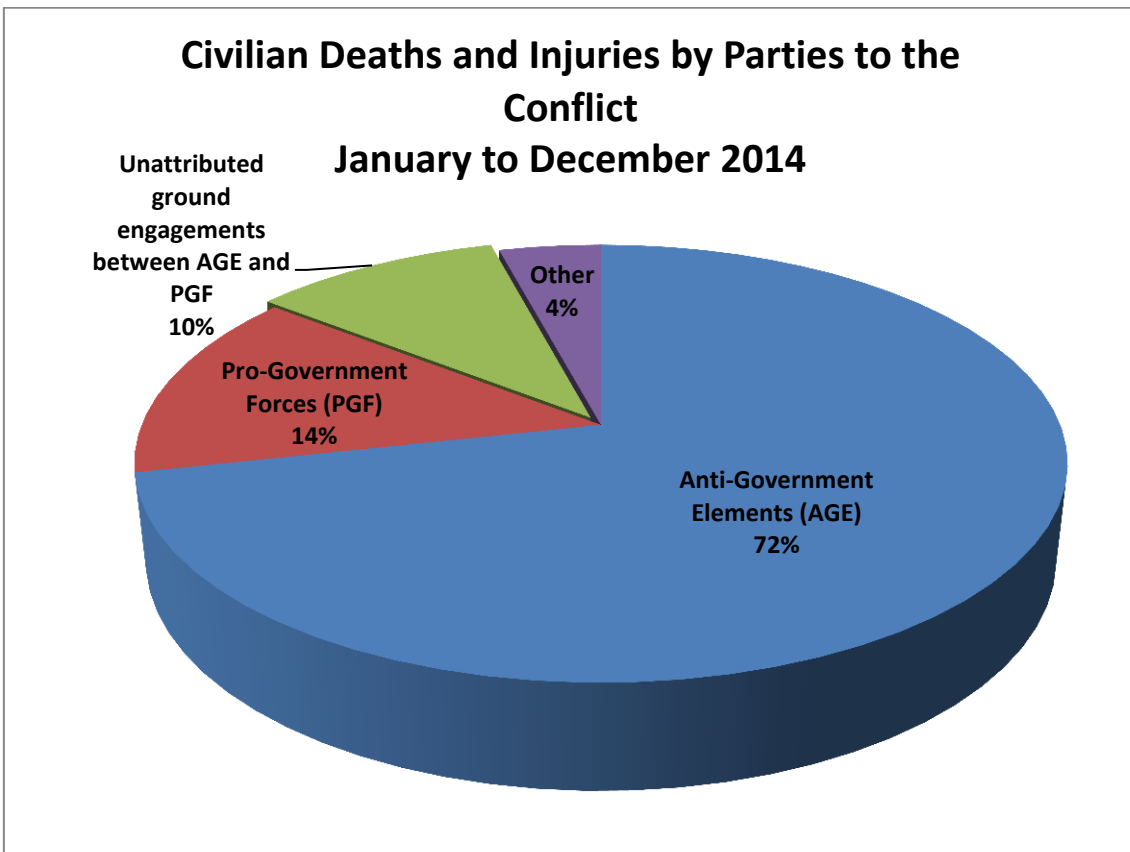
³ UNAMA defines 'Anti-Government Elements' to include all individuals and armed groups involved in armed conflict with or armed opposition against the Government of Afghanistan and/or international military forces. 'Anti-Government Elements' include all those who identify as 'Taliban' as well as individuals and non-State organised armed groups taking a direct part in hostilities and assuming a variety of labels including the Haqqani Network, Hezb-e-Islami, Islamic Movement of Uzbekistan, Islamic Jihad Union, Lashkari Tayyiba, Jaysh Muhammed, and other militia and armed groups pursuing political, ideological or economic objectives including armed criminal groups directly engaged in hostile acts on behalf a party to the conflict. See the *Definition* section of this report for details. UNAMA highlights that civilian casualties caused by Anti-Government Elements have increased each year since 2009 with Anti-Government Elements killing and injuring more civilians in Afghanistan in 2014 than any other year since 2009. Most of these civilian deaths and injuries were from indiscriminate IED and suicide attacks in civilian-populated areas and the deliberate targeting of civilians throughout Afghanistan.

⁴ The term 'Pro-Government Forces' includes Afghan national security forces and other forces and groups that act in military or paramilitary counter-insurgency operations and are directly or indirectly under the control of the Government of Afghanistan. These forces include, but are not limited to the Afghan National Army, Afghan National Police, Afghan Border Police, National Directorate of Security and Afghan Local Police which operate under Government legal structures, and Pro-Government local defense forces and armed groups which have no basis in Afghan law and do not operate under formal Government structures. This term also includes international military forces and other foreign intelligence and security forces. See the *Definition* section of this report for further details.

⁵ Ground engagements include kinetic ground operations, crossfire, stand-off attacks and armed clashes between parties to the conflict that encompass attacks or operations in which small arms, heavy weapons and/or area weapons systems such as mortars and rockets are fired.

⁶ UNAMA uses a three-source type verification procedure to verify attribution for each civilian death and injury from ground engagements. In cases where attribution is not possible, in particular crossfire during heavy fighting between parties to the conflict, UNAMA attributes the civilian casualty to Pro-Government Forces and Anti-Government Elements.

⁷ Explosive Remnants of War (ERW) means unexploded ordnance (UXO) and abandoned explosive ordnance (AXO). Unattributed ERW includes unexploded ordnance from previous conflicts and unexploded ordnance which UNAMA could not attribute to a party to the current conflict.



Women and children

In 2014, UNAMA recorded the highest number of women's deaths and injuries from conflict-related violence since 2009, when UNAMA began systematically documenting civilian casualties. Five hundred and fifty-six (556) incidents were recorded which caused 909 women casualties (298 deaths and 611 injured), a 21 per cent increase from 2013.⁸

To highlight the broader social and economic impact of the conflict on the lives of Afghan women, UNAMA interviewed 60 women from all regions in Afghanistan whose husbands, all civilians, were killed or seriously injured in conflict-related violence in 2014. UNAMA found that women who were left as sole income-providers for their households after the death or injury of their husbands experienced long-lasting social and economic consequences, with poverty forcing many women to give their daughters in marriage in exchange for debts or to take their children out of school often to work. Widowed women were often particularly vulnerable to other forms of violence and abuse from family and community members. These findings call for urgent action by the Government of Afghanistan to address the basic needs of this group of very vulnerable and often marginalized women and children.

⁸ In 2013, UNAMA documented 750 women casualties (236 killed and 514 injured).

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UNAMA documented unprecedented levels of conflict-related violence affecting Afghan children in 2014. A total of 1,065 incidents resulted in 2,474 children casualties (714 killed and 1,760 injured), with the highest number of children casualties recorded since 2009. In 2014, children casualties increased by 40 per cent compared to 2013.⁹

UNAMA continued to document a number of incidents of sexual violence against children by parties to the conflict. UNAMA observed a continuing climate of impunity for such crimes due to a lack of due diligence on the part of authorities to investigate, prosecute and punish offenders. While acknowledging significant under-reporting, UNAMA verified five incidents of conflict-related sexual violence against children,¹⁰ four perpetrated by ALP members and one by members of a Pro-Government armed group.

Ground Engagements Leading Cause of Civilian Casualties in 2014

As the withdrawal of international military forces and combat air support continued in 2014, UNAMA observed more frequent and larger ground operations by both Afghan national security forces and Anti-Government Elements notably in Helmand, Kunar and Faryab provinces with fighting often occurring near district centres. The increased ground fighting in civilian-populated areas with all parties using mortars, other explosive weapons and small arms fire often led to harmful consequences for civilians.

UNAMA documented 3,605 civilian casualties (1,092 killed and 2,513 injured) from ground engagements, a 54 per cent increase from 2013,¹¹ accounting for 34 per cent of all civilian casualties in 2014. These civilian deaths and injuries were caused when civilians were caught in crossfire between insurgents and Afghan security forces fighting in and around civilian-populated areas.

Of the 3,605 civilian casualties from ground engagements, UNAMA attributed 43 per cent to Anti-Government Elements and 26 per cent to Pro-Government Forces.¹² UNAMA could not attribute civilian deaths and injuries solely to either party in 29 per cent of ground engagements that caused civilian casualties. The remaining two per cent of civilian casualties from ground engagements were attributed to cross-border shelling.

Civilian deaths and injuries from ground engagements, operations and attacks by Pro-Government Forces rose significantly with 921 civilian casualties (336 killed and 585 injured) attributed to Pro-Government Forces in 291 separate incidents, a 141 per cent

⁹ In 2013, UNAMA documented 1,764 casualties (564 children killed and 1,200 injured).

¹⁰ One more incident than the four documented in 2013.

¹¹ In 2013, UNAMA documented 2,334 civilian casualties (537 killed and 1,797 injured) from ground engagements.

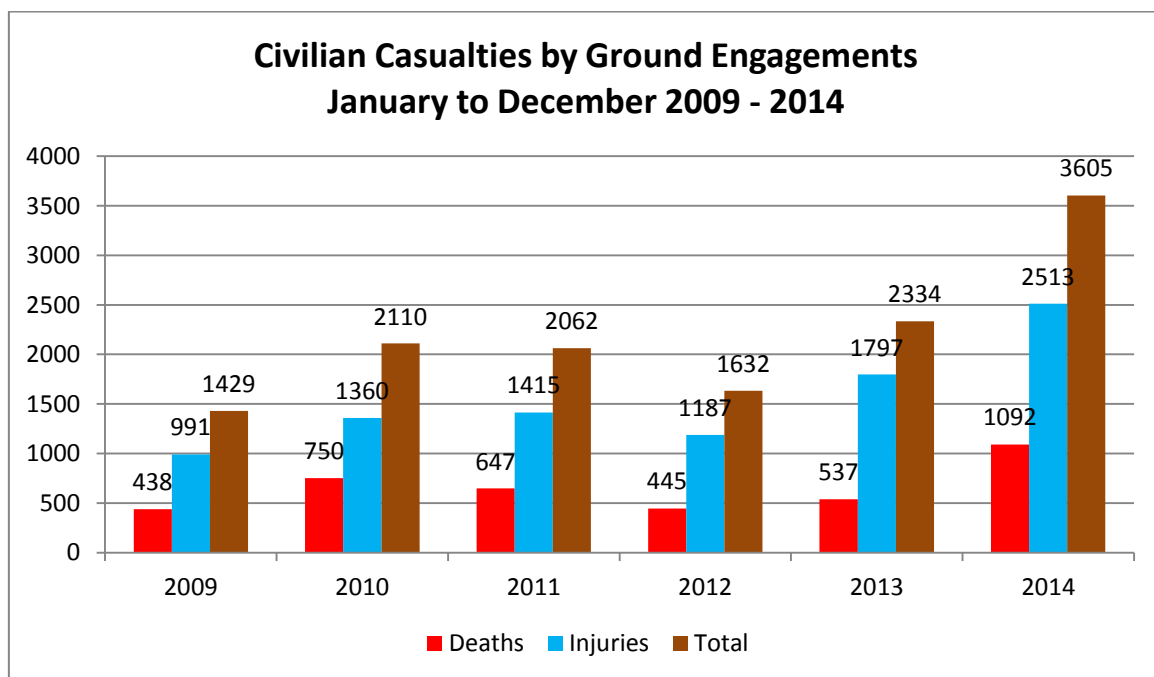
¹² Of the 921 civilian casualties attributed to the ground operations of Pro-Government Forces (which includes Afghan national security forces, international military forces and Pro-Government armed groups), UNAMA attributed 92 per cent to Afghan national security forces, which included ground operations partnered with international forces and Pro-Government armed groups. The rest were attributed to ground operations led by Pro-Government armed groups (seven per cent) and international military forces (one per cent).

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increase from 2013.¹³ An increase in civilian casualties by Anti-Government Elements during their ground operations and attacks was also documented with 1,551 civilian casualties (438 deaths and 1,113 injured) in 438 separate incidents, up 51 per cent from 2013.¹⁴

During heavy and prolonged fighting between parties to the conflict, attribution was not always possible, particularly for civilian deaths and injuries from crossfire. In these cases that caused 1,051 civilian casualties (307 deaths and 744 injured), UNAMA attributed the civilian casualties to both Pro-Government Forces and Anti-Government Elements.¹⁵

Half of all civilian casualties from ground engagements resulted from the use of indirect fire weapons which had a wide area impact – mainly mortars - by all parties to the conflict. UNAMA recorded 1,788 civilian casualties (447 killed and 1,341 injured) from mortars, rockets and grenades, a 73 per cent increase from 2013.¹⁶ A related concern was the correlated increase in civilian casualties, in particular children casualties, from explosive remnants of war left on the ground following ground engagements.



¹³ In 2013, UNAMA attributed 382 civilian casualties (102 killed and 280 injured) to Pro-Government Forces in separate 136 incidents of ground engagements.

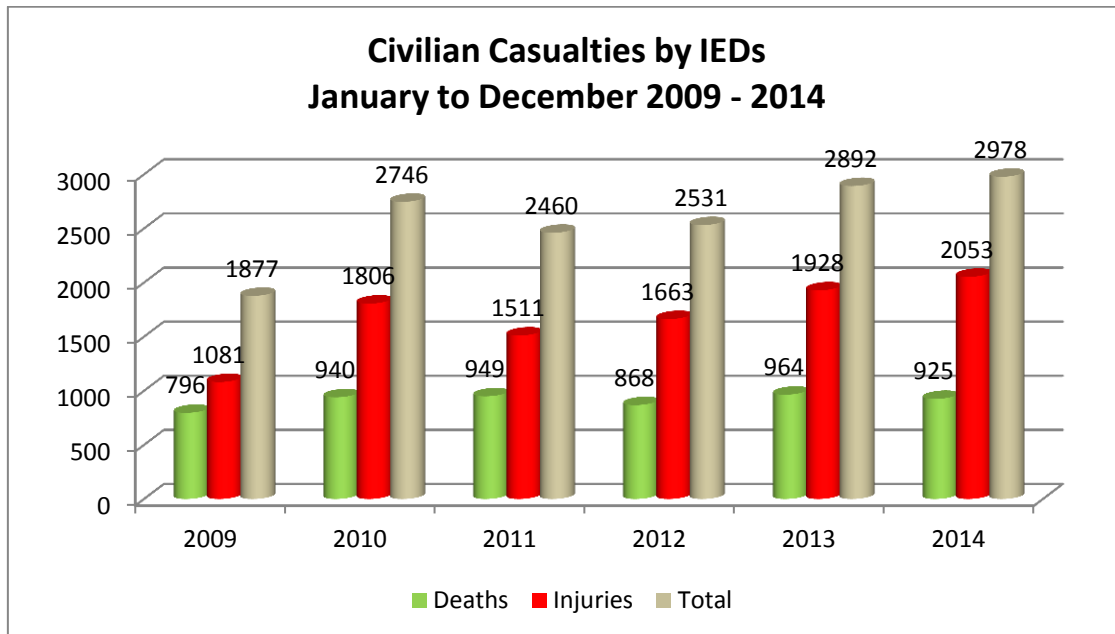
¹⁴ In 2013, UNAMA attributed 1,794 civilian casualties (764 killed and 1,030 injured) to Anti-Government Elements in separate 266 incidents of ground engagements.

¹⁵ The UNAMA database maintains a separate category for civilian casualties attributed to both Pro-Government Forces/ Anti-Government Elements, usually from cross-fire during heavy ground engagements.

¹⁶ In 2013, UNAMA documented 1,033 civilian casualties (212 killed and 821 injured) from mortars, rockets and grenades.

Increased Civilian Casualties from Improvised Explosive Devices

The use of improvised explosive devices (IEDs) by Anti-Government Elements also rose in 2014 and remained a major threat for civilians throughout Afghanistan. UNAMA documented 2,978 civilian casualties (925 killed and 2,053 injured) from IEDs, up three per cent from 2013.¹⁷ UNAMA recorded increased civilian casualties from pressure-plate, vehicle borne (non-suicide) and magnetic IEDs, with a slight decrease in civilian casualties from remote-controlled and unspecified trigger-type IEDs.



UNAMA highlights particular concern with the resurgence in civilian casualties from the increased use of indiscriminate illegal¹⁸ pressure-plate IEDs by Anti-Government Elements. Seven hundred and seventy-five (775) civilian casualties (417 deaths and 358 injured) from PP-IEDs were recorded, a 39 per cent increase from 2013¹⁹ reversing a decrease observed in the use of PP-IEDS in 2013. Pressure-plate IEDs accounted for 26 per cent of civilian casualties from IEDs, and seven per cent of all civilian casualties.

¹⁷ In 2013, UNAMA documented 2,892 civilian casualties (964 killed and 1,928 injured) from IEDS.

¹⁸ Afghanistan has ratified the 1997 *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* ('Ottawa Convention' or the Mine Ban Treaty). This treaty prohibits the use of factory-made anti-personnel mines and the use of victim-activated IEDs, such as PP-IEDs. The definition of 'mine' in the *Convention* encompasses IEDs to the extent that they are designed to be placed under, or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or vehicle.

¹⁹ In 2013, UNAMA documented 558 civilian casualties (246 deaths and 312 injured) from victim-activated IEDs, mostly pressure-plate IEDs.

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Remote-controlled IEDs caused the most harm to civilians from IEDs with 1,119 civilian casualties (234 deaths and 885 injured).²⁰ Civilian deaths and injuries from magnetic-IEDs more than doubled in 2014, with 241 civilian casualties (20 deaths and 221 injured) documented, up 136 per cent from 2013.²¹ The majority of these incidents involved Anti-Government Elements placing magnetic-IEDs on vehicles of Afghan security forces, often with terrible consequences for civilians in the areas where these IEDs were detonated.

Increased Civilian Casualties from Suicide and Complex Attacks

In 2014, the number of civilian victims of suicide and complex attacks increased by 28 per cent, with UNAMA recording 1,582 casualties (371 killed and 1,211 injured).²² An example of a particularly harmful suicide attack took place on 23 November, in Yahya Khel district, Paktika province, when a suicide bomber detonated among a crowd of 400 people watching a volleyball game. UNAMA documented 138 civilian casualties (53 killed including 21 children and 85 injured including 26 children). The attack also killed ten ALP members, including two local commanders.

Targeted killings of civilians accounted for 11 per cent of all civilian casualties, with UNAMA recording 1,114 casualties (753 killed and 361 injured),²³ down five per cent from 2013. These included killings of tribal elders, civilian Government officials, mullahs and civilian justice officials.

The remaining 12 per cent of civilian casualties were attributed to the following incident types: four per cent from explosive remnants of war and two per cent to aerial operations by international military forces with the remaining civilian casualties from parallel justice structure summary executions by Anti-Government Elements, and abductions and other unlawful killings by all parties to the conflict.

Human rights abuses by Pro-Government armed groups

In 2014, UNAMA observed a significant increase in human rights abuses committed against the civilian population by Pro-Government armed groups, together with a widespread failure by Afghan authorities to hold these armed groups accountable, and to protect affected civilians and communities. UNAMA documented 102 civilian

²⁰ In 2013, UNAMA documented 1,149 civilian casualties (257 deaths and 892 injured) from RC-IEDs.

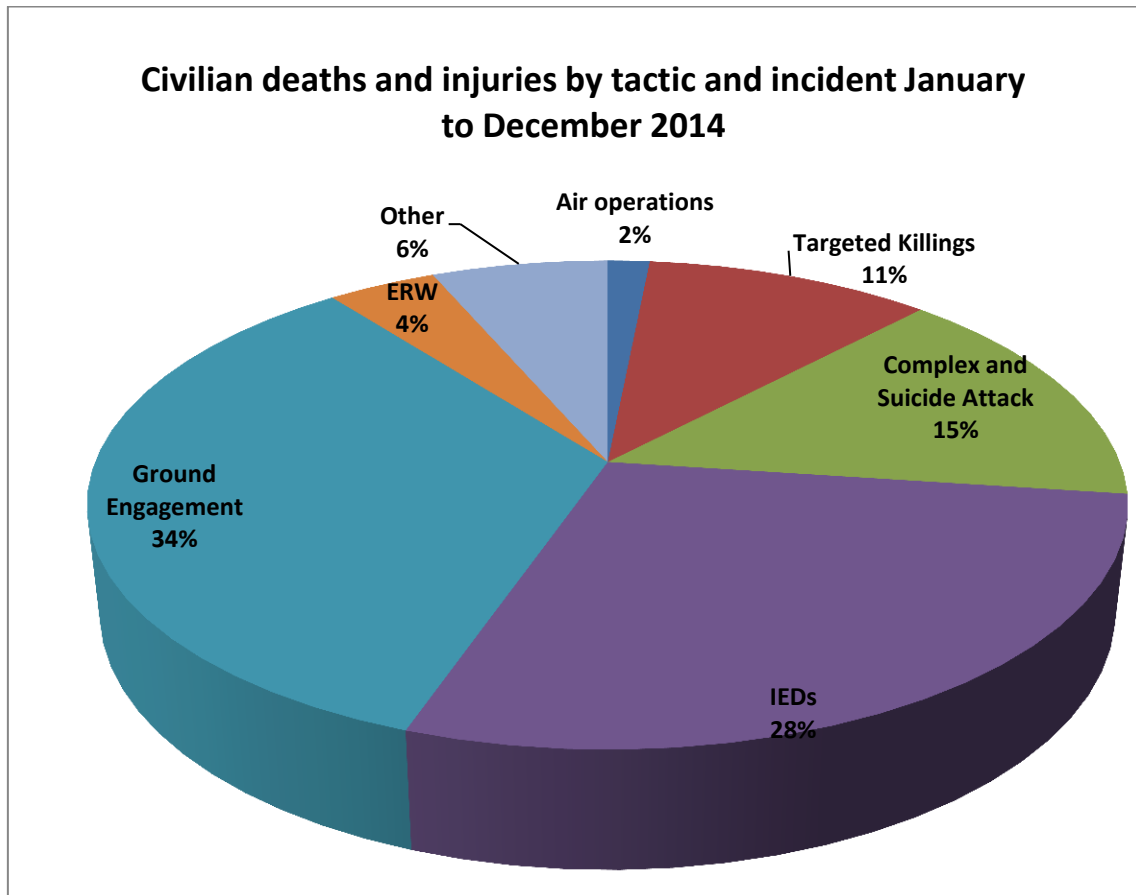
²¹ In 2013, UNAMA documented 102 civilian casualties (12 deaths and 90 injured) from magnetic-IEDs.

²² In 2013, UNAMA documented 1,236 civilian casualties (255 killed and 981 injured) from suicide and complex attacks.

²³ In 2013, UNAMA documented 1,177 civilian casualties (794 killed and 383 injured) from targeted killings.

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casualties (53 killed and 49 injured) from 85 separate incidents involving Pro-Government armed groups, up 85 per cent from 2013.²⁴



Conflict-related violence: the impact on civilian communities

Explosive remnants of war

Civilian casualties from explosive remnants of war (ERW)²⁵ have more than doubled since 2012. In 2014, UNAMA verified 185 separate incidents of UXO detonation resulting in 422 civilian casualties (124 deaths and 298 injured), a 20 per cent increase compared to 2013.²⁶ This is the highest number of ERW casualties recorded by UNAMA since 2009.

²⁴ Despite this significant increase, the number of deaths and injuries caused by Pro-Government armed groups continued to represent less than one per per cent of all civilian casualties recorded in 2014. Pro-Government armed groups in the northeast and north regions remained responsible for the majority of incidents (62 per cent and 25 per cent, respectively), and both regions saw increases in incidents and in civilian casualties during 2014.

²⁵ Explosive Remnants of War refers to unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

²⁶ In 2013, UNAMA documented 351 civilian casualties (116 deaths and 235 injured) in 164 incidents.

Parallel justice structure punishments

In 2014, UNAMA documented 49 incidents of Anti-Government Elements, including the Taliban, punishing civilians for alleged infractions of *sharia law*, perceived offences and allegations of spying. Incidents recorded included Anti-Government Elements carrying out summary executions, beheadings, amputations of body parts, beatings, lashings and illegal detention.²⁷ UNAMA notes that parallel judicial structures are illegal and have no legitimacy or basis under the laws of Afghanistan. Punishments meted out by these structures amount to human rights abuses, criminal acts under the laws of Afghanistan, and, in some circumstances, war crimes.²⁸

Taliban house burnings

Between 1 August and 31 December 2014, UNAMA documented 10 incidents of Taliban members burning homes of civilians who had expressed political or verbal opposition to the Taliban. All attacks took place in Kunar, Nangarhar and Nuristan provinces, in the eastern region of Afghanistan. The majority of homes the Taliban burnt belonged to civilian Government employees, members of Afghan national security forces or members of anti-Taliban uprising groups. UNAMA highlights that such acts of collective punishment are serious violations of international humanitarian law which binds all parties to the conflict, including the Taliban.

Conflict-related displacement

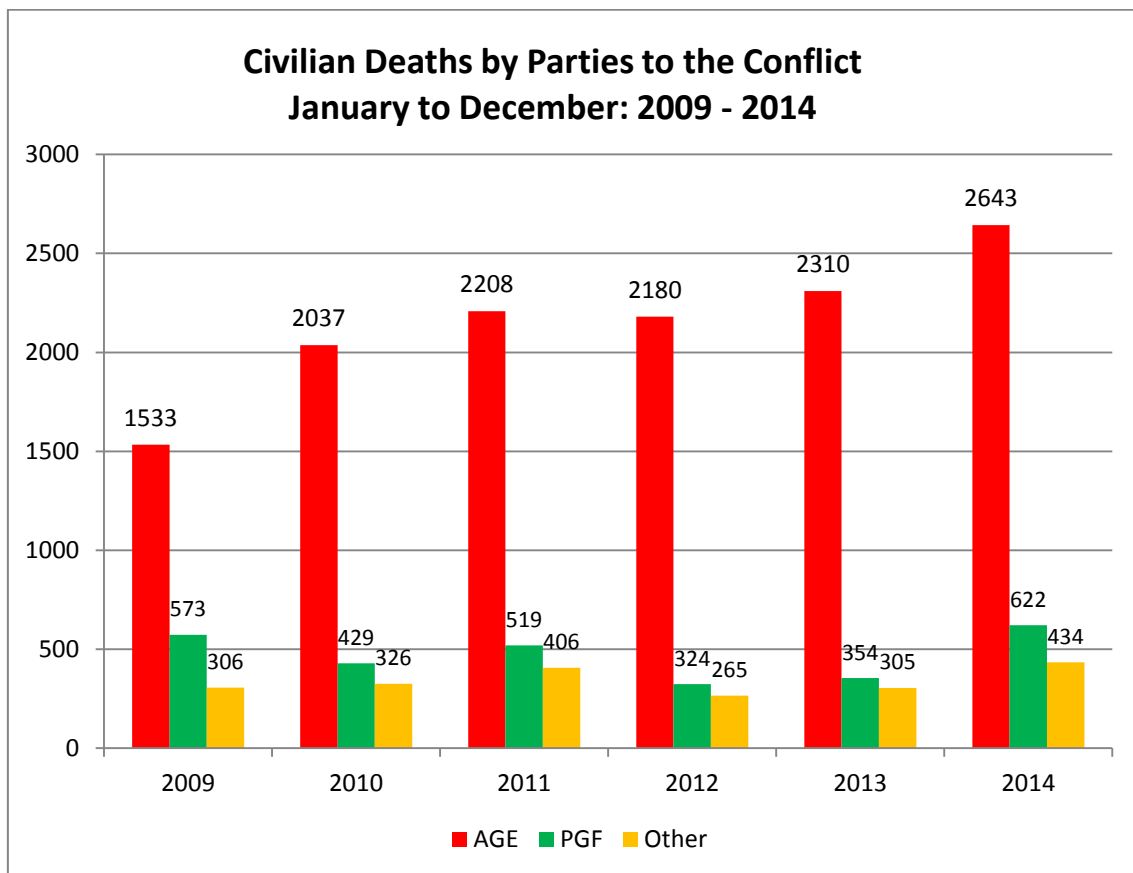
Afghanistan's Task Force on Internally Displaced Persons (IDPs) recorded 156,193 civilians displaced by the armed conflict in 2014.²⁹ This represents an eight per cent increase from 2013.³⁰ As of 31 December 2014, the total number of internally displaced persons in Afghanistan was 805,409.

²⁷ All incidents of civilian casualties from parallel judicial system punishments recorded by UNAMA were carried out by Anti-Government Elements. UNAMA records instances of deaths and injuries from such procedures, whether the punishment was directly linked to the conflict, i.e. execution of the father of an ANA soldier or was carried out by Anti-Government Elements against a civilian in relation to a non-conflict related infraction, i.e. public lashing for adultery. Common Article 3 protects civilians through the explicit prohibition of murder, violence, extrajudicial executions, torture, mutilation and other forms of violence. These acts are prohibited at any time and in any place whatsoever. See the *Legal Framework* section of this report for further details on the applicability of Common Article 3 in Afghanistan.

²⁸ See the *Legal Framework* section of this report for a definition of 'war crimes'.

²⁹ The IDP Task Force is co-chaired by the UN High Commissioner for Refugees (UNHCR) and the Afghan Ministry of Refugees and Repatriation. It constitutes the primary mechanism through which conflict-related IDPs are profiled and provided with assistance.

³⁰ Figures provided to UNAMA by UNHCR's Chair of IDP Task Force, 28 January 2015.



Observations

The full transfer of security responsibility from international military forces to Afghan national security forces in 2014 significantly impacted civilian protection throughout Afghanistan. The drawdown of international military forces, in particular the reduction of combat air support to Afghan forces' ground troops, provided the Taliban and other anti-Government armed groups with more opportunities to launch large-scale ground operations in some areas.³¹

In several areas, the Taliban carried out operations involving groups of several hundred Taliban fighters in an apparent effort to take and hold large areas of territory which were previously - at least nominally - under Government control, most notably in Helmand province. The response of Afghan security forces often appeared reactive with periodic operations launched against insurgents from Afghan forces' bases located in or near larger population centres. Outside the relatively secure urban areas, in many districts, particularly in the south, southeast and east regions of the country, the presence of Afghan security forces and the Government was limited to the district centre, often leaving large groups of civilians without protection.

In addition, increased ground operations led by Afghan forces heightened their exposure and increased opportunities for Anti-Government Elements to attack them. The ensuing fire fights and ground engagements often resulted in deaths and injuries to civilians – particularly women and children - caught in the crossfire.

The proliferation and expanded power of a range of armed groups in 2014 - often aligned with provincial and district Government authorities - particularly in the north, northeast and southeast regions was of increasing concern. UNAMA observed an increase in human rights abuses committed against civilians by Pro-Government armed groups which the Government has not addressed. This impunity – and lack of accountability - contributed to rising insecurity in some parts of the country and decreased protection for civilians.

UNAMA highlights that the security and political environment in the early months of 2015 suggests that Afghan security forces and the Taliban are determined to make the 2015 fighting season a turning point in the conflict. If the current trend of more frequent and larger ground engagements between large numbers of Afghan security forces and Anti-Government Elements continues, including indiscriminate shelling and the use of mortars, RPGs, IEDs and other weapons in civilian-populated areas, it is highly likely that civilian casualties will continue to rise in 2015.

³¹ To mitigate Afghan national security forces' reliance on international combat air support, international military forces are supporting the Government to further develop its combat air capacity. UNAMA meeting with ISAF/RSM representatives, 12 February 2014, Kabul.

