

# **AFGHANISTAN**

## **PROTECTION OF CIVILIANS IN ARMED CONFLICT**

**Special Report**

### **Increasing Harm to Afghan Civilians from the Deliberate and Indiscriminate Use of Improvised Explosive Devices**



Photo: Ghulamullah Habibi/EPA

**Kabul, Afghanistan**  
**October 2018**

## Overview

The killing and maiming of Afghan civilians by improvised explosive devices (IEDs)<sup>1</sup>, particularly suicide devices, has reached extreme levels in Afghanistan. IEDs cause almost half of the civilian casualties from conflict-related violence and are being increasingly used in attacks targeting civilians.

This Special Report prepared by the United Nations Assistance Mission in Afghanistan (UNAMA) documents serious concerns over the increased number of deliberate and indiscriminate attacks by Anti-Government Elements against the civilian population. These attacks primarily involve the use of suicide and non-suicide IEDs: bombs designed, planned and emplaced to detonate amongst crowds of civilians to kill and maim Afghan men, women and children; destroy livelihoods; disrupt lives; and create terror amongst survivors.

UNAMA has consistently documented high levels of civilian casualties arising from the indiscriminate use of IEDs by Anti-Government Elements<sup>2</sup> in areas populated by civilians, including in attacks where the perpetrators claimed to be targeting a legitimate military objective. However, whilst indiscriminate attacks continue to cause high levels of civilian casualties, since the start of 2018, attacks which directly and deliberately target civilians have accounted for almost half the casualties attributed to Anti-Government Elements. The majority of these casualties were caused by suicide and non-suicide IEDs.

In 2018, the victims of these deliberate attacks have included midwifery students and students preparing for university entrance exams; players and spectators at cricket and wrestling matches; worshippers at mosques; humanitarian aid workers; education officials; civilian government staff providing essential services to Afghans, as well as civilians seeking to access those government services; and election workers, and men and women attempting to participate in the electoral process. Of grave concern, medical personnel and journalists responding to suicide and other IED attacks were also targeted with such devices. In addition, UNAMA received credible reports of Anti-Government Elements using children to carry out suicide attacks as well as to transport and plant IEDs.

Beyond the immediate and direct harm caused to victims and their families, the long-lasting effects of suicide and other IED attacks on the wider civilian population cannot be ignored. The unpredictable nature of these types of attacks, often away from the fighting and in civilian populated areas, has caused ordinary Afghans to live in fear of the next explosion, severely curtailing their ability to carry out normal lives.

It is particularly concerning that many of the attacks targeting the civilian population appear to have been directed specifically at the Shi'a Muslim religious minority, most of whom are also ethnic Hazara.

Suicide and other IED attacks directed at the civilian population, as well as the indiscriminate use of these tactics are serious violations of international humanitarian law that may amount to war crimes. The widespread use of IED attacks directed against Afghanistan's civilian population (including religious and/or ethnic minorities), may also constitute crimes against humanity.

The mission urges the Government to investigate, fully document and conduct a transparent review of the pattern of attacks targeting civilians, including attacks directed against the Shi'a community and to take immediate steps to ensure accountability for those responsible. The report provides recommendations for immediate measures to be taken to prevent further civilian deaths and injuries from these attacks. UNAMA reiterates its call to Anti-Government Elements to immediately cease the deliberate targeting of civilians and civilian objects, to end the indiscriminate and disproportionate use of all IEDs in areas frequented by civilians, and to immediately stop the use of pressure-plate IEDs.

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<sup>1</sup> See glossary for definition.

<sup>2</sup> Ibid.

## Mandate

This special report serves to supplement UNAMA's Protection of Civilians in Armed Conflict 2018 Third Quarter Report: 1 January to 30 September, which covers civilian casualties and related harm from all incident types.<sup>3</sup>

This report is issued in accordance with UNAMA's mandate under United Nations Security Council resolution 2405 (2018) "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."

UNAMA undertakes a range of activities aimed at minimizing the impact of the armed conflict on civilians, including independent and impartial monitoring and fact-finding concerning incidents involving loss of life or injury to civilians, advocacy with all parties to the conflict, and initiatives to promote compliance with international humanitarian and human rights law, as well as the laws and Constitution of Afghanistan.

## Overall trends and attribution of responsibility

Throughout 2018, Anti-Government Elements intensified their attacks in civilian areas and against the civilian population, increasingly using IEDs containing large amounts of explosives as well as using multiple devices, resulting in rising levels of civilian casualties.

