

## PARTIES TO AFGHAN CONFLICT SHOULD ESCALATE PROTECTION OF CIVILIANS IN 2011

### ANNUAL REPORT DOCUMENTS 2,777 CIVILIAN DEATHS IN 2010

**KABUL – 9 MARCH 2011** – Parties to the armed conflict in Afghanistan should escalate their efforts to protect Afghan civilians in 2011, the United Nations Assistance Mission in Afghanistan (UNAMA) and the Afghanistan Independent Human Rights Commission said today on releasing their *2010 Annual Report on the Protection of Civilians in Armed Conflict*.

The report documents 2,777 conflict-related civilian deaths in 2010, an increase of 15 per cent compared to 2009. Over the past four years, 8,832 civilians have been killed in the conflict with civilian deaths increasing each year.

“In a year of intensified armed conflict, with a surge of activity by pro-government forces and increased use of improvised explosive devices and assassinations by anti-government elements, Afghan civilians paid the price with their lives in even greater numbers in 2010,” said Ivan Simonovic, UN Assistant Secretary-General for Human Rights.

Anti-government elements were linked to 2,080 civilian deaths (75 per cent of all civilian deaths), up 28 per cent from 2009, while pro-government forces were linked to 440 civilian deaths (16 per cent), down 26 per cent from 2009. Nine per cent of civilian deaths in 2010 could not be attributed to any party to the conflict.

Suicide attacks and improvised explosive devices (IEDs) killed the most Afghan civilians in the conflict in 2010, taking 1,141 lives, or 55 per cent of civilian deaths attributed to anti-government elements. In the most alarming trend, 462 civilians were assassinated by anti-government elements, up 105 per cent from 2009. Half of civilian assassinations took place in southern Afghanistan, with a 588 per cent increase in 2010 in Helmand province and a 248 per cent increase in Kandahar province.

“Assassinations affect Afghan society and violate human rights in ways that go far beyond the body count,” said Nader Nadery, Commissioner of the Afghanistan Independent Human Rights Commission. “Assassinations deter civilians from exercising their basic human rights to life and security, and violate their freedoms of expression, political participation, to work and get an education. This suppression of rights has severe political, economic and social consequences as it slows governance and development.”

Among tactics used by pro-government forces, aerial attacks continued to have the highest human cost in 2010, killing 171 civilians or 39 per cent of total civilian deaths linked to pro-

government forces. However, in spite of a significant increase in the use of air assets by pro-government forces in 2010, the proportion of pro-government forces-attributed civilian deaths caused by aerial attacks fell sharply by 52 per cent compared to 2009.

"2011 should be a year of escalating civilian protection, not another year of increasing civilian casualties," said Georgette Gagnon, director of Human Rights for UNAMA. "We urge all parties to the armed conflict – the anti-government elements, the Government of Afghanistan and international military forces – to do far more in 2011 to comply with their legal responsibilities to protect civilians."

UNAMA and the Afghanistan Independent Human Rights Commission issued the following 25 recommendations for action in 2011 to the parties in the armed conflict:

**To Anti-government elements (Taliban and other anti-government armed groups):**

- Immediately cease targeting civilians, including civilian government officials and civilians working for international military forces that are protected against any attacks under Islamic and international law principles, and withdraw orders that permit attacks and killings of civilians.
- Implement and enforce codes of conduct or directives that prohibit attacks on civilians and hold accountable members of anti-government elements who kill and injure civilians.
- Prevent civilian casualties by complying with international humanitarian law including the principles of proportionality, distinction and precaution.
- Investigate and publicly report on all incidents of civilian casualties involving anti-government elements and establish a secure focal point for sharing information on civilian casualties.
- Immediately cease all acts of killing and intimidation prohibited under Islamic principles, the Constitution and national laws of Afghanistan, and international humanitarian and international human rights law including assassination, execution, abduction, intimidation, mutilation and beheading of civilians.
- Ensure civilians can fully exercise their right to freedom of movement and have access to basic services including health and education.
- Immediately cease setting up illegal check points that restrict civilians' freedom of movement.
- Immediately cease using civilians as human shields to protect fighters from attack.
- Immediately cease attacking schools, medical facilities and mosques which are protected places under international humanitarian law.

**To the Government of Afghanistan:**

- Establish a standing, professional government body with powers to respond to major incidents of civilian casualties and authority to interact with all interested parties on information sharing, investigations and findings.
- Implement standardized compensation procedures in a coordinated, transparent and timely manner and raise public awareness about procedures for civilians affected by the conflict including on compensation and accountability.
- As lead security responsibilities are transitioned from international military forces to Afghan forces, establish a body within the Afghan National Army to serve as focal point on civilian casualties including documentation, investigations, accountability and compensation.
- Develop and implement together with international military forces measures to protect potential targeted civilians from assassinations.
- Urge mullahs and influential religious leaders to call on parties to the conflict to end the killing and injury of civilians and minimize the impact of the conflict on civilians.
- Ensure Afghan National Security Forces including Afghan Local Police fully respect their obligations under international humanitarian law to protect civilians and to take all feasible precautions to avoid loss of civilian life, injury to civilians and damage to civilian property.
- Take prompt and transparent measures to improve accountability for any member of the Afghan National Security Forces including Afghan Local Police who unlawfully causes death or injury to civilians or violates the rights of Afghan citizens including disciplinary measures and prosecution.
- Ensure all mechanisms of detention, investigation, prosecution and trial comply with Afghan and international fair trial standards, that no persons are released without proper investigation and prosecution and that those responsible for serious crimes are held accountable.

**To the International Military Forces:**

- Undertake thorough, impartial and transparent investigations into all incidents involving civilian casualties, publicly and promptly report on progress and results of investigations and take disciplinary or criminal action against any individuals found responsible for gross violations of human rights under international human rights law and serious violations of international humanitarian law.
- Ensure regional commanders fully implement Standard Operating Procedures and Tactical Directives on the use of force and night raids with strengthened standardized, transparent monitoring and evaluating mechanisms to assess implementation.
- Explore viable alternatives to night raids and ensure that all search and seizure/night raids operations are jointly conducted with or led by Afghan National Security Forces,

fully respect traditional, cultural and religious practices and comply with the forces' international legal obligations of proportionality, distinction and precaution. Ensure international and Afghan security forces leave completed standardized contact forms with victims or relatives of detainees as required by the Tactical Directives.

- Improve transparency on Special Forces' operations and publicly accept responsibility where civilian harm has occurred as a result of their actions.
- Issue a directive to ISAF and all US Forces-Afghanistan including Special Operations Forces stressing implementation of NATO non-binding guidelines on compensation and offering practical, detailed procedures for recording casualties, receiving claims, conducting investigations and offering amends in the form of compensation, apologies, condolences and other dignifying gestures.
- Implement the Standard Operating Procedure that outlines standard rules and regulations for the treatment of evidence gathered at the point of capture and procedures for handing over evidence to Afghan authorities.
- Comprehensively review all ISAF/US-Forces decisions to destroy civilian property during all operations to ensure compliance with international humanitarian law, and explore and use alternative means and methods that minimize destruction of civilian property and livelihoods.
- Support the establishment of an appropriate mechanism to monitor the creation, recruitment and activities of Afghan Local Police units to prevent misconduct and unlawful actions outside the ALP mandate, and to ensure that ALP units comply with Afghan and international law including human rights and humanitarian law.

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