

AFGHANISTAN

ANNUAL REPORT 2015

PROTECTION OF CIVILIANS IN ARMED CONFLICT



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United Nations Assistance Mission in Afghanistan

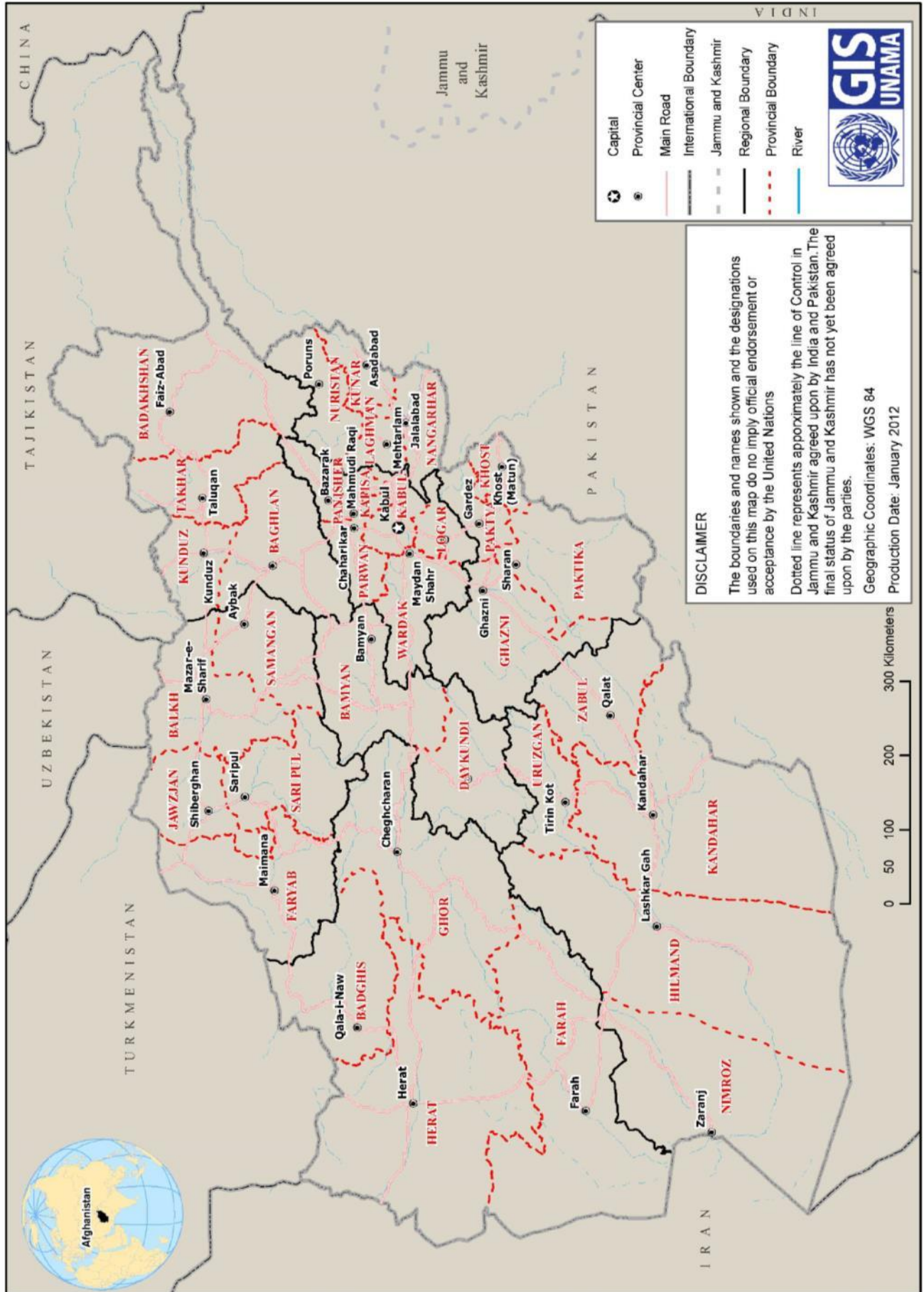


United Nations Office of the High Commissioner for
Human Rights

Kabul, Afghanistan

February 2016

AFGHANISTAN ADMINISTRATIVE DIVISION



AFGHANISTAN
ANNUAL REPORT 2015
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Human Rights**

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Photo on Front Cover © 2015/AP/Abdul Khaliq. A man carries a girl injured by a suicide vehicle-borne improvised explosive device that detonated at a security checkpoint in Lashkar Gah city, Helmand province, killing two civilians and injuring two others.

Photo taken on 16 March 2015.

"As parties to the conflict seek continued political and military gains, they must not forget that Afghanistan is not territory alone, but the place so many people call home. Claims of advances on the battlefield, heard over and over again from parties to the conflict mean little if parties fail to protect the population they wish to govern – the women, children and men of Afghanistan. The obligations of the parties to the conflict are binding, and should be the milestone by which parties judge their success."

Nicholas Haysom, United Nations Special Representative of the Secretary-General in Afghanistan, Kabul, February 2016.

"The people of Afghanistan continue to suffer brutal and unprincipled attacks that are forbidden under international law. This is happening with almost complete impunity. The perpetrators of the violations, documented by UNAMA and my staff, must be held to account. And the international community should emphasise far more vigorously that the rights of civilians should be protected."

Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, Geneva, February 2016.

Mandate

This annual report on the Protection of Civilians in Armed Conflict in Afghanistan for 2015 was prepared by the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) and covers the period from 1 January to 31 December 2015.

The UNAMA Human Rights Unit prepared this report pursuant to the UNAMA mandate under United Nations Security Council resolution 2210 (2015) “to monitor the situation of civilians, to coordinate efforts to ensure their protection, to promote accountability, and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights.”

Security Council resolution 2210 (2015) recognizes the importance of ongoing monitoring and reporting to the Security Council on the situation of civilians in the armed conflict, particularly on civilian casualties.

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

This report received technical input from the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Table of Contents

Methodology	i
Executive Summary	1
I. Human Rights Protections in Conflict-Affected Areas	13
Women and Armed Conflict	13
Children and Armed Conflict	16
Explosive Remnants of War (ERW)	22
Conflict-Related Displacement of Civilians: Internally Displaced Persons	23
Cross-Border Engagement	24
II. Ground Engagements – Civilians Caught in the Crossfire	25
Civilian Casualties Attributed to Afghan National Security Forces in Ground Engagements	28
Civilian Casualties Attributed to Anti-Government Elements in Ground Engagements	30
Ground Engagements Causing Civilian Casualties in which Attribution to a Specific Party was not Possible	31
Explosive Weapons in Civilian-Populated Areas	32
III. Anti-Government Elements	33
Tactics and Incident Types Causing the most Harm to Civilians	34
Improvised Explosive Devices	35
Suicide and Complex Attacks	41
War Crime of Murder: Targeted Killings of Civilians	42
Conflict-Related Abduction of Civilians	48
Parallel Justice Structure Punishments	50
Taliban Claims of Responsibility for Attacks Impacting Civilians	51
IV. Pro-Government Forces	58
Tactics and Incident Types Causing the most Harm to Civilians	58
Aerial Operations	59
Pro-Government Armed Groups	64
Afghan Local Police (ALP)	67
V. Legal Framework	71
VI. Glossary	76
Annex 1: Attacks Claimed by Taliban: Breakdown by Target Type	84
Annex 2: Table of Taliban Allegations of “War Crimes” by Verification Status and Attribution	845
Annex 3: NATO Resolute Support Memorandum for Record, dated 3 February 2016	86

Methodology

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

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

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

Where UNAMA is not satisfied with information concerning an incident, it will not be considered verified nor will unverified incidents be reported. In some instances, investigations may take several weeks before conclusions can be drawn. This may mean that conclusions on civilian casualties from an incident may be revised as more information becomes available and is incorporated into the analysis. Where information is unclear, conclusions will not be drawn until more satisfactory evidence is obtained, or the case will be closed without conclusion and will not be included in the statistical reporting.