Civilian deaths and injuries arising from the combined use of suicide and non-suicide IEDs reached record high levels in the third quarter of 2018, with Anti-Government Elements increasingly directing such attacks specifically against the civilian population. Between 1 January and 30 September 2018, UNAMA documented 3,634 civilian casualties (1,065 deaths and 2,569 injured) from suicide and non-suicide IED attacks. These casualty figures include 247 women casualties (72 deaths and 175 injured) and 608 child casualties (155 deaths and 453 injured). During the period covered by this report, suicide IED attacks killed and injured increasing numbers of women and children, mainly due to a rise in the deliberate targeting of civilian objects where women and children were present.

Between 1 January and 30 September 2018, civilian casualties from attacks with all types of IEDs increased by 21 per cent compared with the same period in 2017, while the number of civilian casualties from suicide IED attacks increased by 46 per cent. The use of suicide IEDs<sup>4</sup> alone caused more civilian deaths and injuries<sup>5</sup> than any other tactic, including ground engagements.<sup>6</sup> Non-suicide IEDs<sup>7</sup> also continued to cause extremely high levels of civilian casualties – most concerningly from indiscriminate victim-activated pressure-plate IEDs.

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<sup>3</sup> To be released in mid-October. See <https://unama.unmissions.org/protection-of-civilians-reports>.

<sup>4</sup> In this report, UNAMA uses the term 'suicide IEDs' or 'suicide attacks' to include all attacks where the perpetrator used an IED, typically body-borne or vehicle-borne, intended to result in his or her death upon detonation. This also includes 'complex attacks', which include the following elements: two or more attackers and two or more types of weapons where one of the weapons is a suicide IED.

<sup>5</sup> From 1 January to 30 September 2018, UNAMA documented 2,343 civilian casualties (714 deaths and 1,629 injured) from the use of suicide IEDs.

<sup>6</sup> From 1 January to 30 September 2018, UNAMA attributed 45 per cent of civilian casualties to the use of suicide IEDs and other IEDs by Anti-Government Elements, and 29 per cent of civilian casualties to ground fighting by all parties to the conflict.

<sup>7</sup> UNAMA broadly divides non-suicide IEDs used in Afghanistan into three categories: command-detonated IEDs (i.e. by radio or remote control); victim-operated IEDs (i.e. pressure-plate or trip-wire IEDs, many of which function as anti-personnel landmines), and 'other' IEDs including timed, magnetic, and IEDS where the trigger/switch type for detonation could not be determined.

UNAMA attributed all civilian casualties from suicide and non-suicide IEDs during this period to Anti-Government Elements, with 52 per cent of civilian casualties attributed to *Daesh*/Islamic State Khorasan Province (ISKP), 40 per cent to Taliban, and the remainder to undetermined Anti-Government Elements.

### Deliberate Targeting of Civilians with IEDs

***“I was a cricket player and was member of a team at the time of the incident. We won the toss and decided to bat first. We completed our game and there was short break when some guests were invited to say a few words about the tournament. Before the speeches started, I heard an explosion and saw red smoke. I saw my blood and realized I had an injury. I started running; I heard another explosion and stopped running. I stayed on the ground for some time, due to the bleeding I fell unconscious. After some time, people took me to the hospital... The attack against the players and the playground is against humanity. “***

16 year old boy injured in a remote controlled IED attack on a cricket match in Jalalabad on 18 May 2018

In 2018 the mission documented a disturbing increase in the number of attacks where Anti-Government Elements deliberately targeted civilians and civilian objects with both suicide and non-suicide IED devices, causing extremely high levels of civilian casualties and heightened social disruption, as well as creating fear amongst the civilian population. From 1 January to 30 September 2018, UNAMA recorded 2,354 civilian casualties (676 deaths and 1,678 injured) from 93 suicide and other IED attacks deliberately targeting civilians, an increase of over two thirds in the number of civilian casualties and nearly double the number of attacks compared to the same period in 2017. Attacks deliberately targeting civilians accounted for 65 per cent of the civilian casualties from suicide and other IED attacks and comprised almost half of the total civilian casualties attributed to Anti-Government Elements.

Many of the suicide and other IED attacks targeting the civilian population appeared to be directed specifically at civilians of the Shi'a Muslim religious minority, most of whom are also ethnic Hazara (*see next section*).

