

AFGHANISTAN

PROTECTION OF CIVILIANS IN ARMED CONFLICT

SPECIAL REPORT: 2019 ELECTION-RELATED VIOLENCE



UNAMA

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OVERVIEW

On 28 September, Afghanistan held its fourth Presidential election since 2004. While levels of election-related violence remained relatively low in the months leading up to polling day, two high-profile suicide attacks on election-related sites in July and September, alongside an extended campaign by the Taliban to intimidate Afghan citizens not to participate in the election, raised concern and doubt as to what would transpire on election day. Despite fear of violence, Afghans did use their constitutional right to vote and the day progressed without any mass-casualty incidents. Nevertheless, on 28 September, the day of the presidential elections, UNAMA documented 100 election-related incidents with civilian casualties across the country, mainly attributed to the Taliban, including many civilians who were not participating in the presidential election

This Special Report prepared by the United Nations Assistance Mission in Afghanistan (UNAMA)¹ presents the findings of monitoring conducted by the UNAMA Human Rights Service with regard to election-related violence from the start of the top-up registration on 8 June 2019 until 30 September, two days after the 2019 Afghan presidential election.

UNAMA's preliminary figures indicate that attacks targeting the electoral process caused 458 civilian casualties (85 deaths and 373 injured), including 277 civilian casualties (28 deaths and 249 injured) on polling day. Overall civilian casualties figures were significantly lower in 2019 as compared to the 2018 parliamentary elections—both in the lead up to election day and on 20 October, polling day.² However, civilian casualty levels were higher than polling day for the first round of the 2014 presidential election in April³ and also higher than the polling day for the second round in June the same year.⁴ Of particular concern, over one-third of all civilian casualties on polling day in 2019 were children. More than 80 per cent of all civilian casualties of election-related violence of 2019 and about 95 per cent of all civilian casualties from election-related violence on polling day were attributed to the Taliban.⁵

This report documents the harm to civilians in relation to election-related violence, mostly caused by extensive Taliban operations throughout Afghanistan intended to disrupt the presidential election, including attacks aimed directly at the civilian population, targeting voters, election workers, campaigners, election rallies, and polling centres. The majority of Taliban attacks involved the use of indirect-fire systems such as rockets,

¹ This report was prepared by the Human Rights Service of UNAMA pursuant to the UNAMA mandate under United Nations Security Council Resolution 2489 (2019) “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.” 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.

² In 2018, UNAMA verified 1,007 civilian casualties (226 deaths and 781 injured) from election-related violence, with the Taliban causing approximately half of all election-related civilian casualties that year; 435 civilian casualties (56 deaths and 379 injured) of these civilian casualties occurred on 20 October, the first day of polling, which was the highest civilian casualty toll of any day in 2018. Voting was extended to multiple polling days in 2018. For more information on election-related violence in 2018, see the two special reports issued by UNAMA on this topic, available online at <https://unama.unmissions.org/protection-of-civilians-reports>.

³ UNAMA documented 159 civilian casualties (32 deaths and 127 injured) from election-related violence on 5 April 2014 (polling day for the first round of the previous presidential elections).

⁴ UNAMA documented 251 civilian casualties (52 deaths and 199 injured) from election-related violence on 14 June 2014 (polling day for the second round of the previous Presidential Elections).

⁵ UNAMA attributed 370 civilian casualties (64 deaths and 306 injured) from election-related violence to the Taliban from the start of the top-up registration period in June to 30 September 2019. This also includes the 263 civilian casualties (28 deaths and 235 injured) that UNAMA attributed to the Taliban on polling day.

grenades and mortars, as well as improvised explosive devices (IEDs) emplaced at or near polling centres, including schools. The report details how the use of these weapons in civilian-populated areas had indiscriminate effects, harming civilians, including children. While election-related attacks were directed to disrupt the electoral process, many civilians far from polling sites and not actively participating in the electoral process were also harmed by such attacks. The report also highlights a pattern of abductions, threats, intimidation and harassment carried out by the Taliban against civilians leading up to and during the election.

The report reiterates that electoral processes in Afghanistan are a civilian undertaking, and that the right of all citizens to participate in elections is a basic and fundamental human right guaranteed under international human rights law and Afghan law. Deliberate acts of violence against civilians and civilian objects – which include voters, election workers, campaigners, election rally sites and polling centres – as well as indiscriminate attacks, are strictly forbidden under international humanitarian law and constitute war crimes. Widespread or systematic attacks against Afghanistan’s civilian population may also constitute crimes against humanity. Warning civilians of an intention to attack election sites does not release the warning party of its obligations under international humanitarian law. Furthermore, acts or threats of violence intended to spread terror among the civilian population are prohibited under international humanitarian law.