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In this context of rising violence in 2015, UNAMA reinforces its call on all parties to the conflict – particularly the Anti-Government Elements - to take much greater measures to prevent civilian casualties in compliance with their obligations under international humanitarian law. With deaths, injuries and harm to civilians – particularly women and children- reaching unprecedented levels, UNAMA urges parties to take all feasible precautions to prevent civilian casualties in their military operations including through ceasing indiscriminate and disproportionate attacks, and using heavy and indirect fire weapons in civilian-populated areas, and by providing accountability for those armed forces and individuals deliberately and indiscriminately harming civilians.

UNAMA offers the following recommendations to the parties to conflict to support their efforts to protect civilians and civilian communities, and prevent civilian casualties.

Recommendations

Anti-Government Elements

In compliance with obligations under international humanitarian law:

- Cease carrying out indiscriminate and disproportionate attacks, and firing mortars, rockets and grenades into civilian-populated areas.
- Cease the deliberate targeting of civilians and civilian locations, including places of worship and culture, and civilian Government offices.
- Cease the use of IEDs, particularly suicide attacks in all areas frequented by civilians, and stop using illegal pressure-plate IEDs.
- Apply a definition of 'civilian(s)' that is consistent with international humanitarian law and comply with the principles of distinction, proportionality and precautions in all military operations.
- Enforce statements made by the Taliban leadership that prohibit attacks against civilians and attacks in civilian-populated areas. Implement directives ordering Taliban members to prevent and avoid civilian casualties and hold accountable those members who target, kill and injure civilians.

Government of Afghanistan

- Cease firing mortars, rockets and grenades into civilian-populated areas.
- Enhance efforts to protect civilians from conflict-related harm by developing and implementing clear tactical directives, rules of engagement and other procedures, and by training and resourcing all Afghan national security forces on civilian protection measures, mitigation, accountability, and compensation for victims
- Disband and disarm all armed groups and militia, and ensure accountability for those members of armed groups who carry out human rights abuses.

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- Prioritize the further development of Afghan national security forces' capacity 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.
- Develop policies and procedures to ensure the marking and clearance of unexploded ordnance from the battlefield following ground engagements.
- Investigate all allegations of violations of international humanitarian and human rights law and human rights abuses by Afghan national security forces and Pro-Government armed groups and allied forces. Prosecute and punish those found responsible as required under Afghan and international law.
- Review and revise current procedures in place for compensation to women and families of civilians killed and injured in conflict-related violence and raise public awareness of procedures to obtain compensation and access to basic services.

International Military Forces

- Provide support from the NATO Resolute Support Mission to Afghan national security forces beyond 2015 to ensure Afghan forces are sufficiently resourced, trained and equipped in the current operational context. Continue support to Afghan security forces to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation in 2015-17.
- Continue efforts to map, mark and ensure full clearance of unexploded ordnance from all international military bases and firing ranges that have closed since the onset of ISAF operations.
- Ensure that all international military or foreign intelligence and security forces operating in Afghanistan, either independently or in support to Afghan security forces, take all necessary measures to protect civilians during ground and aerial operations.
- Continue to ensure transparent post-operation reviews and investigations following operations where civilian casualties have occurred from operations involving international security or intelligence forces. Continue to take appropriate steps to ensure accountability, compensation and better operational practice.

I. Human Rights Protection in Conflict Areas

Women and the armed conflict

In 2014, UNAMA recorded the highest number of women civilian casualties since 2009, when UNAMA began systematic documentation of civilian casualties. UNAMA documented 556 incidents, which caused 909 women casualties (298 deaths and 611 injured), a 21 per cent increase from 2013.³² On average, more than 17 civilian women were killed or injured in conflict-related violence each week in 2014.

Following trends documented in the UNAMA *2014 Mid-Year Report on Protection of Civilians in Armed Conflict*, ground engagements caused the most women casualties in 2014, with 527 casualties (153 killed and 374 injured), a 57 per cent increase from 2013³³. Ground engagements caused more than half (58 per cent) of the total women casualties. The majority of these involved women caught in cross-fire or stray munitions impacting their homes.

Improvised explosive devices (IEDs) caused 169 women casualties (62 killed and 107 injured), a five per cent decrease from 2013.³⁴ Although IEDs were the main cause of women casualties in previous years, in 2014 they accounted for 19 per cent of all women casualties. More than half of all women casualties (56 per cent) were caused by Anti-Government Elements, with Pro-Government Forces causing 27 per cent of all women casualties. The remaining women casualties resulted from cross-fire incidents between Pro-Government Forces and Anti-Government Elements where UNAMA could not attribute to one party (15 per cent), cross-border shelling incidents (one per cent) and incidents with an unknown perpetrator (one per cent, mostly explosive remnants of war).

Women civilian casualties attributed to Pro-Government Forces increased by 67 per cent in 2014,³⁵ mostly due to errors when shooting artillery fire. One example took place on 31 December, when the ANA fired mortar rounds targeting Anti-Government Elements that landed in a civilian house where a wedding was underway, causing 83 civilian casualties (29 killed including 15 girls, nine women and five boys) and 54 injured (including 30 girls, nine women, seven boys and eight men). This and similar incidents require all Afghan national security forces to review and if necessary revise their tactical directives and rules of engagement to ensure all precautions are taken to avoid civilian casualties in their use of indirect fire.

³² In 2013, UNAMA documented 750 women casualties (236 killed and 514 injured).

³³ In 2013, ground engagements caused 336 women casualties (73 killed and 263 injured)

³⁴ In 2013, IEDs caused 291 casualties (135 killed and 156 injured).

³⁵ In 2013, Pro-Government Forces caused 148 women casualties (41 killed and 107 injured). In 2014, they caused 247 women casualties (93 killed and 154 injured).

Women widowed by conflict-related violence: the impact of loss

I am an illiterate woman and cultural sensitivity means that women are not allowed to work outside and support their families, so I am not able to provide economically. My three children who were at school before my husband was killed have now dropped out and work as shepherds to support our family.³⁶

During 2014, UNAMA documented a 21 per cent increase in the number of women civilians killed and injured in the conflict compared to 2013. While this increase is singularly disturbing, the wider social and economic impact of the conflict on the lives of women and their children remains largely unreported. Women who are left as sole income-providers for their households after their husbands have been killed or injured in the conflict suffer long-term negative social and economic consequences and are particularly vulnerable to other forms of violence and abuse. UNAMA highlights that Government action is urgently needed to address the basic needs of these very vulnerable and often marginalized women and children.

More than one in four of the 60 women interviewed by UNAMA reported experiencing violence (from relatives and the wider community) after the loss of their husband. The most common types of violence reported were verbal abuse, expulsion from the family home, forced re-marriage, physical abuse and social ostracism. In many cases this violence began within days of the husband's death, and was most commonly inflicted by the in-law (husband's) families. The women who spoke to UNAMA stated that violence stemmed from the belief that the woman and her children were an economic burden after the loss of their husbands. Relatives often used the same justification to force the women to have their daughters married.

All of the women whom UNAMA interviewed stated their financial situation had worsened significantly since their husband had been killed or injured. Only one of the 60 women interviewed had been employed before the death of her husband. Several women reported they earned small amounts of money, for example as cleaners or domestic servants after their husband's death, with most women reporting they had not been able to find work. One-third of the women interviewed reported receiving some form of financial compensation from the Government after their husband's death or injury, with most receiving a small, one-off, lump-sum payment and not a regular stipend. Most women interviewed did not know how to access available compensation mechanisms available through the Ministry of Labour and Social Affairs or the President's Office, whether at provincial or central Government level noting they believed compensation payments were available only to the well-connected elite.

From the interviews, UNAMA found that only a quarter of women interviewed were able to provide for their families without receiving outside assistance. The majority were found to be fully or partially dependent on their own families (or more often on their

³⁶ UNAMA interview with 35-year-old woman and mother of six children from Badakshan province, 11 November 2014.

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husband's families) to provide for them. Many had been completely excluded from access to their husband's property with several women permitted to use or access their husbands assets but unaware of their rights of inheritance/property/ownership.

While more than half of women interviewed stated they were able to leave their houses unaccompanied after the loss of their husband, many mentioned increased movement restrictions and being required to be accompanied by a male relative when they left the house.

Several women interviewed stated they considered their status in the community had changed since the loss of their husband and they were viewed as a burden, or had lost social status. As a 28-year old woman from Laghman province stated:

*"One week after my husband's death, the wives of my brothers- in-law started to abuse me. They would tell everyone that they have no responsibility to take care of me and my children. This continued for another week. Because of their treatment, I left my husband's home and went to my parent's home. I could not tolerate abuse and humiliation by them. When my husband was alive, they were all good, but with his death, everything changed."*³⁷

However, despite their reduced circumstances, several women reported that their communities showed an understanding of their new situation. Most women reported feeling tolerated or supported with some women reporting an overwhelmingly negative attitude from their communities. One in four reported they had found an institution or charitable organization from which they sought assistance but only one woman reported a positive response.

The consequences of conflict-related violence extend beyond death and injuries with a lasting impact on Afghan families. Asked about their most urgent assistance requirements, the women interviewed stated they required, in order of priority: financial support; food; heating/firewood; housing; and support for their children's education. UNAMA urges relevant Government institutions to prioritize assistance to meet the basic needs of women and children widowed by conflict-related violence.

³⁷ UNAMA interview with 28-year-old woman and mother of five children from the Laghman province, 10 November 2014.

Children and Armed Conflict

*It was early in the morning, around 8:30. I was sleeping in my house when I heard an explosion. I rushed out to see what was happening and I saw that a group of 10 children were all scattered on the ground, covered in blood, on the village dirt road. Among them were three of my own children. One of them was dead, and the two others wounded.*³⁸

-- Father of a child killed and two children injured in an IED explosion in Gulran district, Herat province, on 3 July 2014. Three children were killed and seven others injured, all between three and 12-years old.

Killing and Maiming

In 2014, UNAMA documented unprecedented levels of conflict-related violence affecting children. A total of 1,065 incidents resulted in 2,474 children casualties (714 killed and 1,760 injured), the highest number of children civilian casualties since UNAMA began documenting civilian casualties in 2009. Children casualties increased by 40 per cent compared to 2013.³⁹ An average of almost seven children were injured or killed from conflict-related violence every day in 2014.

Children casualties from ground engagements increased by 65 per cent,⁴⁰ with UNAMA recording 1,064 children casualties (259 killed and 805 injured) which remained the leading cause of children casualties, accounting for almost half of the total children casualties (43 per cent).

Children casualties caused by IEDs also increased by 21 per cent from 2013.⁴¹ IEDs were the second most frequent cause of children casualties with 25 per cent of all children casualties resulted from IEDs in 2014.

Unexploded Ordnance and Explosive Remnants of War

Explosive remnants of war (ERW) left behind from both previous and current conflicts continued to cause serious harm to Afghan children. ERW caused 327 children casualties (97 killed and 230 injured), a 14 per cent increase from 2013.⁴² ERW were the third leading cause of children casualties (after ground engagements and IEDs) with 13 per cent of the total.

Rape and Other Forms of Sexual Violence

UNAMA continued to document some incidents of sexual violence against children by parties to the conflict. UNAMA observed a continuing climate of impunity for such

³⁸ UNAMA interview, 6 July 2014.

³⁹ In 2013, UNAMA documented 1,764 casualties (564 children killed and 1,200 injured).

⁴⁰ In 2013, UNAMA documented 646 children casualties (140 killed and 506 injured).

⁴¹ In 2013, UNAMA documented 620 children casualties from IEDs (192 killed and 428 injured).

⁴² In 2013, ERW caused 287 children casualties (93 killed and 194 injured).

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crimes, which reflected an absence of due diligence on the part of authorities to investigate, prosecute and punish offenders, cultural stigma and misplaced shame, fear of reprisals, and a lack of referral mechanisms and service provision, particularly in insecure areas.

While acknowledging significant under-reporting, UNAMA verified five incidents of conflict-related sexual violence against children⁴³, four perpetrated by ALP members and one by a member of a Pro-Government armed group.

- On 17 March, an ALP member was convicted to 10 years' imprisonment in Mihterlam city, Laghman province, for assault and attempted rape of a seven-year-old boy. On 9 November, the Supreme Court reduced the sentence to five years' imprisonment.
- On 6 May, a 15-year-old boy and his family reported to UNAMA that the boy had been forcefully recruited and raped repeatedly by members of a Pro-Government armed group in Qala-e-Zal district, Kunduz province. The abuse continued for five days until the boy was able to escape. The boy's older brother asked the armed group to recruit him instead of his brother due to his young age, but was told that only the younger brother could "satisfy their lust." No arrests have been made in the incident.

Recruitment and Use of Children into Armed Forces and Groups

In 2014, recruitment and use of children both in support and combat roles was observed throughout the country. The UN Country Task Force on Monitoring and Reporting of grave violations of child rights in armed conflict (CTFMR) recorded 41 cases of recruitment by Anti-Government Elements, five cases by Afghan national security forces and one case by a Pro-Government armed group.

Anti-Government Elements continued recruiting children to manufacture, transport and plant IEDs and conduct suicide attacks. For example, on 23 August, in Ghazni city, Ghazni province, the Taliban used three boys to (unknowingly) transport pressure-plate IEDs in a wheelbarrow. The IEDs detonated prematurely killing the two boys, aged six and 10, and injuring the third, an eight-year-old boy.

UNAMA observed a consistent decrease in reported and verified incidents of recruitment of children by the ANP, with only one reported case by the ANP and one verified case by the ALP in 2014, a sharp reduction from 13 incidents in 2013 and seven and six incidents respectively in 2011 and 2012. Given the high degree of under-reporting, however, this trend may not accurately reflect the actual scale of child recruitment into both forces.

Despite the strong commitment of the Government and significant progress towards implementation of the *Action Plan for the Prevention of Underage Recruitment*,

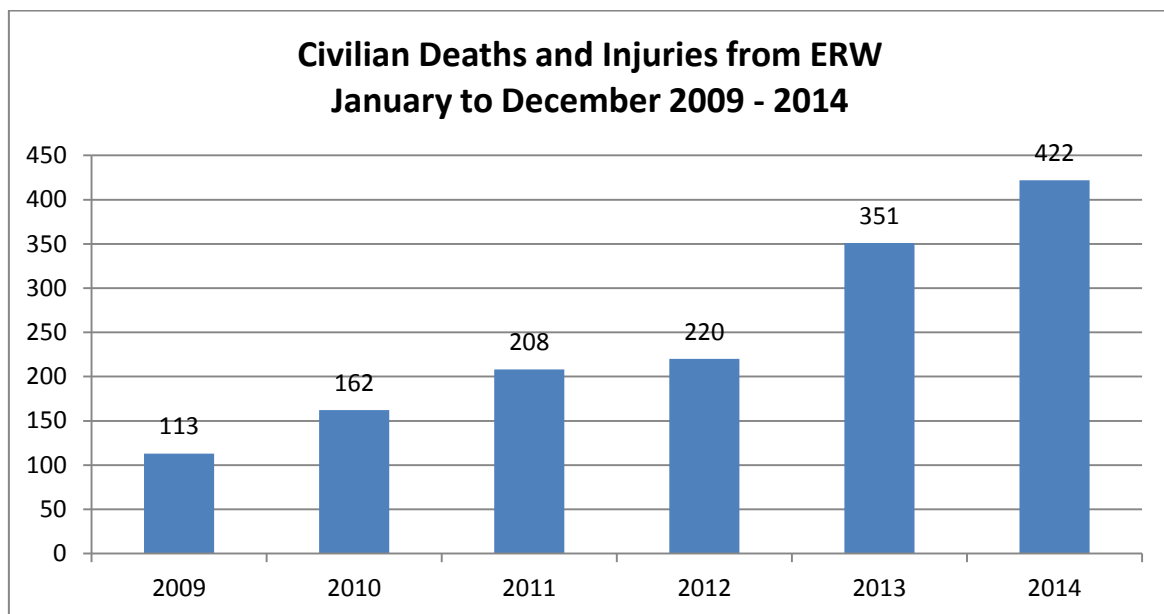
⁴³ One more incident than the four documented in 2013.

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challenges remain.⁴⁴ On 2 February 2015, Afghanistan's President, Ashraf Ghani endorsed a law criminalizing underage⁴⁵ recruitment into Afghan national security forces, passed by the Afghan Parliament on 1 November 2014 and the Afghan Senate on 13 December 2014. UNAMA welcomes the new legislation as a milestone in the eradication of child recruitment in Afghanistan and as a major step in the Government's roadmap for implementation of the *Action Plan*.

Explosive remnants of war

Civilian casualties from explosive remnants of war (ERW)⁴⁶ have more than doubled since 2012. In 2014, UNAMA verified 185 separate incidents of UXO detonation resulting in 422 civilian casualties (124 deaths and 298 injured), a 20 per cent increase compared to 2013.⁴⁷ This is the highest number of ERW casualties recorded by UNAMA since it began systematically documenting civilian casualties in 2009.



After ground engagements and IEDs, explosive remnants of war killed or injured more children than any other type of incident. Of the 422 deaths and injuries from ERW, 77

⁴⁴ Main challenges are poor social and economic conditions resulting in families compelling their children to join the ANSF, lack of adequate ANSF capacity for age-assessment, lack of clear policy directives and lack of accountability, and the limited availability of birth certificates and easily falsified identity documents.

⁴⁵ Underage recruitment refers to the recruitment of children under the age of 18 years (0-17) into Afghan security forces.

⁴⁶ Explosive Remnants of War refers to unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

⁴⁷ In 2013, UNAMA documented 351 civilian casualties (116 deaths and 235 injured) in 164 incidents.

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per cent of the victims were children, causing 327 children casualties (97 deaths and 230 injured), up 14 per cent from 2013.⁴⁸

In most instances, children were either playing or collecting scrap metal to sell. As many children contribute to their families' income by gathering scrap metal and firewood or by herding livestock, and play outdoors, they face a heightened risk of accidentally detonating UXO. For example, on 7 December, a group of children found a piece of UXO in Dand district, Kandahar province. It detonated as they were playing with it, killing two boys (aged eight and 10) and injuring two (aged seven and nine). On 3 July, three boys aged 12, nine and eight years-old sustained injuries from a UXO piece that detonated as they were playing in a former ISAF firing range in Guzara district, Herat province.

Ground engagements and rising civilian casualties from ERW

Although the presence of ERW from conflicts prior to 2001 has steadily decreased - demining organizations estimate that 80 per cent of the pre-2001 ERW has been cleared⁴⁹ - UNAMA documented a continued increase in civilian casualties from ERW since 2009. UNAMA observed that the increase appears to be correlated with the rising number of ground engagements in civilian-populated areas. Parties often failed to remove unexploded ordnance from the battlefield or to mark suspected hazard areas following an engagement, which often resulted in civilian casualties

An example of how intense ground fighting caused increased ERW casualties was documented in Sangin district, Helmand province. Sangin district witnessed intense ground fighting that caused 455 civilian casualties in 2014, almost ten times higher than such casualties recorded in 2013. UNAMA recorded 15 civilian casualties from ERW in Sangin district in 2014, while only one had been recorded in 2013. For example, on 13 November, a group of children were playing with a piece of UXO in Sangin district, when it exploded and injured 10 children, including two boys and eight girls, all of them under 16-years old.

Representative cases of civilian casualties from explosive remnants of war⁵⁰:

- On 27 August, a mortar round detonated while children were handling it in Warduj district, Badakhshan province, which caused nine civilian casualties (three civilians killed, including two boys, and six boys injured).
- On 11 October, a piece of UXO detonated in Kishm district, Badakhshan province, when a group of children threw it into the fire. The explosion caused seven civilian casualties (three children killed and four men injured).

⁴⁸ In 2013, UNAMA documented 287 children casualties (93 deaths and 194 injured).

⁴⁹ Working Group on Explosive Remnants of War, 25 January 2015.

⁵⁰ The representative examples include ERW incidents from the current conflict (post-2001) and previous conflicts (pre-2001).

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- On 9 November, a group of five boys were playing with a piece of UXO from the current conflict in Andar district, Ghazni province, when it exploded and injured all of them. Several of them sustained grave injuries.

Need for policies directing parties to the conflict to mark hazard areas and clear UXO

The failure to mark and clear unexploded ordnance from the battlefield can be attributed mainly to the lack of routine practice and a policy from the Government directing Afghan security forces to mark, record and clear areas suspected of containing ERW including following engagements where weapons systems that produce dud ordnance have been used. Such a policy could prevent further civilian casualties from EWR.

Protocol V Explosive Remnants of War to the Convention on Certain Conventional Weapons

Given the continuous rise in the number of civilian casualties caused by UXO, UNAMA recommends that Afghanistan become a State party to *Protocol V on Explosive Remnants of War to the 1980 Convention on Certain Conventional Weapons*.⁵¹ This Protocol recognizes the severe humanitarian consequences of ERW and directs measures to minimize the occurrence, effects and risks of explosive remnants of war.

By becoming a party to Protocol V, State parties assume the obligation to mark and clear, remove or destroy explosive remnants of war in affected territories under its control. State parties to Protocol V are obliged to record and retain information on the use of explosive remnants of war, and also to cooperate among themselves and with other States and organizations in the clearance, removal or destruction of explosive remnants of war.

Closure and clearance of ISAF high explosive firing ranges

The UNAMA 2013 *Mid-Year Report on the Protection of Civilians* highlighted the absence of an ISAF policy framework directing the clearance of explosive remnants of war from high explosive firing ranges and military bases prior to closure.⁵² In the

⁵¹ *Protocol on Explosive Remnants of War* (Protocol V to the 1980 Convention on Certain Conventional Weapons), 28 November 2003. Available at: [http://www.onug.ch/80256EE600585943/\(httpPages\)/C7DDB8CCD5DD3BB7C12571D8004247FA?OpenDocument](http://www.onug.ch/80256EE600585943/(httpPages)/C7DDB8CCD5DD3BB7C12571D8004247FA?OpenDocument).

⁵² A high explosive firing range is a firing range used by military or security forces to employ weapon systems that use explosive ammunition, including heavy weapons.

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second half of 2013 and throughout 2014, ISAF took several measures to address these concerns.⁵³

The majority of ISAF high-explosive firing ranges have been handed over to Afghan security forces. The remaining 102 ranges fall under the responsibility of six nations – 84 to the United States and 18 to five other nations.

As of 15 January 2015, eight United States' ranges were still awaiting survey, two remained in active use, 74 were surveyed, 45 were surface-cleared, five were undergoing surface clearance, 23 had been surface-cleared and certified by Mine Action Coordination Centre of Afghanistan (MACCA), and one had been subsurface-cleared and certified by MACCA.

In October 2014, the United States Congress approved USD 250 million to carry out subsurface clearance (where required) of the high explosive training ranges. The United States' initial commitment to have all 84 of their ranges surface and subsurface-cleared by December 2015 is expected to be fulfilled ahead of that date. Most other ISAF troop contributing countries have also pledged to promptly clear their ranges with certification by MACCA.

UNAMA welcomes the progress achieved in the clearance and certification of ISAF ranges and calls on the Resolute Support Mission to swiftly complete the process to minimize the exposure of Afghan civilians to ERW. UNAMA also calls on those countries that have not committed to MACCA certification to do so to obtain an independent external partner's guarantee on the integrity of the clearance process and safety of the site for local communities.

Attacks against humanitarian de-miners

2014 could prove a major turning point in Afghanistan's long and turbulent history, as a year shaped by presidential elections, the withdrawal of ISAF and the making of decisions by Afghans themselves. But the year was also characterised by the largest number of security incidents on record, incidents that inflicted immense and unprecedented tragedy on the Mine Action Programme of Afghanistan (MAPA).⁵⁴

-- Statement by the Mine Action Coordination Centre of Afghanistan (MACCA), January 2015⁵⁵

⁵³ In 2014, Sterling Demining Afghanistan (SDA) provided UXO awareness training to more than 62,000 Afghan civilians as part of ISAF's Mine Resistance Education in conjunction with its range clearance operations. The program provided education on the hazards of UXO including on what actions to take when UXO is found in communities.

⁵⁴ Statement issued by Mine Action Coordination Centre of Afghanistan (MACCA) "A Year of Loss and Tragedy for the Mine Action Programme of Afghanistan", 20 January 2015, available at: <http://www.macca.org.af/macca/blog/a-year-of-loss-and-tragedy-for-the-mine-action-programme-of-afghanistan/>, last accessed 3 February 2015.

⁵⁵ Project managed by the United Nations Mine Action Service (UNMAS).

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In 2014, UNAMA documented 17 attacks deliberately targeting de-miners that caused 51 civilian casualties (34 killed and 17 injured). Anti-Government Elements carried out these attacks, with the Taliban publicly claiming responsibility for two of the attacks.⁵⁶

The 17 documented attacks included nine abductions and five instances where Anti-Government Elements deliberately killed de-miners with the remaining attacks being one complex attack, one incident of parallel judicial structure punishment and one incident of harassment/intimidation. Afghanistan's central region witnessed the most incidents with six, followed by the southern region with five, while the south eastern and western regions saw three incidents each.

In three separate incidents in Logar, Helmand and Herat provinces, Anti-Government Elements ambushed groups of humanitarian de-miners as they were carrying out clearance activities. For example, on 13 December, Anti-Government Elements opened fire on a group of de-miners clearing unexploded ordnance in Wa Sher district, Helmand province, killing 11 de-miners and injuring another six. The attack followed an armed clash between Anti-Government Elements and Afghan national security forces.

International humanitarian law explicitly prohibits attacks deliberately targeting civilians holding that such attacks may amount to war crimes. Attacks against civilian de-miners are not only illegal, but also jeopardize their critical, life-saving work on behalf of Afghan communities, with such attacks increasing the exposure of Afghans to the threat of mines and other explosive remnants of war.

Representative examples of attacks against de-miners:

- On 21 January, the Taliban abducted a team of 66 de-miners in Pashtun Zarghun district, Herat province, and released them seven hours later through the mediation of local tribal elders. The Taliban claimed responsibility and stated they had mistakenly "captured" the de-miners in an "ambush" established against "enemy troops" because they had not been informed in advance of their presence.
- On 10 June, Anti-Government Elements attacked a team of de-miners working on a minefield in Mohammad Agha district, Logar province, killing 11 de-miners and injuring three.
- On 10 July, Anti-Government Elements ambushed a de-mining team on its way to a de-mining site in Kohsan district, Herat province. The attackers killed six de-miners, drivers and security guards and injured one security guard. They also abducted and later released three other staff members.

⁵⁶ See case examples below.

Conflict-Related Displacement of Civilians

Afghanistan's Task Force on Internally Displaced Persons (IDPs) recorded 156,193 civilians displaced by the armed conflict in 2014.⁵⁷ This represents an eight per cent increase from 2013, when 142,284 persons were displaced by the conflict.⁵⁸ As of 31 December 2014, the total number of IDPs in Afghanistan was 805,409.

The most commonly reported cause of displacement continued to be ground engagements between Pro-Government Forces and Anti-Government Elements (including both large-scale operations and sporadic low-level clashes), intimidation and threats by Anti-Government Elements, and inter-tribal conflicts between Anti-Government armed groups. Other drivers of displacement included general insecurity, criminality and cross border shelling (specifically in the eastern region).

Patterns of displacement remained largely localized, meaning that IDPs either moved from rural districts to the provincial capital or across a provincial boundary into neighbouring provinces in the same region.

Afghanistan's central region saw the highest levels of displacement in 2014, following an increase in activities of Anti-Government Elements that prompted the Afghan national security forces to launch military operations in Kapisa, Maidan, Wardak and Logar provinces. In the southern region, Afghan national security forces' operations in response to Taliban offensives also caused large-scale displacement both in Helmand province and in adjacent districts of Kandahar province.

Northern region also saw significant levels of conflict-related displacement, with Faryab province again recording the highest IDP numbers in the region. However, in a new development, Kunduz province (also in the northern region) recorded its highest numbers of IDPs during 2014.

In the western region, displacement continued in areas traditionally impacted by armed conflict in Farah, Ghor and Badghis provinces during 2014, but the deteriorating security situation also prompted IDP movements in parts of Herat that were previously unaffected. Similarly, in the south east, significant displacement was seen in Ghazni province.

Cross-border engagement

In 2014, cross-border shelling from Pakistan into Afghanistan continued to harm civilians and civilian property. In 2014, UNAMA documented 41 incidents of cross-border engagement, which resulted in 82 civilian casualties (11 deaths and 71 injured),

⁵⁷ The IDP Task Force is co-chaired by the UN High Commissioner for Refugees (UNHCR) and the Afghan Ministry of Refugees and Repatriation (MoRR). It constitutes the primary mechanism through which conflict related IDPs are profiled and provided with assistance.

⁵⁸ Figures provided by UNHCR, chair of IDP Task Force. Information received by email 28 January 2015.

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a 122 per cent increase from 2013.⁵⁹ The majority of these incidents took place in the second half of 2014.

Of the 40 incidents of rounds fired from Pakistan affecting civilians within Afghanistan's borders, UNAMA recorded 39 nine shelling incidents in Kunar province and one shelling incident in Khost province. UNAMA documented one incident of aerial bombardment from a Pakistani helicopter, which impacted civilian homes in Gurbuz district, Khost province some two kilometres from the border with Pakistan.

Although Afghan authorities reported other incidents of cross-border shelling, UNAMA documented only those incidents which caused civilian casualties, resulted in loss of livelihood or destroyed civilian property.

UNAMA also documented an additional five incidents in Dangam district, Kunar province, which did not harm civilians but killed livestock and destroyed civilian property.

The most recent incident took place on 23 December, when three helicopters from the Pakistani army conducted an aerial operation in Afghan territory, and dropped ordnance on three civilian homes in Gurbuz district, Khost province. Although the operation did not kill or injure civilians, the bombardment damaged three homes, three vehicles and killed two cows. Local sources reported that the homes targeted belonged to Pakistani refugees who had recently left the North Waziristan area of Pakistan due to Pakistan's current military offensive in those areas.

Incidents of cross-border shelling impacting villages often resulted in the displacement of families. In 2014 in Kunar province, UNHCR recorded 183 displaced families (approximately 1,123 individuals) due to cross-border shelling, compared to 11 families in 2013.

Throughout 2014, cross-border shelling provoked outrage across Afghanistan and was widely condemned by communities and Government authorities, particularly in Asadabad and Dangam districts, Kunar province. Youth, community leaders and civil society led demonstrations in the eastern region, mainly in Jalalabad city, Nangarhar province, and Assdabad city, Kunar province, protesting against Pakistan military forces and demanding that the Government of Afghanistan take a strong and clear position on cross-border shelling.

Examples of cross-border shelling incidents that caused civilian casualties:

- On 7 September, 50 mortar rounds fired from Pakistan impacted in residential areas in Dangam district, Kunar province, which caused eight civilian casualties (two killed, including a girl, and six injured, including a man, two women and three children).

⁵⁹ In 2013, UNAMA documented 37 civilian casualties (nine deaths and 28 injured) from cross-border shelling.

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- On 16 September, three mortar rounds fired from the Pakistan border impacted a residential area in Tere Zayi district, Khost province, killing one woman and injuring two children, aged four and five.
- On 24 August, 25 mortar rounds were fired across the border with one of the mortar rounds impacting in a residential home in Dangam district, Kunar province. The explosion injured five civilians, including two men, two women and a three-year-old boy.