Civilian objects deliberately targeted for attack by Anti-Government Elements have included sports stadiums, mosques, schools, health clinics, compounds housing humanitarian organisations and voter registration centres.

Attacks against election-related sites were particularly egregious as many voter registration centres were established in civilian structures including schools, mosques and health clinics, with attacks on those facilities consequently impacting students, educators, religious leaders, worshippers, health workers and patients. For example, one IED attack against a voter registration site in a mosque in Khost city on 6 May killed 17 civilians and injured 35 more, including six boys and four women. On 22 April in Kabul city, a suicide attacker detonated himself amongst a group of civilians outside of a *tazkera* (national ID card required for voter registration) distribution centre near a school, killing 60 civilians including 23 women, seven boys and three girls and injuring a further 138 including 65 women, 11 boys and six girls in a predominantly ethnic Hazara neighbourhood. *Daesh*/ISKP claimed responsibility for the Kabul city attack.<sup>8</sup>

Civilian casualties from suicide and other IED attacks targeting civilians for which *Daesh*/ISKP claimed responsibility continued to increase. Between 1 January and 30 September 2018, UNAMA documented 1,513 civilian casualties (443 deaths and 1070 injured) from 32 suicide and other IED attacks claimed by *Daesh*/ISKP, a 223 per cent increase in civilian casualties and 17 more incidents than UNAMA documented during the same period in 2017. One particularly horrific attack claimed by *Daesh*/ISKP occurred in Jalalabad city, Nangarhar province on 18 May when four remote-controlled IEDs were detonated at a cricket match while the organiser

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<sup>8</sup> See UNAMA Protection of Civilians in Armed Conflict Midyear Update 2018 and UNAMA Protection of Civilians in Armed Conflict Special Report on Election-Related Security Incidents. All Afghanistan Protection of Civilians in Armed Conflict reports are available at: <http://unama.unmissions.org/protection-of-civilians-reports>. Claim of responsibility for 22 April Kabul city attack available at: <https://ent.siteintelgroup.com/Statements/is-khorasan-province-claims-100-casualties-in-suicide-bombing-at-voter-registration-center-in-kabul.html>, last accessed 8 August 2018.

gave a speech to spectators during a break.<sup>9</sup> The four devices killed eight civilians including a boy and injured 55 more including three boys.

In another egregious example, on 31 July, attackers detonated a suicide vehicle-borne IED outside of the Jalalabad city Department of Refugees and Returnees compound during a meeting attended by staff members of non-governmental organizations and the United Nations. The attackers entered the compound, firing indiscriminately and throwing hand grenades at civilians who attempted to hide or run away. The attack killed 15 civilians and injured 28 more, including two girls, two boys, and three women. *Daesh*/ISKP claimed responsibility for the attack.<sup>10</sup> This incident was the third over a four-day period where civilians were targeted with suicide IEDs in Nangarhar province.

The mission also notes grave concern with Anti-Government Element attacks targeting medical personnel and journalists responding to attacks. For example, on 30 April 2018, a suicide bomber detonated himself against a security check-post in front of the National Directorate of Security counterterrorism department in Kabul city, killing 21 civilians and injuring 42 more. A second suicide bomber detonated his explosives amongst the first responders and journalists shortly after their arrival at the incident site. According to witnesses and security forces, the second attacker had carried a camera and fraudulent press identification, pretending to be a reporter. *Daesh*/ISKP claimed responsibility for both attacks, explicitly taking responsibility for the second attack killing ‘infidel security and media [who] rushed to the incident site’.<sup>11</sup>

UNAMA also documented a three-fold increase in civilian casualties from suicide and other IED attacks targeting civilians that were claimed by the Taliban. Seven such attacks documented so far in 2018 resulted in 415 civilian casualties (152 deaths and 263 injured), the majority resulting from a suicide vehicle-borne IED attack against a government administrative compound in Kabul in January 2018, which caused nearly 350 casualties.<sup>12</sup> Overall, in the first nine months of 2018, UNAMA attributed 1,468 civilian casualties (460 killed and 1,008 injured) to Taliban, in 302 separate incidents involving attacks using suicide and other IED tactics.