Therefore, UNAMA strongly condemns all attacks targeting the electoral process of Afghanistan, including civilians participating in the elections and election-related facilities.

UNAMA acknowledges the actions taken by the Government of Afghanistan and its security forces to uphold the right of Afghan citizens to participate in elections and to protect them from harm, noting in particular their efforts in safely defusing IEDs that were discovered in or near to polling centres before they could inflict harm to the civilian population.

METHODOLOGY

This report is based on information gathered by the UNAMA Human Rights Service and is grounded in principles of international human rights law and international humanitarian law, and its methodology is based on best practices and the advice and guidance of Office of the High Commissioner of Human Rights.

The civilian casualty figures provided concern election-related violence⁶ from the start of the top-up registration period on 8 June to 30 September 2019, two days after polling day of the 2019 Afghan presidential election and are verified according to UNAMA methodology, which requires a minimum of three different and independent source types.⁷ UNAMA collected information from a wide range of sources, including documentary evidence and human sources, such as victims, witnesses, victims lists from hospitals and health clinics, the Independent Electoral Commission at provincial and national levels; government and security officials at the district, provincial and national levels; as well as community elders, civil society activists, and journalists. UNAMA does review public statements made by the Government of Afghanistan as well as by the Taliban, news reports and social media accounts, but does not consider these as sources under its methodology. UNAMA also obtained information from other entities of the United Nations.

As at the time of publication of the report verification of additional incidents remains ongoing, information in this report should be considered as preliminary. Final civilian casualty figures and other details on the impact

⁶ For the purposes of this report, election-related violence refers to incidents of the armed conflict in which the target of the attacks are individuals engaged in or objects related to election processes. This would for example include attacks of Anti-Government Elements on polling centres and election workers but would not cover violence between citizens over election-related issues.

⁷ For more information on UNAMA methodology, please see UNAMA, Protection of Civilians in Armed Conflict: Annual Report 2018, (23 February 2019), available online at <https://unama.unmissions.org/protection-of-civilians-reports>.

on civilians from election-related violence will be published in UNAMA's Protection of Civilians in Armed Conflict Annual Report 2019.⁸

TOP-UP REGISTRATION AND CAMPAIGN PERIOD PRIOR TO ELECTION DAY

From the top-up registration process that started on 8 June 2019 until 27 September, the day before the 2019 presidential election, civilian casualty figures remained significantly lower in comparison to the months leading up to the parliamentary elections in 2018.⁹ UNAMA recorded 180 civilian casualties (57 deaths and 123 injured) from election-related violence carried out by Anti-Government Elements, mainly the Taliban, prior to polling day. UNAMA also documented the abduction of nine civilians and 28 incidents of threat, intimidation and/or harassment related to the electoral process, all of which UNAMA attributed to the Taliban.

Two large-scale attacks in July and September caused over 150 civilian casualties, more than 80 per cent of election-related civilian casualties before polling day. On 28 July, Anti-Government Elements carried out a complex attack in Kabul targeting the Green Trend¹⁰ office causing 71 civilian casualties (21 deaths and 50 injured). One suicide vehicle-borne IED and one vehicle equipped with a remote controlled IED detonated outside the building where Amrullah Saleh, a vice-presidential candidate, was meeting with a group of supporters. Subsequently, armed attackers, including one suicide bomber, entered the building. The Afghan special police unit CRU-222 evacuated people from the building and ended the attack. No group claimed responsibility for the incident. On 17 September, the Taliban carried out a suicide attack in Parwan close to an Afghan National Police training centre where an election rally for President Ghani was taking place. The attack caused 81 civilian casualties (30 deaths and 51 injured). The Taliban claimed responsibility for the attack in Parwan, stating that they had warned people not to attend election gatherings as they were considered military targets.¹¹

The Taliban indicated their intention to disrupt the election through three public statements issued prior to election day. On 6 August, the Taliban issued a statement indicating an intention to disrupt the electoral process and warning Afghan citizens to stay away from election gatherings and rallies as they “could become potential targets”.¹² On 18 September, the Taliban's Education and Higher Education Commission issued a further statement indicating that schools may become the target of attacks, warning teachers and students to distance themselves from the election process to prevent themselves from being harmed.¹³ A further warning for Afghans to avoid all travel during polling day and to stay away from the election due to “military operations” by the Taliban was issued on 26 September by the Taliban's Commission for the Prevention of Civilian Casualties and Complaints.¹⁴

⁸ Expected release in February 2020.

⁹ See the two UNAMA Special Reports issued on election-related violence in 2018, available online at <https://unama.unmissions.org/protection-of-civilians-reports>.