II. Ground Engagements⁶⁰ between Parties to the Conflict: Civilians Caught in Crossfire

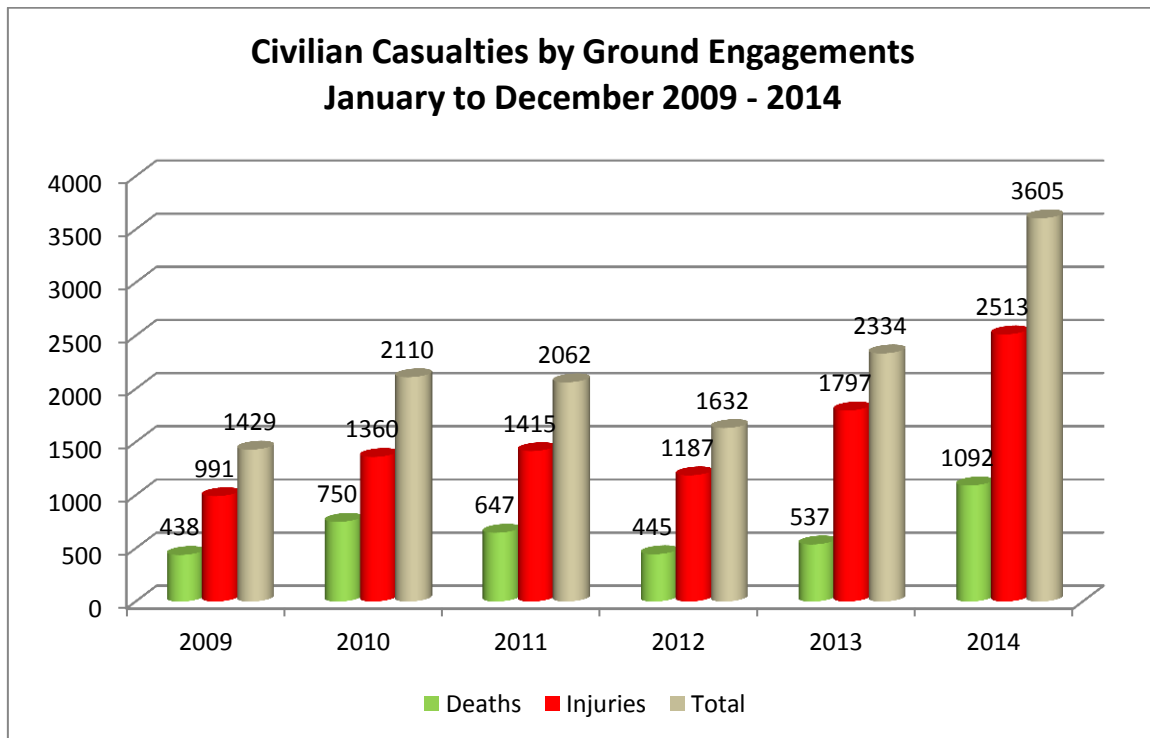
It was midnight and we were all asleep. A mortar round landed in our bedroom and injured my two small daughters and I. Everybody in the house ran to our bedroom and saw that we were buried in rubble. They started to take us out of the debris when a second mortar round landed, injuring my third small daughter and my son. My wife and my nephew, who were not hurt, continued trying to help us, when a third mortar round landed in the compound, this time killing my wife and injuring my nephew and my fourth daughter. I do not know who fired all the rockets since both Taliban and Afghan national security forces use mortar rounds and rockets against each other. I have no life anymore, since I have no money to take care of my injured children's health and no money left to feed them.⁶¹

-- Man whose wife was killed and whose four daughters, son and nephew were injured when multiple mortar rounds landed on their house in Sangin district, Helmand province, during a ground engagement between Afghan national security forces and the Taliban on 16 June.

The intensification of ground fighting between Anti-Government Elements and Pro-Government Forces in civilian-populated areas had severe consequences for civilians in 2014 with civilian deaths from ground engagements more than doubling from 2013.

⁶⁰ Ground engagements include kinetic ground operations, stand-off attacks, crossfire and armed clashes between parties to the conflict encompassing attacks or operations in which small arms, heavy weapons and/or area weapons systems, i.e. mortars and rockets are fired.

⁶¹ UNAMA interview, 3 December 2014, Kandahar.



Throughout 2014, UNAMA observed a steady increase in civilian casualties from ground engagements documenting 3,605 civilian casualties (1,092 deaths and 2,513 injured) from ground fighting between Anti-Government Elements and Pro-Government Forces,⁶² a 54 per cent increase from 2013.⁶³

Ground engagements caused 34 per cent of all civilian casualties in 2014, causing more civilian deaths and injuries than any other tactic.

UNAMA documented a stark increase in civilian casualties from ground engagements resulting from operations and attacks by Pro-Government Forces. UNAMA attributed 921 civilian casualties (336 killed and 585 injured) to Pro-Government Forces in 291 separate incidents of ground engagements, a 141 per cent increase from 2013.⁶⁴

UNAMA also documented an increase in civilian casualties attributed to Anti-Government Elements during their ground operations and attacks, recording 1,551 civilian casualties (438 deaths and 1,113 injured) in 291 separate incidents, up 51 per cent from 2013.⁶⁵

⁶² This figure also includes cross-border shelling into Afghanistan, which accounted for less than two per cent of civilian casualties from ground engagements.

⁶³ In 2012, UNAMA documented 1,570 civilian casualties (426 deaths and 1,144 injured) from ground engagements.

⁶⁴ In 2013, UNAMA attributed 382 civilian casualties (102 killed and 280 injured) to Pro-Government Forces in separate 136 incidents of ground engagements.

⁶⁵ In 2013, UNAMA attributed 1,794 civilian casualties (764 killed and 1,030 injured) to Anti-Government Elements in separate 266 incidents of ground engagements.

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Consistent with trends documented in the first half of 2014, ground engagements increasingly killed and injured women and children, with UNAMA recording more women and children casualties from ground engagements than in any previous year.

The rise in civilian casualties from ground engagements largely resulted from civilians caught in crossfire between insurgents and Afghan security forces during fighting in and around populated areas.

Throughout 2014, UNAMA observed shifts in the conduct of hostilities in line with the transfer of security responsibility from international military forces to Afghan security forces, and a reduction in ISAF aerial operations. Anti-Government Elements increased their mobility in a number of regions and increasingly carried out ground attacks against Afghan security forces to hold territory and secure new areas.

Increasing women and children casualties from ground engagements

The increase in the intensity and frequency of ground operations by all parties to the conflict, took a particularly heavy toll on women and children. Ground engagements remained the leading cause women and children deaths and injuries in 2014, killing and injuring more women and children than any other tactic. Ground engagements accounted for the majority of women casualties (527 casualties, comprising 153 deaths and 374 injuries)⁶⁶ - an increase of 57 per cent which accounted for 58 per cent of all civilian women casualties in 2014.

Ground engagements also caused the majority of child injuries (1,064 casualties including 259 deaths and 805 injuries), a 65 per cent increase from 2013,⁶⁷ and comprised 43 per cent of children civilian casualties in 2014.

Consistent with first half of 2014, the majority of women and children casualties from ground engagements resulted from stray mortar rounds or other munitions impacting their homes or women and children caught in crossfire.

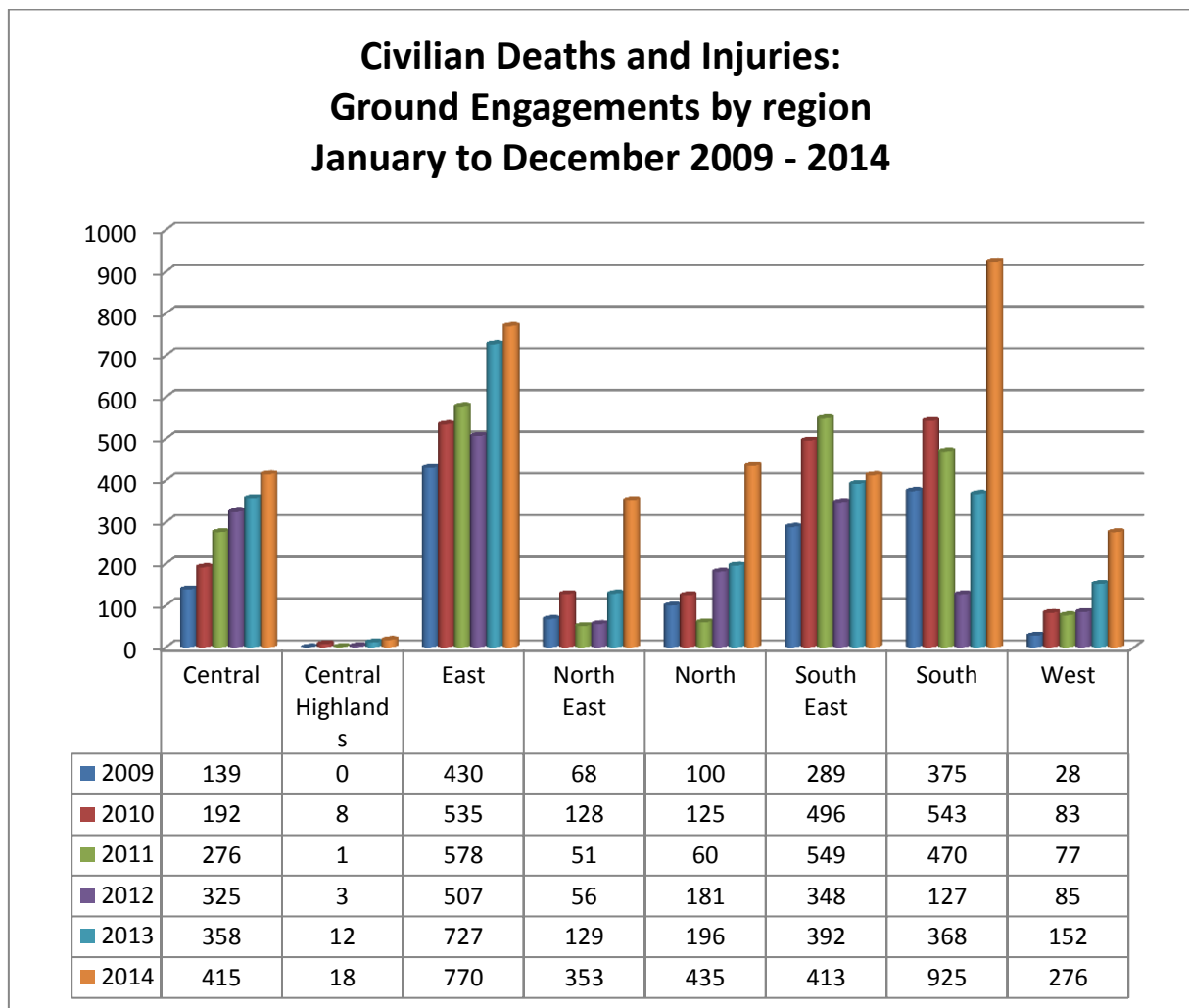
⁶⁶ In 2013, UNAMA documented 336 women casualties (73 deaths and 263 injured) from ground engagements.

⁶⁷ In 2013, UNAMA documented 646 children's casualties (140 deaths and 506 injured) from ground engagements.

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

In 2014, UNAMA documented increased civilian casualties from ground engagements in every region of Afghanistan.⁶⁸ The majority took place in the southern region with 925 civilian casualties (352 deaths and 573 injured), followed by the eastern region with 770 civilian casualties (164 deaths and 606 injured), and the northern region with 435 civilian casualties (151 deaths and 284 injured).

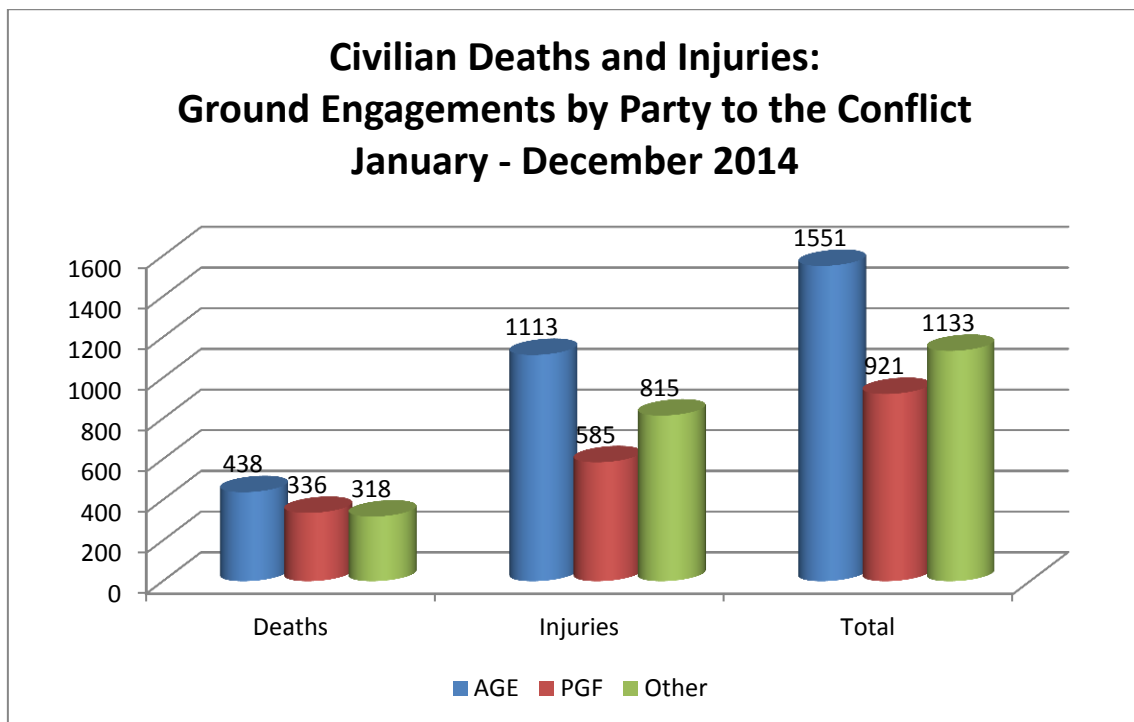
UNAMA recorded the highest number of civilian casualties due to ground engagements in Helmand province, with 740 civilian casualties (282 deaths and 458 injured), followed by Kunar province with 340 civilian casualties (56 deaths and 284 injured), and then Faryab province with 315 civilian casualties (118 deaths and 197 injured).



⁶⁸ UNAMA also documented continued use of 'asymmetric' tactics by Anti-Government Elements, notably, use of IEDs, targeted killings and attacks against civilian Government workers highlighted in this report.

Attribution of Civilian Casualties from Ground Engagements⁶⁹

Of the 3,605 civilian casualties from ground engagements, UNAMA attributed 43 per cent 1,551 civilian casualties (438 deaths and 1,113 injured) to Anti-Government Elements and 26 per cent (336 deaths and 585 injured for 921 civilian casualties) to Pro-Government Forces.⁷⁰ UNAMA could not solely attribute civilian casualties to either party in 29 per cent of ground engagements that caused 1,051 civilian casualties (307 deaths and 744 injured).⁷¹ The remaining civilian casualties from ground engagements were attributed to cross-border shelling.⁷²



⁶⁹ To verify attribution of a specific party for civilian deaths and injuries resulting from ground engagements, UNAMA used its three-source type verification procedure for incidents of civilian casualties. In cases where attribution was not possible – in particular cross-fire – UNAMA attributed the civilian casualty to both Pro-Government Forces and Anti-Government Elements in a separate category for cross-fire 'Anti-Government Elements/Pro-Government Forces.'

⁷⁰ Of the 921 civilian casualties attributed to the ground operations of Pro-Government Forces (which includes Afghan national security forces, international military forces and Pro-Government armed groups), UNAMA attributed 92 per cent to Afghan security forces, which included ground operations operations partnered with international forces and Pro-Government armed groups. The rest were attributed to ground operations led by Pro-Government armed groups (seven per cent) and international military forces (one per cent).

⁷¹ During heavy and prolonged fighting between parties to the conflict, attribution was not always possible, particularly for civilian deaths and injuries from crossfire. In these cases (1,084 casualties, 317 civilian deaths and 767 injured), UNAMA attributed the civilian casualty to Pro-Government Forces and Anti-Government Elements in a separate category.

⁷² See the section on *Cross-Border Shelling* in this report.

Anti-Government Elements: Civilian Casualties from Ground Engagements

I am a medical doctor. Early in the morning of 14 July, Taliban fighters came to [...] village⁷³ in order to establish a presence in the area. At around 3:00am, ALP engaged the Taliban in a fire fight. Two adult men were injured by the crossfire. At a later stage, the Taliban were seeking to hide in a family's compound, but the family refused to open their gate. The Taliban then tossed a hand grenade into their house, injuring two adult women and two boys. These casualties were brought to our medical clinic for treatment. One of the injured women was pregnant and we had to refer her to the Sari Pul Public Hospital.⁷⁴

-- Medical doctor who treated casualties resulting from a ground engagement in Sozma Qala district, Sari Pul province, on 14 July 2014. Four civilians were injured.

Almost half of the increased civilian casualties from ground engagements in 2014 resulted from operations by Anti-Government Elements. These mainly occurred during attacks against Afghan security forces conducting patrols or operating check-posts in the vicinity of civilian-populated areas, attacks against district administration centres and military operations in contested areas.

The increase in civilian casualties attributed to Anti-Government Elements during ground engagements also resulted from attacks against the electoral process in April and June,⁷⁵ together with an increase in attacks against Afghan national security forces in civilian-populated areas. UNAMA documented 525 civilian casualties (201 civilian deaths and 324 injured) from ground engagements where Anti-Government Elements had attacked ANP, up 27 per cent from 2013.⁷⁶

Although the majority of ground operations and attacks by Anti-Government Elements appeared to have targeted security forces, UNAMA documented incidents of Anti-Government Elements deliberately targeting civilians in ground engagements, in particular multiple attacks during the elections period.

Throughout 2014, UNAMA continued to document attacks against groups of civilian Government employees, civilian Government offices and buildings, and other civilian locations during ground engagements.⁷⁷ As observed in the UNAMA 2014 *Mid-Year Report on Protection of Civilians*, during the Presidential and provincial council elections on 5 April and the Presidential run-off election on 14 June, UNAMA

⁷³ Exact location kept confidential for security reasons.

⁷⁴ UNAMA interview, Mazar-e-sharif, Balkh province, 17 July 2014.

⁷⁵ See UNAMA 2014 *Mid-Year Report on Protection of Civilians in Armed Conflict*, pages 62-65 for details.

⁷⁶ In 2013, UNAMA documented 415 civilian casualties (118 deaths and 297 injured) from incidents of Anti-Government Elements attacking ANP, either civilian bystanders close to the site of the attack, or due to the civilian law enforcement or off duty status of the ANP.

⁷⁷ See the section in this report on killings of civilians due to family links or perceived support of Government of Afghanistan which covers attacks against civilians. Incidents of attacks against civilians during ground engagements are included in this section on ground engagements.

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documented 242 incidents of ground attacks by Anti-Government Elements targeting the electoral process. These attacks resulted in 380 civilian casualties (74 killed and 306 injured).⁷⁸

Examples of civilian casualties from ground operations by Anti-Government Elements:

- On 16 July, Anti-Government Elements attacked a security post located near a health clinic in Chapa Dara district, Kunar province. A rocket impacted on a civilian residence causing nine civilian casualties (two killed including boys aged five and six years old, and seven injured including three girls, two boys and their parents).
- On 11 August, Anti-Government Elements attacked an ANBP check post in Nari district, Kunar province, with heavy weapons and small arms fire. The attack resulted in nine civilian casualties (three killed, including one woman, and six injured, including four boys).
- On 21 September, Anti-Government Elements fired a mortar round toward the district administrative center in Bak district, Khost province. The rocket impacted a residential house causing 15 civilian casualties (four killed including two women and two boys and seven injured including four children two women and one man).
- Between 22 September and 8 October, Anti-Government Elements attacked ANP and ALP check posts in several villages of Ajristan district, Ghazni province, resulting in 15 civilian casualties (11 deaths including one woman and one 16-year-old boy and four injured including one woman and two children). Anti-Government Elements also abducted and later released four civilian men.
- On 11 November, a mortar round fired by Anti-Government Elements impacted a central street of Jalalabad city, Nangarhar province, causing 10 civilian casualties (two killed and eight injured, most of them day labourers).

⁷⁸ The 242 attacks against the electoral process include those attacks which did not result in civilian casualties but had a measurable human rights impact. For example, UNAMA recorded multiple incidents where mortars impacted schools that were used as polling centres during the elections. Such attacks impacted access to education, either due to destruction or damage of the school or the attack dissuaded students from attending school.

Ground fighting between Anti-Government Elements and Pro-Government Forces where attribution to a specific party was not possible

The wedding ceremony was transformed into a funeral when our house was hit by mortar rounds fired by ANA. We do not know why we were targeted or why we have suffered casualties for nothing. Who can we approach to listen to us? I am sure that no-one but Allah can hear us and understand what is happening in our area.⁷⁹

-- Brother of a groom whose wedding party was hit by ANA mortar fire in Sangin district, Helmand province, on 31 December 2014.

Attribution of responsibility, particularly for those civilian deaths and injuries occurring during prolonged and heavy fighting between Anti-Government Elements and Pro-Government Forces can be difficult. For such incidents, when attribution for casualties of civilians caught in the crossfire is not possible, UNAMA attributes the incident to both Pro-Government Forces and Anti-Government Elements in one category 'Anti-Government Elements/Pro-Government Forces'.

With battles increasingly fought in and near civilian communities in 2014, UNAMA documented rising numbers of civilians caught in the cross-fire. In 2013, UNAMA documented 1,051 civilian casualties (307 deaths and 744 injured)⁸⁰ from ground engagements between Anti-Government Elements and Pro-Government Forces, where attribution to a specific party was not possible. This represents a 20 per cent increase from 2013.⁸¹

Examples of civilian casualties from ground-fighting between Anti-Government Elements and Pro-Government Forces where attribution to a specific party is not possible:

- On 24 October, a large group of Taliban fighters simultaneously attacked several ALP check posts in Bala Buluk district, Farah province. Afghan national security forces responded to the attack. The resulting exchange of fire caused eight civilian casualties (three killed, including two boys and one man, and five injured, including one woman). Although the Taliban claimed responsibility for the attacks against the ALP, UNAMA attributed responsibility for civilian casualties to both sides.
- On 15 November, a group of Taliban fighters attacked ANA and ISAF troops carrying out a search operation in Nad Ali district, Helmand province. The

⁷⁹ UNAMA interview, 1 January 2015, Kandahar.

⁸⁰ During heavy and prolonged fighting between parties to the conflict, attribution was not always possible, particularly for civilian deaths and injuries from crossfire. In these cases UNAMA attributed the civilian casualty to both Pro-Government Forces and Anti-Government Elements in a separate category.

⁸¹ In 2013, UNAMA documented 877 civilian casualties (159 deaths and 718 injured) from incidents of ground fighting between Anti-Government Elements and Pro-Government Forces where attribution to a specific party was not possible.

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resulting exchange of fire caused nine civilian casualties (four killed and four injured, including three girls and one boy).

- On 30 November, Anti-Government Elements attacked an ANP check post in Shah Joy district, Zabul province; the subsequent exchange of mortar resulted in eight civilian casualties (five killed, including three boys, and three injured).
- On 20 December, Taliban fired several mortar rounds towards an Afghan national security forces base in Dangam district, Kunar province. Afghan forces responded to the attack with mortar rounds. In the cross-fire, one of the mortar rounds impacted on a civilian house resulting in seven civilian casualties (three killed, including two children, and a woman and four injured women).

Afghan National Security Forces: Civilian Casualties from Ground Engagements

Civilian casualties from ground engagements attributed to Pro-Government Forces increased by 141 per cent in 2014, with 921 civilian casualties (336 deaths and 585 injured).⁸²

Civilian casualties caused by Pro-Government Forces - mainly Afghan national security forces - accounted for 26 per cent of all civilian casualties from ground engagements and nine per cent of civilian casualties by all tactics. Of particular concern is that civilian casualties attributed to ANA in ground engagements quadrupled in 2014, reaching 398 civilian casualties (129 killed and 269 injured).⁸³

The following is a partial breakdown of ground engagements attributed to specific Pro-Government forces:

- 85 incidents causing 398 civilian casualties (129 deaths and 269 injured) attributed solely to ANA.
- 19 incidents causing 49 civilian casualties (13 deaths and 36 injured) attributed solely to ANP.
- 18 incidents causing 37 civilian casualties (26 deaths and 11 injured) attributed solely to ALP.
- 135 incidents of partnered operations of various Afghan national security forces resulting in 383 civilian casualties (130 deaths and 253 injured).
- 30 incidents of Pro-Government militia resulting in 67 civilian casualties (32 deaths and 35 injured).

⁸² In 2013, UNAMA documented 382 civilian casualties (102 deaths and 80 injured) attributed to ground operations carried out by Pro-Government Forces.

⁸³ In 2013, UNAMA documented 99 civilian casualties (24 killed and 75 injured) caused by ANA in ground engagements).

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- Six incidents of ground engagements resulting in eight civilian casualties (six deaths and two injured) injured attributed solely to international military forces.

The remaining incidents and casualties occurred during joint operations of Afghan security forces, including operations partnered with international security forces and Pro-Government armed groups.

Examples of civilian casualties from ground operations by Afghan national security forces:

- On 18 August, ANA fired several mortar rounds targeting Anti-Government Elements in Kunduz city, Kunduz province. The mortars impacted in a civilian area causing 27 civilian casualties (14 killed including four women, four boys and three girls and 14 injured including four women, five girls and two boys).
- On 7 September, ANA fired a mortar round in response to a Taliban attack in Bala Buluk district, Farah province. The mortar round landed in a civilian area resulting in six civilian casualties (two deaths, including a 14-year-old boy and a woman, and four injured, including three men and one woman).
- On 15 October, the Taliban attacked an ANA check post in Khakrez district, Kandahar province. ANA responded with a mortar round, which impacted a civilian house, causing nine civilian casualties (five killed, including two women, two girls aged six and seven years old and a 13-year old boy and four injured including two women and two small girls).
- On 1 November, the Taliban attacked an ANA patrol in Alishing district, Laghman province. The ANA responded to the attack with heavy weapons, including a rocket which impacted a civilian residence and caused seven civilian casualties (one killed and six injured including a woman and five children, all under the age of 12).

ANA mortar rounds caused 83 civilian casualties - 29 women and children killed and 53 civilians injured in Sangin district, Helmand province, 31 December 2014

On the late afternoon of 31 December, three mortar rounds fired from an ANA check-post in Sangin district, Helmand province, impacted a private residence during a wedding celebration, resulting in 83 civilian casualties (29 killed and 53 injured). All 29 civilians killed and 46 of the injured civilians were women and children. UNAMA did not receive reports or indications of Anti-Government Elements killed or injured in this incident.

The mortars struck the home during the first part of a wedding celebration where the women had gathered – with their babies and small children – to view the bride. The men had planned to hold separate celebrations at dinnertime.

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According to the groom's brother, who survived the incident, the mortar rounds struck the compound at around 3.30 pm, shortly after the bride was brought to the groom's house to join the wedding party. The groom's brother told UNAMA that the family had informed the ANA of the wedding celebrations and stated that the family cannot understand why their compound was targeted as there was no fighting in the local area at that time.

ANA has not disputed the fact that they fired the mortars that hit the wedding part, but stated that armed clashes were taking place in the area at the time of the incident. UNAMA made efforts to obtain information about any fighting at the time of the incident and has not received any information but notes that the Taliban had claimed responsibility for an attack against a police check-post in another part of Sangin district on the day before - 30 December.⁸⁴ Local sources stated that the ANA check post (and the nearby ANA base at Pateh Mohammed Peech, Sangin district) had a history of responding disproportionately and indiscriminately when attacked by Taliban.

Immediately after the incident, ANA authorities arrested two ANA personnel from the check post which fired the mortar rounds with an investigation underway at the time of reporting.

UNAMA urges Afghan authorities to undertake a comprehensive and transparent investigation into this incident, in particular on the motive for the attack, and to ensure accountability for those responsible including putting in place preventive measures.

Afghan national security forces and international military forces combined operations:

Despite the drawdown of ISAF international forces country-wide and an overall decrease in civilian casualties caused by international forces, in 2014 UNAMA documented a nine per cent increase in civilian casualties from Afghan operations partnered with international security forces.

Afghan security forces with support from international Special Forces increasingly carried out operations in some regions. As international forces reduced, UNAMA observed an increase in the number of special operations led by Afghan national security forces, with support from international Special Forces, and a correlated rise in civilian casualties from these operations. In 2014, UNAMA documented 185 civilian casualties (102 deaths and 83 injured)⁸⁵ from joint operations or operations conducted

⁸⁴ Qari Yousuf Ahmadi, 'Check post overrun in Sangin, 11 police killed', 30 December, Helmand. Available online: <http://shahamat-english.com/index.php/news/51801-check-post-overrun-in-sangin,-11-police-killed>. Accessed 20 January 2015.

⁸⁵ Of the 185 civilian casualties, 10 including six deaths and four injured were attributed only to international forces.

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by Afghan security forces with an embedded presence of international forces, representing a nine per cent increase from 2013.⁸⁶

UNAMA notes concern with the rise in civilian deaths and injuries from joint operations by international and Afghan security forces and their denial of all civilian casualties from these operations. For example, UNAMA confirmed through multiple sources civilian casualties from operations by international Special Forces, partnered with Afghan national security forces, in Logar and Paktika provinces. UNAMA repeatedly raised concerns about these operations with both Afghan national security forces and ISAF Special Forces, with both entities denying civilian casualties.⁸⁷

- On 3 August, international military forces and Afghan national security forces conducted a clearing operation in civilian areas of Charkh district, Logar province, which combined ground and air assets. The operation resulted in 28 civilian casualties (15 deaths and 13 injured).
- On 6 August, the ANA and international military forces conducted a joint search operation in Jaji district, Paktya province, involved ground and air assets. The operation concluded with 25 civilian casualties (10 deaths including two boys, one woman and seven men and 15 injured, including five women, one girl, two boys and seven men).
- On 9 August, ANA troops and international military forces conducted a clearing operation in Baraki Barak district, Logar province. Mortar rounds caused 17 civilian casualties (seven killed including one woman, two men and four children - a nine-month-old baby, one girl and two boys; and 10 injured, including one man, one woman and eight children, including three boys and five girls). Civilians also reported harassment and intimidation by Afghan and international troops.
- On 18 September, the ANA conducted a night search operation in Nika district, Paktika province, supported with air assets by international military forces. The operation caused seven civilian casualties (five deaths including three men and two boys and two injured).

UNAMA reiterates previous recommendations to international forces to continue to carry out thorough post-operation reviews following all operations including joint operations or operations with the presence of international military and/or security forces and/or foreign intelligence agencies, and transparent investigations following incidents where civilian casualties have occurred, and/or been reported. International forces in all such incidents should continue to take appropriate steps to ensure

⁸⁶ In 2013, UNAMA documented 170 civilian casualties (59 deaths and 111 injured) from ground engagements carried out jointly by Afghan national security forces and international military forces or led by Afghan security forces with the support of international forces.

⁸⁷ UNAMA meetings with ISAF on 15 November, December 2014 and 8 and 27 January 2015, Kabul, and UNAMA meeting with US Special Forces 23 December.

accountability, better operational practices and compensation for victims as appropriate.

Mortars and rockets in civilian-populated areas

Throughout 2014, UNAMA observed a steady increase in civilian casualties from the use of indirect fire weapons, mainly mortars, by all parties to the conflict. Indirect fire weapons, such as mortars, rockets and grenades are high explosive weapons systems which fire projectiles to a location without a direct line of visibility to the target. Mortars cannot be guided to hit a specific target and have a wide-area of impact; when used in civilian-populated areas the risk of civilian casualties is very high.