### Sectarian-motivated Attacks Targeting Shi’a Muslims

***“My mother, my niece and I were on the second floor of the mosque. We had just finished laying out our prayer mats when we heard gunshots. Everyone started to run towards the main doors. They started to fire towards us from downstairs and people started to rush back towards the prayer room and this is when my poor mother was shot and she fell to the ground – at the same time my niece was hit and she also fell to the ground. I was shot in my right arm and I fell. I lost a lot of blood. No one came to our aid and a big explosion took place. I was injured with a lot of broken glass in my chest and face. When we were in hospital we kept asking about our mother and our elder brother told us that she was in another hospital. Only after being discharged from the hospital did our brother inform us that our mother had been killed that day in the mosque.”<sup>13</sup>***

Female victim of a complex attack on a Shi’a mosque in Kabul on 25 August 2018

Consistent with the disturbing trends observed in 2016 and 2017, between 1 January and 30 September 2018, Anti-Government Elements continued to conduct attacks against the Shi’a Muslim religious minority, most of

<sup>9</sup> Claim of responsibility made on *Daesh*/ISKP radio station broadcast in Nangarhar province, on file with UNAMA.

<sup>10</sup> Claim of responsibility available at: <https://news.siteintelgroup.com/Jihadist-News/is-khorasan-province-claims-2-man-suicide-raid-on-department-of-refugees-and-returnees-in-jalalabad.html>, last accessed 8 August 2018.

<sup>11</sup> Claim of responsibility available at: [https://twitter.com/Terror\\_Monitor/status/990861445477863424](https://twitter.com/Terror_Monitor/status/990861445477863424), last accessed 4 October 2018.

<sup>12</sup> The 27 January 2018 attack on the Ministry of the Interior administrative compound in Kabul city resulted in 114 civilian deaths and 229 injured.

<sup>13</sup> UNAMA interview with victim, UNAMA offices, Kabul city, 7 September 2017.

whom also are also ethnic Hazara.<sup>14</sup> In the first nine months of 2018, these attacks caused 705 civilian casualties (211 deaths and 494 injured), and, with the exception of one suicide IED attack, were all claimed by *Daesh*/ISKP. The mission notes with extreme concern the continued pattern of attacks directed at the Shi'a Muslim community – nine months into 2018 UNAMA has already documented more civilian casualties from attacks against Shi'a Muslims than in the whole of 2017.<sup>15</sup>

Most recently, on 5 September 2018, two explosions (a suicide body-borne IED and a vehicle-borne IED) targeted spectators of a wrestling match at a sports club in Qalai Nazir area of Kabul city, a Shi'a majority area, killing 29 civilians and injuring 92 more, including children. Victims of this appalling attack included sportsmen, spectators, and children. First responders and journalists were also tragically impacted by this attack. A suicide attacker detonated his explosives inside the sports club while the match was taking place, killing at least a dozen individuals and injuring over 30 more. A car bomb then detonated in close vicinity to the sports club, affecting first responders and journalists in the area and causing the remaining civilian casualties. *Daesh*/ISKP claimed responsibility for the attack.<sup>16</sup> Another two similarly deadly attacks were perpetrated in August 2018, killing 73 civilians and injuring 161. In the first attack, on 3 August, two male suicide attackers wearing burqas as a disguise detonated amongst worshippers during Friday prayers at the Shi'a Imam Zaman mosque in Khwaja Hassan village of Gardez city, killing 33 civilians including 10 children and injuring 94 including seven children. In the second incident, on 15 August 2018, in the Naqash area of Dashti Barchi, Kabul city, a Shi'a majority neighbourhood, a suicide attacker detonated his explosives inside a classroom of Mawhood Education Center. As a result, 40 civilians were killed and another 67 were injured. Responsibility for both attacks was claimed by *Daesh*/ISKP.<sup>17</sup>

### **Indiscriminate use of IEDs**

In addition to direct targeting of civilians, Anti-Government Elements continued to conduct indiscriminate IED attacks in civilian areas that caused significant harm to the Afghan population. These included the use of indiscriminate suicide IED attacks as well as the use of victim-activated pressure-plate IEDs, which are inherently indiscriminate in their means of detonation.

On 22 July a suicide attack was carried out at the entrance to Kabul airport amongst a large presence of Afghan forces, who were providing security during the arrival of the First Vice President of Afghanistan, General Abdul Rashid Dostum. A large number of his supporters were also in the crowd, and as a result, 27 civilians were killed and 79 more injured. *Daesh*/ISKP claimed responsibility for the attack.<sup>18</sup> This attack is emblematic of many of the indiscriminate suicide attacks, particularly in Kabul city, targeting government officials using large amounts of explosives and in populated areas, killing and injuring civilian passers-by going about their daily lives.