In some incidents, the civilian status of the reported victims cannot be conclusively established or is disputed. In such cases, UNAMA is guided by the applicable norms of international humanitarian law and does not presume fighting-age males are either civilians or fighters. Rather, such claims are assessed and documented based upon the facts available on the incident in question.

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

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

As multiple parties are engaged in the conflict, UNAMA makes every effort to identify as precisely as possible the party responsible for a particular civilian casualty, for example, Taliban or Afghan National Army. Due to limitations associated with the operating environment, such as the joint nature of some military operations, and the inability of primary sources in many incidents to identify clearly or distinguish between diverse military actors or insurgents, or where no party claims responsibility for an incident, it might not be possible to ascertain which specific military actor, security force or insurgent group was responsible for a particular civilian casualty. UNAMA attributes responsibility for each civilian casualty incident to either Pro-Government Forces or Anti-Government Elements.

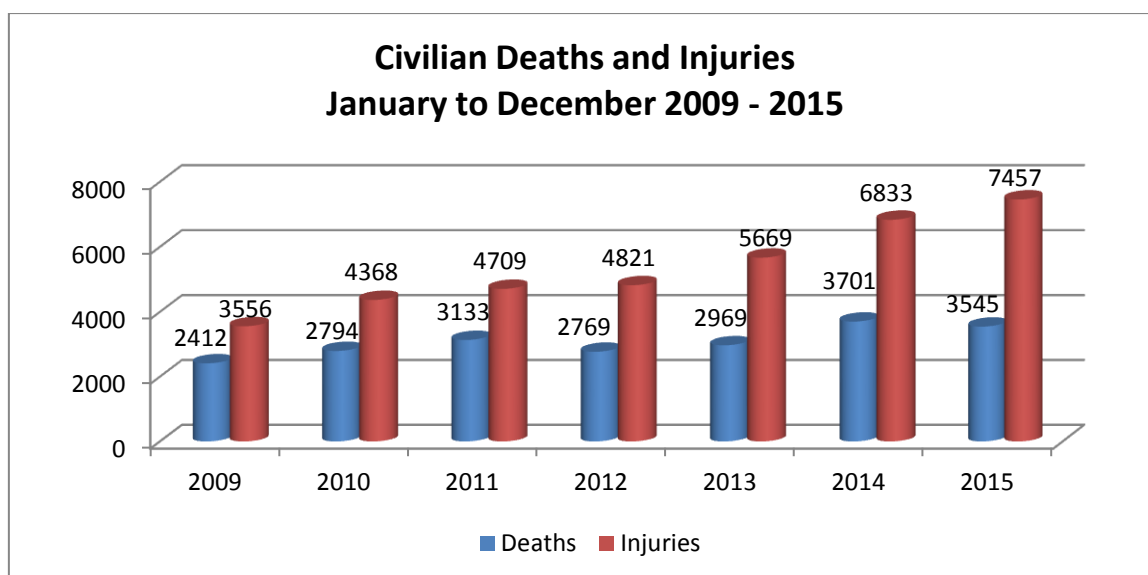
In cases of ground engagements between Pro-Government Forces and Anti-Government Elements in which a civilian casualty cannot be attributed to one party, UNAMA attributes responsibility to both groups and records them in a separate category, entitled Pro-Government Forces and Anti-Government Elements. UNAMA does not claim that statistics presented in this report are complete and may be under-reporting civilian casualties given limitations inherent in the operating environment.

Executive Summary

“After I fed my baby and put him back to sleep, I took a sip of water and returned to bed. There was a huge explosion and our roof began to collapse. I saw the roof falling on me and I lost consciousness. When I opened my eyes, I saw that my hand, legs, and back were bleeding. I tried to stand but could not get up. After 20 minutes, I heard my husband shouting over and over again, “Where are the others? My father, my father.” The blast seriously injured him and my son. My brother-in-law lost both of his eyes. We are a poor family and have lost everything.”¹

-- Woman injured in a suicide vehicle borne-IED attack, on 7 August 2015, in the Shah Shahid area of Kabul city. The attack killed 15 civilians, injured 283 others and destroyed or damaged hundreds of homes.

In 2015, the conflict in Afghanistan continued to cause extreme harm to the civilian population, with the highest number of total civilian casualties recorded by UNAMA since 2009. Following increases in 2013 and 2014, civilian deaths and injuries from conflict-related violence increased by four per cent compared with 2014. Between 1 January and 31 December 2015, UNAMA documented 11,002 civilian casualties (3,545 civilian deaths and 7,457 injured), marking a four per cent decrease in civilian deaths and a nine per cent increase in civilians injured.² Since UNAMA began systematically documenting civilian casualties on 1 January 2009 up to 31 December 2015, UNAMA recorded 58,736 civilian casualties (21,323 deaths and 37,413 injured).



This report documents the immediate harm to the civilian population of Afghanistan from conflict related violence in 2015. The consequences of the armed conflict, and the related violations of human rights and international humanitarian law accompanying it, went far beyond the tragic loss of life and physical injury. Throughout 2015, conflict-

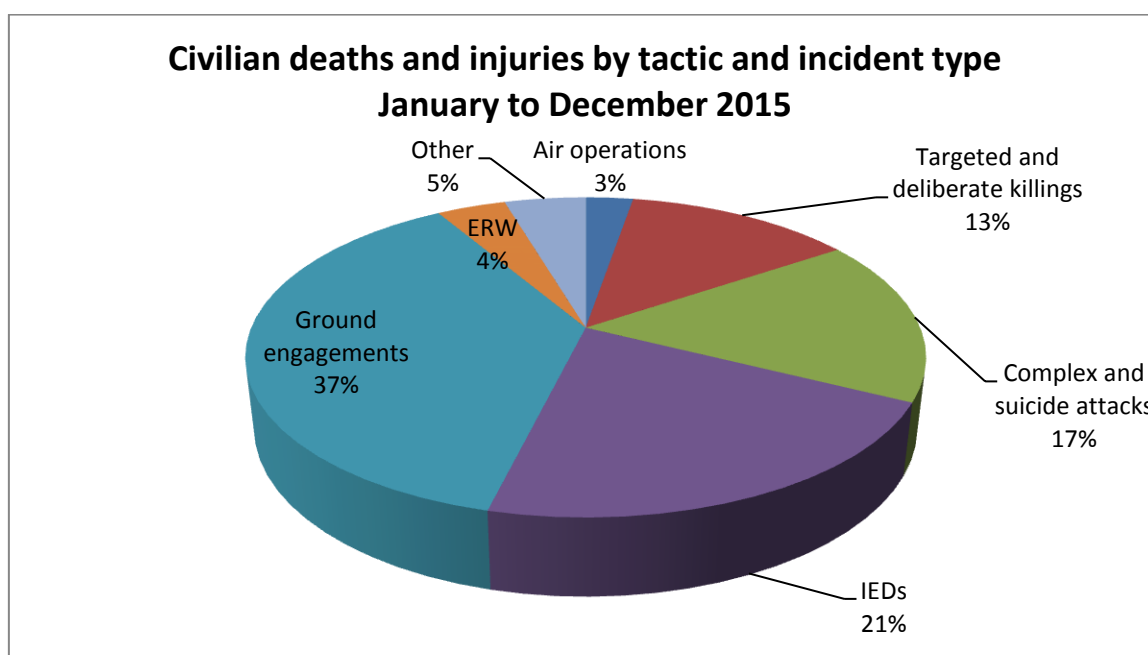
¹ UNAMA interview with a victim, Kabul city, 16 August 2015.

² In 2014, UNAMA documented 10,534 civilian casualties (3,701 deaths and 6,833 injured).

related violence destroyed homes, livelihoods and property, displaced thousands of families and restricted the freedom of civilians to access to education, health and other services. Moreover, the short and long-term effects of growing insecurity, weakened civilian protection and lack of respect for human rights and international humanitarian law will continue long beyond these immediate impacts. Generations of people in Afghanistan suffer the physical and mental effects of the conflict, receiving little or no support from Government institutions.