In 2014, mortars and rockets accounted for 50 per cent of civilian casualties from ground engagements, causing 1,788 civilian casualties (447 deaths and 1,341 civilian injured), up 73 per cent from 2013.⁸⁸

UNAMA attributed 53 per cent of civilian casualties (945 civilian casualties, 223 killed and 722 injured) from mortars and rockets to Anti-Government Elements, 37 per cent (663 civilian casualties, 186 killed and 477 injured) to Pro-Government Forces,⁸⁹ five per cent (82 civilian casualties, 11 killed and 71 injured) to cross-border shelling and the remaining five per cent (98 civilian casualties, 27 killed and 71 injured) could not be attributed.

Although UNAMA attributed the majority of civilian casualties from ground engagements to Anti-Government Elements, the number of civilian casualties from indirect fire incidents and mortar rounds fired by Afghan national security forces increased significantly. UNAMA documented 663 civilian casualties (186 deaths and 477 injured) from mortars and grenades used by Pro-Government Forces,⁹⁰ a 158 per cent increase from 2013.⁹¹

As UNAMA highlighted in its 2014 *Mid-year Report on Protection of Civilians*, the use of mortars and grenades during ground engagements potentially contaminates areas with unexploded ordnance in addition to killing and injuring civilians. UNAMA reiterates continued concern that Afghan security forces appear not to have policy or operational

⁸⁸ In 2013, UNAMA documented 1,033 civilian casualties (212 deaths and 821 injured) from the use of mortars, grenades and rockets by all parties to the conflict during ground operations.

⁸⁹ Of the 186 incidents attributed to Pro-Government Forces from mortars, grenades and rockets causing civilian casualties, UNAMA attributed 177 incidents to Afghan national security forces (including operations with the presence of Pro-Government armed groups or international forces), seven incidents to Pro-Government armed groups and two incidents to international military forces.

⁹⁰ Of the 663 civilian casualties from mortar fire attributed to Pro-Government Forces, UNAMA attributed 96 per cent to Afghan national security forces (including joint operations with Pro-government armed groups or international military forces), four per cent to Pro-Government armed groups and three casualties (less than one per cent) to international military forces.

⁹¹ In 2013, UNAMA documented 257 civilian casualties (56 deaths and 201 injured) directly attributed to mortars and grenades fired by Pro-Government Forces.

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measures in place requiring them to track, mark and clear UXO from areas where ground engagements have taken place.⁹²

International humanitarian law stipulates that parties to a conflict – which, in the case of Afghanistan, includes the Taliban and Afghan national security forces - must take all feasible precautions to protect the civilian population and civilian objects against the effects of attacks. Such precautions include advance warnings to civilians, choosing appropriate methods of warfare, and avoiding locating military targets next to civilian areas.⁹³

In particular, UNAMA reiterates its call to all parties to the conflict to cease firing mortars and grenades into civilian-populated areas and urges the parties to review procedures and rules of engagement on the use of indirect fire weapons. Pursuant to their obligations under international humanitarian law, prior to firing indirect explosive weapons such as mortars, rockets and grenades, parties to the conflict are obliged to assess the effects of the weapons in battle, the military task the weapon is required to perform and the proportionality between these two factors in an effort to minimize civilian harm.⁹⁴

⁹² UNAMA meeting with C-IED Working Group on ERW, August to November 2014, Kabul.

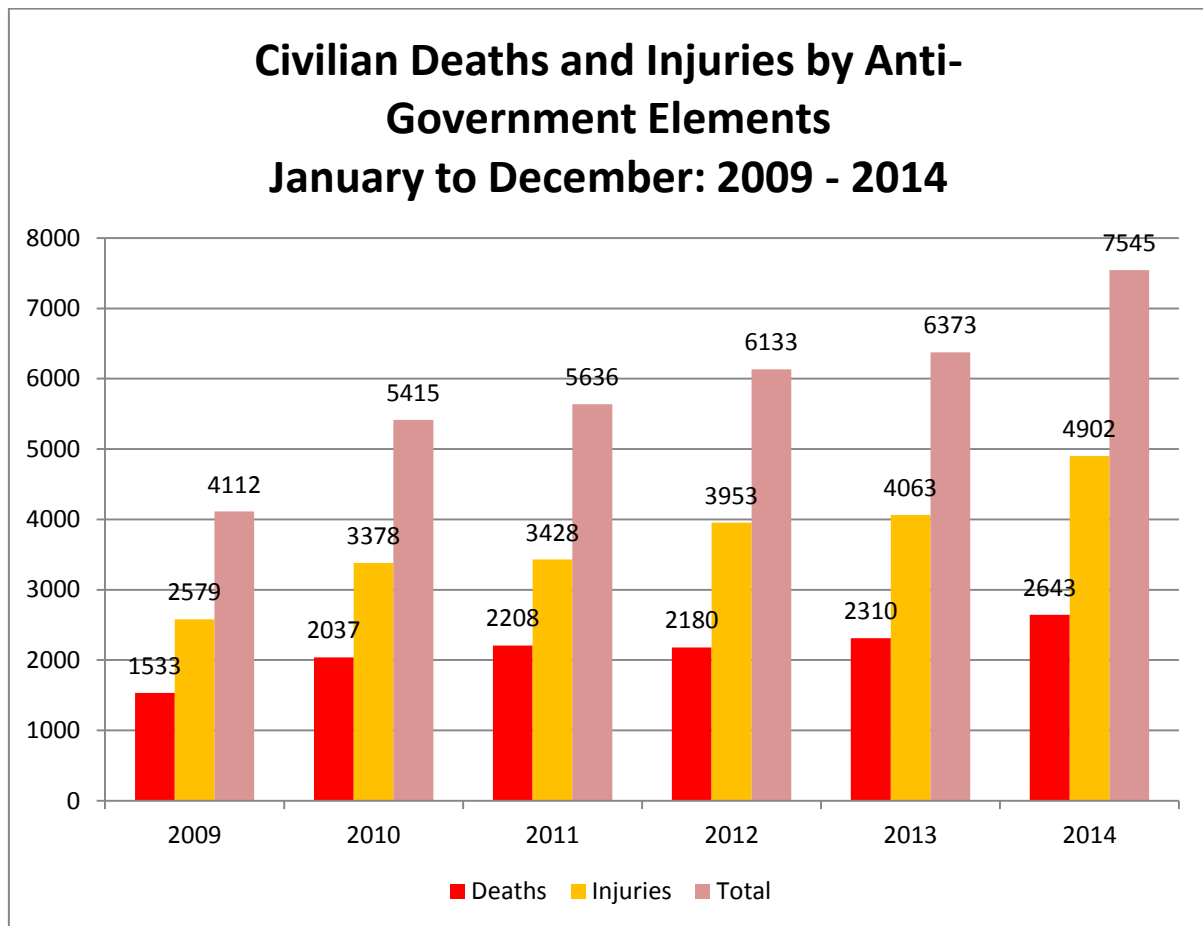
⁹³ Rule 22, 23 and 24, Precautions against the Effects of Attacks. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

⁹⁴ See sections 6.2., 6.2.1 of the Application of the Guiding Principles, Weapons, *The Manual of the Law of Armed Conflict*. UK Ministry of Defence, Oxford University Press, Oxford, 2004.

III. Anti-Government Elements⁹⁵ and Protection of Civilians

In 2014, UNAMA documented 7,545 civilian casualties (2,643 killed and 4,902 injured) from operations and attacks carried out by Anti-Government Elements. This represents an 18 per cent increase from 2013,⁹⁶ with civilian casualties attributed to Anti-Government Elements accounting for 72 per cent of all civilian casualties in 2014.

Civilian casualties caused by Anti-Government Elements have increased each year since 2009. In 2014, Anti-Government Elements killed and injured more civilians in Afghanistan than any other year since 2009. Most of these civilian deaths and injuries were from indiscriminate IED and suicide attacks in civilian-populated areas and the deliberate targeting of civilians throughout Afghanistan.



⁹⁵ 'Anti-Government Elements' encompass all individuals and armed groups involved in armed conflict with or armed opposition against the Government of Afghanistan and/or international military forces. See the *Glossary* for details.

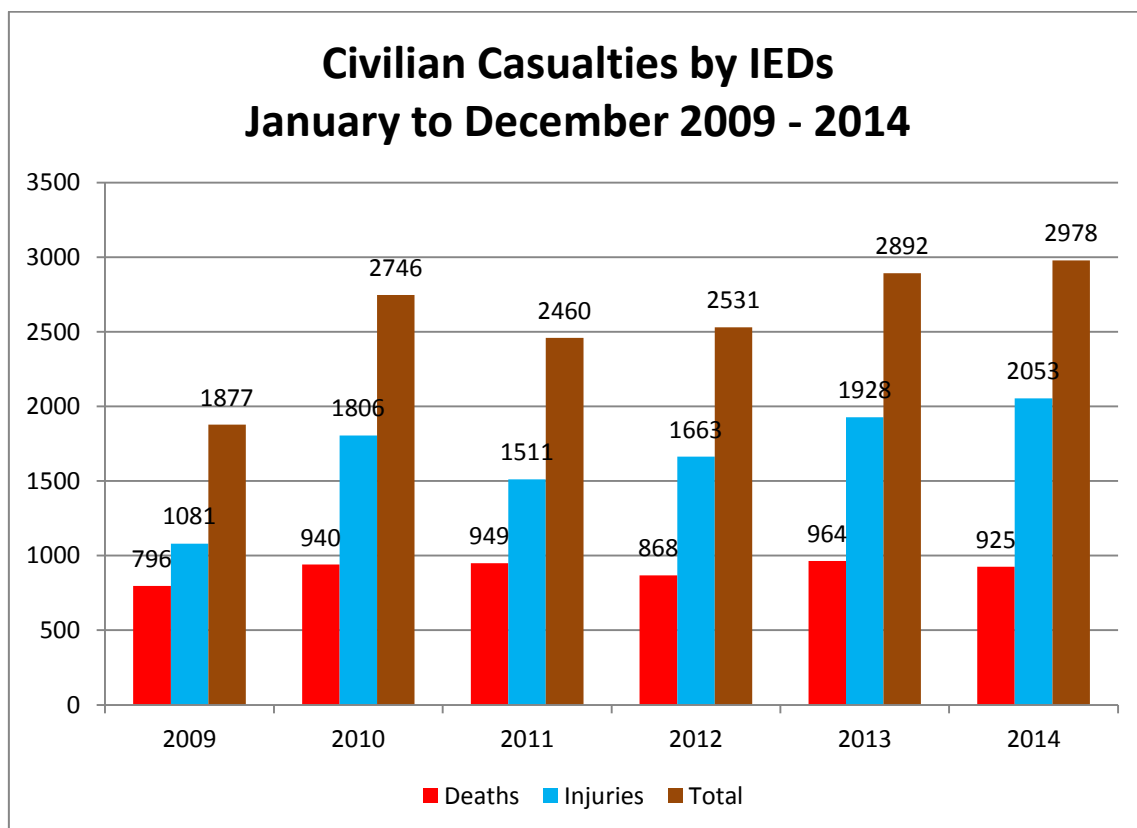
⁹⁶ In 2013, UNAMA attributed 6,373 civilian casualties (2,310 killed and 4,063 injured) to Anti-Government Elements.

Improvised Explosive Devices

During the Friday prayer, I was sitting at the pulpit about to begin reciting the sermon. As one of the congregants called a second Azaan for prayer, a bomb placed under my pulpit detonated. I fell unconscious. I do not know what happened after that. I regained consciousness at the hospital. I do not know why they targeted me and the mosque, but I do know that an act like this is completely against Islam. No Muslim will conduct such attacks. It is the last line of brutality.⁹⁷

-- Imam injured in an IED attack inside a mosque in Khogyani district, Nangarhar province, on 28 November 2014 that injured 34 civilians.

In 2014, the indiscriminate and unlawful use of improvised explosive devices (IEDs) increasingly harmed civilians. For the sixth consecutive year, civilian casualties from IEDs increased, with UNAMA documenting 2,978 civilian casualties (925 deaths and 2,053 injured) from IEDs, a three per cent increase compared to 2013.⁹⁸ Increases were documented in civilian casualties from pressure-plate, vehicle-borne (non-suicide) and magnetic IEDs with a decrease in civilian casualties from remote-controlled and unspecified trigger-type IEDs.



⁹⁷ UNAMA interview, Jalalabad city, Nangarhar province, 30 November 2014.

⁹⁸ In 2013, UNAMA documented 2,892 civilian casualties (964 deaths and 1,928 injured) from IEDs.

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After ground engagements, IEDs killed and injured more civilians than any other tactic, with IEDs accounting for 28 per cent of all civilian casualties in 2014. Most civilian casualties from IEDs resulted from attacks directed against Afghan security forces carried out in areas populated by civilians.

Since 2009, 4,664 separate IED attacks in Afghanistan have caused 15,484 civilian casualties (5,442 deaths and 10,042 injured).

In 2014, Helmand province – by far – remained the province where civilians were most affected by IEDs, followed by Kandahar, Nangarhar and Faryab provinces.

IEDs deliberately targeting civilians

UNAMA observed a slight decrease in the use of IEDs by Anti-Government Elements to deliberately target civilians. IED attacks directed against tribal elders, district authorities, judicial authorities, health, education and individual civilians decreased slightly.⁹⁹

UNAMA documented an increase in civilian casualties from IED attacks targeting one category of civilians and civilian objects: religious figures and places of worship. In 2014, UNAMA documented three incidents of IEDs planted in mosques which injured 37 civilians compared with two incidents in 2013, which did not cause casualties (see the section in this report on *Threats and Attacks against Religious Figures and Places of Worship*).

UNAMA notes the reduction in IEDs attacks against civilians by Anti-Government Elements, but highlights that such attacks continued in 2014. For example:

- On 10 June, a RC-IED detonated under the private vehicle of a tribal elder travelling to Trin Kot city, Uruzgan province. The attack killed the tribal elder's teenaged sons, aged 15 and 18, his 10-year old grandson and injured the elder along with his driver.
- On 24 December, an RC-IED detonated targeting a Government vehicle of the Industry Department, injuring an employee and six other civilian men. No party to the conflict claimed responsibility.

The deliberate targeting of civilians with IEDs may amount to war crimes. International humanitarian law, to which Anti-Government Elements are bound, prohibits

⁹⁹ UNAMA counts civilian casualties from targeted killings where IEDs were used as the tactic as targeted killings and do not include them in IED figures. See *War Crime of Murder: Targeted Killing of Civilians* in the next section.

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indiscriminate and disproportionate attacks, and attacks that deliberately target civilians.¹⁰⁰

IEDs targeting military objectives in civilian-populated areas

UNAMA notes concern with Anti-Government Elements' continued use of IEDs to target military objectives in civilian areas (often busy areas crowded by civilians, including bazaars, central areas of towns and cities, mosques and close to hospitals or schools), disregarding the indiscriminate and disproportionate impact of IEDs among the civilian population. For example, UNAMA documented 168 civilian casualties (42 deaths and 126 injured) from IED attacks that appeared targeted at ANA, up 38 per cent from 2013.¹⁰¹

Examples of Anti-Government Elements detonating IEDs in civilian-populated areas:

- On 29 November, an IED detonated under a bridge in Mohammad Aga district, Logar province, without causing casualties. When local students gathered to observe the consequences of the first detonation, a second IED exploded, causing eight civilian casualties (two students killed and six injured).
- On 24 November, a VB-IED targeting an ANA vehicle detonated near the local hospital in Dasht-e-Archi district, Kunduz province that caused 27 civilian casualties (eight deaths including two women and two boys and 19 injured including four girls and three boys). No party to the conflict claimed responsibility.
- On 3 November, Anti-Government Elements placed an IED close to a restaurant in the main bazaar of Gardez city, Paktya province. Its detonation caused 26 civilian casualties (four deaths including one boy and 21 injured including four boys). No party to the conflict claimed responsibility.

The use of explosive weapons in populated environments is of particular concern, as it inevitably has an indiscriminate and severe humanitarian impact on civilians, both short- and long-term. Based on these concerns, the United Nations' Secretary-General has urged parties to conflict to refrain from using explosive weapons with a wide-area impact in densely populated areas.¹⁰²

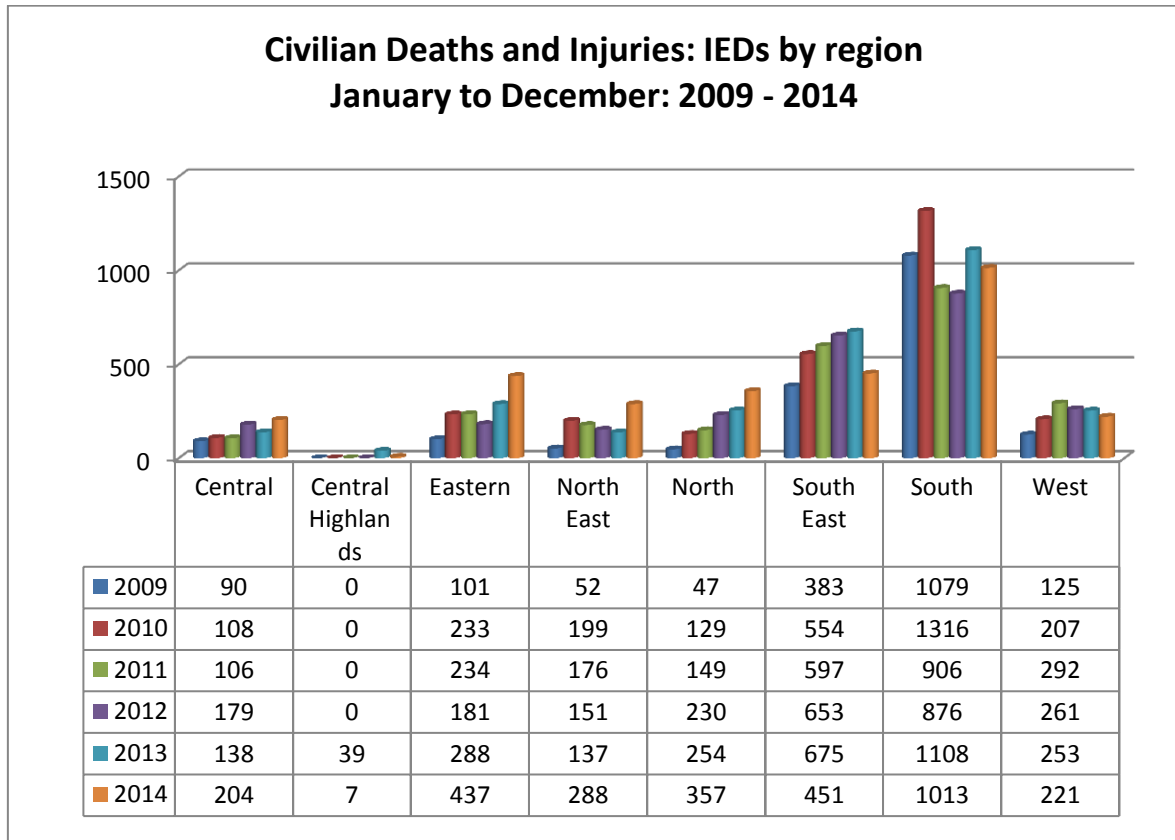
¹⁰⁰ See Common Article 3 to the Geneva Conventions 12 August 1949; Article 13, Additional Protocol II to the Geneva Conventions, and Relating to the Protection of Victims of Non-International Armed Conflicts. See also Art. 8(c) and 8(e) (i) of the Rome Statute.

¹⁰¹ In 2013, UNAMA documented 122 civilian casualties (49 deaths and 73 injured) from IED attacks against ANA.

¹⁰² See UN Secretary-General Report on the Protection of Civilians in Armed Conflict, S/2012/376.

IEDs by region

Consistent with previous years, UNAMA continued to document the highest number of civilian deaths and injuries from IEDs in the south, southeast and eastern regions of the country, with the highest numbers recorded in Helmand, Kandahar, Nangarhar, Faryab, Khost and Ghazni provinces.



As reflected in the chart, the increase in civilian casualties caused by IEDs in 2014 was sharper in those regions that had relatively lower numbers in 2013, such as the central, northeast and north region. Civilian casualties remained more stable in the south, east and south eastern regions, where the majority of civilian casualties from IEDs had previously been documented.

Types of IEDs causing civilian casualties

During its verification of IED incidents resulting in civilian casualties, UNAMA consulted with Afghan and international security institutions, including counter-IED and explosive ordnance disposal (EOD) experts at the district, provincial and national levels to ascertain the types of IEDs used in a particular attack. UNAMA categorises IEDs by the

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basic method used to initiate detonation of the IED,¹⁰³ including pressure-plate/victim-activated, remote/radio/command operated, suicide IEDs and magnetic IEDs.¹⁰⁴

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

*I was at home in the afternoon when I heard the explosion. A few minutes later, a relative called my mobile phone. He sounded extremely distressed and it was difficult to understand him. Eventually I understood that my two little brothers had been injured in an explosion while they were playing on the banks of the canal. I ran to the place and I saw people lying on the ground, covered in blood. I saw my two brothers injured on the ground, along with two other children. The police helped me put my brothers and the other children in a vehicle and transport them to Mirwais hospital. This incident upset me and my family very much.*¹⁰⁵

-- Brother of two boys (aged 11 and 12) injured by an RC-IED targeting an NDS vehicle in Kandahar city, Kandahar province, on 19 October 2014.

In 2014, UNAMA documented 1,119 civilian casualties (234 deaths and 885 injured) from RC-IEDs, a slight (three per cent) decrease from 2013.¹⁰⁶

Despite the slight reduction, RC-IEDs accounted for 38 per cent of all civilian casualties from IEDs, and 11 per cent of total civilian casualties. Although RC-IEDs are designed to technically allow operators to detonate the device when a target moves into the target area and as such can be more discriminate, their use in areas crowded by civilians and errors in detonation (late or premature detonation) often caused high numbers of civilian casualties.

UNAMA also documented Anti-Government Elements, including the Taliban, carrying out disproportionate attacks using RC-IEDs where the harm to civilians was considerable— and which should have been reasonably anticipated by those using the IED – in relation to the concrete and direct military advantage from the attack.

Examples of civilian casualties from RC-IEDs:

- On 20 December, an RC-IED planted by the Taliban on a main road in Nari district, Kunar province, detonated and hit a private vehicle causing 10 civilian casualties (seven deaths including four men, a six-year-old girl and two boys

¹⁰³ An IED is detonated or triggered by the initiating system, which could be a pressure plate, mobile phone, radio, timer or wire physically connected to the device. See CIED Knowledge Manager, Civil-Military Fusion Centre (CFC), *Understanding the Basics of Improvised Explosive Devices (IEDs)*. September 2011, available at: https://www.cimicweb.org/CounterIED/20110912_C-IED_Topical_Report_Introduction_to_IEDs%20-%20draft%20final%5B1%5D.pdf, accessed 8 June 2014.

¹⁰⁴ See the Glossary for definitions and descriptions of types of IEDs.

¹⁰⁵ UNAMA interview, 30 October 2014, Kandahar.

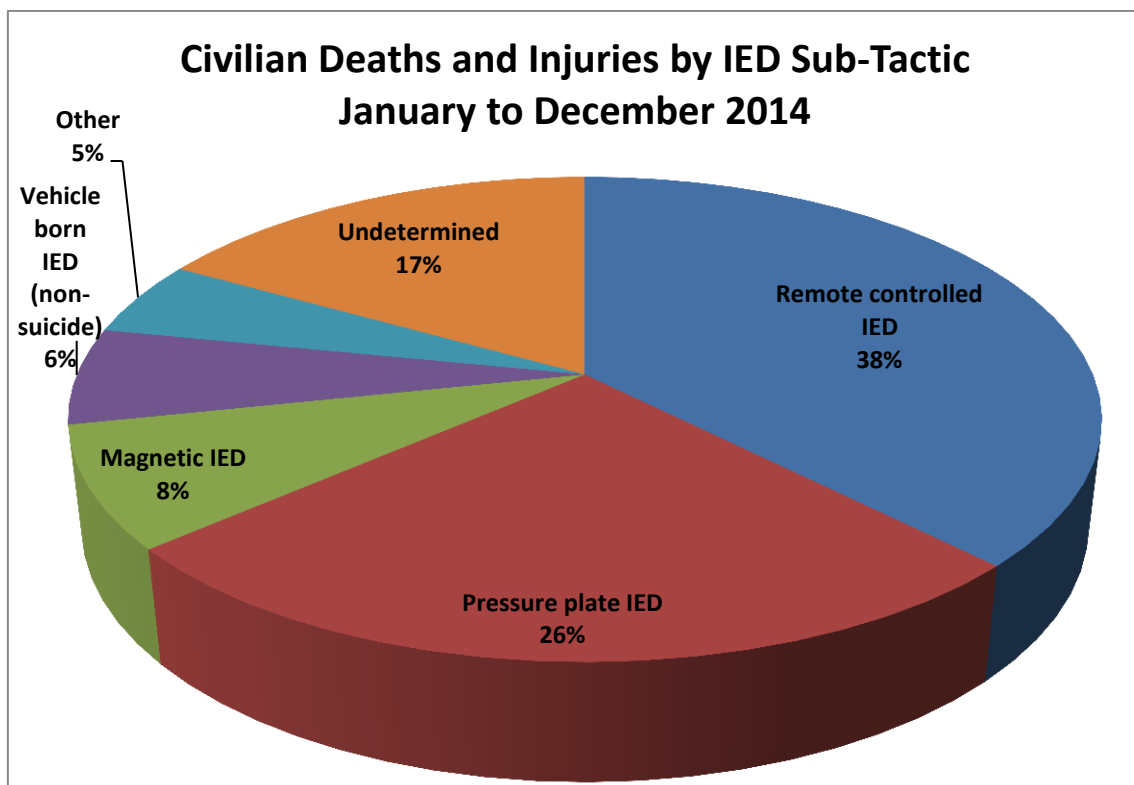
¹⁰⁶ In 2013, UNAMA documented 1,149 civilian casualties (257 deaths and 892 injured) from RC-IEDs.

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aged six and seven and three injured). The Taliban claimed responsibility and stated that four police were killed.

- On 18 November, Anti-Government Elements detonated a RC-IED under a civilian vehicle in Jaji Maydan district, Khost province, resulting in 14 civilian casualties (one woman killed and 13 injured, including four women and girls).
- On 3 November, in Gardez city, Paktya province, Anti-Government Elements planted an RC-IED inside a tea thermos that subsequently detonated. The attack caused 26 civilian casualties (four deaths, including a child, and 22 injured including five children).
- On 19 September, an RC-IED targeting a member of the provincial peace council detonated in the main bazaar of Burka district, Baghlan province, caused 16 civilian casualties (six deaths, including three boys, and 13 injured, including six boys).

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



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

I was harvesting about one hundred meters away from the scene, when I heard the sound of a horrifying explosion. Then I saw my children covered in blood, lying on the ground. Our neighbors, my relatives and I ran towards the scene and took the children to the hospital. The blast occurred just a few meters from my home. My children had taken the sheep to the river and were on the way back when they stepped on a mine [term commonly used for PP-IEDs]. It exploded, injuring all three: my two daughters, six and eight years old, and my adult son. My adult son died in Sheberghan hospital on the same day.¹⁰⁷

-- Father of two girls injured and one boy killed in a PP-IED attack in Aqcha district, Jawzjan province on 19 August 2014.

UNAMA notes serious concern with the increased use of indiscriminate illegal victim operated pressure-plate IEDs by Anti-Government Elements in 2014. UNAMA had documented a decrease in the use of these IEDs in 2013. In 2014, UNAMA recorded 775 civilian casualties (417 deaths and 358 injured) from PP-IEDs, a 39 per cent increase from 2013.¹⁰⁸ Pressure-plate IEDs accounted for 26 per cent of civilian casualties from IEDs, and seven per cent of civilian casualties from all tactics.

UNAMA continued to verify instances of Anti-Government Elements planting or using illegal pressure-plate IEDs (PP-IEDs)¹⁰⁹ in locations that appeared not to be directed at a specific military objective, and detonating IEDs in a manner or location where the effects could not be limited, in violation of international humanitarian law.¹¹⁰ UNAMA documented many IED detonations in markets, public roads and other public areas frequented by civilians.¹¹¹

PP-IEDs in Afghanistan are generally set to explode when they are walked on or driven over and most have approximately 20-25 kg of explosive content (invariably

¹⁰⁷ UNAMA interview, 21 August 2014.

¹⁰⁸ In 2013, UNAMA documented 558 civilian casualties (246 deaths and 312 injured) from victim-activated IEDs, mostly pressure-plate IEDs.

¹⁰⁹ Pressure-plate improvised explosive devices (PP-IEDs) are essentially victim-activated bombs which detonate when any person or any vehicle steps or drives over them. As such, PP-IEDs are indiscriminate and illegal weapons.

¹¹⁰ Afghanistan has ratified the 1997 *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* ('Ottawa Convention' or the Mine Ban Treaty). This treaty prohibits the use of factory-made anti-personnel mines and the use of victim-activated IEDs, such as PP-IEDs. The definition of 'mine' in the *Convention* encompasses IEDs, to the extent that they are designed to be placed under, or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or vehicle.

¹¹¹ Anti-Government Elements placed IEDs, particularly those equipped with a pressure-plate trigger, on transit routes ranging from small footpaths to highways that killed and injured civilians whether they were on foot, riding bicycles, in buses, taxis or in private cars.

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homemade explosives¹¹²); more than twice the explosive content of a conventional anti-tank mine but with the trigger sensitivity of an anti-personnel mine. This means that a PP-IED effectively functions as a massive anti-personnel landmine (which is an illegal weapon noting that Afghanistan is a party to the *Convention on the Prohibition of Anti-Personnel Mines*) with the capability of causing extensive, catastrophic damage to personnel and vehicles.

Civilians who step on or drive over these IEDs in conventional (un-armoured) vehicles have no defence against them and subsequently very little chance of survival. In 2014, a significant number of IEDs were encountered in Afghanistan with an explosive weight of approximately 2-4kg specifically designed to injure or kill individuals on foot.¹¹³

Examples of civilian casualties from PP-IED attacks:

- On 21 December, a child stepped on a PP-IED in Shirintagab district, Faryab province, as he was playing with friends. The detonation killed five children.
- On 25 October, an ALP vehicle carrying both ALP and civilians drove over a PP-IED in Maywand district, Kandahar province. The device detonated causing seven civilian casualties (three deaths and four injured). The detonation also killed one ALP member and injured another.
- On 15 September, a PP-IED planted by the Taliban targeting the ANP detonated when a civilian man stepped on it in Shortepa district, Balkh province. The Taliban claimed responsibility and stated the man was an ALP member.
- On 20 July, a private vehicle drove over a PP-IED planted by the Taliban in Qaysar district, Faryab province. The explosion caused eight civilian casualties all from one family of an ALP commander (four deaths including two children and four injured including two girls). The Taliban claimed responsibility.
- On 10 August, a civilian tricycle drove over a PP-IED planted on a main road Gelan district, Ghazni province. The detonation killed three civilians riding the tricycle.

¹¹² HME or 'homemade explosives' are explosives made from common household chemicals and readily available substances.

¹¹³ UNAMA interviews with ISAF Counter-IED and EOD team, December 2014, ISAF HQ, Kabul.

Rising civilian casualties from magnetic-IEDs

I picked up my car early in the afternoon because I was due to attend a burial ceremony with some colleagues. As soon as we reached the main gate, outside the [Government building]¹¹⁴ where my car was parked, a security guard told us to leave the car because he had spotted something suspicious in it. The ANP came and found a magnetic-IED. I do not know why I have been targeted and I do not know what I am going to do next. I have not done anything, only treating people at this hospital, but now I am scared.¹¹⁵

-- Government official targeted with a magnetic IED in Gardez, Paktya province, on 18 October 2014. The IED was safely defused and no casualties occurred.

