

AFGHANISTAN

MIDYEAR REPORT 2014

PROTECTION OF CIVILIANS IN ARMED CONFLICT



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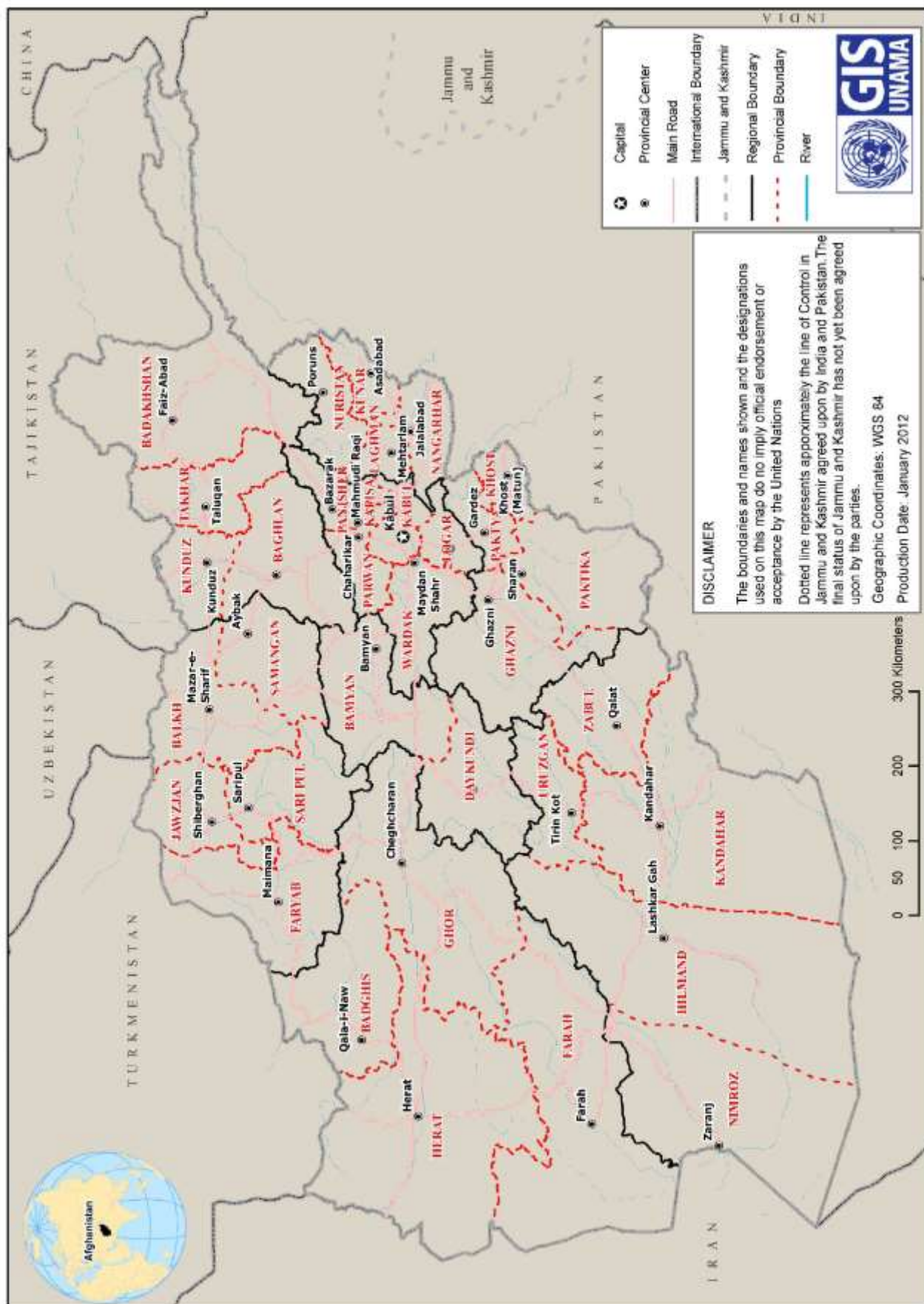
United Nations Assistance Mission
in Afghanistan