Conflict-related violence increasingly harmed the most vulnerable: in 2015, one in 10 civilian casualties was a woman and one in four was a child. While overall civilian casualties increased by four per cent in 2015, the mission documented a 37 per cent increase in women casualties (1,246 women casualties, comprising 333 deaths and 913 injured) and a 14 per cent increase in child casualties (2,829 comprising 733 deaths and 2,096 injured).

Ground engagements between parties to the conflict continued to cause the highest number of total civilian casualties (deaths and injured), followed by improvised explosive devices (IEDs) and suicide and complex attacks. Ground engagements killed the most civilians, followed by targeted and deliberate killings.

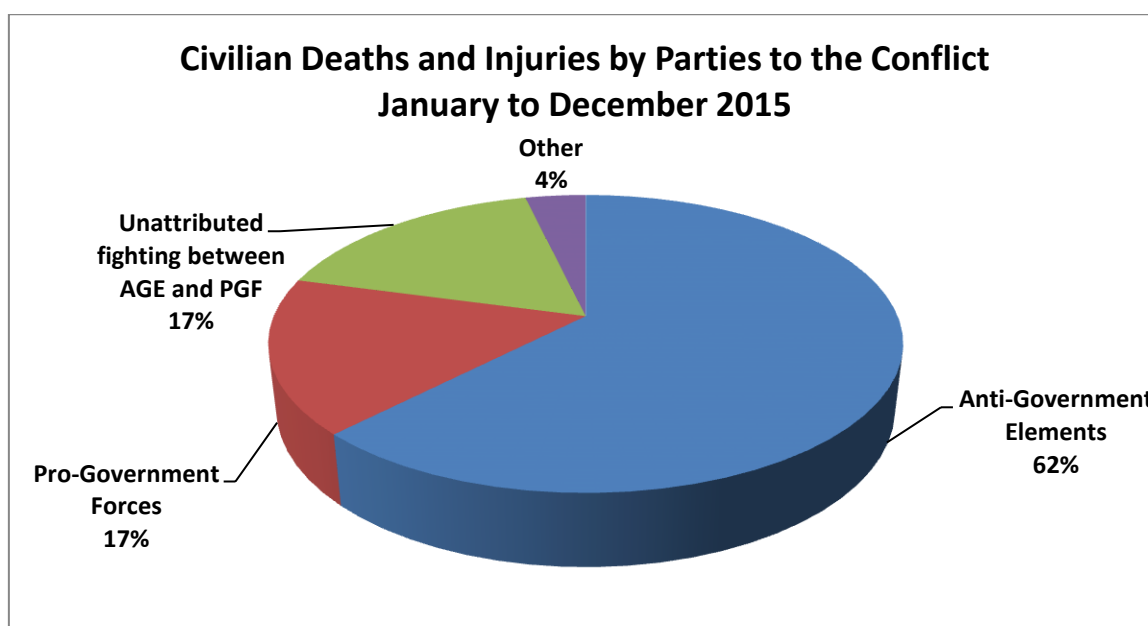


The rise in overall civilian casualties in 2015 mainly stemmed from increases in complex and suicide attacks and targeted and deliberate killings by Anti-Government Elements, increasing civilian casualties caused by Pro-Government Forces during ground engagements and aerial operations, and rising numbers of civilians caught in crossfire between the parties to the conflict, most notably in Kunduz province.³

³ See UNAMA/OHCHR Special Report on Human Rights and Protection of Civilians in Armed Conflict in Kunduz province, 12 December 2015, available at

Attribution of Responsibility for Civilian Casualties

UNAMA attributed 62 per cent of all civilian casualties to Anti-Government Elements⁴ and 17 per cent to Pro-Government Forces⁵ (14 per cent to Afghan national security forces, two per cent to international military forces and one per cent to pro-Government armed groups). Seventeen per cent of all civilian casualties resulted from ground engagements between Anti-Government Elements and Afghan national security forces not be attributed to one specific party. Four per cent⁶ of civilian casualties resulted from unattributed explosive remnants of war⁷.



http://unama.unmissions.org/Portals/UNAMA/civcas/Special%20Report%20on%20Kunduz%20pr ovince_12%20December%202015.pdf

⁴Anti-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 identified as ‘Daesh’ and other militia and armed groups pursuing political, ideological or economic objectives including armed criminal groups directly engaged in hostile acts on behalf of a party to the conflict.

⁵ The term “Pro-Government Forces” includes Afghan Government’s 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 armed groups 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 glossary section for further details.

⁶ UNAMA attributed less than half of one per cent to cross-border shelling from Pakistan into Afghanistan

⁷ Unattributed explosive remnants of war where the responsible party could not be determined or the UXO resulted from a previous conflict.

Anti-Government Elements

Between 1 January and 31 December 2015, UNAMA documented 6,859 civilian casualties (2,315 deaths and 4,544 injured) from operations and attacks carried out by all Anti-Government Elements, a 10 per cent decrease from 2014⁸. The decrease resulted from fewer civilian casualties attributed to Anti-Government Elements from IEDs and ground engagements. However, UNAMA documented a 16 per cent increase in civilian casualties attributed to Anti-Government Elements from complex and suicide attacks, and a 27 per cent increase in civilian casualties from targeted killings, which became the second leading cause of civilian deaths in 2015.⁹

Consistent with trends documented in the UNAMA 2015 Midyear Report on Protection of Civilians in Armed Conflict, civilian casualties attributed to Anti-Government Elements during ground engagements decreased by 38 per cent¹⁰ while civilian casualties from IEDs decreased by 20 per cent compared to 2014. The reduction in civilian casualties from IEDs results from a combination of factors, including increased counter-IED efforts by Afghan national security forces and potential improvements in targeting practices by Anti-Government Elements. Additionally, it should be noted that in 2014, UNAMA documented high numbers of civilian casualties around the presidential and run-off elections of April and June 2014. Of key relevance, the decrease in civilian casualties from Anti-Government Elements should also be seen against the fact that the number of unattributed civilian casualties from ground engagements rose significantly.

Pro-Government Forces

Pro-Government Forces – in particular Afghan security forces – continued to cause increasing numbers of civilian casualties in 2015. UNAMA documented 1,854 civilian casualties (621 deaths and 1,233 injured) caused by Pro-Government Forces, a 28 per cent increase compared to 2014.¹¹ Consistent with trends documented in the UNAMA 2015 Midyear Report on Protection of Civilians in Armed Conflict, the majority of civilian casualties caused by Pro-Government Forces occurred during ground engagements, primarily from the use of indirect and explosive weapons such as artillery, mortars, rockets and grenades. UNAMA notes that the increase in civilian casualties attributed to Afghan security forces is likely a result of the significant growth of security operations

⁸ In 2014, UNAMA attributed 7,643 civilian casualties (2,677 deaths and 4,966 injured) to all Anti-Government Elements groups.

⁹ UNAMA attributed 94 per cent of civilian casualties from targeted killings to Anti-Government Elements and the remainder primarily to pro-Government armed groups and Afghan Local Police. Targeted and deliberate killings of civilians caused the most civilian deaths in the first half of 2015. See, UNAMA/OHCHR 2015 Midyear Report on Protection of Civilians in Armed Conflict, page 52.

¹⁰ The decrease in civilian casualties from ground engagements does not necessarily mean that Anti-Government Elements were responsible for fewer civilian deaths and injuries during ground fire: civilian casualties from ground engagements where UNAMA could not attribute responsibility to one specific party to the conflict increased by 84 per cent.

¹¹ In 2014, UNAMA documented 1,453 civilian casualties (610 deaths and 843 injured) caused by Pro-Government Forces.

conducted by Afghan security forces since taking primary responsibility for security throughout Afghanistan.