In 2014, UNAMA documented 241 civilian casualties (20 deaths and 221 injured) from magnetic-IEDs, up 136 per cent from 2013.¹¹⁶ The majority of incidents involved Anti-Government Elements placing magnetic-IEDs on vehicles of Afghan security forces, often with devastating consequences for civilians.

Examples of civilian casualties from magnetic-IEDs:

- On 1 October, a magnetic IED detonated near a bank in Kunduz city, Kunduz province, targeting the ANP, which caused 16 civilian casualties (one death and 15 injured including one woman and two children). The Taliban claimed responsibility and stated having killed five ANP.
- On 16 October, a magnetic IED stuck to a private car detonated in front of the provincial court in Pul-e-Khumri district, Baghlan province, killing two defence lawyers. The Taliban claimed responsibility.
- On 18 October, a magnetic IED targeting a member of the Provincial Peace Council detonated in the vicinity of a mosque in Kunduz city, Kunduz province, injuring six male civilians, including a member of Provincial Peace Council. No party to the conflict claimed responsibility.
- On 18 November, a magnetic-IED detonated at a *buzkashi* stadium on Baghlan-e-Jadid district, Baghlan province, injuring 24 civilians (including three boys). The main targets appeared to be ANCOP members who were watching a *buzkashi* match. No party to the conflict claimed responsibility.

¹¹⁴ Exact location omitted due to security concerns.

¹¹⁵ UNAMA interview, Gardez city, Paktya province, 26 October 2014.

¹¹⁶ In 2013, UNAMA documented 102 civilian casualties (12 deaths and 90 injured) from magnetic IEDs.

Suicide and Complex Attacks¹¹⁷

It was lunch time and I called my husband to ask if he was coming home. We were still talking on the phone when I heard a very loud explosion and our communication went off. I was worried about him, so I ran towards the main road to see what happened. I saw a lot of injured and dead people lying on the road. People were scared and running away from the area. People told me that a suicide attacker had detonated the Corolla vehicle targeting international military trucks. I looked for my husband, but I could not find him. I went to several hospitals to check for him. At one hospital, I saw several dead bodies and injured people screaming for help. Finally, I found my husband in a coma. I am thankful to the hospital, which is providing free treatment to my husband. However, doctors say I should take him to Pakistan or India for better treatment. I cannot do it, as I am very poor and the only bread-earner of my family, my husband, is in a coma. Who I am to tell to the Taliban and Government forces not to fight? But I will say loudly: please do not kill or injure poor, common people like us when you fight. Why do you not fight in areas where civilians do not live? I know the Quran and it says killing poor and innocent people in war is against Islam.¹¹⁸

-- Wife of a civilian man injured in a suicide VB-IED attack against an international military convoy in Kabul city on 10 August 2014. Four civilians were killed and 34 others injured.

In 2014, UNAMA documented 107 separate suicide and complex attacks, which resulted in 1,582 civilian casualties (371 killed and 1,211 injured), a 28 per cent increase from 2013.¹¹⁹ Suicide and complex attacks were the third leading cause of civilian deaths and injuries in 2014, after ground engagements and IEDs.

The Taliban publicly claimed responsibility for 56 suicide and complex attacks, which caused 817 civilian casualties (172 deaths and 645 injured). For example, on 8 July, a Taliban suicide attacker on a bicycle detonated his explosive targeting a joint ISAF and ANP patrol in Bagram district, Parwan province. The soldiers were distributing school stationary to children. The explosion caused 20 civilian casualties (12 killed including 10 children and eight injured including six children, a man and a woman). ISAF suffered 12 casualties, while ANP suffered three. The Taliban claimed responsibility and stated having killed 15 ISAF troops.

UNAMA documented several incidents of suicide attacks in which an error appeared to have taken place and the suicide device malfunctioned and detonated prematurely. In such incidents no party claimed responsibility. For example, on 15 July, a suicide bomber prematurely detonated a VB-IED in the bazaar area of Urgan district, Paktika

¹¹⁷ UNAMA definition of 'complex attack' refers to a deliberate and coordinated attack which includes a suicide device (i.e., BBIED, VBIED), more than one attacker and more than one type of device (i.e., BBIED AND mortars). All three elements must be present for an attack to be considered complex.

¹¹⁸ UNAMA interview, Kabul city, 28 October 2014.

¹¹⁹ In 2013, UNAMA documented 1,236 civilian casualties (255 killed and 981 injured) from complex and suicide attacks.

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province. The explosion caused 138 civilian casualties (43 killed including six boys and 95 injured including two boys). The power of the detonation completely destroyed 25 shops and 18 vehicles. In the same district, on 9 July, the Taliban had claimed responsibility for a suicide attack targeting ALP which killed three civilians and injured eight.

Deliberate targeting of civilians as well as the indiscriminate use of suicide IED tactics are serious violations of international humanitarian law which binds all parties to the armed conflict in Afghanistan.

Examples of suicide and complex attacks leading to civilian casualties:

- On 1 December, a suicide bomber detonated his explosive load at the bazaar area of Burka district, Baghlan province, during a funeral ceremony. The explosion caused 31 civilian casualties (nine killed and 22 injured including four boys).
- On 29 September, a suicide attacker detonated a body-borne IED in the airport area of Kabul targeting Afghan national security forces deployed to provide security for the presidential inauguration. The explosion caused 20 civilian casualties (five killed including one boy and 15 injured including two boys). Members of Afghan national security forces were also killed and injured in the attack. The Taliban claimed responsibility.¹²⁰
- On 10 August, a suicide bomber detonated a VB-IED targeting a convoy of international military forces in Kabul. The explosion caused 39 civilian casualties (four killed including two women, one boy and one man, and 35 injured including 14 children). The attack also damaged residential houses in the area. The Taliban claimed responsibility, stating that they had killed eight foreign troops and wounded “many others”.¹²¹
- On 24 July, a suicide attacker detonated a VB-IED in a crowded area of Khawaja Ghar district, Takhar province, targeting the ALP. The detonation resulted in 34 civilian casualties (11 killed, including an 11-year-old girl, and 23 injured, including one woman and six boys). No party claimed responsibility for the attack.

¹²⁰ See <http://shahamat-english.com/index.php/news/49798-martyr-attack-flares-up-near-kabul-international-airport>) and stated that they had killed “scores” of foreign troops.

¹²¹ See <http://shahamat-english.com/index.php/news/48074-7-killed-martyr-attack-hit-us-nato-convoy-2-armored-tanks-eliminated>.

November 2014 - Suicide attack at a volleyball game that caused 138 civilian casualties (53 killed and 85 injured)

On 23 November, a crowd of some 400 people - including many children - gathered in Yahya Khel district, Paktika province, to watch the final match of an inter-district volleyball tournament. At approximately 1700, as the Yahya Khel and Yousuf Kheldi district teams were facing off at the volleyball court with their supporters cheering, a suicide attacker disguised as a spectator detonated a body-borne improvised explosive device among the crowd. Members of the ALP - who were also watching the game - are believed to have been the target.

UNAMA documented 138 civilian casualties (53 killed including 21 children and 85 injured including 26 children). The attack also killed ten ALP members, including two local commanders.

The Yahya Khel attack killed more civilians than any other single incident since a 6 December 2011 suicide attack at the entrance of the Abulfazl mosque in Kabul, which killed 56 civilians and injured 195.



Medical reports seen by UNAMA highlighted the 'small bullets' found in many victims' bodies, which UNAMA observed were most likely ball bearings attached to the explosive load for the purpose of maximizing harm.

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Eyewitness and survivor accounts painted a devastating picture of how a joyful event bringing together residents of two districts turned into a terrible tragedy. *“We were all very happy and everyone was cheering on their own favourite team”, said one villager, “I was watching the game when I suddenly heard a terrible sound from the backlines, and something as powerful as a storm blew me away. I saw an intense light and then badly fell back on the ground.”*

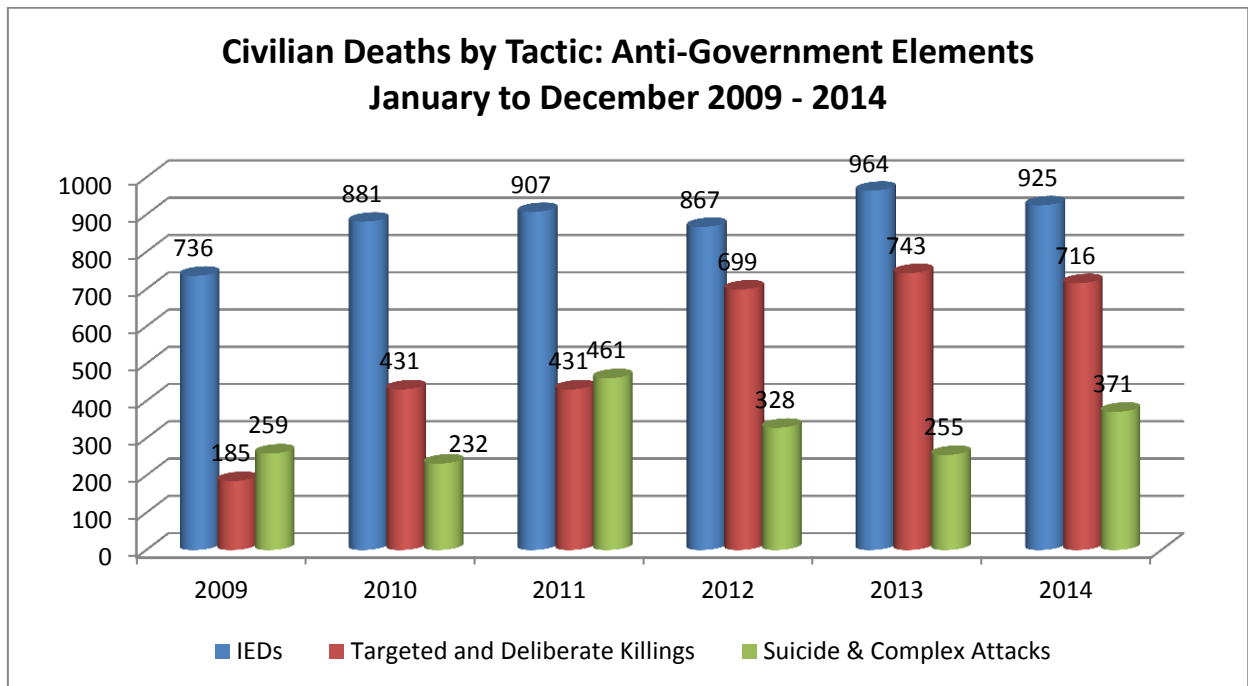
A young boy who was also among the crowd told UNAMA: *“Our home is close to the playground, so on that day I went there to watch the volleyball match with my brother and cousin. ... I walked faster, and made to the front line. There were hundreds and hundreds of people, young, old, children...We were very happy and cheering on both teams. ... I watched the match with two of my classmates, and we were really enjoying it. When the explosion occurred, I was blown several meters away. ... There were a lot of dead bodies around me, and the ground was covered with blood. I felt scared and I burst into tears.”*

No party to the conflict claimed responsibility for the attack. UNAMA condemned the incident as an ‘indiscriminate attack [demonstrating] a complete disregard for civilian lives’, emphasizing that the indiscriminate use of explosives in civilian populated areas is a serious violation of international humanitarian law and may amount to a war crime.¹²² The United Nations Security Council also condemned the attack, highlighting the need to bring the perpetrators to justice.¹²³ The Taliban condemned the attack and announced they were investigating the incident.¹²⁴

¹²² UNAMA Press Release, “UNAMA Strongly Condemns Suicide Atrocity that Killed at least 50 Civilians and Injured 60,” 24 November 2014 at <http://unama.unmissions.org/>.

¹²³ UN Security Council, Press Release, 24 November 2014, SC/11664-AFG/431.

¹²⁴ See <http://alemara1.org/index.php/paighamoona/59712>, 25 November 2014 (last accessed 27 January 2015).



War Crime of Murder: Targeted Killings of Civilians

Targeted killings accounted for 11 per cent of all civilian casualties in 2014. UNAMA documented 1,114 civilian casualties (753 deaths and 361 injured) in 668 different incidents targeted killings,¹²⁵ a five per cent drop from 2013.¹²⁶

Of the 1,114 civilian casualties from targeted killings, 96 per cent – 1,069 civilian casualties (716 deaths and 353 injured) – were attributed to Anti-Government Elements. These included killings of tribal elders, civilian Government officials, mullahs and civilian justice officials.

Of the 1,069 civilian casualties from targeted killings attributed to Anti-Government Elements, the Taliban claimed responsibility for 103 separate incidents of targeted killings, which resulted in 203 civilian casualties (136 deaths and 67 injured), more than doubling the number of incidents claimed by the Taliban in 2013.¹²⁷ Incidents of targeted killings claimed by the Taliban included district authorities, mullahs, tribal elders, daily-waged labourers, teachers, election workers and judicial authorities.

¹²⁵ The category of targeted killings also includes some cases of killings where the victim was in the perpetrator's custody at the time of the killing, as opposed to targeted killings, where the victim is not in the perpetrator's physical custody, see *Glossary*.

¹²⁶ In 2013, UNAMA documented 474 civilian casualties (337 deaths and 137 injured) from targeted killings.

¹²⁷ In 2013, the Taliban claimed responsibility for 52 targeted killing incidents which resulted in 116 civilian casualties (93 deaths and 23 injured).

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UNAMA attributed 45 civilian casualties (37 deaths and eight injured) from 28 incidents of targeted killings to Afghan security forces and Pro-Government militia groups.¹²⁸

Beheadings of civilians for 'spying for the Government'

Of the 1,114 civilian casualties from targeted killings and killings where the victim was in the custody of the perpetrators, UNAMA documented 12 incidents in which Anti-Government Elements beheaded 17 civilians.¹²⁹ In all but one incident where the motive could not be ascertained, Anti-Government Elements had abducted and beheaded 16 civilians, accusing them of spying for the Government or punishing them for supporting Afghan national security forces.

In nine of the 12 beheading incidents, local residents and authorities attributed responsibility to the Taliban, one incident to Tahrik Taliban Pakistan and the remaining two incidents to other Anti-Government Elements.

- On 10 December, the beheaded body of a civilian was found in the Shekha area of Deh Bala district, Nangarhar province. Residents confirmed that the man was a civilian driver whom the Taliban had accused of spying and assisting the Government.
- On 5 December, a group of Anti-Government Elements abducted four civilian men in Deh Bala district, Nangarhar province. Local residents found the beheaded bodies of the four victims on 8 December and stated that local Taliban had accused the men of spying and supporting the Government.
- On 25 November, local residents found the beheaded body of a tribal elder in Dangam district, Kunar province. Residents and local authorities reported that a group of Tahrik Taliban Pakistan stopped the tribal elder's vehicle and beheaded him. On 27 November, the Taliban released a statement denying their involvement in the incident stating an intention to search for the perpetrator.¹³⁰
- On 26 August, Anti-Government Elements beheaded a local mullah in Bala Buluk district, Farah Province. Local sources confirmed the victim had continued to deliver funeral prayers for Afghan security forces, despite previous threats from the Taliban to cease such activities.
- On 1 July, residents found the beheaded body of a 15-year-old boy in Mohammad Agha district, Logar province. Although no party claimed

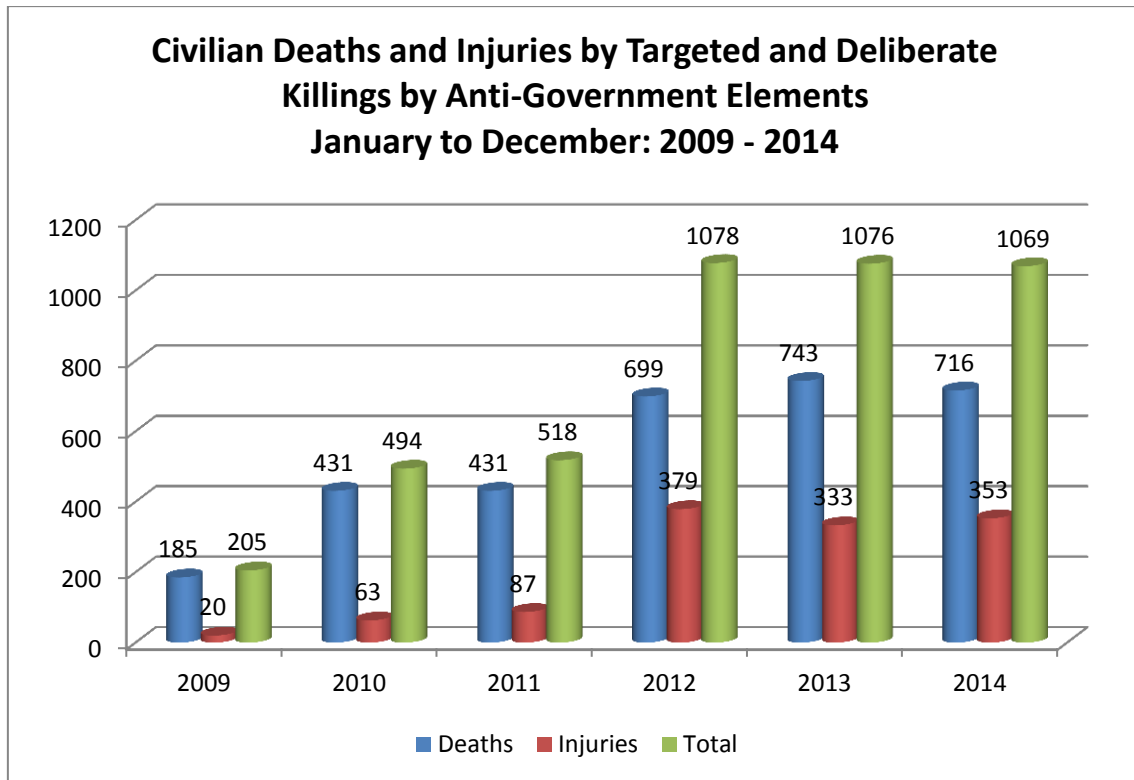
¹²⁸ Targeted killings by international military forces during aerial operations, usually RPA, covered in Section III, Pro-Government Forces and the Protection of Civilians, Aerial Operations.

¹²⁹ In 2013, UNAMA documented seven incidents, in which 13 civilians were beheaded.

¹³⁰ See <http://shahamat-english.com/index.php/news?start=1500>.

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responsibility for the killing, sources accused the Taliban, stating the child was the son of a former ANA officer.



Attacks against judges, prosecutors and judicial institutions

In 2014, UNAMA documented 40 incidents of Anti-Government Elements deliberately targeting judges, prosecutors and judicial institutions through complex attacks, targeted killings, grenade attacks and abductions. These attacks caused 90 civilian casualties (37 deaths and 53 injured) – mostly judicial authorities – and destroyed or damaged several courthouses.¹³¹

The reduction in 2014 of civilian casualties from attacks against the judiciary appeared to result from fewer complex and suicide attacks against judicial institutions by Anti-Government Elements.

UNAMA welcomes the reduction in complex attacks against judicial institutions but notes continued concern with the deliberate targeting and killing of judges and prosecutors, in particular by the Taliban. In their 8 May 2014 statement announcing the commencement of their '*Khaibar*' Spring Offensive, the Taliban declared the intention to "*target all high ranking government officials, cabinet ministers, members of*

¹³¹ In 2013, UNAMA documented 41 separate incidents of such attacks, recording 233 civilian casualties (59 deaths and 174 injured).

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*Parliament, security officials, occupation backing officers in the Interior and Foreign Ministries, attorneys and judges that prosecute Mujahideen.*¹³²

Of the 40 incidents of attacks against judges, prosecutors and judicial institutions in 2014, UNAMA documented 26 separate incidents where Taliban or Anti-Government Elements deliberately targeted and killed (or attempted to kill) individual judges and prosecutors, resulting in 35 civilian casualties (19 deaths and 16 injured). The Taliban claimed responsibility for 12 of these incidents on their website. For example, on 27 October, the Taliban attacked the appellate prosecution office in Kunduz city, Kunduz province. The attackers caused 18 civilian casualties (eight killed including six prosecutors, one security guard and one visitor and 10 injured including seven prosecutors, one female cook and two security guards). The Taliban claimed responsibility and stated they had killed 11 public attorneys and 13 members of security forces.

Direct attacks against civilians or civilian objects – which include judicial officials and courthouses - are a serious violation of international humanitarian law which may amount to war crimes.¹³³

Examples of attacks against judges, prosecutors and judicial institutions:

- On 27 August, the Taliban shot and killed a judge working in the Internal/External Crimes Division of the Farah Appeals Court. The Taliban claimed responsibility for the killing, noting that he was targeted for harsh sentencing of Taliban members.
- On 21 December, the Taliban planted an RC-IED near the home of a district prosecutor in Alishing district, Laghman province, and detonated the device as the prosecutor left his home, killing him on the spot. The Taliban claimed responsibility for the incident on their website.

Threats and Attacks against Religious Figures and Places of Worship

Attacks deliberately targeting civilian mullahs and places of worship increased in 2014, with UNAMA documenting 61 civilian casualties (19 deaths and 42 injured), a 110 per cent increase from 2013. UNAMA recorded 25 such attacks with 20 attacks perpetrated by Anti-Government Elements, including 17 incidents of targeted killings of mullahs, two IED attacks in a mosque and the abduction of a mullah.

¹³² Statement of Leadership Council of Islamic Emirate regarding the commencement of the annual spring operation named 'Khaibar', available at: <http://www.shahamat-english.com/index.php/paighamoon/44468-statement-of-leadership-council-of-islamic-emirate-regarding-the-commencement-of-the-annual-spring-operation-named-'khaibar>.

¹³³ See articles 8(e) (i) and 8(e)(xii) of the Rome Statute. See also Rule 7 ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

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In the 17 instances of deliberate killings of mullahs, Anti-Government Elements, including the Taliban, carried out the killings through: IEDs, executions by shooting and beheadings. The Taliban claimed responsibility for two of the killings, although local sources attributed most of the killings directly to the Taliban.

In August 2014, UNAMA documented three separate incidents of pro-Government mullahs being attacked and killed on the same day (27 August). In one instance, Anti-Government Elements shot and killed a mullah in front of his mosque in Arghandab district, Kandahar province. Also on 27 August, Anti-Government Elements shot and killed a mullah from Trin Kot district, Uruzgan province, as he was leaving an ANP base, where he served as the base's mullah. In the third killing on 27 August, a large group of armed Taliban abducted a 42-year old pro-Government scholar and mullah, and later shot and killed him in Achin district, Nangarhar province. Prior to this killing, local Taliban had warned the mullah to discontinue his preaching against the Taliban's targeted killings and other incidents of civilian casualties. Although the Taliban claimed responsibility for the killing at the local level, there was no official or public claim of Taliban responsibility.

International humanitarian law which binds all parties to the conflict including the Anti-Government Elements and the Taliban prohibits deliberate attacks against civilians and civilian property, including places of worship, and places a specific obligation on parties to enable religious personnel to carry out their work. Article 9 of Protocol II to the Geneva Conventions states, "Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties."¹³⁴ International humanitarian law further prohibits acts directed against people and places of worship which constitute the cultural or spiritual heritage of peoples.¹³⁵

UNAMA also notes the Government's specific responsibility under international law to protect mullahs and mosques from attacks.¹³⁶

Representative examples of attacks against mullahs and places of worship:

¹³⁴ Article 9 on protection of medical and religious personnel, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. UNAMA also notes Article 18 ICCPR: 1. "Everyone shall have the right to freedom of thought, conscience and religion". Under Article 4 2, "no derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision."

¹³⁵ *Ibid.* See also ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}. See also Article 16 of Additional Protocol II.

¹³⁶ The obligation to respect and protect religious personnel is set forth in Article 9 of Additional Protocol II. It is also a war crime to intentionally direct attacks against buildings dedicated to religion (provided they are not military objectives), see Art. 8(e) (iv) of the Rome Statute. The respect for and protection of religious personnel is also considered a norm of customary international humanitarian law. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}. Rule 27- Religious Personnel.

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- On 28 November, an IED detonated in the Kaga Bazaar mosque in Khogyani district, Nangarhar province, during Friday prayer. The blast injured 34 civilians, including the *imam* of the mosque. A Taliban spokesperson denied their involvement and condemned the attack, blaming the Afghan Government.
- On 13 September, Anti-Government Elements abducted the *iman* of the Haji Talib mosque in Shahid e Hassas district, Uruzgan province. The next day the ANP discovered the *iman*'s dead body, beheaded. Prior to his death, the *iman* had publicly condemned the activities of Anti-Government Elements during Friday prayers.
- On 13 August, the Taliban killed a mullah in front of his home in Passaband district, Ghor province, Surkhak village. Reportedly the victim was anti-Taliban and had recently delivered a speech against the collection of *ushr* (illegal tax) by Taliban.

Parallel Justice Structures: executions, amputations, beatings and other criminal acts

Two Taliban on a motorcycle, armed with AK-47, led us to the open area where the executions would be taking place. We saw some 500 people there, but the crowd soon grew to 1,000 people or so. The whole area was controlled by the Taliban – we saw at least 150-200 of them, all armed with AK-47s, PKs and RPGs. There were no Afghan national security forces present; how could they have possibly stopped the executions with all those fighters around? Two mullahs delivered a speech to the crowd, explaining under Sharia law, the families of the victims were entitled to revenge, and the three criminals should be killed. Three Taliban arrived in a grey Land Cruiser and brought the three alleged culprits with their hands and feet tied to the front of the crowd. A Taliban shot and killed the first man with an AK-47. The other two turned to the Taliban, then to the crowd – before being shot dead. As the three bodies lay on the ground, the Taliban again opened fire on the men. The executioners then left the area, followed by the two mullahs. As the crowd gathered around the bodies to identify them, the father of one of the victims approached his son's body – crying – and collected the body without saying a word.

-- Eyewitness to summary executions carried out by the Taliban in Gardez district, Paktya province, 29 September 2014.¹³⁷

In 2014, UNAMA documented 49 incidents of Anti-Government Elements, including Taliban, punishing civilians for alleged infractions of *sharia law*, perceived offences and allegations of spying. Incidents included Anti-Government Elements carrying out summary executions, beheadings, amputation of body parts, beatings, lashings and

¹³⁷ UNAMA interview with eyewitness Gardez, Paktya province, 2 October 2014.

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illegal detention were also documented.¹³⁸ UNAMA notes that parallel judicial structures are illegal and have no legitimacy or basis under the laws of Afghanistan. Punishments meted out by these structures amount to human rights abuses, criminal acts under the laws of Afghanistan, and in some circumstances, war crimes.¹³⁹

Death sentences,¹⁴⁰ amputations and other punishments by Anti-Government Elements resulted in 96 civilian casualties (81 deaths, 15 injured). This represents an almost four-fold increase in the number of civilian casualties from such acts compared to 2013.¹⁴¹

In the majority of incidents documented in 2014, Anti-Government Elements executed civilians they suspected of spying for the Government, working for the Government or of committing criminal acts as defined by Anti-Government Elements. For example, on 25 October, Taliban stopped a public transport bus in Qabr Mir area, Pur Chaman district, Farah province, and abducted one of the passengers, an off-duty ANP. The Taliban transferred him to another location. After reportedly torturing him to confess that he was an ANP officer, the Taliban executed him. The Taliban claimed responsibility for killing an ‘arbaki’ by the same name and at the same place on their website.¹⁴²

Parallel judicial structures were documented in most regions of Afghanistan, although primarily in areas controlled by Anti-Government Elements.¹⁴³ Throughout 2014, UNAMA received accounts from communities that Anti-Government Elements were increasingly able to operate parallel justice structures, particularly in those districts with limited or absent official justice institutions. UNAMA continued to receive reports

¹³⁸ All incidents of civilian casualties from parallel judicial system punishments recorded by UNAMA were carried out by Anti-Government Elements. UNAMA records instances of deaths and injuries from such procedures, whether the punishment was directly linked to the conflict, i.e. execution of the father of an ANA soldier or was carried out by Anti-Government Elements against a civilian in relation to a non-conflict related infraction, i.e. public lashing for adultery. Common Article 3 protects civilians through the explicit prohibition of murder, violence, passing of sentences and carrying out of executions without respect for fair trial standards, torture, mutilation and other forms of violence. These acts are prohibited at any time and in any place whatsoever. See the *Legal Framework* section of this report for further details on the applicability of Common Article 3 in Afghanistan.

¹³⁹ Refer to the *Legal Framework* section of this report for a definition of ‘war crimes’.

¹⁴⁰ UNAMA considers parallel judicial structure executions to include those intentional, premeditated and deliberate killings of an individual who is present in the perpetrator’s physical custody (as opposed to targeted killings that require the victim not to be in the perpetrator’s physical custody) when the killing is imposed for the purpose of punishment, i.e. killing of religious leader for delivering funeral ceremony to deceased Afghan national security force member, despite warnings not to. UNAMA considers such incidents ‘murder’ as defined under international humanitarian law applicable in the non-international conflict in Afghanistan.

¹⁴¹ In 2013, UNAMA documented 23 civilian casualties (19 civilian deaths and four injured) in 23 incidents of parallel judicial structure punishments.

¹⁴² See <http://shahamat-english.com/index.php/news/50700-arbaki-commander-killed-in-parchaman>.

¹⁴³ UNAMA documented such punishments in all regions of Afghanistan except for the Central Highlands.

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alleging corruption and incompetence in the Government's district courts, as well as allegations that judicial authorities had failed to follow procedures that would enable the resolution of cases in a fair, timely and transparent manner. UNAMA observed that although some communities voluntarily choose the Taliban courts, a number of reports were received of Anti-Government Elements, particularly Taliban, forcing local communities to comply with their parallel judicial structures.

Due to the inherent illegality of these mechanisms, UNAMA views the use of these structures and resulting punishments as human rights abuses. UNAMA analysis does not evaluate alleged procedural elements reported by communities according to recognized international human rights standards, for example, fair trial standards.

Parallel Justice System in Northern Helmand

During consultations in Lashkar Gah district, Helmand province, throughout 2014, interlocutors consistently informed UNAMA that the deteriorating security situation in north Helmand negatively impacted the effective functioning of the formal justice system.

On-going attacks against Government offices and explicit threats against judicial employees forced judges and prosecutors from Sangin, Naw Zad, Wa Sher, Musa Qala and Kajaki districts to relocate to the provincial capital, Lashkar Gah to conduct their work 'remotely.' In effect, this forced petitioners to make the dangerous journey to Lashkar Gah from outlying districts if they wished to submit claims and pursue cases.

While the functioning of the formal justice sector in north Helmand weakened, residents increasingly relied on 'parallel judicial structures' implemented by the Taliban to resolve disputes. In addition to difficulties in accessing the formal structures, the acceptance of parallel judicial structures at the district level was observed to stem from a deep-rooted distrust of the formal justice sector which maintained a solid reputation for corruption and perceived as ineffective in delivering justice.

During consultations with UNAMA, interlocutors also raised concerns that alleged perpetrators who maintained strong connections with the Taliban enjoyed effective impunity within the parallel courts. Interlocutors reported however that corruption and impunity in the Taliban courts was less than they had experienced in the formal system.

In WasSher district, for example, UNAMA interviews found that no people referred cases to the formal justice sector, and that the Taliban handled all civil and criminal matters with the Taliban-run judicial system viewed as less corrupt.

In Sangin district, interlocutors stated that cases referred to the parallel justice structures were addressed by a panel of two or three prominent Taliban figures, who were local residents. The procedure foresaw an invitation letter sent by the 'tribunal' to the respondent following a complaint. If the respondent ignored the "summons", armed insurgents would enforce the 'invitation.' The panels' rulings mainly concerned civil cases, and often included disputes that occurred in areas under Government control.