United Nations Office of the High
Commissioner for Human Rights

Kabul, Afghanistan
July 2014

AFGHANISTAN ADMINISTRATIVE DIVISION



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

Executive Summary

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

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

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

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

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

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

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

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

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

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

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

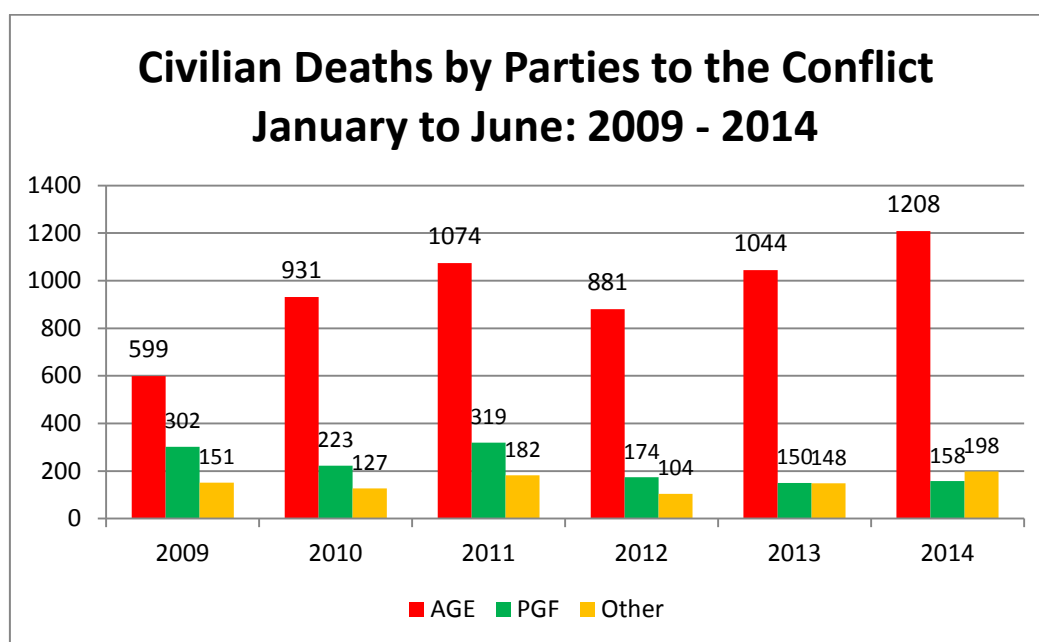
engaged in hostile acts on behalf a party to the conflict. See the definition section of this report for details.

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

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

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

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



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

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

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

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

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

¹¹ During heavy and prolonged fighting between parties to the conflict, attribution was not always possible, particularly for civilian deaths and injuries from crossfire. In these cases (127

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

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

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

Improvised explosive devices (IEDs) used by Anti-Government Elements – the second highest cause of civilian casualties – also killed and injured Afghan civilians at unprecedented levels.¹⁵ Between 1 January and 30 June 2014, UNAMA documented 1,463 civilian casualties (463 civilian deaths and 1,000 injured) a seven per cent increase from the same period in 2013 and the highest recorded number of civilian deaths and injuries from IEDs since 2009. Improvised explosive devices continued to be placed indiscriminately in areas populated or frequented by civilians and the use of illegal pressure-plate IEDs increased in violation of international humanitarian law.

UNAMA documented 205 incidents of Anti-Government Elements activating remote-controlled improvised explosive devices (RC-IEDS)¹⁶ in public areas, with devastating consequences for civilians. Between 1 January and 30 June 2014, UNAMA recorded 637 civilian casualties (150 civilians killed and 487 injured) from RC-IED attacks, a 13 per cent increase from the same period in 2013.¹⁷ Remote-controlled IEDs accounted for 44 per cent of all civilian casualties from IEDs and 13 per cent of total civilian

civilian deaths and 472 injured), UNAMA attributed the civilian casualty to both Pro-Government Forces and Anti-Government Elements.

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

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

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

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

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

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

casualties for the first six months of 2014. The majority of civilian casualties from RC-IED attacks appeared to have resulted from attacks directed at Afghan security forces, mostly Afghan National Police.