Reversing declines documented in previous years, civilian casualties from aerial operations conducted by both international military forces and Afghan security forces increased by 83 per cent in 2015, causing 296 civilian casualties (149 deaths and 147 injured). Offensive air-to-ground strikes carried out by Afghan security forces caused nearly half (43 per cent) of all civilian casualties from aerial operations. Civilian casualties from Afghan security forces' aerial operations tripled in the second half of 2015 compared to the first semester.¹² UNAMA notes that this increase should also be viewed in the context of the security transition and the growing ability of Afghan security forces to employ close air support without relying on international military forces.

Civilian Casualties not Attributed to a Specific Party

Of the 11,002 civilian casualties documented by UNAMA 493 civilian deaths and 1392 injured (1,885 civilian casualties) – 17 per cent - could not be attributed to one specific party. The vast majority of these casualties resulted from ground engagements between Anti-Government Elements and Pro-Government Forces.

This represents a 90 per cent increase compared to 2014 and largely resulted from fighting in Kunduz city between 28 September and 13 October¹³ for which UNAMA could not attribute the casualties to one party to the conflict.

Ground Engagements

Ground engagements remained the leading cause of civilian casualties, causing 4,137 casualties (1,116 deaths and 3,021 injured) in 2015, an increase of 15 per cent. Just under half of these casualties – 44 per cent (1,834 casualties, 472 deaths and 1,362 injured) – resulted from ground engagements - mainly crossfire - between Anti-Government Elements and Pro-Government Forces but could not be attributed to a specific party¹⁴.

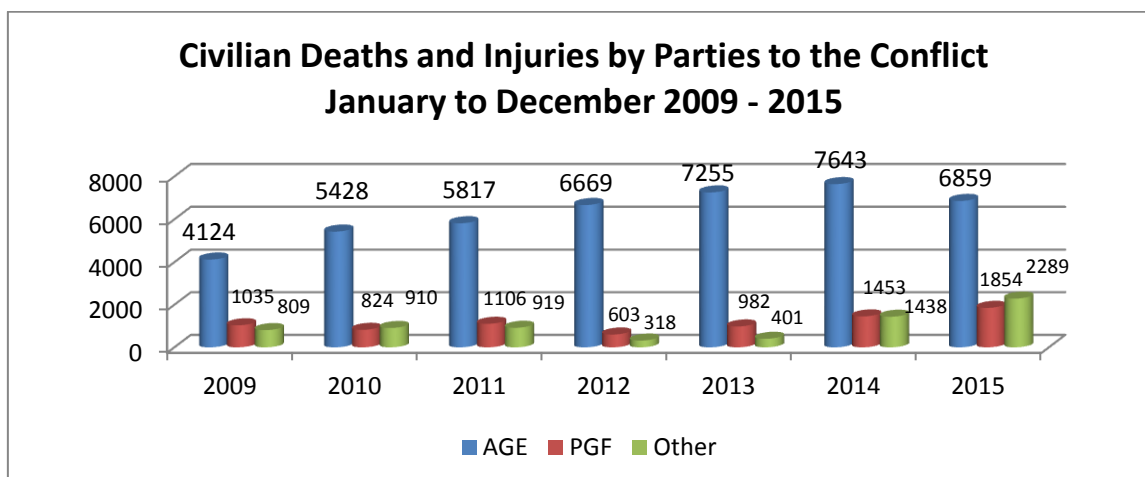
As noted, civilian casualties solely attributed to Anti-Government Elements during ground engagements decreased and casualties solely attributed to Pro-Government Forces increased.¹⁵

¹² Between 1 January and 30 June 2015, UNAMA documented 28 civilian casualties (five deaths and 23 injured) from Afghan Air Force operations, compared to 98 civilian casualties (41 deaths and 57 injured) from 1 July to 31 December.

¹³ See box text on Kunduz, page 22.

¹⁴ In 2014, UNAMA documented 994 civilian casualties (297 deaths and 697 injured) that could not be attributed solely to one party during ground engagements.

¹⁵ For further details, see chapter on Ground Engagements, below.



Observations

In 2015, parties to the conflict failed to ensure the safety of civilians in exchange for military, territorial or political gains. While Taliban and other Anti-Government Elements remained responsible for the majority of civilian casualties, UNAMA documented a reduction in casualties caused by certain tactics employed by such groups – including both ground engagements and IEDs. Anti-Government Elements continued to carry out suicide and complex attacks in populated areas with obvious disregard for civilians living in the vicinity of their targets – and in many cases without regard to the civilian nature of the targets.

In 2015, Anti-Government Elements (Taliban and other armed opposition groups) focused on challenging Government control of territory, seizing more district administrative centres and holding them for longer than in previous years. They briefly captured Kunduz city, the first provincial capital since the fall of the Taliban regime in 2001. Anti-Government Elements focused on population centres (cities, towns, and large villages) – simultaneously challenging Government control of such centres while carrying out regular, deadly suicide attacks in major cities, particularly Kabul. Taliban claimed responsibility for more than half of the suicide and complex attacks resulting in civilian casualties.¹⁶

Throughout 2015, Taliban repeatedly stated that civilian protection was one of their core objectives yet continued to cause the majority of civilian casualties and to conduct attacks in locations with a high likelihood of causing civilian harm. Although they publicly admitted to causing civilian casualties in two claims of responsibility, they understated the actual impact on civilians. Taliban claimed that only a few civilians were “slightly wounded” although the two attacks killed four civilians and wounded 42 others (see chapter on Taliban statements on civilian protection, below, for further details).

¹⁶ Of the 74 suicide and complex attacks resulting in civilian casualties, Taliban claimed responsibility for 41. This refers only to attacks publicly claimed by Taliban on their website or Twitter. Those civilian casualties attributed by UNAMA to Taliban, for which Taliban made no claim of responsibility, are included under the umbrella term Anti-Government Elements.

The Government struggled to adequately secure and protect territory and populations as the country underwent simultaneous political, security and economic transitions. The convergence of the trends above combined with these transitions placed civilians increasingly at risk. In 2015, Taliban forces captured 24 district centres¹⁷, compared to four in 2014, forcing Afghan security forces to fight on multiple fronts simultaneously. Four of the 24 districts remained under Taliban control at the end of 2015. The losses of Afghan regular forces weakened their ability to protect the civilian population, leading to a loss in public confidence in the Government.

In their response to the intensification of attacks carried out by Anti-Government Elements, Afghan security forces and international military forces both caused increasing harm to the civilian population. UNAMA notes concern that Afghan security forces often relied on heavy or explosive weapons defensively or as weapons of first resort.

Following record battlefield casualties of Afghan security forces (more than 12,000 casualties in 2015)¹⁸, branches of the Government began arming pro-Government armed groups and supporting “national uprising movements” while simultaneously pledging to disarm such groups,¹⁹ raising serious concerns for human rights protection in 2016 and beyond. 2015 also bore witness to the operational emergence of more extreme Anti-Government Elements groups, including Islamic State of Iraq and the Levant (ISIL) or *Daesh*, that brought with it a dangerous and new, though geographically limited, threat to the population.