In criminal cases the local Taliban 'tribunal' was not competent to rule and no decision could be made without involvement of more senior figures in Quetta, Pakistan. In some instances, the tribunal panel was replaced by a single person – often a religious figure – who the Taliban recognized and could rule on his own on the insurgents' behalf.¹⁴⁴

¹⁴⁴ UNAMA interviews with community representatives, tribal elders and other civilians from north Helmand, May through December 2014, Kandahar city, Kandahar province and Lashkar Gah, Helmand province.

Impunity of Anti-Government Elements carrying out summary executions, amputations and punishments

In certain districts, the Government's inability and absence of action to hold perpetrators – members of Anti-Government Elements - accountable for crimes including executions, amputations and other punishments - may amount to a violation of human rights, under the principle of due diligence.¹⁴⁵ Moreover, acts such as summary or arbitrary executions, amputations and mutilation are considered to be serious violations of international humanitarian law and amount to war crimes. Common Article 3 of the Geneva Conventions explicitly prohibits punishments carried out by such 'judicial' systems. Specifically, Common Article 3 prohibits(a) "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" and prohibits (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".

UNAMA observed that lack of accessibility, combined with reports of judicial corruption and the perceived ineffectiveness of formal justice institutions at the district level led to an increase in parallel justice structures in adjudication of civil and criminal cases in several areas of the country.

UNAMA reiterates the imperative need for the Government to strengthen formal rule of law institutions, in particular to address judicial corruption and accessibility to build confidence in the formal justice system. Ongoing impunity for unlawful killings and punishments by Anti-Government Elements in parallel justice structures further undermines the Government's authority, weakens the rule of law and reduces protection of civilians.

Examples of killings carried out through parallel justice mechanisms:

- On 6 November, in Aqcha district, Jawzjan province, Taliban members stopped two men while they were extorting money from passengers of passing vehicles in Aqcha district, Jowzjan province. The Taliban shot and killed both men and placed a notice in their pockets stating that whoever commits robbery will face similar consequences. The Taliban claimed the incident on their website.¹⁴⁶
- On 29 September, the Taliban executed three civilians in Gardez city, Paktya province, after accusing them of common crimes. A mullah had notified the community of the impending executions through the mosque's loudspeakers.

¹⁴⁵ The due diligence standard states: "Although an illegal act which violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it." Inter-American Court of Human Rights, 1988 judgment in the Velasquez-Rodriguez case (a series of disappearances committed by non-state actors). See also Human Rights Committee, General Comment no 31, para. 18.

¹⁴⁶ See Taliban public website, <http://shahamat-english.com/index.php/news/>.

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Once a large crowd had gathered, a Taliban representative read the judgment aloud, stating the three individuals had been involved in cases of murder and robbery, and in accordance with the Sharia law, were sentenced to death. The Taliban executioner shot and killed the men and ordered that the bodies be left in the open as a warning.

- On 26 September, Taliban members shot and killed three alleged criminals in front of a crowd of approximately 1,000 people in Zurmat district, Paktya province. The Taliban announced that the three men had abducted a 7-year-old child and requested a PKR 5,000,000 ransom from the child's father. As the father had not been able to pay the ransom, the alleged kidnappers had eventually killed the child and delivered his dead body to his family. After the execution, the Taliban had the three bodies hung and ordered they not be removed for three days.
- On 14 August, the Taliban executed five civilians in Kajaki district, Helmand province, suspected of kidnapping civilians for ransom. The Taliban hung the five persons from a power pole to be seen by the residents. The Taliban claimed responsibility on their public website.¹⁴⁷
- On 1 August, the Taliban stopped two civilians (father and son) traveling in a private vehicle in Passaband district, Ghor province, abducted, shot and killed both men. The father was a well-known religious figure. The Taliban claimed responsibility for the killings on their website, claiming they killed a commander and his *arbaki* son in an ambush.

Targeted killing of civilians in the Western Region

Throughout 2014, UNAMA observed a rising pattern of Anti-Government Elements targeting and killing civilians in the western region.¹⁴⁸ In 2014, UNAMA documented 86 incidents of targeted killings in the region¹⁴⁹ that caused 174 civilian casualties (128 deaths and 46 injured) a 78 per cent increase compared to 2013. Of these 174 civilian casualties from targeted killings, 96 per cent were attributed to Anti-Government Elements and four per cent to Afghan security forces.

The civilian victims included judges, prosecutors, civilian Government administration staff, religious leaders, education officials, electoral workers and campaigners, health care workers, aid workers, and persons perceived to support the Government, off-duty

¹⁴⁷ Ibid. <http://shahamat-english.com/index.php/news/48230-5-kidnappers-brought-to-justice-in-kajak>.

¹⁴⁸ "Targeted killing" is defined as the intentional, premeditated and deliberate use of lethal force by States or their agents acting under colour of law (or by an organised armed group in armed conflict) against a specific individual who is not in the perpetrator's physical custody. However, the category of targeted killings also includes some cases of wilful killing, *i.e.*, killings where the victim was in the custody of the perpetrator at the time of the killing. See *Glossary and Definitions* sections of this report.

¹⁴⁹ Including Herat, Badghis, Ghor, and Farah provinces.

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police and civilians who were reported to have disobeyed orders of insurgent groups. Some incidents appear to have targeted civilians from a specific ethnic group. For example, on 25 July, Anti-Government Elements stopped two buses in Bad Gah area, Chagcharan district, Ghor province, and ordered 14 of the passengers, including three women, out of the vehicles, and opened fire, killing all 14 civilians. The victims were predominantly from the Hazara community, but also included government-affiliated persons from other ethnic groups.

UNAMA observed that the killings often followed a series of threats issued to the victims. For example, a friend of a government worker killed in Pusht Rod district, Farah province, on 28 September by an Anti-Government Elements told UNAMA:

“On the day of incident, I spoke with my friend for a long time. He told me that he was in danger and that the Taliban had repeatedly instructed him to leave his position [as a civil servant in the Government]. He said that today was not the first time the Taliban threatened him, but the tenth time. He was worried to go home, but he did go, and he was stopped by the Taliban close to Kohjar village. The Taliban were hiding inside a school in the area and they killed him.”¹⁵⁰

Of the 174 civilian casualties from targeted killings, the Taliban claimed responsibility for 28 incidents which resulted in 56 civilian casualties (40 deaths and 16 injured). For example, on 18 February, the Taliban shot and killed a prominent tribal elder in Shahrak district, Ghor province. The Taliban claimed responsibility for his killing. On 7 September, when a local elder was returning to his home in Muqur district, Badghis province, a group of Taliban shot and killed him because he had refused to allow a Taliban burial in his village.

UNAMA also recorded an increase in targeted killings of civilians by Afghan security forces with four documented incidents that killed six civilians and injured one, compared to one incident in 2013 in the region. Most killings followed an attack on Afghan national security forces. For example, on 16 December, following an IED attack that injured two of them, Afghan National Army soldiers opened fire on a group of unarmed civilians, killing two and seriously injuring a third.

¹⁵⁰ UNAMA interview with victim's friend, Farah province, 30 September 2014.

Arson attacks by the Taliban against civilian houses in the Eastern region

Between 1 August and 31 December, UNAMA documented 10 incidents of Taliban members burning homes of civilians who had expressed political or verbal opposition to the Taliban. All attacks took place in Kunar, Nangarhar and Nuristan provinces, in the eastern region of Afghanistan. The majority of homes the Taliban burnt belonged to civilian Government employees, members of Afghan national security forces or members of anti-Taliban uprising groups.

Affected communities and civilians described the house burnings as acts of intimidation intended to spread terror and serve as collective punishment for individuals and families perceived as pro-Government. Burning civilian houses as a means of intimidation or collective punishment had not been widely documented before in the conflict¹⁵¹, with recent incidents in eastern Afghanistan an extremely concerning trend.

The destruction of civilian houses by any party to the conflict is illegal and causes massive suffering and hardship for the people and communities affected. The loss of a residential home and surrounding farm land impacts an entire family, often resulting in displacement of entire families and communities, exacerbation of poverty and other negative economic and social consequences including loss of livelihood and access to basic services.

Prohibition of house-burnings under international humanitarian law

International humanitarian law applicable in a non-international armed conflict prohibits attacks on civilian objects in general¹⁵². The illegal character of such attacks is not disputed by the Taliban, who regularly include the allegations accusing Pro-Government Forces of burning civilian homes in their monthly war crimes report. On 16 November 2013, the Taliban published a statement on their website denying responsibility for burning 15 houses in Khas Kunar district, Kunar province, and claiming that “[o]ur Mujahideen are, in no way, allowed to resort to burning the public places or homes.”¹⁵³ UNAMA verified that on 10 November 2013, the Taliban had burnt 15 houses belonging to families of ALP members.

¹⁵¹ Although a rare occurrence, reports have been made of house-burning as one of the available punishments in the traditional justice system. LANDINFO, *Report Afghanistan: Blood feuds, traditional law (pashtunwali) and traditional conflict resolution* (2007), available at: http://landinfo.no/asset/1940/1/1940_1.pdf.

¹⁵² Sivakumaram, S. *The Law of Non-International Armed Conflict* (Oxford University Press, 2012) p. 342. Note: Although international humanitarian law does not define ‘civilian objects’ per se, all objects which are not military objectives are considered civilian objects. Military objectives are defined as “those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage”, a definition that clearly excludes private houses that accommodate civilian individuals and families.

¹⁵³ Taliban statement, “Zabihullah Mujahid dismisses irrational media reports over torching houses”, 14 November 2013, available at: <http://shahamat->

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Collective punishments are also prohibited under international humanitarian law (based on customary law applicable to non-international armed conflicts) which holds that criminal sanctions and punishments of any kind, including “harassment of any sort, administrative, by police action or otherwise”, can only be applied on the basis of individual responsibility.¹⁵⁴ Collective punishments also constitute a violation of several specific human rights, including the right to a fair trial.¹⁵⁵

Many of the documented attacks against residential houses targeted the homes members and supporters of local community uprisings against the Taliban in different parts of Afghanistan. Some of these uprisings by civilians may have been encouraged by pro-Government elements active in a particular area. UNAMA notes that encouraging or arming civilians to confront the Taliban puts civilians increasingly at risk, renders it more difficult to clearly distinguish between civilian and combatants and indicates a failure by Government authorities to comply with their duty to protect civilians.

As seen in the examples below, the frequency of house burnings by the Taliban sharply increased in the second half of the 2014:

Kunar province

- On 13 August, Taliban fighters entered the house of an ALP member in Nari district, Kunar province, forcefully evicted his family and set the house on fire.
- On 10 September, the Taliban attacked several ALP check posts with heavy and small arms fire in Marawara district, Kunar province. The ALP responded to the attack. On 10 and 11 September, Taliban members burnt 10-20 houses of local families whom they believed supported the ALP. The Taliban claimed responsibility for the attack against the ALP but not the house burnings.
- On 27 October, the Taliban attacked a check post of Afghan national security forces in Marawara district, Kunar province, with heavy and small arms fire. Afghan national security forces responded to the attack. Later on the same day, the Taliban burnt at least 10 empty houses of locals whom they believed were Government supporters. The Taliban claimed responsibility for the attack on Afghan national security forces, but not for the burning of civilian houses.

english.com/index.php/paighamoon/39654-zabihullah-mujahid-dismisses-irrational-media-reports-over-torching-houses, last accessed 2 February 2015.

¹⁵⁴ Customary international humanitarian law, Rule 103, available at:

https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule103, last accessed 2 February 2015.

¹⁵⁵ In its General Comment on Article 4 of the International Covenant on Civil and Political Rights (concerning states of emergency), the UN Human Rights Committee also stated that States parties may “in no circumstances” invoke a state of emergency “as justification for acting in violation of humanitarian law or peremptory norms of international law, for instance ... by imposing collective punishments.”

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- On 22 November, Taliban fighters set fire to the house of a civilian Government official in a Taliban-controlled area of Chapa Dara district, Kunar province, which had been empty for two years.
- On 13 December, the Taliban attacked check posts established by members of an anti-Taliban uprising group in Dangam district, Kunar province. Members of the uprising group responded to the attack with fighting over several days. Taliban members entered several villages and burnt 10 houses belonging to members of the uprising who were displaced.

Nuristan province

- On 1 August, the Taliban conducted a coordinated attack against Afghan national security forces in Bargi Matal district, Nuristan province, with heavy weapons and small arms, which caused six civilian casualties (four killed and two injured). The Taliban also burned a library and eight houses belonging to Government supporters and an anti-Taliban uprising group.
- On 20 August, clashes between the Taliban and the ANP in Du Ab district, Nuristan province, resulted in the killing of six civilians in three different villages of the district. Taliban members also reportedly searched civilian homes and set on fire homes of pro-Government families.
- On 31 December, the Taliban set fire to the house of a member of Parliament in Waygal district, Nuristan province. The incident took place in the context of the Taliban's recent demand to the local community to either leave their Government jobs, leave the area or pay taxes to the Taliban.

Nangarhar province

- On 23 September, Taliban fighters conducted coordinated attacks against ALP check posts in Dur Baba district, Nangarhar province. They also burnt at least 20 civilian houses of families of Government supporters and ALP members.
- On 24 September, Taliban fighters burnt 10-15 civilian houses in Dur Baba district, Nangarhar province, which families had vacated following a warning by the Taliban to evacuate the area.

In the first seven weeks of 2015, UNAMA continued to document the burning of civilian houses by Anti-Government Elements including in other regions of Afghanistan. UNAMA reminds all parties to the conflict of the illegality of deliberately destroying residential homes and the harsh humanitarian consequences for civilians and communities from such attacks.

Taliban claims of responsibility for attacks impacting civilians

In 2014, the Taliban publicly claimed responsibility¹⁵⁶ for 382 attacks which resulted in 1,682 civilian casualties (542 killed and 1,140 injured). Of these 382 attacks, 236 appeared directed at Afghan security forces, international military forces and Pro-Government armed groups, while 143 attacks deliberately targeted civilian objectives,¹⁵⁷ including attacks against tribal elders, humanitarian de-miners, civilian Government or justice sector employees, or aid workers. UNAMA was unable to determine the target in three incidents claimed by the Taliban. See Annex 1 of this report for a detailed breakdown of attacks claimed by the Taliban including target type.

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

- Suicide attack at Kabul Bank, Lashkargah City, Helmand - On 17 December, two men wearing BBIED's entered the Kabul bank in Lashkargah city, Helmand. One BBIED detonated causing 16 civilian casualties (three killed and 13 injured). Three ANP were also killed and four injured. The Taliban claimed responsibility for the attack.¹⁵⁸
- Suicide attack at French Cultural Institute, Kabul city - On 11 December, a suicide attacker entered the auditorium of the French Institute of Kabul and detonated his suicide vest during 'Heartbeat: the silence after the explosion', a theatre performance highlighting the impact of suicide attacks on the life of Afghan people. The attack caused 12 civilian casualties (two killed and 10 injured). A Taliban spokesperson claimed responsibility stating the performance was targeted because it attempted "to humiliate Islamic values and spread propaganda about our jihadi operations." The Taliban stated the attack was also a warning to media outlets and civil society organizations, that they would be targeted if they organized such events.¹⁵⁹
- Attack against development NGO, Kabul city- On 29 November 2014, three Taliban gunmen threw two hand grenades into the compound of an NGO "Partnership in Academics and Development" in Kabul city, entered the

¹⁵⁶ In addition to claims of responsibility, on 15 September, the Taliban released a list of 188 persons they claimed responsibility for killing. The list included members of Afghan security forces, and civilians including district governors, prosecutors, judges, IEC members and contractors. Due to the lack of detailed information (only titles and/or names were provided), UNAMA could not verify the identities of all listed persons. The 188 individuals are not included in the 1,882 civilian casualties verified by UNAMA in 2014.

¹⁵⁷ By 'civilian' UNAMA refers to civilians or civilian objects that could not be considered combatants or lawful targets, unlike ANP and NDS members (who hold combatant status when directly participating in the hostilities).

¹⁵⁸ Taliban operations reporting for 17 December 2014, available at: <http://justpaste.it/ihmt>, last accessed 4 February 2015.

¹⁵⁹ Statement issued on the Twitter account of a Taliban spokesperson, 11 December 2014 at <https://twitter.com/zabihmujahid>.

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compound and deliberately shot at unarmed civilians hiding in different parts of the compound. The attack resulted in 11 civilian casualties (five killed and six injured). The NGO was supporting education by funding several secondary schools and offering English language, mathematics and computer courses. The Taliban claimed responsibility for the incident.¹⁶⁰

- VB-IED attack against British Embassy vehicle, Kabul city - On 27 November, a VB-IED targeted two vehicles of the British Embassy carrying civilian personnel in Kabul city, resulting in 41 civilian casualties (five killed and 38 injured including 11 children and one woman). A Taliban spokesperson claimed responsibility on social media.¹⁶¹
- Attack against provincial prosecutor's office, Kunduz city - On 27 October, Taliban fighters attacked the prosecutor's office in Kunduz city, Kunduz province, causing 18 civilian casualties (eight killed and ten injured). The Taliban claimed responsibility.¹⁶²
- Killing of 12 daily wage workers, Qala-e-Kah district, Farah province - On 30 August 2014, in Qala-e-Kah district, Farah province, Taliban ambushed a group of daily wage workers on their way to work at the border resulting in 17 civilian casualties (12 killed and five injured). The Taliban claimed responsibility for the incident stating their fighters had killed *Arbaki*.¹⁶³

UNAMA reiterates that international humanitarian law prohibits all attacks directed at civilians (unless and for such time as they take direct part in hostilities) and civilian objects (unless and for such time they are military objectives). Such acts may amount to war crimes. UNAMA again notes that all parties to the conflict, including the Taliban, are bound by international humanitarian law.

Indiscriminate and or disproportionate attacks targeting security forces

In 2013, the Taliban claimed responsibility for 236 attacks targeting security forces which resulted in civilian casualties. These attacks occurred in public places using indiscriminate tactics and weapons striking military objectives and civilians or civilian objects without distinction¹⁶⁴ or were launched with the expectation that the attack might cause incidental loss of civilian life excessive in relation to the concrete and direct military advantage anticipated.

¹⁶⁰ Taliban report, 30 November 2014, available at: <http://shahamat-english.com/index.php/news/51294-all-news-29-11-14>, last accessed 4 February 2015.

¹⁶¹ Statement issued on the Twitter account of a Taliban spokesperson on 27 November 2014 at <https://twitter.com/zabihmujahid/status/53801788599175169>, last accessed 4 February 2015.

¹⁶² Taliban report, "24 killed in Kunduz operation", 27 October 2014, available at: <http://shahamat-english.com/index.php/news/50705-24-killed-in-kunduz-operation>, last accessed 4 February 2015.

¹⁶³ Taliban report, 31 August 2014, available at: <http://shahamat.info/index.php/news/55308-فراه-۱۱-کي-پښتکوۍ شول-زخمیان-۴-قتل-اربکیان>, last accessed 4 February 2015.

¹⁶⁴ See the sections on IED and Suicide and Complex Attacks of this report for further details.

Representative cases of disproportionate harm from attacks targeting armed forces:

- On 28 December, an IED detonated in front of a shop in Alingar district, Laghman province. The shop was located near an ALP check-point and was owned by a tribal elder who was a member of the district Afghan Social Outreach Program (ASOP). The detonation caused five civilian casualties (two killed, including the shop owner, and three injured including a 13-year-old boy). The Taliban claimed responsibility on their website.¹⁶⁵
- On 13 December, a 17-year-old a suicide attacker detonated his suicide vest against an ANA shuttle bus in Kabul city, killing and injuring 14 ANA combatants. The detonation also seriously injured 14 civilians, including a woman and two children. The Taliban claimed responsibility for the attack on Twitter.¹⁶⁶
- On 1 November, a VB-IED attacker targeted a joint check post of ANA and ALP in Azra district, Logar province. The explosion caused 29 civilian casualties (five killed, including a pregnant woman and a child, and 24 injured, including four women and three children). The blast damaged five civilian houses and a mosque. The attack also killed and injured 21 combatants (ANA and ALP members). The Taliban's claim of responsibility indicated that the attack killed 28 ANA, ANP and ALP members and injured 19 other members of Afghan national security forces. The statement said that five civilians, including two children had been slightly injured.¹⁶⁷

Although these attacks appeared to have been directed at security forces, the use of improvised explosive devices (IEDs), area weapons systems and/or indirect fire (mortars, grenades and rockets) in the vicinity of civilian-populated areas may amount to indiscriminate or disproportionate attacks and, as such, constitute serious violations of international humanitarian law and may also amount to war crimes.¹⁶⁸ UNAMA reiterates its call on the Taliban to cease conducting attacks in civilian-populated areas using indiscriminate tactics.

¹⁶⁵ Taliban report, "Mine blast leaves 2 puppets wounded in Laghman", 30 December 2014, available at: <http://www.shahamat-english.com/index.php/news/51781-mine-blast-leaves-2-puppets-wounded-in-laghman>, last accessed 4 February 2015.

¹⁶⁶ Statement issued on the Twitter account of a Taliban spokesperson on 13 December 2014 at <https://twitter.com/zabihmujahid> <https://twitter.com/zabihmujahid/status/543794502423437312>, last accessed 4 February 2015.

¹⁶⁷ Statement issued on the Twitter account of a Taliban spokesperson on 1 November 2014 at <https://twitter.com/zabihmujahid>.

¹⁶⁸ Indiscriminate attacks are those which are not directed at a specific military objective; which employ a means of combat which cannot be directed at a specific military objective; and which employ a method or means of combat of which the effects may not be limited, as required by international humanitarian law and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction. See Rule 12, ICRC, Customary International Humanitarian Law.

Taliban Statements on Civilian Casualty Avoidance and Mitigation Measures

In 2014,¹⁶⁹ the Taliban released 82 statements on their public website regarding security, local and international political developments, protection of civilians and other topics. Several of these statements re-affirmed their claimed commitment to protect civilians from the impact of the armed conflict and claimed their fighters continued to take measures to prevent civilian casualties.

In September 2014, the Taliban issued a new statement regarding its special committee for the avoidance of civilian casualties. The statement followed a June 2013 statement announcing the committee's creation as part of the Taliban's military commission. In June 2014, the Taliban provided UNAMA with further information on the committee's work.¹⁷⁰

The September 2014 statement encouraged Afghans to report any information about civilian casualty incidents to the committee, regardless of the perpetrator and noted the Taliban would conduct "comprehensive investigation[s]", impart justice according to *Sharia* law, "pave the way for mutual conciliation" and "create proper condition[s] to offer compensation and extend condolence to the victim party." The Taliban statement included alleged detailed contact information for the committee.¹⁷¹

On the same day, the Taliban published an interview with a claimed member of the committee who detailed the alleged mechanism established to hold accountable Taliban members who violated the Taliban code of conduct on protection of civilians. This mechanism was claimed to include referral to a *sharia* law court which could dismiss an individual under trial and impart severe punishments.¹⁷²

Following the September 2014 statement, UNAMA noted several incidents of civilian casualties the Taliban claimed to be investigating. UNAMA was not provided with information or any examples of internal accountability for civilian casualties caused by Taliban members despite numerous requests for such information. For example, the Taliban denied their involvement in the IED attack on 23 November that caused 138 civilian casualties (85 killed and 53 injured) at a volleyball game in Yahyakhail district, Paktika province, and announced an investigation. To date, the Taliban have not publicly announced the results of the investigation.

¹⁶⁹ UNAMA notes a Taliban statement released on 4 January 2015 which instructed all Taliban fighters to take the "utmost care to avoid any civilian casualties," including a prohibition not to directly target civilians and not to conduct "operations or bombings in any area where civilians could be harmed as a result of such actions."

¹⁷⁰ See UNAMA 2014 *Mid-Year Report on Protection of Civilians in Armed Conflict* at p. 30.

¹⁷¹ Taliban statement, "Department of Prevention of Civilian Casualties Commission of Military Affairs", 10 September 2014, available at: <http://shahamat-english.com/index.php/paighamoona/48925-department-of-prevention-of-civilian-casualties-commission-of-military-affairs>, last accessed 2 February 2015.

¹⁷² Interview with Mulvi Sarhadi, 10 September 2014, available at: <http://shahamat.info/index.php/interviwe/56031-د-ملکي-تلفاتو-دمخنيو-ي-اداري-نماينده-له-مرکه-سر-نماينده-له-اداري-دمخنيو-ي-تلفاتو-ملکي-د>, last accessed 2 February 2015.

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UNAMA received a document in which the Taliban reported on its investigation of three cases of IEDs detonation that caused civilian casualties.¹⁷³ UNAMA requested follow-up information and has not received further information on these investigations.

Taliban definition of 'civilian' and international humanitarian law

In 2014, the Taliban did not release statements regarding their definition of 'civilian.' A Taliban statement released on 4 January 2015 reported a revised definition of 'civilian' to include "any person who is not engaged in activities against the Taliban: "those people who do not stand shoulder to shoulder with the enemy forces and are not carrying out actions against Jihad are to be considered as civilians." The 2013 statements reported a definition of 'civilian' which included women, children, elderly persons and those who "live an ordinary life" under the category of civilians who must be protected from attacks.¹⁷⁴

UNAMA notes the broader definition of 'civilian' referenced in the 4 January 2015 Taliban statement, but highlights that the definition remains inconsistent with international humanitarian law which defines civilians, for the purposes of the principle of distinction, as persons who are not members of the armed forces except those directly participating in hostilities.¹⁷⁵

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

In 2014, the Taliban publicly released 12 monthly statements on alleged 'war crimes' by Pro-Government Forces that the Taliban alleged caused at least 1,106 civilian casualties (691 killed and 415 injured) in 292 incidents.¹⁷⁶ UNAMA verified 198 – or 68 per cent - of the 292 incidents reported by the Taliban in their monthly statements (61 per cent of those 198 were verified prior to the Taliban statements and 39 per cent only after publication).

¹⁷³ Information received by UNAMA, October 2014.

¹⁷⁴ Taliban statement, "*An open letter to the UNAMA about the biased behaviour of this organization*", 25 February 2013, available at: <http://www.shahamat-english.com/index.php/paighamoona/29225-an-open-letter-to-the-unama-about-the-biased-behavior-of-this-organization>, last accessed 15 January 2015. See also UNAMA 2014 *Mid-Year Report on Protection of Civilians in Armed Conflict*, July 2014. On 4 January 2015, the Taliban released a statement regarding civilian protection that claimed a definition of 'civilian' as including any person who is not engaged in activities against the Taliban: "Those people who do not stand shoulder to shoulder with the enemy forces and are not carrying out actions against Jihad are to be considered as civilians." Taliban statement, "*Special Instructions of the Islamic Emirate's leadership regarding precautionary means to prevent civilian casualties in the ongoing Jihad*", 4 January 2015, available at: <http://www.shahamat-english.com/index.php/paighamoona/51926-special-instructions-of-the-islamic-emirate%E2%80%99s-leadership-regarding-precautionary-means-to-prevent-civilian-casualties-in-the-ongoing-jihad>, last accessed 15 January 2015.

¹⁷⁵ Rule 5. Customary international humanitarian law. Available at:

https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter1_rule5, last accessed 15 January 2015.

¹⁷⁶ See <http://shahamat-english.com/>.

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Of the alleged 1,106 casualties referenced in the Taliban monthly statements, the Taliban attributed 504 (232 killed and 272 injured) casualties to Afghan national security forces, 341 casualties (251 killed and 90 injured) to international military forces, 117 casualties¹⁷⁷ to Pro-Government armed groups ('*arbaki*' forces) and 100 casualties (91 killed and nine injured) to joint Afghan and international military operations, while the remaining 44 were attributed to other entities.

UNAMA followed-up on the 292 alleged incidents of civilian casualties to determine whether UNAMA had documented the incidents, and undertook to verify those allegations it had not already documented. Of the 292 alleged incidents, UNAMA had previously documented 121 of the incidents and pro-actively followed-up on 171. Of these 171 allegations, UNAMA confirmed 77 incidents, while 94 remain unconfirmed. Of the 77 confirmed incidents, 51 were conflict-related which caused civilian casualties, 21 did not result in civilian casualties, three were not related to the armed conflict, and in two cases UNAMA could not determine whether the casualties were conflict-related.

UNAMA verification of the 51 conflict-related incidents documented 115 civilian casualties (74 killed and 41 injured) with 39 incidents attributed to Pro-Government Forces that resulted in 88 civilian casualties (60 killed and 28 injured). A further 18 civilian casualties (seven killed and 11 injured) took place in seven crossfire incidents between Pro-Government Forces and Anti-Government Elements. Anti-Government Elements were responsible for two of these incidents which caused two casualties (two killed) while in three incidents which caused seven casualties (five killed, two injured) UNAMA could not determine a perpetrator.

UNAMA acknowledges that information released publicly by the Taliban contributed to UNAMA verification of civilian casualties not previously identified by its field teams. UNAMA welcomes information provided by all parties to the conflict and encourages transparent and impartial investigations of all incidents leading to civilian casualties.

Of the total 292 allegations, 88 made no mention of tactics used, 61 allegations referred to air operations, 41 to search operations, 41 to the use of mortars and shelling, and 32 to shooting incidents, with the remaining 29 alluding to other tactics.

See Annex 2 for breakdown of the Taliban's monthly statements.

Taliban responses to UNAMA public reporting on civilian casualties

On 31 July, the Taliban issued a statement rejecting the UNAMA 2014 *Mid-year Report on Protection of Civilians* as "baseless propaganda," and claiming it had been written "on the directions and recommendations of the American embassy inside Kabul" to damage the Taliban's reputation.¹⁷⁸ The statement noted that UNAMA had not given

¹⁷⁷ The Taliban statements also did not specify whether the 'casualties' included killed and injured persons.

¹⁷⁸ Taliban statement, "Rejoinder of the Islamic Emirate about the recent report of UNAMA regarding the civilian casualties", 31 July 2014, available at: <http://www.shahamat->

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the Taliban enough time to analyse the report prior to its publication. The statement rejected UNAMA consideration of Government officials as civilians:

*“If UNAMA considers officials of Kabul admin, police, soldiers, intelligence workers and employees of other sensitive and detrimental organs as civilians, then their own analysis is inaccurate”.*¹⁷⁹

In the statement, the Taliban blamed Pro-Government Forces for the vast majority of civilian casualties and praised their own efforts to mitigate civilian casualties:

*“The precautionary measures undertaken by the Islamic Emirate for saving the civilian lives, in such a huge and unbalanced war, have been unparalleled on the international level today as well as in the past.”*¹⁸⁰

Throughout 2014, the Taliban did not take responsibility or acknowledge most of the civilian casualties resulting from their operations. They continued to refute the UNAMA position that the majority of civilian casualties resulted from operations and attacks carried out by Anti-Government Elements, which includes the Taliban but also other insurgent groups. The Taliban’s position is that most civilian casualties should be attributed to Pro-Government Forces, although the Taliban’s statements are not substantiated with any supporting information.

UNAMA reiterates that it proactively and impartially monitors the conduct of hostilities by all parties to the conflict and maximizes its outreach to the greatest extent possible to ensure impartial, accurate and fair analysis and findings. UNAMA also diligently follows up the Taliban’s monthly ‘war crimes’ reports and other information sources and verifies incidents accordingly. The UNAMA mission’s attribution of 72 per cent of civilian casualties to Anti-Government Elements is based upon 4,299 incidents of civilian casualties verified by UNAMA using three different types of sources for every incident.