¹⁰ Green Trend is a political party in Afghanistan founded by Amrullah Saleh.

¹¹ The Taliban issued a claim of responsibility on Twitter in Pashto, available at https://twitter.com/Zabehulah_M33/status/1173900099304546306?s=20.

¹² The Taliban issued the statement on its English website, available at <https://alemarahenglish.com/?p=49655>.

¹³ The Taliban issued the statement on Twitter in Pashto, available at https://twitter.com/Zabehulah_M33/status/1174192534354108416?s=20.

¹⁴ The Taliban issued the statement on its English website, available at <https://alemarahenglish.com/?p=52430>.

VIOLENCE ON ELECTION DAY AND IMMEDIATE AFTERMATH

Civilian casualties

UNAMA verified 100 incidents across Afghanistan with 277 civilian casualties (28 deaths and 249 injured) as a result of election-related violence on polling day, 28 September. Forty-five per cent of all civilian casualties from election-related violence on polling day were women¹⁵ and children¹⁶. UNAMA also documented 11 injured election workers. Of these incidents, UNAMA attributed 263 civilian casualties (28 deaths and 235 injured) - around 95 per cent of all civilian casualties on polling day – to the Taliban¹⁷, with the remainder attributed to cross-fire incidents between the Taliban and the Afghan national security forces and one incident attributed to a pro-Government armed group.¹⁸ At the time of drafting the report, UNAMA did not attribute any civilian casualties on polling day to *Daesh*/Islamic State - Khorasan Province (ISKP).¹⁹ While the total number of civilian casualties was lower than that recorded on the first day of polling during the parliamentary election in 2018, civilian casualty levels, including child casualties, were higher than polling day for the first round of the 2014 presidential election in April and also higher than polling day for the second round in June the same year.²⁰

Indirect fire, particularly mortars, rockets and grenades, targeted at persons and objects related to the electoral process caused 191 civilian casualties (22 deaths and 169 injured) on polling day. These weapons have inaccurate delivery systems; when fired from or to civilian-populated areas, the risk of indiscriminate effect is high. Approximately half of the civilians harmed by such indiscriminate attacks were children.²¹

Many civilians were not actively participating in the election when they died or sustained injuries from election-related violence. UNAMA documented that at least 85 civilians (12 deaths and 73 injured) were harmed in residential houses, mostly their own homes, including 55 children and 11 women. For instance, on election day in Tirin Kot city, Uruzgan province, the Taliban fired a rocket near to the Provincial Governor's office, which landed on a residential home, killing two civilians (one woman, one child) and injuring seven civilians (four children, two women and a man). In Dangan district, Kunar province, the Taliban fired mortar rounds from nearby mountains towards two schools used as polling centres. One of the rounds impacted behind the district headquarters, wounding six civilians including four children and a woman. Another mortar rounded landed nearby, wounding another woman. On Twitter, the Taliban confirmed attacking Dangan district administrative centre.²² In Sia Gird district, Parwan province, the Taliban fired rockets towards a school used as a polling

¹⁵ UNAMA verified 23 women casualties (4 deaths and 19 injured) on 28 September 2019 (Presidential Elections) in comparison to 54 women casualties (7 deaths and 47 injured) on 20 October 2018 (Parliamentary Elections). UNAMA did not register any attacks specifically targeting women voters or female polling stations.

¹⁶ UNAMA verified 103 child casualties (13 deaths and 90 injured) on 28 September 2019 (Presidential Elections) as compared to 109 child casualties (18 deaths and 91 injured) on 20 October 2018 (Parliamentary Elections).

¹⁷ This is compared to 318 civilian casualties (42 deaths and 276 injured) attributed to the Taliban on the first day of polling – 20 October - during the parliamentary elections in 2018.

¹⁸ In addition to civilian casualties caused by election-related incidents that target the electoral process on polling day, UNAMA also verified 63 civilian casualties (11 deaths, 52 injured) attributed to Afghan national security forces targeting the Taliban, mostly caused by its response to threats and attacks by the Taliban.

¹⁹ In a statement of 29 September, *Daesh*/ISKP did claim causing casualties through IEDs in Nangarhar. UNAMA continuous to follow-up on this claim at the time of drafting the report. Statement on file in the UNAMA Protection of Civilians database. On 20 October 2018, polling day for the parliamentary elections UNAMA attributed 53 civilian casualties (13 deaths and 40 injured) to *Daesh*/ISKP.

²⁰ See footnote 4 and 5 of this report. UNAMA documented 45 child casualties (six deaths and 39 injured) on 5 April 2014 (polling day for first round of the previous presidential elections); 68 child casualties (13 deaths and 55 injured) on 14 June 2014 (polling day for the second round of the previous presidential elections).