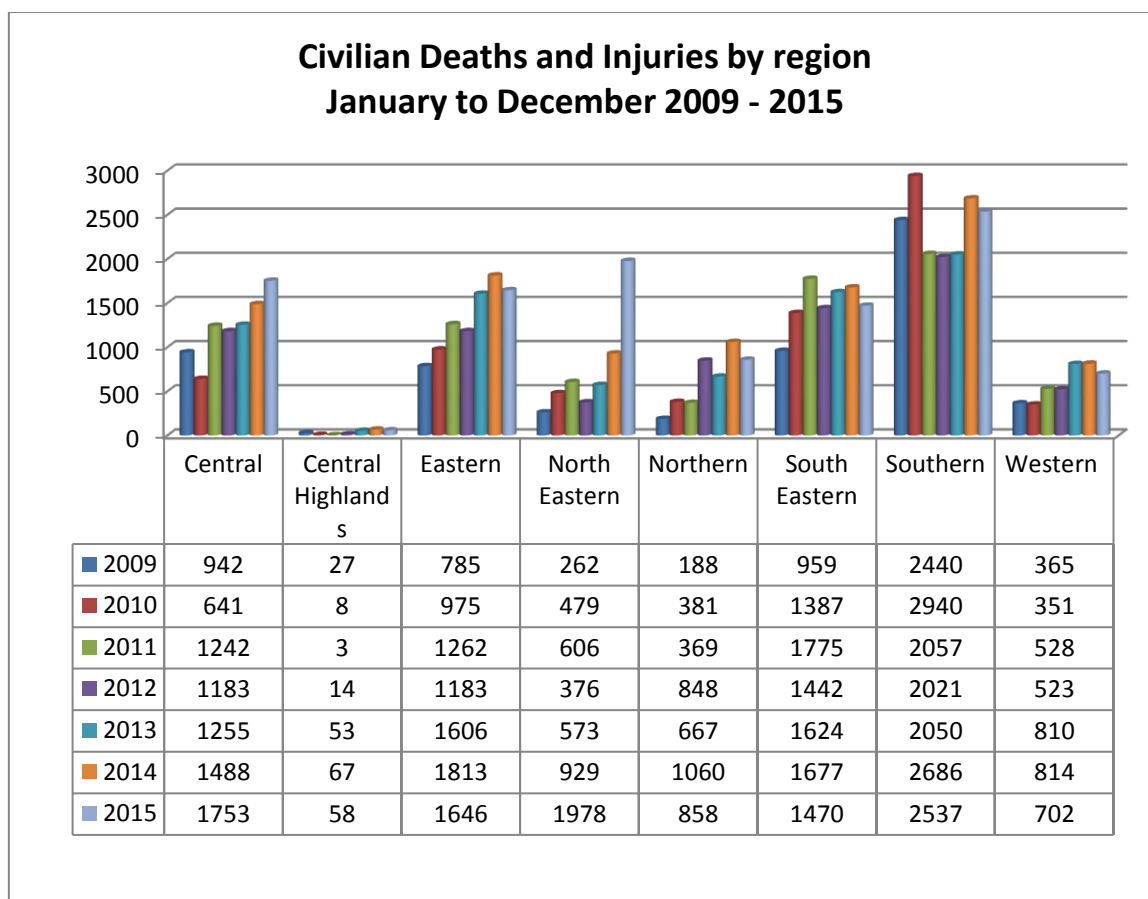
On 1 January 2015, international military forces transitioned from a combat mission to a train, assist and advise mission. Despite the formal end of the NATO/ISAF mission, international military forces continued to provide direct military support for their Afghan counterparts: as fighting intensified, international forces continued to be drawn into direct combat situations. In addition, the emergence of new Anti-Government Elements, including ISIL or *Daesh* affiliated groups and a fracturing of Taliban following the revelation of the death of Mullah Omar, as well as resurgent pro-Government armed groups in parts of the country, further complicated efforts to ensure civilian protection.

¹⁷ UNAMA Meeting with United Nations Department of Safety and Security (UNDSS)-Kabul city, 14 January 2016. District centres captured by Taliban in 2015 included: Jawand, Yamgan, Chahar Dara, Dasti Archi, Waygal, Kohistanat, Naw Zad, Musa Qala, Raghistan, Warduj, Baharak, Khak-e-Safed, Khwaja Ghar, Imam Sahib, Qala-i-Zal, Kunduz district, Tala Wa Barfak, Kham Ab, Gurziwan, Ghorak, Bala Baluk, Ghormach, Darqad and Reg districts. In 2014, Taliban captured Yamgan, Du Ab, Charsada, and Kuran Wa Munjan districts.

¹⁸ UNDSS email 17 January 2016. UNDSS recorded 12,169 casualties among Afghan security forces (4,541 deaths and 7,628 injured), a 20 per cent increase compared to 2014. UNDSS noted that Afghan security forces' casualties for November and December 2015 were not available due to reporting restrictions imposed by the Government at the end of 2015.

¹⁹ Afghanistan's President reiterated the Government's policy during a visit Kunduz city on 16 October 2015, noting that “militia forces will not be formed under any circumstances and responsibility to individuals will be delegated in a professional setting” – see press release from the President's office at <http://president.gov.af/en/news/54437>, last accessed on 16 January 2016.

The increase in civilian casualties in 2015 was concentrated in two regions, northeastern and central Afghanistan. Although certain trends, such as the rise in targeted and deliberate killings of civilians and the increase in civilian casualties from airstrikes proved consistent across the country, UNAMA documented decreased civilian casualties in all other regions. This included a six per cent decrease in the southern region, which nonetheless continued to suffer the highest number of civilian casualties followed by the northeastern and central regions.



In the northeast, civilian casualties doubled in 2015 compared with 2014, due to repeated fighting in and around Kunduz city. Following advances in April and June 2015, on 28 September, Taliban launched an attack on and captured Kunduz city, sparking more than two weeks of urban fighting that continued until 13 October, when they formally announced their withdrawal from the city and Afghan security forces regained control. The vast majority of civilian casualties resulted from ground fighting between Taliban fighters and Afghan security forces, although UNAMA documented civilian casualties from targeted or deliberate killings, parallel justice punishments and aerial operations, including the United States airstrike on the *Médecins Sans Frontières* (MSF) hospital on 3 October.

In the central region, notably in Kabul city, complex and suicide attacks caused an 18 per cent increase in civilian casualties. For example, two suicide attacks in Kabul city on 7 August caused 355 civilian casualties (43 deaths and 312 injured) - the highest

number of civilians killed and injured in one day since UNAMA began systematically recording civilian casualties in 2009.

Following trends documented in the UNAMA 2014 Midyear and Annual Reports on Protection of Civilians in Armed Conflict, women and child casualties continued to increase at a higher rate than the general population in 2015. Women casualties accounted for 11 per cent of all civilian casualties (up from nine per cent in 2014) while children accounted for 26 per cent of all civilian casualties (up from 24 per cent in 2014).

The thousands of civilians killed and injured from conflict-related violence in 2015 reflects the changing nature of the conflict and the continued failure of parties to the conflict to protect civilians from harm. UNAMA reiterates that international humanitarian law requires all parties to the conflict to take meaningful measures to protect the civilian population from conflict-related harm, including measures to ensure accountability for violations of international humanitarian and human rights law, and compensation and support for affected civilians.

In this context, UNAMA once again calls on all parties to the conflict to take concrete actions to prevent civilian casualties, in compliance with their obligations under international humanitarian law, in order to significantly reduce civilian casualties in 2016. Anti-Government Elements in particular must stop conducting complex and suicide attacks against civilian targets and carrying out attacks using explosive devices of any kind in civilian-populated areas. Anti-Government Elements must immediately cease the deliberate killing of civilians and stop using illegal, indiscriminate pressure plate IEDs.

All parties, including Afghan security forces, must take all feasible precautions to prevent civilian casualties in their military operations, and cease the use of heavy, indirect fire, and explosive weapons in civilian-populated areas.

UNAMA reinforces its call for all parties to the conflict to ensure accountability for those armed forces and individuals deliberately, indiscriminately or negligently killing and injuring civilians.

UNAMA offers the following recommendations to the parties to the conflict to support their efforts to protect civilians and civilian communities, prevent civilian casualties, and uphold their obligations under international humanitarian law and international human rights law.