The majority of non-suicide IED civilian casualties continue to be caused by pressure-plate IEDs employed by Anti-Government Elements, mostly Taliban. Despite a 33 per cent reduction in civilian casualties from pressure-plate IEDs compared with the same period in 2017, UNAMA recorded 544 civilian casualties (201

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<sup>14</sup> Most Shi'a Muslims in Afghanistan are of Hazara ethnicity and form a minority of the primarily Sunni Muslim Afghan population.

<sup>15</sup> UNAMA documented 551 civilian casualties (207 deaths and 339 injured) from sectarian motivated attacks targeting Shi'a Muslims in 2017. See Afghanistan Protection of Civilians Annual Report 2017, p. 41.

<sup>16</sup> Claim of responsibility available at: [https://twitter.com/Terror\\_Monitor/status/1037533194352906240](https://twitter.com/Terror_Monitor/status/1037533194352906240), last accessed 16 September 2018.

<sup>17</sup> Claims of responsibility available at: See [https://twitter.com/Terror\\_Monitor/status/1025891355548180480](https://twitter.com/Terror_Monitor/status/1025891355548180480) (referring to the Shi'a community as the target) and [https://f.top4top.net/p\\_9587g3kp1.jpg](https://f.top4top.net/p_9587g3kp1.jpg) (using sectarian language), last accessed 16 September 2018.

<sup>18</sup> Claim of responsibility available at: [https://twitter.com/Terror\\_Monitor/status/1021173450000306176](https://twitter.com/Terror_Monitor/status/1021173450000306176), last accessed 8 August 2018.

deaths and 343 injured) from the victim-activated devices between 1 January and 30 September 2018. Pressure-plate IEDs continue to kill and maim civilians, and destroy the lives of families long after fighting has subsided. For example, in Maidan Wardak province on 27 July, a pressure-plate IED planted by Taliban detonated when a boy grazing cattle in the area stepped on it, killing him and injuring two other boys.

Pressure-plate IEDs and other anti-personnel landmines continue to cause considerable civilian casualties. Despite the challenges of continued contamination by pressure-plate IEDs, the Government continues to remove the devices and make efforts to protect the civilian population, making progress towards its commitments under the Ottawa Mine Ban Treaty to bring Afghanistan to mine-free status by 2023.<sup>19</sup>

### Provinces Most Impacted by Deliberate and Indiscriminate IED Attacks

***"I am a practicing wrestler. I would go every day to the Maiwand Gym in Qalai Nazir area [Kabul city] for workout. On 5 September, I was in the changing room when I suddenly heard a shocking explosion. I thought it happened just next to me! It was so loud that I temporarily lost my hearing. I saw the dark smoke engulfing me, but I didn't know what was actually happening. I was about to lose consciousness. Suddenly, I saw one of my friends yelling and calling for help. Somehow, I managed to get closer to my friend. I saw his leg already amputated. I then tied his leg with my scarf and carried him out of the gym. On the way out I saw bodies of my friends and limbs scattered all over. I had to walk over the bodies and in a pool of blood. Then, outside of the gym, people from the community had already gathered; they took me and my friend to a nearby hospital. I have not dared to see my friend because I don't know whether I would be able to see him without a leg! I am angry as well as saddened that Daesh or whoever else could be so brutal; how they could dare to justify their attacks on civilians, attacks on their fellow Muslims who also follow the Allah or Kalimah Tawhid!"***

17 year old boy injured in a suicide attack on a sports centre in Kabul City on 5 September

Kabul province continued to record the highest number of civilian casualties from armed conflict, mainly due to suicide IED attacks by Anti-Government Element in densely populated civilian areas of the capital. Between 1 January and 30 September 2018, UNAMA documented 1,402 civilian casualties (433 deaths and 969 injured) in Kabul city, with 99 per cent of these caused by suicide and other IED attacks. So far in 2018, the mission has documented 34 IED incidents causing civilian casualties in Kabul province (23 suicide IED attacks and 11 non-suicide IED attacks).