²¹ UNAMA documented 89 child casualties (11 deaths and 78 injured) from indirect fire on 28 September 2019 in connection to election-related violence.

²² The Taliban issued a statement on Twitter in English, available at

centre in the district administrative centre. One of the rockets landed on a residential home, killing a 15-year-old girl and injuring three young girls and an adult male. Two residential homes were partially damaged.

Among the civilian casualties verified on polling day, 54 (3 deaths and 51 injured) were caused by IEDs emplaced at or near polling sites, intended to prevent civilians from voting. For example, in Kandahar city on the morning of 28 September, a remote-controlled IED detonated near to a mosque and a madrassa, which was being used as a polling centre, resulting in 18 civilians injured including a boy, an Afghan National Police officer guarding the centre, a polling centre staff member, a member of the provincial Independent Election Commission and a member of the provincial Electoral Complaints Commission.

In the immediate aftermath of polling day, UNAMA verified one election-related incident with a single civilian casualty. On 30 September in Zurmat district, Paktya province, one civilian was shot and injured by the Taliban while driving a truck of ballot boxes towards the capital of Paktya province.

Abductions, threats, intimidation, and harassment

In addition to causing civilian casualties, UNAMA has also documented a concerning pattern of abductions, threats, intimidation and harassment carried out by the Taliban in an attempt to disrupt the election. These incidents occurred in the backdrop of a spike in violence that was observed during the months of July, August and September, which caused security concerns among many civilians. In addition, due to threats by the Taliban, cell phone connectivity was severely limited in large areas of Afghanistan, especially in the northern regions.

UNAMA recorded the abductions of fifteen civilians by the Taliban during polling day and in its direct aftermath, all of them were election workers. For instance, in Parwan province, in the evening of polling day, the Taliban abducted eight election staff from a polling centre when they were on their way to the Shinwari district administrative centre.

Additionally, UNAMA documented 91 incidents of threat, intimidation and harassment from the Taliban and one such incident attributed to *Daesh*/ISKP that caused polling centres or polling stations to close, prevented them from opening, or caused a serious disruption in voting. The Taliban used various types of threats, intimidation or harassment during polling day, including through the firing of indirect weapons towards polling centres; the closing of roads and setting up of illegal check posts to prevent voters from participating in the electoral process; the issuing of threatening letters; and the placing of IEDs in and around polling centres, including schools and health facilities. For instance, in Bar Kunar district of Kunar province, the Taliban targeted the polling centres located in Paloso Naw School, the Shangar Boys High School, the Dambaro mosque, and the district mosque with indirect fire and small arms fire, disrupting the voting process. The Taliban claimed responsibility for these attacks.²³ In Baghlan province, the Taliban damaged a bridge on the road connecting the provincial capitals Mazar-e-Sharif and Pul-e-Khumri in order to hamper voters to reach polling centres. And in Gelan district of Ghazni province, the Taliban had distributed night letters to warn potential voters not to take part in the presidential election. In Pul-e-Khumri city, two IEDs that were planted by the Taliban detonated near the Fatema Zahra Female High School and in the Textile Factory area. Although these IEDs did not cause civilian casualties or property damage, the incidents had an intimidating effect on civilians. In the same city, Afghan security forces also safely defused nine other IEDs that were placed in the vicinity of polling centres.

It is important to note that without the efforts of the Government of Afghanistan to secure polling centres and stations, including through the safely defusing of IEDs, the civilian casualty toll would have been higher.

https://twitter.com/Zabehulah_M33/status/1177798898158583809.

²³ The Taliban issued a statement on Twitter in English, available at https://twitter.com/Zabehulah_M33/status/1177799426636681216.

Attacks against education and health facilities

UNAMA documented attacks of the Taliban targeting polling centres located in schools and health facilities. Of these incidents, UNAMA verified 15 cases in which schools or health facilities sustained damages.

As with the 2018 parliamentary elections, on polling day and in the few days prior, government-run schools cancelled classes for all students, which reduced children's risk of being harmed as a result of direct attacks against schools used as polling centres. UNAMA did document damages to school buildings in 12 incidents, mostly the shattering of windows and damaging of walls caused either by IED explosions or indirect fire. On the day of the election, in Fayzabad district of Jawzjan province, a mortar round fired by the Taliban impacted near the polling centre located in the Latifa Shahid Female High School damaging its water tanker and breaking the windows.