On 21 December, the Taliban responded to the statements made by UNAMA in a 19 December press conference on the latest trends in civilian casualties.¹⁸¹ The Taliban rejected the statements as propaganda and again blamed Afghan national security forces and international military forces for the majority of civilian casualties. The Taliban statement also claimed that “Edicts issued by the Islamic Emirate to its Mujahideen as well as the orders and messages of the esteemed Leader of the

english.com/index.php/paighamoona/34995-rejoinder-of-the-islamic-emirate-about-the-recent-report-of-unama-regarding-the-civilian-casualties, accessed 27 January 2015.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ Press briefing by Mr. Nicholas Haysom, Special Representative of the Secretary-General and Head of the United Nations Assistance Mission in Afghanistan (UNAMA) and Ms. Georgette Gagnon, Director of Human Rights for UNAMA, available at: <http://webtv.un.org/www.unwomen.org/en/executive-board/watch/nicholas-haysom-unama-and-georgette-gagnon-unama-on-afghanistan-%E2%80%93-press-conference/3952888266001>, last accessed 2 February 2015.

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Believers” prove the Taliban’s commitment to protect civilians as “its religious and foundational obligation.”¹⁸² The Taliban pledged to keep strengthening their civilian casualty mitigation measures “even further” but did not announce specific measures.¹⁸³

In 2014, UNAMA observed a change in the Taliban’s messaging and noted the stated commitment of the Taliban to ensure the protection of civilians. UNAMA reiterates that the stated intention to take measures to mitigate harm has not translated into better protection for civilians on the ground as civilian casualties caused by the Taliban continued to increase in 2014.

¹⁸² Taliban statement, “*Reaction of Islamic Emirate regarding civilian casualty report by UN*”, 21 December 2014, available at: <http://shahamat-english.com/index.php/paighamoona/51495-reaction-of-islamic-emirate-regarding-civilian-casualty-report-by-un>, last accessed 2 February.

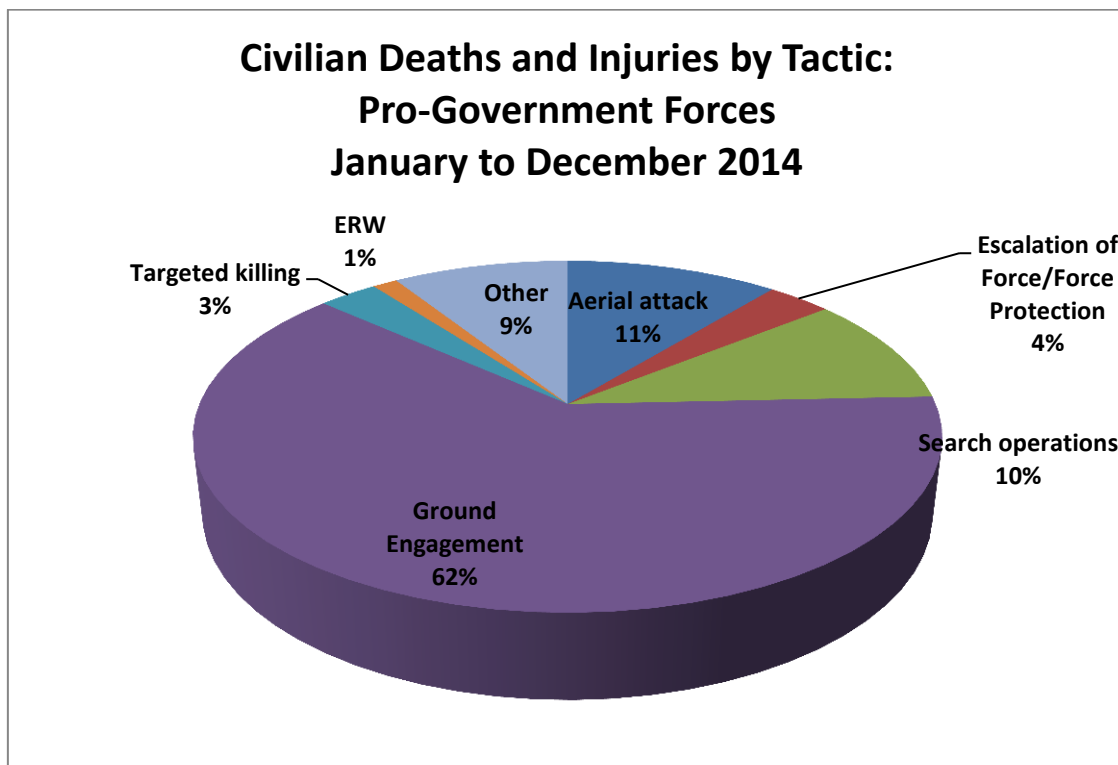
¹⁸³ Ibid.

IV. Pro-Government Forces and Protection of Civilians

Pro-Government Forces continued to implement measures aimed at reducing civilian casualties throughout 2014. Despite these measures, UNAMA documented an increase in civilian casualties caused by Pro-Government Forces – in particular Afghan national security forces - compared to in 2013. UNAMA recorded 1,478 civilian casualties (622 deaths and 856 injured) caused by Pro-Government Forces, a 51 per cent increase from 2013.¹⁸⁴

UNAMA attributed 1,225 civilian casualties (468 deaths and 757 injured) to Afghan security forces, 102 civilian casualties (53 deaths and 49 injured) to Pro-Government militia and 151 civilian casualties (101 deaths and 50 injured) solely to international military forces.¹⁸⁵

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



¹⁸⁴ In 2013, UNAMA documented 982 civilian casualties (354 deaths and 628 injured).

¹⁸⁵ The 151 civilian casualties attributed solely to international military forces do not include all civilian casualties resulting from their operations partnered with Afghan security forces and do not include all civilian casualties resulting from aerial operations (162 civilian casualties). For example, some larger Afghan-led ground operations included aerial support from international forces. Some of these operations caused civilian casualties from both ground fighting and aerial operations. Attribution of responsibility for civilian casualties in such operations would be attributed to both ANSF and international forces. See example of ground /air operation in Narang district, Kunar province on 9 September in the section on Aerial Operations.

Afghan Local Police

An ALP commander came and told me to give him 2,500 Afghanis per month, but I refused to do so. Then he ordered me to give him two sheep and I refused again. He forced me and my father to come to his check post where he had a seven or eight meter deep well. The ALP commander forced me and my father to go down in the well. Water and soil was poured over us so that we would be terrified and would agree to pay him the money. A group of ALP were guarding the well while we were inside. We were kept in the well through the afternoon and all night. We were only removed from the well the following day, when community elders promised to give a sheep to the ALP commander. We spent the entire night standing in the well as it was not wide enough to sit. I could not imagine people being given this type of punishment in the 21st century.¹⁸⁶

-- Victim of human rights violations by ALP members in Dasht-e-Archi district, Kunduz province, on 1 January 2014.

The Afghan Local Police (ALP) programme continued to expand in 2014. As of 18 January 2015, the total number of ALP members stood at 27,950, covering 157 districts in 29 provinces. The remaining 3,550 of the 30,000 total authorised ALP force were reported to be either in training, preparing for training or under recruitment. The ALP programme is not present in Bamyan, Khost, Nimroz, Panjshir or Samangan provinces.¹⁸⁷

In 2014, UNAMA documented 121 civilian casualties (52 killed, 69 injured) from 105 incidents involving ALP. The overall number of civilian deaths and injuries together was at the same level recorded in 2013 however a 49 per cent increase in civilian deaths was documented in 2014. Twenty-two per cent of the casualties were children, with 15 killed (seven boys, eight girls) and 12 injured (11 boys, one girl). Women accounted for nine per cent of civilian casualties (six killed, five injured) attributed to the ALP. The total number of civilian casualties caused by ALP was just over one per cent of all civilian casualties recorded in 2014.

Consistent with trends observed for other Pro-Government Forces, civilian casualties caused by ALP during ground engagements rose by 28 per cent, with the number of incidents causing civilian deaths tripling from 2013. Most human rights violations attributable to ALP involved threats, harassment and intimidation.¹⁸⁸ These incidents

¹⁸⁶ UNAMA interview, Kunduz city, Kunduz province, 24 February 2014.

¹⁸⁷ UNAMA meeting on 6 July 2014 and e-mail exchange with ALP SOAG, NSOCC-A, ISAF HQ, Kabul, 28 June 2014.

¹⁸⁸ Threats, intimidation and harassment is a category used by UNAMA to record incidents of threats of death or harm, intimidation and harassment which amount to a human rights violation, i.e. unlawful movement restrictions or prohibition of freedom of expression, actions which may but not necessarily cause injury or death. The category is also used to record incidents of physical violence when the purpose is to threaten, intimidate or harass civilians, i.e. punishment, revenge or other forms of deliberate killing, assault or punishments carried out by a party to conflict against a civilian.

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almost tripled in 2014, causing 39 civilian casualties (five deaths and 34 injured), representing 32 per cent of all civilian casualties caused by ALP. Most of these resulted from ALP assaulting civilians as a form of revenge or punishment. For example, on 11 July, an ALP member shot and killed a local shopkeeper after an argument over ice. On 7 July, an ALP commander and four of his men assaulted (and injured) four civilians in Jorum district, Badakhshan province, during a wedding party. The reason for the beating was reportedly that the family had failed to provide food to the ALP as demanded.

UNAMA documented multiple examples of ALP intimidating and ordering the displacement of families from their communities. For example, on 12 October, ALP forcibly displaced 150-200 families from Khak-e-Safed district, Farah province. The ALP had warned the local population not to allow the Taliban to launch attacks from the village. The Taliban had also threatened the local population not to cooperate with the ALP. After Taliban fighters established positions in the area, the ALP ordered the 150-200 families to leave the area, resulting in displacement of an entire village, mainly to Farah city.

Civilian deaths and injuries attributed to ALP increased in 2014. Within these, the number of targeted and wilful killings by ALP decreased by 72 per cent - although they still accounted for 13 per cent of all civilian casualties caused by ALP. UNAMA documented 16 civilian casualties (14 killed and two injured) in 12 incidents of targeted killings by ALP.

Throughout 2014, many communities continued to welcome the stability, enhanced security and local employment they attributed to the ALP – particularly in those areas where ALP was locally recruited and deployed. In other regions UNAMA continued to document human rights violations carried out with impunity by ALP members. The situation in the northeast region, in particular Kunduz province, remained of most concern. UNAMA has consistently documented problems with ALP recruitment, discipline and accountability in the province. For example, more than half (52 per cent) of the recorded civilian casualties caused by ALP (16 killed and 47 injured) took place in the north eastern region. Civilian casualties caused by ALP in the region increased by 34 per cent in 2014, with an eight fold increase in civilian casualties resulting from incidents of threats, harassment and intimidation.¹⁸⁹

Oversight and accountability of ALP

Throughout 2014, UNAMA continued its consultation and advocacy with the ALP Directorate in the Ministry of Interior to encourage oversight and accountability of ALP. The Directorate is the main oversight mechanism for the ALP programme. UNAMA regularly shared written accounts of allegations against ALP members with the ALP

¹⁸⁹ In 2013, UNAMA documented four civilian casualties (two killed and two injured) caused by the ALP in the north-eastern region in harassment/intimidation incidents. In 2014, UNAMA documented 32 civilian casualties (two killed and 30 injured) in the north-eastern region caused by the ALP in harassment/intimidation incidents.

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Directorate and monitored follow-up actions taken by both the Directorate and Ministry of Interior authorities at the provincial level.

In 2014, the ALP Monitoring and Investigations section of the ALP Directorate investigated 68 accounts of ALP-related human rights violations, including murder, extortion and mistreatment, arbitrary detention, illegal search operations, extortion of 'taxes' and forced eviction. Officials in the ALP Directorate reported that the investigations led to 64 arrests and four convictions - the highest number of ALP convictions recorded. UNAMA also noted an improvement in the Ministry of Interior's case tracking through its new documentation and reporting on the number of prosecutions and convictions resulting from ALP investigations.

Two steps forward: accountability for ALP violations in the North Eastern region

UNAMA observed local authorities taking steps to prosecute ALP members accused of crimes and human rights violations in some areas. In December, four ALP members from Kunduz province were convicted and sentenced for various crimes. Also in Kunduz province, an ALP commander was sentenced in absentia for abuse of authority following allegations of forced labour, intimidation, assault, and extortion. He was arrested on 20 July and is serving a four-year sentence for these crimes in Kunduz provincial prison.

In Baghlan province, on 9 December, an ALP member was convicted of 'misuse of weaponry' which resulted in a death of a civilian and sentenced to seven years imprisonment. On 3 September, the Baghlan provincial court convicted another ALP member of burglary and sentenced him to three years imprisonment. The Baghlan courts convicted a third ALP member for the negligent killing of two ALP¹⁹⁰ members when his weapon allegedly 'accidentally discharged'. The court sentenced him to four years imprisonment. All three are serving their sentences at Baghlan provincial prison.

These convictions, coupled with increased arrest and prosecution rates of ALP members accused of crimes, are a welcome step in reforming the ALP programme in north eastern region. UNAMA encourages continued accountability efforts and full review of ALP recruitment, command and control in local areas with persistent problems.

Despite these positive steps, the ALP Monitoring Unit continued not to have a permanent presence at the provincial level, and depended on the cooperation and good-will of provincial police chiefs to conduct its work.¹⁹¹ According to the ALP Monitoring Unit, the ALP Directorate can instruct provincial police offices to initiate

¹⁹⁰ ALP members are not considered civilians due to their status as continuous combatants. These casualties are not included in UNAMA figures, but the prosecution of the ALP member is relevant to demonstrate Government actions to address human rights violations, misconduct and criminal actions by the ALP.

¹⁹¹ See UNAMA 2013 *Annual Report on Protection of Civilians in Armed Conflict* available at: <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US>.

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investigations but the ALP Monitoring Unit has no mandate to monitor the progress of investigations or prosecutions at the provincial level.¹⁹² As provincial police chiefs are political appointees, they often have ties with national and regional powerbrokers who may resist measures intended to hold ALP to account. Also, with the escalation of conflict in the north eastern region – where the ALP program has been consistently problematic – ALP has been viewed as an increasingly useful tool of control by security officials, who have been reluctant to compromise their frontline assets against insurgents in the name of accountability.

The use of ALP to ‘regularise’ existing Pro-Government armed groups is another concern. Ministry of Interior officials informed UNAMA that the remaining ALP vacancies will be filled by members of these armed groups.¹⁹³ UNAMA is concerned that these armed groups will be incorporated wholesale into the ALP as formed fighting units, bypassing current ALP rules and safeguards on vetting and training.

Illegal tax collection by ALP in Zheray district, Kandahar province¹⁹⁴

In 2014, UNAMA documented numerous allegations of ALP extorting ‘taxes’ from civilian residents of Zheray district, Kandahar province. The practice was reported as widespread affecting the most of the civilian population in Zheray district.

According to community members, ALP members collected illegal ‘taxation’ by forcefully demanding either a direct cash payment or provision of food. Residents informed UNAMA that ALP routinely collected direct payments immediately after fruit and poppy harvests. The ALP also sought ad hoc payments from households or communities. Interlocutors reported that ALP members demanded these payments because of their low salaries and/or delays in salary payments.

UNAMA observed that while residents of Zheray expressed concern with the levels of enforced extortion, they stated it was the price for their improved security. Interlocutors also stated that ALP members’ family and community links to the local population played an important role in building confidence in interactions between the police and local communities. Local interlocutors emphasized that ALP members’ deep-roots in local communities were more effective in delivering local security.

Examples of civilian casualties caused by ALP:

- On 24 September, two ALP members shot and killed two civilians (father and son) with small arms fire in Qarghayee district, Laghman province. Reportedly the killing was motivated by revenge as members of the victims’ family had allegedly killed relatives of the ALP member.

¹⁹² UNAMA meetings with ALP Directorate, May to November 2014, Ministry of Interior HQ and consultation with ALP Directorate, Ministry of Interior HQ, 4 August 2014.

¹⁹³ UNAMA meeting with ALP Directorate, 4 August 2014, Kabul.

¹⁹⁴ UNAMA meetings with tribal elders and community representatives from Zheray district, Kandahar province, December 2014 and January 2015, Kandahar city.

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- On 6 July, an ALP-fired rocket hit a residential area in Aliabad district, Kunduz province. Nine civilian casualties resulted (five killed all children under 10 years-old and four injured including two women and two boys in two houses). The houses were also damaged. Although UNAMA findings¹⁹⁵ indicated the ALP fired rockets against the civilian houses when Taliban members sought shelter in them, the Government stated the Taliban caused the civilian casualties. In a related statement, former President Karzai called the Taliban 'cowardly' for "killing children in the Holy month of Ramadan"¹⁹⁶.
- On 7 July, ALP members assaulted four civilians at a wedding party in Jorum district, Badakhshan province. The assault, which caused serious injuries, was reportedly motivated by the family's failure to comply with an order by the ALP commander that the wedding food be given to his men.

Pro-Government armed groups¹⁹⁷

*Everything we have is the property of the armed militias. Our sons, daughters, our land and even our breath are theirs, because we cannot marry our daughters without their prior consent of the armed militia commanders. Our sons cannot roam freely, especially if they are handsome, as they will be molested by the armed militias. We have to give them their share while growing crops in our fields or while selling our land. We are at the mercy of the illegal armed groups and we breathe in and out the way they want.*¹⁹⁸

-- Community elder from village under control of a Pro-Government armed group, near Kunduz city, Kunduz province.

In 2014, UNAMA observed a significant increase in abuses committed against the civilian population by Pro-Government armed groups, together with a widespread failure by the Afghan authorities to hold these armed groups to account and protect affected civilians and communities.

¹⁹⁵ UNAMA meetings with community elders, ANP officials, victim's relatives and local journalists, 6-10 July 2014, Kandahar.

¹⁹⁶ Presidential Statement dated 9 July 2014, available at:

<http://www.afghanistannewscenter.com/news/2007/july/jul102014.html>.

¹⁹⁷ 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 Afghan Local Police which fall under the command and control of the Ministry of Interior. These armed groups have no legal basis under the laws of Afghanistan. Armed groups have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. In some cases, armed groups receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to the following groups: national uprising movements, rebel opposition groups, local militias (ethnically, clan or otherwise based), insurgents, terrorists, guerrillas, and civil defence forces and paramilitary groups (when such groups are clearly not under State control).

¹⁹⁸ UNAMA interviews with community elders, Kunduz city, Kunduz province, 2 December 2014.

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In 2014, UNAMA documented 102 civilian casualties (53 killed and 49 injured) from 85 separate incidents involving Pro-Government armed groups. The figures include 13 women (nine killed and four injured) and 20 children (nine killed and 11 injured).

The total number of civilian casualties attributed to Pro-Government armed groups in 2014 represents an 85 per cent increase compared to 2013, with a 194 per cent increase in the number of civilian deaths.¹⁹⁹

UNAMA also documented two incidents of abduction and 32 incidents of threats, intimidation and harassment, including extortion at illegal check-posts established by Pro-Government armed groups.

The majority of civilian casualties caused by Pro-Government armed groups resulted from ground engagements with other armed groups or Anti-Government Elements, with UNAMA recording over 12 times the number of civilian casualties arising from such incidents compared to 2013.²⁰⁰ These incidents included 13 cross-fire incidents (eight civilians killed and 14 injured); seven indirect fire incidents involving mortars, rockets and grenades (12 killed and 13 injured); and 10 incidents where small arms fire by Pro-Government armed groups led to 20 civilian casualties (12 deaths and eight injured).

The majority of ground engagements that caused civilian casualties involved clashes between rival Pro-Government armed groups, 23 incidents with 50 civilian casualties (22 killed and 28 injured). UNAMA documented seven cases where civilian casualties resulted from clashes between Pro-Government armed groups and Anti Government Elements, with seven incidents resulting in 17 civilian casualties (10 civilians killed and seven injured).

Pro-Government armed groups also caused civilian casualties during illegal search operations, with four incidents causing eight civilian casualties (five deaths and three injuries) and through targeted killings, seven incidents causing 10 civilian casualties (nine deaths and one injury).

The rise in civilian casualties documented by these armed groups corresponds with increased activity by them during 2014, particularly in the northern and north eastern regions. In these regions, the Taliban launched large-scale offensives in areas of Kunduz, Baghlan and Faryab provinces, which were met by the Government's mobilization of armed groups to defend Government-held territory.

In addition, fighting between rival Pro-Government armed groups that caused civilian casualties may be explained by an increase in localised struggles for power, influence

¹⁹⁹ Despite these significant increases, the number of deaths and injuries caused by Pro-Government Armed groups continued to represent less than one per cent of all civilian casualties recorded in 2014. Pro-Government armed groups in north eastern and northern regions remained responsible for the vast majority of cases (62 and 25 per cent respectively), and both regions recorded increases in incidents and in civilian casualties during 2014.

²⁰⁰ In 2014, UNAMA 23 incidents recorded of clashes between rival Pro-Government armed groups, resulting in 50 civilian casualties (22 killed and 28 injured).

and territory among these groups due to apparent weakened Government control of certain areas.

Areas controlled by Pro-Government armed groups

UNAMA observed that the rising influence of Pro-Government armed groups, particularly in the north and northeast served to undermine the Government's authority, often through supplanting formal Government security forces in their area of influence.²⁰¹ For example, in areas such as Nahrin district of Baghlan province, Pashtunkot district of Faryab province, and Khanabad district of Kunduz province, Government security forces were observed to have limited capacity to challenge the authority of Pro-Government armed groups.

In Pashtunkot district, Faryab province, for example, local authorities informed UNAMA they were unable to hold members of a Pro-Government armed group accountable reportedly responsible for an attack on two civilian villages.²⁰² Local villagers reported widespread human rights abuses committed by the armed group, including illegal taxation, forced labour, restrictions on movement, killings, private incarceration, beatings, interference in the education system and interference in marriage arrangements/decisions, including claiming the right to forbid, authorize or impose marriage.

The armed group reportedly comprised hundreds of fighters and controlled 26 villages housing over 8,000 families in the district.²⁰³ Local authorities expressed the view that that only a major operation by Afghan national security forces would have the capacity to dislodge them.

UNAMA observed that the situation in Khanabad district, Kunduz province, was of serious concern. UNAMA estimated that approximately 900-1,200 armed men, affiliated to several different Pro-Government armed groups, were competing for control of territory. Pro-Government armed groups significantly outnumbered the presence of Afghan national security forces in the district.²⁰⁴ The level of cooperation between the armed groups and the local authorities varied, with several nominally Pro-Government armed groups undermining rather than supporting Government authority. For example, on 4 August, members of a Pro-Government armed group killed a teacher in the district for publicly opposing illegal tax collection. On 22 October, armed men shot and killed an education department worker in Khanabad in the presence of

²⁰¹ UNAMA interviews with district political, administrative and security officials, local elders, civil society and local media sources, September to November 2014, UNAMA offices in Mazar-e-Sharif city, Balkh province, Maimana district, Faryab province, and Kunduz city, Kunduz province.

²⁰² UNAMA interviews with Faryab province security officials, 6 August 2014, Faryab province.

²⁰³ UNAMA interviews with civil and security officials and village elders, 10 November 2014, UNAMA office, Kunduz.

²⁰⁴ UNAMA interviews with civil and security officials and village elders in the affected village in Khanabad district, Kunduz province, in July, October, November and December 2014.

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his family, reportedly because he refused to give higher marks to a student related to the commander of a Pro-Government armed group.

According to sources, several Pro-Government armed groups received arms from Afghan national security forces to fight the Taliban. For example, in September, during the Taliban offensive against Kunduz city, Kunduz province, NDS reportedly provided weapons to Pro-Government armed groups to defend the city.²⁰⁵ Local elders informed UNAMA that they believed that this situation emboldened Pro-Government armed groups to continue with their practice of levying illegal taxes on the local population.

UNAMA noted the impunity enjoyed by Pro-Government armed groups, which permitted them to commit criminal acts including assault, intimidation and illegal 'arrest', and created an environment of fear, intimidation and lack of protection for civilians and communities. For example, on 3 November, an armed group abducted 25 civilians in Kunduz city, Kunduz province, and severely beat five of them, accused of providing food to Anti-Government Elements, using guns.

Lack of accountability for human rights abuses by Pro-Government armed groups

Throughout 2014, UNAMA observed a lack of due diligence by the Afghan authorities at the district and provincial levels to investigate, prosecute and punish crimes and human rights abuses by Pro-Government armed groups. UNAMA did not document a single prosecution or conviction of a member or commander of a Pro-Government armed group for allegations of human rights abuses or crimes. UNAMA observed no Government effort to enforce its stated policy to disband and disarm these armed groups.²⁰⁶

Under international human rights law, the Government has a duty to protect the right to life and must investigate any unlawful killing, including those committed by Pro-Government armed groups.²⁰⁷ UNAMA highlights that impunity for human rights abuses and crimes of such armed groups risks perpetuating insecurity and lack of civilian protection, and weakening the rule of law, undermining the Government's legitimacy and arguably fuelling the insurgency.

²⁰⁵ UNAMA interviews with community leaders, Government authorities, victims and witnesses in Khanabad district, Kunduz province, between August and December 2014.

²⁰⁶ Afghanistan's President reiterated the Government's policy in a video conference with Kunduz provincial officials where he stated "*illegal armed forces cannot be tolerated at all*" and that they would face legal action if they did not abide by the law – see press release from the President's office at <http://president.gov.af/en/news/40136>, last accessed 11 January 2015.

²⁰⁷ This duty, together with the potential liability for failure to comply, flows from the obligation to protect the right to life and other rights. Investigations by the State must be as prompt as possible, exhaustive, impartial and independent to meet the requirement of effective investigation, and open to public scrutiny. For more information, see Section II, Accountability and the Rights of Victims, International Legal Protection of Human Rights in Armed Conflict. OHCHR, Geneva, 2011.

Stolen Justice: Taliban targeting of commanders of Pro-Government armed groups alleged responsible for human rights abuses

In 2014, the Taliban carried out several summary executions of members of Pro-Government armed groups. In their public statements, the Taliban justified the killings as a response to the perceived immunity for abuses committed by those groups. The killings may also have served as an attempt to gain the support of communities affected by abuses carried out with impunity by these armed groups. In Kunduz province, for example, the Taliban publicly claimed responsibility for the separate killing of two members of Pro-Government armed groups allegedly responsible for human rights abuses. On 11 August, the Taliban killed a Pro-Government armed group commander who had been implicated in the killing of 12 civilians in Kanam-e-Kalan village in September 2012.²⁰⁸ In late December, the Taliban claimed responsibility for the killing of a member of Pro-Government armed group who they accused of looting Pashtun villages in Dasht-e-Archi district on September 2013.

The Taliban also claimed responsibility for the killing of two ALP commanders who were similarly accused of human rights abuses.

Human rights abuses by local armed ‘Uprising’ groups in Ghazni province

In November and December 2014, UNAMA documented harassment and ill-treatment of civilians by members of a ‘National Uprising Movement’ (NUM),²⁰⁹ a pro-Government community-based armed group operating in Ghazni province since 2012.²¹⁰ The movement comprises groups of armed men in Gelan, Muqur and Andar districts, Ghazni province, whose members claim to be protecting the civilian population from Taliban violence and interference in their lives.

²⁰⁸ See UNAMA 2012 *Annual Report on the Protection of Civilians in Armed Conflict*, pages 49-51. The Taliban claimed responsibility for his killing on their website at <http://shahamat-english.com/index.php/news/48145-tuesday%E2%80%99s-news-updates>, accessed 11 January 2015.

²⁰⁹ The movement of the ‘Uprising’ against the Taliban is a community-based defence initiative which started in Andar district, Ghazni province in April 2012. The former ‘Andar Uprising’ was renamed the ‘National Uprising Movement’ after the group expanded from Andar district to neighbouring districts in Ghazni province, in particular Gelan and Muqur districts. Local *Hezbi-e-Islami* leaders and Andar citizens reportedly initiated the “Uprising” due to concerns with the Taliban’s interference of their lives, including the closures of schools, clinics and bazaars. In October 2012, an ALP *tashkeel* was deployed to Andar and many members of the Uprising joined the ALP. Others continued operating as members of the original “Uprising.” According to sources, the “Uprising” group regularly provided support to Afghan security forces and joint operations by international military Special Forces and Afghan national security forces, due to their knowledge of the local population and their ability to identify Anti-Government Elements. See also p. 56 of UNAMA 2014 *Mid-year Report on Protection of Civilians*, pp. 48-49 of UNAMA 2012 *Annual Report on Protection of Civilians* and p. 28 of UNAMA 2013 *Mid-year Report on Protection of Civilians* available at:

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

²¹⁰ See UNAMA 2014 *Mid-Year Report on Protection of Civilians in Armed Conflict*, pp. 47-48.

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In December 2014, for example, residents of Aghu Jan village in Gelan district²¹¹ reported multiple instances of abuses by NUM members, including systematic extortion of money, food, firewood and clothes.²¹² A Gelan resident informed UNAMA about the arbitrary and unlawful nature of the group's actions: "Whenever they saw a nice turban or jacket or a good-looking pair of shoes, they would take it for themselves."²¹³ Residents also reported incidents of NUM members stealing cattle from the civilian population, allegedly in exchange for providing security to the community. Another example documented by UNAMA of harassment of civilians was the questioning of local men as to why they were growing a beard, seen by NUM members as a sign of support for the Taliban.²¹⁴

By the end of December 2014, local tribal elders had achieved the removal of one local NUM commander following interventions with Afghan national security forces and Government authorities.²¹⁵ UNAMA observed the removal did not improve civilian protection. In January 2015, UNAMA documented human rights abuses by the NUM against the local population in the area, including the summary execution of a 19-year-old civilian in Andar district on 14 January 2015 and an incident of collective punishment and alleged crimes involving more than 40 civilians that involved severe beatings, including with metal chains. UNAMA also documented other abuses in neighbouring districts.²¹⁶

Collective punishments are prohibited under international humanitarian,²¹⁷ which holds that criminal sanctions and punishments of any kind, including "harassment of any sort, administrative, by police action or otherwise," can only be applied on the basis of individual responsibility.²¹⁸ Collective punishments also constitute a violation of several specific human rights, including the right to a fair trial.²¹⁹

The NUM's repeated human rights abuses and alleged crimes against civilians have to date been carried out with impunity, with no investigations or remedial efforts

²¹¹ The NUM established a check post in the village guarded by some 12 NUM members.

²¹² UNAMA interviews and meetings with residents of Gelan district, Gardez, November 2014 to January 2015.

²¹³ UNAMA interview with local resident, 1 February 2015, Gardez.

²¹⁴ The NUM started in Ghazni province in 2012. See UNAMA 2014 *Mid-year Report on Protection of Civilians in Armed Conflict*, p. 47, footnote no. 157.

²¹⁵ UNAMA interviews with local residents, 22 December 2014.

²¹⁶ These incidents are not included in UNAMA 2014 figures and are referenced in this report to highlight the increasing frequency of human rights abuses carried out with impunity by this local armed group and the urgent need for Government action to investigate and prosecute perpetrators, and provide civilian protection.

²¹⁷ Based on customary law applicable to all parties in a non-international armed conflict.

²¹⁸ Customary international humanitarian law, Rule 103, available at:

https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule103, last accessed 2 February 2015.

²¹⁹ In its General Comment on Article 4 of the International Covenant on Civil and Political Rights (concerning states of emergency), the UN Human Rights Committee also stated that States parties may "in no circumstances" invoke a state of emergency "as justification for acting in violation of humanitarian law or peremptory norms of international law, for instance ... by imposing collective punishments."