Recommendations

Anti-Government Elements

In compliance with obligations under international humanitarian law:

- Cease the deliberate targeting of civilians and civilian locations, in particular, aid workers, civilian Government officials, journalists, human rights defenders, judges and prosecutors and places of worship and culture; apply a definition of 'civilian(s)' that is consistent with international humanitarian law.
- Cease the use of IEDs, particularly in indiscriminate and disproportionate complex and suicide attacks, in all areas frequented by civilians, and stop using illegal pressure-plate IEDs.
- Cease firing mortars, rockets and grenades from and into civilian-populated areas.
- Enforce statements by Taliban leadership that prohibit attacks against civilians and in civilian-populated areas; implement directives ordering Taliban members to prevent and avoid civilian casualties and hold accountable those members who target, kill or injure civilians.
- Uphold statements by Taliban leadership regarding the human rights of women and girls in areas under Taliban influence; cease attacks and threats against girls' education, teachers and the education sector in general.
- Ensure that fighters do not use schools, hospitals, clinics and other protected sites for military purposes, and cease all attacks and threats against healthcare workers, including polio vaccinators and polio vaccination campaigns.

Government of Afghanistan

- Cease the use of mortars, rockets, grenades, other indirect weapons, and aerial attacks in civilian-populated areas. Develop and implement clear tactical directives, rules of engagement and other procedures in relation to the use of explosive weapons and armed aircraft.
- Finalize the national policy on civilian casualty mitigation backed by an action plan with concrete objectives to prevent civilian casualties in the conduct of hostilities, and ensure the establishment of a dedicated entity within the Government to investigate all incidents of conflict-related harm to civilians.
- Immediately disband and disarm all armed groups, militias and 'national uprising movements'.
- Investigate all allegations of violations of international humanitarian and human rights law and human rights abuses by Afghan national security forces and pro-Government armed groups; prosecute and punish those found responsible, as

required under Afghan and international law, and dismantle patronage networks that enable impunity.

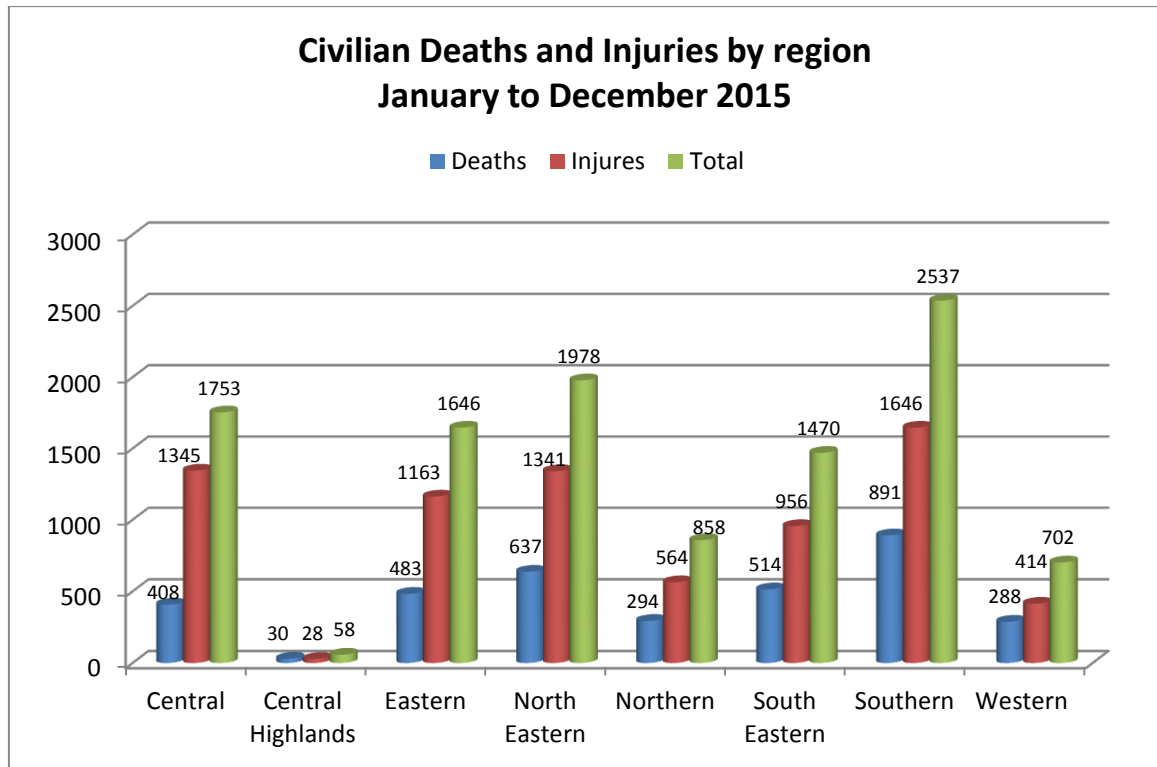
- Ensure that victims of violations have effective remedy; strengthen procedures for compensation to women and families of civilians killed and injured in conflict-related violence; and raise public awareness of procedures to obtain compensation and access to basic services.
- Prioritize the further capacity development of Afghan national security forces to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation. Dedicate all necessary resources to ensure the full implementation of the national counter-IED strategy.
- Immediately cease the use of schools, hospitals and clinics for military purposes, and ensure respect for medical facilities as neutral facilities.

International Military Forces²⁰

- Conduct an independent, impartial, transparent and effective investigation of the airstrike on the MSF hospital and make the findings public. Ensure accountability for those responsible. States with jurisdiction over personnel involved in this incident must ensure that individuals responsible for authorizing and carrying out this attack are investigated subject to a prompt, effective, independent, impartial and transparent process. Individuals reasonably suspected to have engaged in war crimes with the requisite intent should be prosecuted by a legally constituted tribunal, with due regard for the rights of the accused. Appropriate steps should be taken to ensure compensation.
- Review current targeting protocols, operational policies and pre-engagement targeting criteria to prevent attacks against civilian locations, including hospitals.
- Ensure transparent post-operation reviews and investigations following allegations of civilian casualties on operations involving international security or intelligence forces, especially regarding UAV strikes and search operations; take appropriate steps to ensure accountability, compensation and better operational practice.
- Support the Government of Afghanistan to develop and implement a national policy on civilian casualty mitigation in the conduct of hostilities.
- Continue to provide training, resources and related support to Afghan national security forces beyond 2016 at the policy and operational level and expand to the tactical level, noting in particular the need for appropriate protocols, training and civilian casualty mitigation measures in relation to use of indirect fire weapons and armed aircraft.

²⁰ UNAMA notes that the NATO Resolute Support mission provided an update on the implementation of recommendations in a Memorandum of Record dated 3 February 2016. See Annex 3 of this report.

- Continue support to Afghan national security forces to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation, in 2016 and beyond.



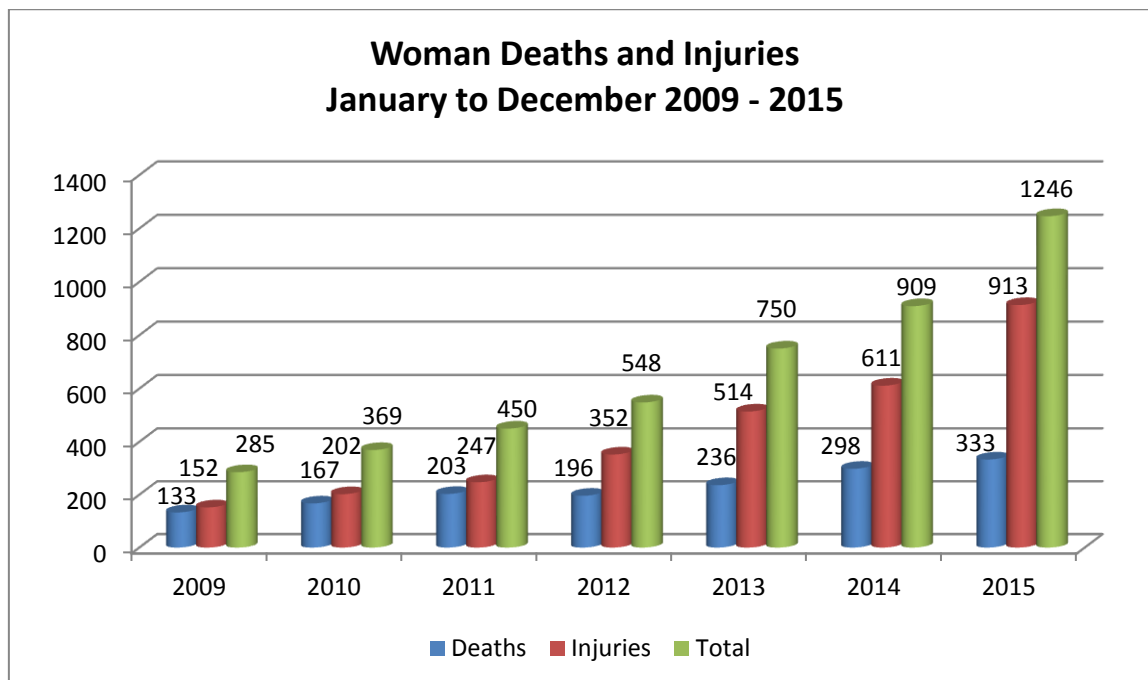
I. Human Rights Protections in Conflict-Affected Areas