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

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

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

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

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

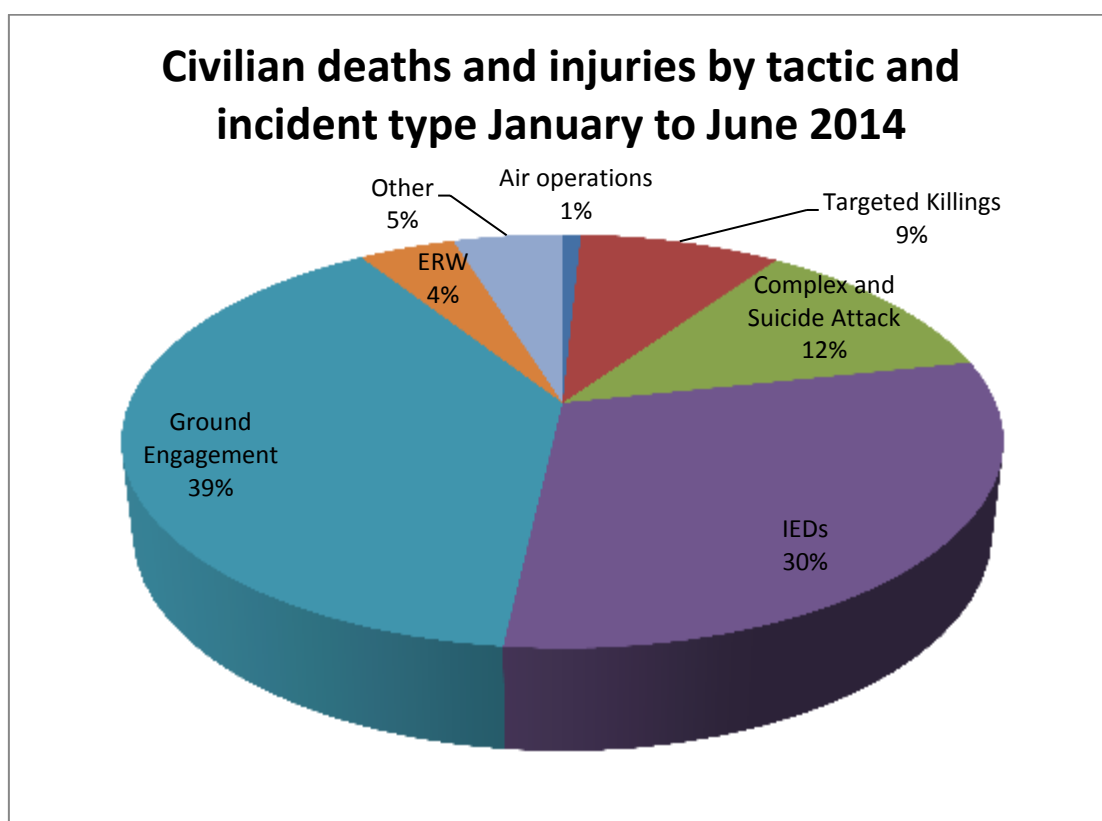
¹⁸ Pressure-plate improvised explosive devices (PP-IEDs) are essentially victim-activated bombs which detonate when any person or any vehicle steps or drives over them. As such, PP-IEDs are indiscriminate and illegal weapons.

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

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

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

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



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

Of the 147 attacks claimed by the Taliban in which UNAMA recorded civilian casualties, 75 attacks appeared to have been directed at military targets, while 69 attacks deliberately targeted civilian objectives including tribal elders, civilian Government and justice sector employees, and civilians in restaurants. For example, on 17 January, a suicide bomber and two armed men attacked a Lebanese restaurant

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

in Kabul city deliberately shooting and killing every person inside the restaurant with 21 civilian deaths.²⁴