In three cases, UNAMA recorded damages from health facilities that were used as polling centres, all caused by indirect fire from the Taliban attacks. During polling day, a mortar round fired by the Taliban to disturb the election caused damages to the emergency ward and an ambulance of the Ministry of Public Health building in Qalat, Zabul province. The building was functioning both as a polling centre and as an improvised hospital after the Qalat provincial hospital had been severely damaged by the 19 September suicide attack by the Taliban.

LEGAL ANALYSIS

UNAMA reiterates that the electoral process in Afghanistan is a civilian undertaking, and that the right of all citizens, without discrimination and without unreasonable restrictions, to participate in elections whether as candidates, voters or election workers is a basic and fundamental human right guaranteed under international human rights law and Afghan law. In addition, critical to an effective electoral process is the right of all persons – voters, candidates and their supporters, and election-related staff – to be free from fear and intimidation at all stages, from voter and candidate registration through to voting and finally the post-election period.²⁴

Election gatherings and rallies are civilian in nature and therefore enjoy protection from attack under international humanitarian law. In addition, issuing warnings not to take part in the electoral process does not absolve the warning party from its obligations under international humanitarian law, including the obligation to protect civilians and civilian objects from attack and to adhere to the principles of distinction, precaution and proportionality.

Deliberate acts of violence against civilians and civilian objects – which include polling centres – as well as indiscriminate attacks, are strictly forbidden under international humanitarian law and constitute war crimes.²⁵ Widespread or systematic attacks against Afghanistan's civilian population may also constitute crimes against humanity.²⁶

Furthermore, acts or threats of violence intended to spread terror among the civilian population are prohibited under international humanitarian law.²⁷ UNAMA also emphasizes that schools, mosques²⁸ and clinics²⁹ are afforded special protection under international law due to their particular religious, social and humanitarian significance, and that this protection is not lost when they are used as polling centres.

²⁴ International Covenant on Civilian and Political Rights, Article 25.

²⁵ ICRC Customary International Humanitarian Law Study, Rules 11, 12 and 156; Rome Statute of the International Criminal Court ("Rome Statute"), Article 8(2).

²⁶ Rome Statute, Article 7(1).

²⁷ Additional Protocol I to the Geneva Conventions, art. 51 (2), and Additional Protocol II to the Geneva Conventions, art. 13 (2).

²⁸ ICRC Customary International Humanitarian Law Study, Rule 38.

²⁹ ICRC Customary International Humanitarian Law Study, Rule 28.

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.

The use of IEDs and indirect fire in civilian populated areas raises particular concern because of their unpredictable and indiscriminate impact on civilians. Mortars and rockets have inaccurate delivery systems and when launched into and from civilian areas, it is reasonably foreseeable they would cause civilian harm.

RECOMMENDATIONS

UNAMA strongly condemns all attacks against the electoral process in Afghanistan and it makes the following recommendations with a view to enhance the protection of civilians during the ongoing electoral process and in future elections.

Anti-Government Elements

The mission repeats its call for Anti-Government Elements to immediately cease attacks on and threats towards civilians, including election personnel, security officials responsible for guarding elections sites and the transport of elections material, campaign workers, as well as Afghan citizens exercising their right to vote.

The mission reiterates that Anti-Government Elements must immediately cease attacks directed at election-related facilities, and pay special attention to ensure that schools, health facilities and mosques used in the election process remain protected from attack.

UNAMA urges Anti-Government Elements to apply a definition of ‘civilian’, ‘civilian object’ and ‘military objective’ that is consistent with international humanitarian law.

In compliance with obligations under international humanitarian law, Anti-Government Elements must cease the indiscriminate use of all IEDs in areas frequented by civilians and must immediately stop using pressure-plate IEDs, which are victim-activated and function as landmines.

The mission urges Anti-Government Elements to cease the practice of firing mortars, rockets and grenades from and into civilian-populated areas and cease all actions intended to spread fear amongst the Afghan population.

Anti-Government Elements are urged to instruct their members not to carry out punishments or abductions against any citizen who participated in the recent election and are reminded to respect the right of all Afghans to participate in political processes, freely and without fear.

Government of Afghanistan

UNAMA urges the Government to fully document and investigate the pattern of attacks targeting civilians, including attacks against civilian objects such as polling centres, and to take measures to secure them in the future conduct of elections; and also urge the Government to take immediate steps to hold those responsible accountable.

UNAMA acknowledges the efforts made by the Government, particularly the establishment of security measures, to safeguard the electoral process; and recommends the Government of Afghanistan to thoroughly evaluate the best practises and areas of improvements in relation to its efforts to provide security for the civilian population engaged in the electoral process. This also includes reassessing the allocation of polling centres in places where education and healthcare facilities might be at risk of attack.