Civilians in Nangarhar province, particularly in Jalalabad city, also increasingly suffered from IED attacks, primarily suicide attacks claimed by *Daesh*/ISKP. Between 1 January and 30 September 2018, UNAMA documented 991 civilian casualties (268 deaths and 723 injured) from 78 suicide and other IED attacks in Nangarhar. This is a six-fold increase from 2017<sup>20</sup>. More than two-thirds of the civilian casualties resulted from attacks for which *Daesh*/ISKP claimed responsibility. So far in 2018, UNAMA has recorded 16 suicide IED attacks and 62 non-suicide IED attacks causing civilian casualties in Nangarhar province.

Civilians in Helmand and Kandahar provinces also continued to suffer the extreme consequences of suicide and non-suicide IEDs by Anti-Government Elements. In Helmand, between 1 January and 30 September 2018, approximately half of the 239 civilian casualties (64 deaths and 175 injured) from IEDs occurred as a result of suicide attacks, with the other half mainly from pressure-plate IEDs. In a particularly brutal attack targeting civilians, on 23 March, a suicide attacker detonated a suicide vehicle-borne IED outside of an inter-provincial wrestling competition as spectators departed from the event, killing 15 civilians including nine boys and injuring 47 others including 11 boys.

Pressure-plate IEDs left over from fighting in recent years continue to be of particular concern in many parts of Kandahar, where pressure-plate and other non-suicide IEDs caused most of the civilian casualties attributed

<sup>19</sup> For more information, see <http://www.mineaction.org/programmes/afghanistan>.

<sup>20</sup> UNAMA documented 141 civilian casualties (31 deaths and 110 injured) from suicide and other IED attacks in Nangarhar.

to Anti-Government Element use of IEDs in the province. Anti-Government Elements also continue to impact civilians with remote-controlled IEDs targeting Pro-Government Forces in civilian populated areas, particularly in Kandahar.

## Legal Framework

UNAMA reiterates that attacks directed at the civilian population, as well as the indiscriminate use of suicide and other IED tactics are serious violations of international humanitarian law that may amount to war crimes.<sup>21</sup> The mission once again states to Anti-Government Elements that international humanitarian law prohibits attacks which may cause incidental loss of civilian life, injury to civilians or damage to civilian objects, or a combination thereof, which would be excessive with respect to the concrete and direct military advantage anticipated.<sup>22</sup> UNAMA urges Anti-Government Elements to immediately cease the use of IEDs, including during suicide and complex attacks, in all areas with a civilian presence.

The mission recalls that victim-activated pressure-plate IEDs, though typically used by Anti-Government Elements to target Afghan national security forces, are inherently indiscriminate as their effects cannot be directed against a specific target. Moreover, pressure-plate IEDs are planted on public roads, routinely used by civilians. Accordingly, their use is a serious violation of international humanitarian law and may amount to a war crime.<sup>23</sup>

Finally, attacks deliberately targeting civilians and the murder of civilians are serious violations of international humanitarian law that amount to war crimes.<sup>24</sup> In addition, widespread or systematic attacks directed against a civilian population (including religious and/or ethnic minorities) in which civilians are intentionally killed may constitute crimes against humanity.<sup>25</sup> International humanitarian law and international criminal law further

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<sup>21</sup> War crimes include the commission of the acts prohibited by Common Article 3(1) against those not taking part in hostilities, including violence to life and person; the acts prohibited by Additional Protocol II, Article 4(2); and attacks intentionally directed at civilians or civilian objects. See Rome Statute, Articles 8(2)(c), 8(2)(e)(i); ICRC Customary International Humanitarian Law Study, Rule 156. While, the Rome Statute does not expressly criminalize indiscriminate and disproportionate attacks in non-international armed conflicts, such attacks may give rise to inferences of a direct attack against civilians in some circumstances. See, for example, *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-A, Appeal Judgement, 30 November 2006, paras. 132, 133. See also ICRC Customary International Humanitarian Law Study, Rule 156; Rome Statute, Articles 8(2)(c), 8(2)(e)(i); *Prosecutor v. Dusko Tadić*, IT-94-1, Appeals Chamber Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, paras. 120-127.

<sup>22</sup> Implicit in Common Article 3; Additional Protocol II, Articles 4, 13. See also Additional Protocol I, Articles 51, 85(3)(b) (not applicable to non-international armed conflict but accepted as customary international law see ICRC Customary International Humanitarian Law Study, Rules 1, 14, 15, 154).