Women and Armed Conflict²¹

“It was late afternoon when Government forces and Daesh started fighting and my parents decided that we should leave our home. When we reached Marko village, our vehicle hit an IED planted on the road and I fell unconscious. I really don’t know how it happened. I regained consciousness at the hospital and found that my children and other family members were also wounded.”²²

-- A 20-year old woman injured in a pressure plate-IED detonation, in the Mulazim Talaw area of Achin district, Nangarhar province, on 30 September 2015, that killed one civilian man and injured seven others, including four boys, two girls and a woman.

Throughout 2015, UNAMA continued to document the extreme impact of the conflict on women, who suffer directly and indirectly. Between 1 January and 31 December 2015, UNAMA documented 1,246 women casualties (333 deaths and 913 injured), a 37 per cent increase compared to 2014.²³ This follows trends documented in the UNAMA reports on Protection of Civilians in Armed Conflict of 2014 and its Mid-year report of 2015, which highlighted the rising impact of the conflict on women. Women casualties accounted for 11 per cent of all civilian casualties in 2015, up from nine per cent in the same period of 2014. On average, more than 24 women were killed or injured in conflict-related violence each week in 2015.



²¹ UNAMA/OHCHR will publish the findings of a separate study on the impact of conflict on women in Afghanistan in March 2016.

²² UNAMA interview with a victim, Jalalabad hospital, 4 October 2015.

²³ In 2014, UNAMA documented 909 women casualties (298 deaths and 611 injured).

In 2015, Anti-Government Elements continued to target prominent women human rights defenders and women working in public life, including police and parliamentarians, as well as women with relatives serving in the security forces.

Besides the increased number of women becoming direct casualties from the armed conflict, in most regions, Anti-Government Elements increasingly prevented the women and girls' enjoyment of fundamental human rights in areas under their control. Throughout 2015, UNAMA documented instances of Anti-Government Elements deliberately restricting the freedom of movement of women and girls, preventing their access to medical care and forbidding girls' education beyond primary levels. The Government for its part continued to struggle to adequately support – or recognize – women-headed households that had lost their primary breadwinners due to the conflict.²⁴

In a new, disturbing trend, between 1 January and 31 December 2015, UNAMA documented eight parallel justice punishments²⁵ of women accused of “moral crimes”, resulting in the execution of five women and one girl, and the physical punishment of two women and one girl by Anti-Government Elements.²⁶ UNAMA also documented the targeted killing of a pregnant woman accused of adultery by Anti-Government Elements, but without any evidence of a ‘parallel justice’ process. In 2014, UNAMA documented

²⁴ Beyond the increasingly direct impact of the conflict on women, UNAMA recalls that women who are left as sole income-providers for their households after their husbands have been killed or injured in the conflict suffer long-term negative social and economic consequences and are particularly vulnerable to other forms of violence and abuse. UNAMA reiterates the need for relevant Government institutions to take urgent action to meet the basic needs of women and children widowed by conflict-related violence. See, UNAMA/OHCHR 2014 Annual Report on Protection of Civilians in Armed Conflict, pages 14-16.

²⁵ All incidents of civilian casualties from parallel judicial system punishments recorded by UNAMA were carried out by Anti-Government Elements. UNAMA recorded instances of deaths and injuries from such procedures, whether the punishment was directly linked to the conflict (i.e. execution of the father of an ANA soldier) or was carried out by Anti-Government Elements against a civilian in relation to a non-conflict-related infraction i.e. public lashing for adultery. Common Article 3 of the Geneva Conventions protects civilians through the explicit prohibition of murder, violence, passing of sentences and carrying out of executions without respect for fair trial standards, torture, mutilation and other forms of violence. These acts are prohibited at any time and in any place whatsoever. See the *Legal Framework* section of this report for further details on the applicability of Common Article 3 in Afghanistan. UNAMA considers parallel judicial structure executions to include those intentional, premeditated and deliberate killings of an individual who is present in the perpetrator's physical custody (as opposed to targeted killings that require the victim not to be in the perpetrator's physical custody) when the killing is imposed for the purpose of punishment, e.g. killing of religious leader for delivering a funeral ceremony to a deceased Afghan national security force member, despite warnings not to. UNAMA considers such incidents as ‘murder’, as defined under international humanitarian law applicable in the non-international conflict in Afghanistan.

²⁶ Anti-Government Elements also executed one man and inflicted a physical punishment on one man and one boy in these incidents. UNAMA also documented two other incidents of parallel justice executions of men and boys for ‘moral crimes,’ one incident of the execution of a 20 year-old man for an alleged illegal relationship with his female cousin and the toppling of a wall on two men and one boy for alleged homosexual activities, resulting in the death of two men and injuries to one 17-year-old boy. See Parallel Justice Punishment section for details.

comparatively fewer incidents of this type, confirming one parallel justice execution of a woman and a man (a male Taliban member) for “moral crimes”.²⁷

As fighting between parties to the conflict moved into civilian populated areas, women increasingly bore the consequences. Ground engagements killed or injured more women in 2015 than any other incident type, causing more than half of all women casualties. Between 1 January and 31 December 2015, UNAMA documented 655 women casualties (152 deaths and 503 injured) from ground engagements, a 24 per cent increase compared to 2014.²⁸

In 2015, complex and suicide attacks in civilian-populated areas by Anti-Government Elements became the second leading cause of women casualties, leading to 219 women casualties (26 deaths and 193 injured), nearly tripling the number of women killed or injured by such tactics compared to 2014.²⁹ In May alone, Taliban deliberately targeted staff of the Ministry of Justice and Attorney-General’s Office in three separate incidents, killing seven women legal professionals (four prosecutors and three Ministry of Justice staff) – a significant loss given the small fraction of women working in the justice sector.³⁰

Women casualties from IEDs increased in comparison to the general population. This tactic caused 202 women casualties (84 deaths and 118 injured), a 20 per cent increase compared to 2014.³¹ Pressure-plate-IEDs caused the majority of women casualties - 125 out of 202 - largely due to the increasing use of this indiscriminate tactic (see chapter on IEDs). The impact of IEDs on women in the second half of the year reversed the decline observed by UNAMA in its Protection of Civilians in Armed Conflict 2015 Midyear Report and stands in stark contrast to the 20 per cent decrease in total civilian casualties caused by IEDs documented by UNAMA. This is largely the result of increased fighting near civilian populated-areas, and of a growing number of women becoming casualties when relocating to and from conflict-areas. For example, on 20 June, a private vehicle carrying three families back to their village after they temporarily fled their homes due to fighting struck a pressure-plate IED in Marjah district, Helmand province. The detonation caused 23 civilian casualties (16 deaths, including 11 women and one girl, and seven injured, including one girl).

Anti-Government Elements caused more than half of all women’s deaths and injuries (55 per cent), with Pro-Government Forces causing 27 per cent of all women casualties.