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undertaken by the Government.²²⁰ According to the *UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*: '...State investigations need to be conducted effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law.'²²¹

UNAMA reiterates its recommendation to the Government to immediately disband and disarm all illegal armed groups, and hold members accountable for human rights abuses. UNAMA highlights both the Government's legal obligation and practical imperative to ensure that public security and counter-insurgency tasks are carried out solely by Afghan national security forces. Resort to and reliance on armed groups jeopardizes the protection of civilians, undermines the rule of law and human rights protection, exacerbates instability and hampers accountability.

Pro-Government Forces Counter-IED and IED disposal

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

UNAMA notes that achievements in counter-IED efforts in 2014 reflected a solid commitment on the Government's part and of international partners to develop a national counter-IED capacity to a level sufficient to address the growing threat from IEDs. UNAMA highlights that the current EOD/counter-IED capability of Afghan security forces should be sustained and enhanced to effectively counter the increasing threat to Afghan civilians and security forces posed by constantly evolving IED technology.

As highlighted in this report, after ground engagements, IEDs killed more civilians than any other tactic in 2014: 28 per cent of all civilian casualties were caused by IEDs with 2,978 civilian casualties. IEDs have killed more civilians than any other tactic since

²²⁰ For example, on 1 June 2014, the NUM's leader shot dead three civilian men following a joint Afghan and international military operation in Andar district. Government authorities did not launch an investigation into the killings nor was any individual held accountable although the perpetrators were well-known to local authorities. NDS officials from Ghazni province shared UNAMA concern regarding the lack of accountability for the killings and other illegal actions by members of the Andar Uprising. See UNAMA 2014 *Mid-Year Report on Protection of Civilians* for details.

²²¹ *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*, adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>, accessed 4 February 2015.

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2009. This deadly trend will likely continue without continuous, long-term support for the Government's counter-IED efforts from international partners – particularly international military forces.

Combined with suicide attacks and complex attacks (which include the use of IEDs) IEDs caused almost half of all total civilian casualties (43 per cent) in 2014. Strengthening the capacity of Afghan national security forces to protect civilians – and themselves - from the threat of IEDs should remain a critical priority of the Government and NATO's Resolute Support Mission.

Throughout 2014, UNAMA held interviews with officials from ISAF and Afghan national security forces that highlighted the progress in counter-IED efforts achieved. Interlocutors consistently maintained that Afghan national security forces need to further develop their counter-IED capacity to reduce the rising tragic impact of IEDs on the civilian population.

Afghan national security forces and ISAF identified the following areas where Afghan national security forces will require the sustained support of international partners:²²²

Coordination and leadership

The Government lacks a centralized system to coordinate efforts to respond to the IED threat. Currently, various counter-IED efforts are divided among the ANA, ANP and NDS. This lack of coordination has affected the Government's capacity to centrally monitor the impact of IEDs, assess current counter-IED capacity, promote its development, plan and secure the necessary budget and coordinate all counter-IED efforts across the country. A central coordination and leadership mechanism for counter-IED should be established at the highest level of Government to enable a more strategically led and better coordinated response to IEDs.

Personnel

Afghan national security forces and ISAF acknowledged ongoing challenges in retaining counter-IED /EOD teams. The high number of casualties suffered by Afghan national security forces, in particular by counter-IED teams, made it difficult to maintain the necessary human resources to ensure the counter-IED capacity of Afghan national security forces. Several officials also reported issues of low morale among counter-IED teams, sometimes exacerbated by delays in delivery of hazard payments.

Training

The current counter-IED training capacity, with one school in Mazar-e-Sharif and one in Kabul, is still dependent on foreign instructors. In 2015, efforts should be focused on training Afghan trainers to make the counter-IED capacity of Afghan national security

²²² UNAMA meetings with C-IED experts and advisors at ISAF, MoI and MoD, August to December 2014 and meetings with ANA, ANP and OCCPs in Helmand, Herat, Kandahar and Kunar, September to October 2014.

forces sustainable. To ensure the capacity developed in training courses is properly utilized, counter-IED specialists should be assigned primarily to counter-IED duties.

Equipment

Although ISAF informed UNAMA that all necessary counter-IED equipment, including EOD robots, jammers, armoured vehicles and mine rollers were handed over to Afghan national security forces,²²³ Afghan national security forces informed UNAMA that an ongoing lack of equipment was the main factor preventing a more robust counter-IED capacity.²²⁴ According to information received by UNAMA, Afghan national security forces still lack an appropriate equipment management system, leading to under-utilization and loss of significant quantities of C-IED equipment. Adequate maintenance is also lacking; the main problems identified were lack of spare parts, insufficient workshop capability and a deficient understanding of user preventive maintenance.

Representatives from Afghan national security forces and ISAF consistently told UNAMA that support from international partners for the establishment of a management system that ensures accountability and the proper use and maintenance of equipment handed over to Afghan national security forces is necessary.

Exploitation

Exploitation of IEDs²²⁵ by Afghan national security forces remains almost non-existent. Although laboratories have been established,²²⁶ operational practice, command and transportation issues among Afghan national security forces are affecting exploitation. Afghan security forces consistently informed UNAMA that the absence of central coordination and understaffing have limited the ability of Afghan national security forces to conduct exploitation activities severely affecting the capacity of Afghan national security forces to neutralize the threat of IEDs.

UNAMA reiterates its recommendation that international partners transfer the necessary counter-IED capacity and technical assistance to Afghan security forces and

²²³ According to ISAF, international partners have provided sufficient equipment to adequately supply Afghan national security forces. ISAF/RSM considers that distribution problems are the cause of under-equipment which has prevented Afghan national security forces from moving equipment from warehouses to units which require them. RSM email to UNAMA received 11 February 2015.

²²⁴ *Ibid.*

²²⁵ IED Exploitation is the process of identifying, collecting, processing and disseminating information and material gathered from an IED incident site to gain actionable intelligence, to improve counter-IED procedures and methods, to decrease the resources of insurgents and to support prosecutions. It includes preservation, identification and recovery of IED components for technical, forensic and biometric examination and analysis and is carried out by authorized specialist facilities. IED exploitation is a critical component of effective and sustainable counter-IED measures.

²²⁶ The MoI operates one laboratory in Herat and one in Kabul; the NDS has one laboratory in Kabul.

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provide sufficient support to sustain and evolve their counter-IED capability over the next several years.

Aerial operations²²⁷

It was around 12 pm when I saw Mr. [...] ²²⁸ and his wife, their two small daughters and his father heading towards Qalawona area. Suddenly, there was a loud explosion. We saw Mr. [...] and one of his daughters in critical condition, and the dead bodies of his father, his wife, and the second daughter. [...] While the villagers were at the incident site, a jet came again and bombed the villagers. Luckily, I was about 300 meters away and nothing happened to me. [...] Villagers were desperately looking for family members among the dead and wounded. We saw hands, legs, heads and human flesh scattered all around the place. It was difficult for me to find my son's body parts. At least 13 people were killed and 16 wounded in the second airstrike. When I think about that scene, I still get mentally disturbed. People cannot sleep at night due to the constant fear there will be airstrikes again. We are planning to visit the Provincial Governor soon to request him to relocate us from here. We do not feel safe; we do not want to live here. ²²⁹

-- Eyewitness whose son was killed in an airstrike by international military forces in the Badil valley of Narang district, Kunar province, on 9 September. Thirteen civilians were killed and at least 17 wounded.

In 2014, UNAMA observed a continued reduction in civilian casualties from aerial operations by international military forces. UNAMA documented 162 civilian casualties (104 deaths and 58 injuries), a 13 per cent reduction in civilian casualties from such operations compared to 2013.²³⁰ The decrease in civilian casualties may be attributed to the reduced frequency of aerial operations conducted by ISAF and an on-going commitment from international forces to mitigate civilian harm during their operations.

UNAMA welcomes the continued decline in civilian casualties from air operations. However, some civilian casualties continued to occur from aerial operations, highlighting the need for continuous review of targeting criteria in "offensive"²³¹ aerial operations. For example, on 12 October, international military forces carried out an offensive air strike in a remote area of Gardez district, Paktya province. Two

²²⁷ The Protection of Civilians in Armed Conflict Annual Report 2014 does not break down the numbers of civilian casualties from aerial operations because of improvements in capacity to identify the type of aerial platform used in aerial operations resulting in civilian casualties. The UNAMA database differentiates and records aerial platform by helicopter, fixed-wing, UAV or unknown. In 2014, UNAMA increased its ability to differentiate the type of aerial platform used in operations resulting in civilian casualties for many reasons, including strengthened coordination and information sharing with ISAF/RSM. In 2013, UNAMA confirmed aerial platform for 135/186 civilian casualties while in 2014 UNAMA confirmed platform for 147/162 civilian casualties from aerial operations. UNAMA did not publish the platform figures for 2014 because comparison of different data sets would not be accurate.

²²⁸ Name omitted for security reasons.

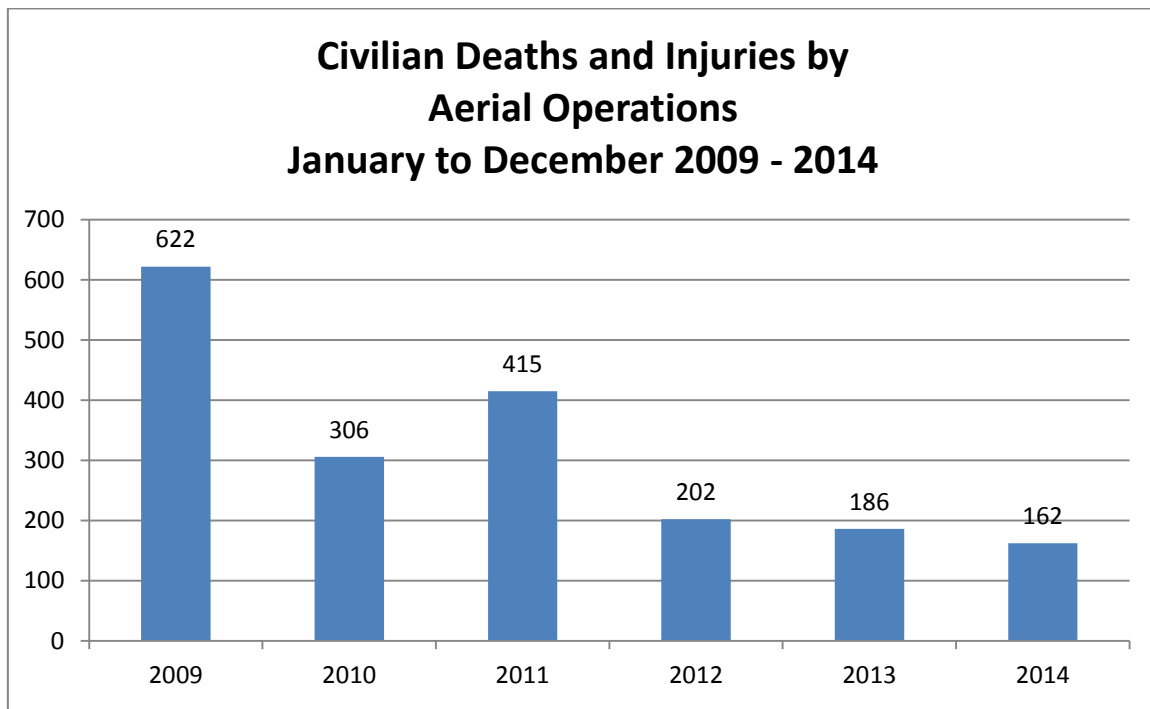
²²⁹ UNAMA interview, Jalalabad city, Nangarhar province, 10 September 2014.

²³⁰ In 2013, UNAMA documented 186 civilian casualties (122 deaths and 64 injuries) from aerial operations by international military forces.

²³¹ An offensive aerial operation is a pre-planned aerial operation distinct from a defensive air operation.

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consecutive airstrikes resulted in the death of seven civilians (five boys and two men) and injuries to one civilian man. The victims were collecting firewood in the mountains.



UNAMA also documented civilian casualties from air strikes carried out during ground engagements led by Afghan national security forces and partnered with international security forces. For example, on 9 September, ALP, NDS and international military forces came under attack by the Taliban during a joint search operation in Narang district, Kunar Province. Both sides exchanged mortar rounds. One of the mortar rounds fired by Pro-Government Forces impacted on a civilian house, wounding three civilians (one woman and two girls). Later the same day, an international military aircraft conducted a strike in the same vicinity, killing four civilians, including a man, a woman and two girls and one civilian. Consequently, villagers gathered at the incident site to collect the dead bodies and transfer the injured civilians. Another airstrike targeted the area, killing nine civilians, five boys and four men, and injuring 13 civilians.

With continued - although reduced - air support to Afghan military operations from international forces planned for 2015, UNAMA reiterates obligations of all parties under international humanitarian law to take constant care to spare the civilian population, civilians and civilian objects and all feasible precautions to avoid, and minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.²³²

UNAMA observed that the advanced surveillance technology, equipment and extensive intelligence networks used by international military forces, combined with a policy

²³² Rule 1-Distinction between Civilians and Combatants and Rule 25-Precautions in Attack. *Customary International Humanitarian Law*, Volume 1, Rules. Jean-Marie Henckaerts and Louise Doswald-Beck, ICRC, Cambridge, 2005.

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framework and operational guidance oriented toward reducing harm, are sufficiently robust to provide the degree and kind of care that prevents, if not eliminates, targeting errors that may result in civilian casualties.

Other examples of air-related incidents include:

- On 22 August, an UAV attack launched by international military forces caused the death of four civilians, including a child, in Pul-e-Alam district, Logar province. The previous presence of a group of Taliban triggered the attack, while the casualties were farmers working on their agricultural land.
- On 17 September, an international military aircraft conducted a strike in Ahmad Khel district, Paktya province, causing three civilian casualties (one death and two injured). The victims were collecting pine cones.

RSM Civilian Casualty Credibility Review Board

In December 2014, in an effort to strengthen the capacity of international military forces to carry out investigations of allegations and reports of civilian casualties by international military forces, ISAF/RSM established the Civilian Casualty Credibility Review Board (CCARB). The CCARB is comprised of military and civilian subject matter experts and is designed to convene within two hours of receipt of any allegation or report of civilian casualties possibly caused by international military forces. It plans to also meet on a weekly basis to review allegations and reports of civilian casualties and on a regular basis with UNAMA representatives to share information and reports.

Part of the CCARB's task is to recommend, participate in, and manage Combined Civilian Casualty Assessment Teams (CCAT) which are joint teams comprised of representatives of international military forces and the Government of Afghanistan. CCATs are to investigate reports or allegations of civilian casualties possibly caused by international military forces. ISAF/Resolute Support Mission (RSM) agreed to allow UNAMA to observe a CCAT investigation.²³³

²³³ UNAMA and RSM meeting, 9 February 2015, ISAF/RSM headquarters, Kabul city.

V. Legal Framework

The legal framework used for this report includes international human rights law, international humanitarian and criminal law and binding United Nations Security Council resolutions on Afghanistan.²³⁴ All contain obligations relevant to protection of civilians during armed conflict in Afghanistan which are explained in the section below.

Legal Responsibilities of Parties to the Armed Conflict

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

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

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

(i) Obligations under International Humanitarian Law

Afghanistan is a party to the four Geneva Conventions of 1949 and to Additional Protocol II of 1977²³⁵ 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 murder²³⁶, violence,

²³⁴ United Nations Security Council Resolution 2145 (2014) highlights the obligations of all parties to the armed conflict in Afghanistan to comply with international law “including international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians.”

²³⁵ Afghanistan ratified Additional Protocol II 1977 on 10 November 2009. It entered into force on 24 December 2009.

²³⁶ Regarding the war crime of murder, as defined by the Rome Statute of the International Criminal Court, UNAMA uses the term ‘deliberate killing of civilians’, which includes targeted killing, to describe an alleged act that may amount to the war crime of murder, to distinguish such acts from the crime of murder committed by a private actor outside the context of the armed conflict. Terms such as ‘targeted killing’, ‘extrajudicial killing’ and ‘wilful killing’ are sometimes used to describe deliberate killing of a civilian in the context of the non-international armed conflict in Afghanistan.

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extrajudicial executions, torture, mutilation and other forms of violence,²³⁷ at any time and in any place.

The contents of the four Geneva Conventions of 1949 and several rules similar to those found in their Additional Protocols are also largely part of customary international law.²³⁸ Among the most relevant principles that apply to the conduct of all the parties to Afghanistan's non-international armed conflict are the following:

- Distinction: The civilian population as such, as well as individual civilians, shall not be the object of attack.²³⁹
- Proportionality: "an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated is prohibited."²⁴⁰
- Precautions in attack: "...civilians shall enjoy general protection against the dangers arising from military operations".²⁴¹ In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects" and that all feasible precautions must be taken with the "view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects."²⁴²
- All States contributing to the international military forces in Afghanistan are signatories to the four Geneva Conventions of 1949. While not all troop-contributing States are signatories of Additional Protocol II 1977, they are still bound by the relevant rules of customary international humanitarian law

²³⁷ 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.

²³⁸ See ICRC, Customary International Humanitarian Law, ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

²³⁹ Additional Protocol II, article 13(2).

²⁴⁰ ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005)

²⁴¹ Additional Protocol II, article 13(1).

²⁴² Rules 15 to 21 ICRC Study on Customary International Human Rights Law.

applicable in non-international armed conflicts.

(ii) Obligations under International Human Rights Law

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

Afghanistan is a signatory to numerous international human rights treaties,²⁴³ including the International Covenant on Civil and Political Rights (ICCPR) which obligates the Government to provide basic human rights protections to all persons within the territory or jurisdiction of the State.

While they cannot become parties to international human rights treaties, non-State actors, including armed groups are increasingly deemed to be bound by international human rights obligations, particularly those exercising de facto control over some areas, such as the Taliban.²⁴⁴

Under international human rights law, States must investigate the use of lethal force by their agents,²⁴⁵ particularly those involved in law enforcement. This duty, together with potential liability for failure to comply, flows from obligation to protect the right to life.²⁴⁶

²⁴³ Afghanistan is a party to the following human rights treaties and conventions: International Covenant on Civil and Political Rights, ratified on 24 April 1983; International Covenant on Economic, Social and Cultural Rights, ratified on 24 April 1983; International Convention on the Elimination of all Forms of Racial Discrimination, ratified on 5 August 1983; Convention on the Elimination of all Forms of Discrimination against Women, ratified on 5 March 1983; Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, ratified on 26 June 1987; Convention on the Rights of the Child, ratified on 27 April 1994; Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 19 October 2002; Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, ratified on 24 September 2003; and Convention on the Rights of Persons with Disabilities, acceded to on 18 September 2012. See

http://www.aihrc.org.af/English/Eng_pages/X_pages/conventions_af_z_party.html.

²⁴⁴ See United Nations Secretary-General, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011, para. 188. Also see Report of the International Commission of Inquiry to investigate all Alleged Violations of International Human Rights Law in the Libyan Arab Jamahiriya A/HRC/17/44, 1 June 2011; the Report of the International Commission of Inquiry on the Situation of Human Rights in the Syrian Arab Republic, A/HRC/19/69, para. 106; United Nations Mission in the Republic of South Sudan (UNMISS), Conflict in South Sudan: A Human Rights Report, 8 May 2014, para. 18.

²⁴⁵ 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.

²⁴⁶ 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

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For State investigations to be effective, they must be as prompt as possible, exhaustive, impartial, independent²⁴⁷ and open to public scrutiny.²⁴⁸ A State's duty to investigate applies to all law enforcement contexts, including those arising during armed conflict.²⁴⁹

(iii) Obligations under International Criminal Law

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

States whose military forces are among the international military forces party to the conflict in Afghanistan, also have a responsibility to investigate and prosecute alleged crimes that may have been committed by their nationals in Afghanistan.²⁵⁰

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

Further, in resolution 1325, the United Nations Security Council underlined that it is critical for all States to fully apply the relevant norms of international humanitarian and

2005, §§ 208-9, 224-5; IACiHR, *Abella (La Tablada) case*, § 244; IACiHR, *Alejandro case*, § 47; IACiHR, *Civil Liberties case*, § 22.

²⁴⁷ IACiHR, *Abella (La Tablada) case*, § 412; ECtHR, *Özkan case*, § 184; ECtHR, *Orhan v. Turkey*, Application No. 25656/94, Judgment of 18 June 2002, § 335; ECtHR, *Isayeva et al. case*, § 210-11; ECtHR, *McCann case*.

²⁴⁸ 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>.

²⁴⁹ See C. Droege, "Distinguishing Law Enforcement from Conduct of Hostilities" P57-63 Expert Meeting "Incapacitating Chemical Agents" Law Enforcement, Human Rights Law and Policy Perspectives Montreux, Switzerland 24-26 April 2012 at

<http://www.icrc.org/eng/assets/files/publications/icrc-002-4121.pdf>; Nils Melzer, "Conceptual Distinction and Overlaps between Law Enforcement and the Conduct of Hostilities," in *The Handbook of the International Law of Military Operations* (Oxford: Oxford University Press, 2010), pp. 43-44. Nils Milzer, *Human Rights Implications Of The Usage Of Drones and Unmanned Robots In Warfare*, Directorate-General For External Policies Of The Union, Policy Department (2013) at

<http://www.europarl.europa.eu/delegations/en/studiesdownload.html?languageDocument=EN&file=92953>.

²⁵⁰ 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.

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human rights law to women and girls, and to take special measures to protect them from gender-based violence during armed conflict.²⁵¹

(iv) Definition of Civilian(s)

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

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

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

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

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

UNAMA notes that other actors and parties to the armed conflict in Afghanistan have been developing their own definition of the term, as described in this report.²⁵²

²⁵¹ S/RES/1325 (2000); See also S/RES/1820. (2008), S/RES/1888 (2009), S/RES/1889 (2009), and S/RES/1960 (2010).

²⁵² See the definition of ‘civilian’ used by the Taliban earlier in this report.

VI. Glossary

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

ABP: Afghan Border Police.

ALP: Afghan Local Police.

ANA: Afghan National Army.

ANP: Afghan National Police.

ANCOP: Afghan National Civil Order Police.

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

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

Armed Group: Organised armed non-State actor engaged in conflict and distinct from a Government force, such as militias, rebels, and criminal groups. These armed groups have no legal basis under the laws of Afghanistan. Armed groups are not within the formal military structures of States, State-alliances or intergovernmental organisations; and are not under the control of the State(s) in which they operate. In some cases though, armed groups may receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to the following groups: rebel opposition groups, local militias (ethnically, clan or otherwise based), insurgents, terrorists, guerrillas, and civil defence forces and paramilitary groups (when such are clearly not under State control).²⁵³

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

²⁵³ *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*.

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

Civilian Casualties: Killed or injured civilians.

May be of two classifications:

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

Indirect/Other: Casualties resulting indirectly from the conflict including casualties caused by explosive remnants of war, deaths in prison, deaths from probable underlying medical conditions that occurred during military operations, or due to unavailability or denial of medical care. It also includes deaths from incidents for which responsibility cannot be determined with any degree of certainty.

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

Civilian: For the purposes of the principle of distinction, international humanitarian law defines ‘civilians’ as those persons who are not members of military/paramilitary forces or fighters of organised armed groups of a party to a conflict. Civilians may lose protection against attacks for such time as they take direct part in hostilities.

Combatant hors de combat or protected personnel: A combatant who is *hors de combat* (wounded, sick, shipwrecked, detained or surrendering) or who belongs to the medical or religious personnel of the armed forces must be protected from attack.

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

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

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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.”²⁵⁴

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

Explosive weapons: Explosive weapons are not explicitly defined by international law. Explosive weapons generally consist of a casing with a high-explosive filling and whose destructive effects result mainly from the blast wave and fragmentation produced by detonation. Mortars, artillery shells, aircraft bombs, rocket and missile warheads, and many improvised explosive devices (IEDs) fall under this term. Certain types of explosive weapons may be categorised as **light weapons** (e.g. hand-held under-barrel and mounted grenade launchers, portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres of less than 100 mm). Many explosive weapons, such as aircraft bombs, rockets systems, artillery and larger mortars are categorised as **heavy weapons**.²⁵⁵

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.

Heavy weapons: Although the term ‘heavy weapons’ is widely used, there is no commonly agreed international definition.²⁵⁶ Typical examples include large mortars, rockets systems and artillery.

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).

IED: Improvised Explosive Device. A bomb constructed and deployed in ways other than in conventional military action. IEDs can take the form of suicide bombs, such as Personal-Borne IEDs (PB-IED), Radio-Controlled IEDs (RC-IEDs), Vehicle-Borne IEDs (VB-IEDs), Suicide Vehicle Borne IEDs (SV-IED), Command-Wire IEDs (CW-IEDs), Victim-Operated IEDs (VO-IEDs), and Pressure-Plate IEDs (PP-IEDs).

²⁵⁴ UNAMA interview with ISAF HQ, 31 January 2014, Kabul.

²⁵⁵ 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.

²⁵⁶ Heavy weapons are not mentioned in international human rights or international humanitarian law standards. Moyes, R., Brehm, M. and Nash, T., *Heavy weapons and civilian protection*, Article 36 (2012).

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Victim-operated IEDs – A victim-operated IED detonates when a person or vehicle triggers the initiator or switch which could be a pressure plate or pressure release mechanism, trip wire or another device, resulting in an explosion.²⁵⁷

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.²⁵⁸ RC-IEDs include user-detonated IEDs, such as roadside IEDs, and objects and animals rigged with IED devices, such as vehicles, bicycles, motorcycles and donkeys.

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

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

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

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

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

IHL: International Humanitarian Law.

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

²⁵⁷ *Ibid.*

²⁵⁸ Small Arms Survey, *Improvised Explosive Devices*, Chapter 10 ‘Infernal Machines,’ pp. 220-221.

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

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

Light weapons: Weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, *inter alia*, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.²⁵⁹

Mol: Ministry of Interior.

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

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

NGO: Non-Governmental Organisation.

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

Afghanistan National Security Forces include: ANA, which reports to the Ministry of Defence and is formally incorporated into the armed forces of Afghanistan; and forces under the authority of the Ministry of Interior which include: Afghan Local Police, which are considered a *de facto* part of the armed forces because of their function and do not

²⁵⁹ International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, Adopted by the United Nations General Assembly on 8 December 2005, A/CONF.192/15, available at: http://www.un.org/events/smallarms2006/pdf/international_instrument.pdf.

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have the legal protection afforded to civilians; and ANP, AUP and ANBP, which are law enforcement agencies not formally incorporated into the armed forces of Afghanistan that report to the Ministry of Interior. Members of law enforcement agencies lose their protection as civilians when they function as part of the armed forces or directly participate in hostilities. For members of police units which never have combat functions, the use of force in self-defence is not considered to result in a loss of protection as a civilian.

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

Resolute Support Mission (RSM): On 31 December 2014, the North Atlantic Treaty Organization (NATO) transitioned from its International Security Assistance Force (ISAF) mission in Afghanistan to its non-combat Resolute Support Mission (train, assist and advise Afghan national security forces).

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.²⁶⁰

SOPs: Standard Operating Procedures.

Targeted Killing: Intentional, premeditated and deliberate use of lethal force by States or their agents acting under colour of law (or by an organised armed group in armed conflict) against a specific individual who is not in the perpetrator's physical custody.²⁶¹

UNDSS: United Nations Department of Safety and Security.

UNAMA: United Nations Assistance Mission in Afghanistan.

UNHCR: United Nations High Commissioner for Refugees.

USSOF: United States Special Operations Forces.

UXO: Unexploded Ordnance.

War Crimes: War crimes are serious violations of treaty and customary international humanitarian law. Under the definition of 'war crimes' of the Statute of the International

²⁶⁰ International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, Adopted by the United Nations General Assembly on 8 December 2005, A/CONF.192/15, available at: http://www.un.org/events/smallarms2006/pdf/international_instrument.pdf

²⁶¹ 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.

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Criminal Court (Rome Statute), war crimes²⁶² include serious violations of common Article 3 of the Geneva Conventions, including violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; outrages upon personal dignity, in particular humiliating and degrading treatment; taking of hostages; the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable.

²⁶² ICC Statute, Article 8. Customary international law applicable in both international and non-international armed conflicts defines war crimes as serious violations of international humanitarian law. State practice establishes this rule as a norm of customary international law. Rule 156. Definition of War Crimes. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}. See Additional Protocol II, Article 13(2). See Article 8 (2) (c) (i) of the Elements of Crime, Rome Statute of the International Criminal Court. War crimes include serious violations of the laws and customs of war applicable in non-international armed conflicts (based primarily on Article 3 common to the four Geneva Conventions of 1949, their Additional Protocol II of 1977, the 1999 Optional Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1989 Convention on the Rights of the Child, the 1994 Convention on the Safety of United Nations and Associated Personnel, the Statutes of the International Criminal Tribunals for Rwanda and the former Yugoslavia, and the Statute of the Special Court for Sierra Leone). See War Crimes under the Rome Statute of the International Criminal Court and their source in International Humanitarian Law Comparative Table, ICRC Advisory Service on International Humanitarian Law.

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Annex 1: Attacks Claimed by Taliban: Breakdown by Target Type

Attacks directed at Afghan security forces, international military forces and Pro-Government armed groups

Afghan National Police	123
Afghan Local Police	29
Afghan national security forces	25
National Directorate of Security	18
Afghan National Army	15
International Military Forces	10
Afghan Border Police	9
Arbaki/Pro-Government armed groups	7
Total attacks against military resulting in civilian casualties and claimed by Taliban on website or twitter:	236

Attacks directed at civilians and civilian objectives

Other civilian target	35
Election related	30
Civilian Government Administration	25
Judges, prosecutors and judicial staff	16
Contractors / Labourers	12
Tribal Elders	9
Aid/ NGO	3
Places and people of Worship	3
Health Care	2
Humanitarian de-miners	2
Traffic police	2
APRP / Reintegreees	1
Education	2
United Nations	1
Total attacks claimed by the Taliban directed at civilians or civilian locations which resulted in civilian casualties:	143

Attacks claimed by Taliban where the target type was unknown

3

Total attacks claimed by Taliban which resulted in civilian casualties: 382

Annex 2: Table of Taliban allegations of “war crimes” by verification status and attributions

TOTAL	UNAMA Documentation	Results	Attribution
292 allegations	121 cases had been documented by UNAMA prior to publication of the Taliban statements	40 cases had the same number of casualties 8 cases had the same number of casualties with a different ratio between killed and wounded	38 to Pro-Government Forces 4 to Cross-fire between Pro-Government Forces and Anti-Government Elements 6 to AGEs
		30 cases had a lower number of casualties	17 to Pro-Government Forces 9 to Cross-fire between Pro-Government Forces and Anti-Government Elements 4 to AGEs
		25 cases had a higher number of casualties	14 to Pro-Government Forces 5 to Cross-fire between Pro-Government Forces and AGE 5 to AGEs 1 could not be determined
		7 cases were not related to armed conflict	
		2 cases UNAMA could not determine if related to armed conflict	
		9 case casualties were not civilian or did not have casualties at all	
		77 cases were documented by UNAMA after publication of the Taliban statements	38 cases had the same number of casualties 3 case had the same number of casualties with a different ratio between killed and wounded
	7 cases had a lower number of casualties		5 to Pro-Government Forces 1 to Cross-fire between Pro-Government Forces and Anti-Government Elements 1 to undetermined
	3 cases had a higher number of casualties		3 to Pro-Government Forces
	3 cases were not related to armed conflict		
	2 cases UNAMA could not determine if related to armed conflict		
	21 cases the casualties were not civilian or did not have casualties at all		
	94 cases could not be verified by UNAMA		