<sup>23</sup> See Additional Protocol I, Article 51 (not applicable to non-international armed conflict but accepted as customary international law); Amended Protocol II to the Convention on Certain Conventional Weapons, Article 3(8); and Ottawa Convention on Anti-Personnel Mines, Preamble and Article 1. See also ICRC Customary International Humanitarian Law Study, Rules 11, 12 and 71; and *Prosecutor v. Dusko Tadić*, IT-94-1, Appeals Chamber Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, para. 127.

<sup>24</sup> Common Article 3; Additional Protocol II, Articles 4(2), 13(2); Rome Statute, Articles 8(2)(c) and 8(2)(e)(i); ICRC Customary International Humanitarian Law Study, Rules 1, 6, 89, 156.

<sup>25</sup> For example, crimes against humanity as defined in Article 7 of the Rome Statute include, *inter alia*, acts of murder; extermination; or persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds; and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

prohibit attacks directed against places of worship which constitute cultural property,<sup>26</sup> as well attacks in which the perpetrators feign civilian or other protected status in order to carry them out.<sup>27</sup>

## Recommendations

The mission urges Anti-Government Elements to immediately cease the deliberate targeting of civilians and civilian objects, including Government officials carrying out civilian functions, human rights defenders, judges, journalists, prosecutors, first responders and aid workers.

Considering the significant risk posed to the minority Shi'a Muslim population by sectarian-motivated attacks, UNAMA recommends that the Government of Afghanistan increase its efforts to protect this population, including enhancement of existing protection and security measures, strengthening preventative mechanisms, and ensuring better coordination and communication with the Shi'a Muslim population.

In compliance with obligations under international humanitarian law, Anti-Government Elements must cease the indiscriminate and disproportionate use of all IEDs, including the use of body-borne IEDs and vehicle-borne IEDs during suicide and complex attacks, in areas frequented by civilians, and must immediately stop using pressure-plate IEDs.

UNAMA recommends, with the support of the international military forces and international partners, that the Government of Afghanistan continue to strengthen the capacity of the Afghan national security forces to command, control and effectively conduct counter-IED operations and IED-disposal, including IED exploitation, and that the Government dedicate all necessary resources to ensure the full implementation of the national counter-IED strategy.

UNAMA recommends that international military forces and international partners also continue to support the Afghan national security forces to strengthen their capacity to mark, clear, and destroy explosive remnants of war in compliance with the obligations Afghanistan and other states using explosive weapons in Afghanistan have under international humanitarian law and pursuant to Protocol V to the 1980 Convention on Certain Conventional Weapons.

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<sup>26</sup> Additional Protocol II, Article 16. See also ICRC Customary International Humanitarian Law Study, Rule 38. Rome Statute, Article 8(2)(e)(iv) criminalizes in non-international armed conflict “intentionally directing attacks against buildings dedicated to religion [...] historic monuments [...] provided they are not military objectives”; International Convention on Civil and Political Rights, Article 18.

<sup>27</sup> ICRC Customary International Humanitarian Law Study, Rule 65. Rome Statute, Articles 8(2)(b)(vii) and (xi) and 8(2)(e)(ix) criminalize various forms of perfidy.

## Glossary

**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, groups identifying themselves as ‘*Daesh*’, Islamic State 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.

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

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

RC-IEDs include user-detonated IEDs, such as roadside IEDs, and objects and animals rigged with IED devices, such as vehicles, bicycles, motorcycles and donkeys. Magnetic-IEDs are IEDs attached by a magnetic or other device and are a sub-category of command-operated IEDs; UNAMA records these devices separately due to the common delivery method in Afghanistan, i.e., placement on vehicles of targeted individuals.

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

*Other IEDs* – This category includes command-wired IEDs and timed-IEDs<sup>304</sup> and IEDs where the trigger/switch type for detonation could not be determined.

*Suicide IEDs* – Separately from data on IEDs, UNAMA documents civilian casualties resulting from complex and suicide attacks. Suicide IEDs are generally either Body-Borne IEDs (BB-IEDs) or Suicide

*Vehicle-Borne IEDs (SVB-IEDs)*. Body-Borne IEDs refer to situations where a suicide bomber wears an explosive vest or belt while Suicide Vehicle-Borne IEDs is defined as the detonation of a vehicle rigged with explosives by a driver or passenger inside the vehicle, or the detonation of a BB-IED by the driver or a passenger while inside the vehicle.

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