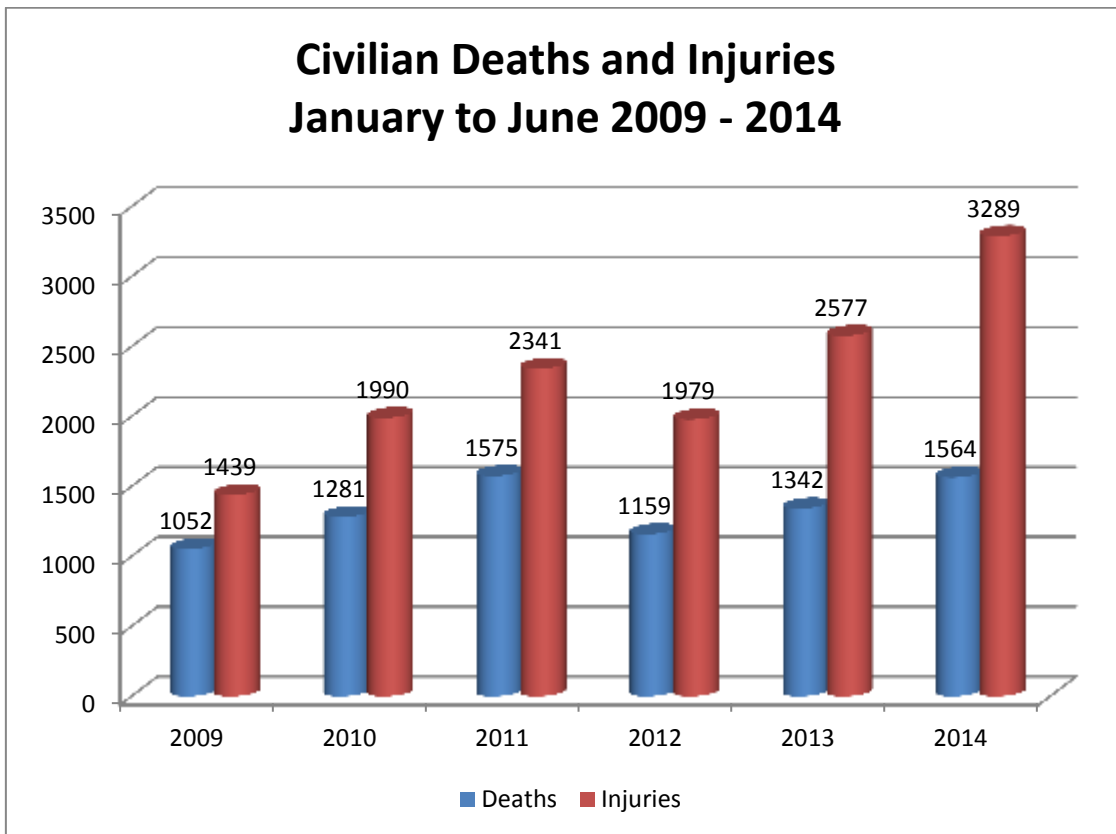
Violence related to Afghanistan's Presidential and Provincial Council elections on 5 April 2014 and the run-off Presidential election on 14 June also affected the protection of civilians. Between 1 January and 30 June, UNAMA documented 674 civilian casualties (173 civilian deaths and 501 injured) from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

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

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

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

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



Observations

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

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

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

them. This resulted in an increase in fighting in civilian-populated areas, which often led to civilian casualties.

UNAMA also noted that the closure of international military bases and subsequent heavy demands placed on Afghan security forces, exacerbated by an environment of political uncertainty – pending electoral results and an unsigned Bilateral Security Agreement (BSA) between the United States and the Government of Afghanistan – opened up space for Anti-Government Elements in some areas to challenge Afghan forces for control of key routes and terrain. In some areas the perceived lack of control by Afghan security forces appeared to encourage Anti-Government Elements to bring together larger attack groups which resulted in higher civilian casualties. In other areas, Afghan forces were able – for a range of reasons – to hold territory after the closure of ISAF bases which resulted in fewer civilian casualties in those areas.

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

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

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

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

Recommendations

Anti-Government Elements

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

Government of Afghanistan

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

International Military Forces

- Maintain support to Afghan national security forces to ensure they are sufficiently resourced, trained and equipped to command, control and effectively conduct

counter-IED operations and IED-disposal, including exploitation in 2014-16.

- Continue efforts to map, mark and clear unexploded ordnance from all international military bases and firing ranges that have closed since the onset of ISAF operations.
- Continue to conduct post-operation reviews and investigations in cooperation with the Government of Afghanistan where civilian casualties occurred in operations that involved international security or intelligence forces, and continue to take appropriate steps to ensure accountability and compensation, as well as better operational practice.