²⁷ UNAMA also documented one other parallel justice execution of a man for moral crimes in 2014 related to the victim’s marriage to a recently divorced woman.

²⁸ In 2014, UNAMA documented 527 women casualties (153 deaths and 374 injured) as a result of ground engagements.

²⁹ In 2014, UNAMA documented 79 women casualties (20 deaths and 59 injured) as a result of suicide and complex attacks.

³⁰ See UNAMA 2015 Midyear Reports on Protection of Civilians in Armed Conflict, pages 16-18. Taliban claimed responsibility for six attacks on judges, prosecutors and judicial staff in May 2015, of which three attacks resulted in casualties among women legal professionals, all in Kabul city.

³¹ In 2014, UNAMA documented 169 women casualties (62 deaths and 107 injured) as a result of IEDs

The remaining casualties among women resulted from crossfire incidents between Pro-Government Forces and Anti-Government Elements where UNAMA could not attribute responsibility to one party (17 per cent), with the remaining one per cent split between cross-border shelling incidents and incidents with an unknown perpetrator, mostly explosive remnants of war.

Women civilian casualties attributed to Pro-Government Forces increased by 36 per cent in 2015,³² mostly due to the use of mortars and other explosive weapons in civilian-populated areas.

Children and Armed Conflict

"It was Friday afternoon. I went to the mosque for prayer and sat down at the end of a line together with other children. Suddenly, a mortar landed inside the mosque and exploded very close to us. I felt white-hot burning on my back where a piece of shrapnel hit me and fell unconscious. When I woke up, I was in Jalalabad hospital together with my three friends. Tell those people not to attack children. I want to study, not to die."³³

-- A 12-year-old boy injured by a mortar fired during an armed clash between ANSF and ISIL/Daesh in Rooski village of Achin district, Nangarhar province on 30 October 2015. The mortar attack killed four boys and injured eight other civilians, including five boys.

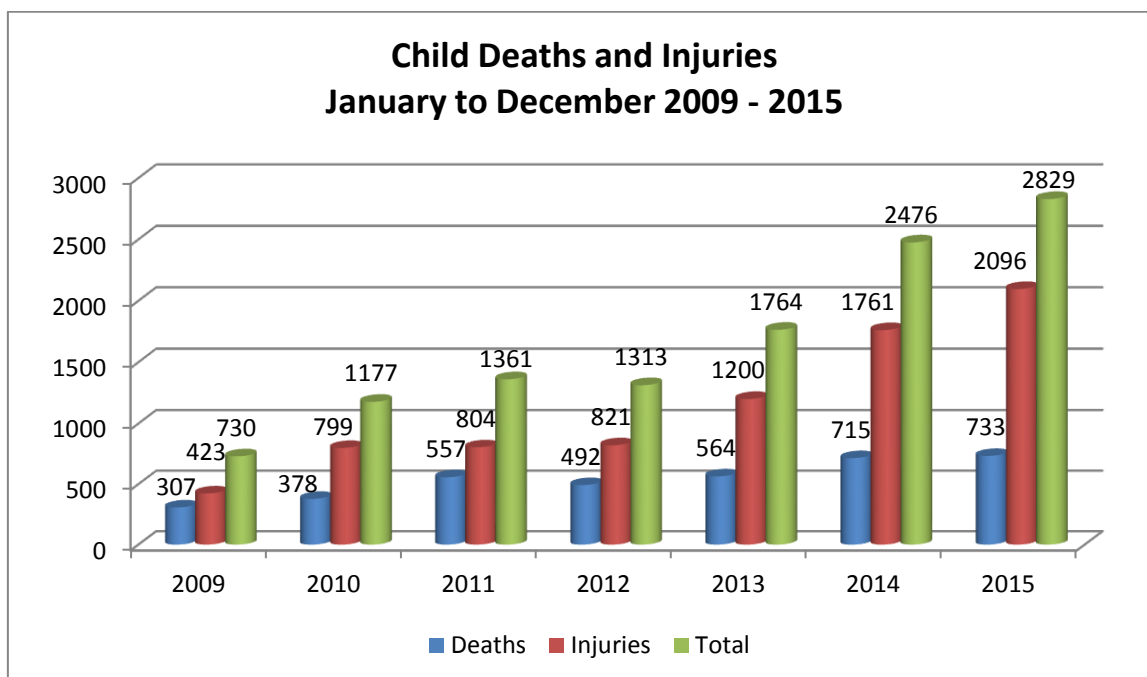
Leading Causes of Children Casualties

UNAMA once again documented the devastating impact of the conflict on children. One in four civilian casualties of the conflict is a child. Between 1 January and 31 December, UNAMA documented 2,829 child casualties (733 deaths and 2,096 injured) resulting from conflict-related violence, a 14 per cent increase compared to 2014.³⁴

³² In 2014, Pro-Government Forces were responsible for 243 women casualties (91 deaths and 152 injured). In 2015, they caused 331 women casualties (76 deaths and 255 injured).

³³ UNAMA interview with a victim, Jalalabad public hospital, 1 November 2015.

³⁴ In 2014, UNAMA documented 2,476 child casualties (715 deaths and 1,761 injured).



Ground engagements continued to cause the highest number of child casualties, with UNAMA documenting 1,427 child casualties (293 deaths and 1,134 injured) from this tactic – an increase of 34 per cent.³⁵ Ground engagements accounted for half of the total child casualties.

Consistent with trends reported in the UNAMA 2015 Midyear Report, the mission documented a 14 per cent decrease in child casualties from IEDs compared to 2014 - 531 child casualties (158 deaths and 373 injured).³⁶ However, IEDs remained the second most frequent cause of child casualties, accounting for 19 per cent of all children killed and maimed during 2015.

Explosive remnants of war (ERW) left behind from previous and current conflicts continued to cause serious harm to children. ERW poses a particular risk to children due to their lack of understanding about the dangers of unexploded ordnance, their innate curiosity, and due to poverty³⁷. For example, on 24 November, a group of children playing in an abandoned house in Kabul city found an ERW and threw it against a wall. The ERW detonated, killing seven boys and a girl and injuring three others.

ERW caused 365 child casualties (113 deaths and 252 injured), a 10 per cent increase from 2014.³⁸ ERW killed an average of two children and injured five each week in 2015.

³⁵ In 2014, UNAMA documented 1,063 child casualties (259 deaths and 804 injured) as a result of ground engagements.

³⁶ In 2014, UNAMA documented 616 child casualties (192 deaths and 424 injured) as a result of IEDs.

³⁷ Children are often required to support their families through collecting scrap metal and shepherding, increasing their risk of exposure to areas contaminated by ERW.

³⁸ In 2014, UNAMA documented 333 children casualties (97 deaths and 236 injured) as a result of ERW.

ERW were the third leading cause of child casualties - after ground engagements and IEDs – with 13 per cent of the total.

Consistent with trends documented by UNAMA in its 2015 Midyear Report, child casualties from suicide and complex attacks increased by three per cent in 2015.³⁹ UNAMA documented 225 child casualties (50 deaths and 175 injured) from these tactics.

Child casualties from targeted and deliberate killing incidents increased significantly in 2015, with UNAMA documenting 127 child casualties (58 deaths and 69 injured), an increase of 67 per cent compared to 2014.⁴⁰ In most cases, Anti-Government Elements targeted the parents or adult relatives of the children, including through the use of magnetic-IEDs attached to private vehicles. For example, on 7 January, Taliban detonated a magnetic-IED attached to the private vehicle of the Chief Judge of the Laghman provincial court of appeals as he drove his daughters to school in Jalalabad city, Nangarhar province, killing the judge and injuring his two daughters. Taliban claimed responsibility for the attack on their website.⁴¹

UNAMA also notes concern that child casualties from aerial operations increased by 69 per cent in 2015, causing 91 child casualties (36 deaths and 55 injured). UNAMA documented that Afghan security forces caused 49 out of the 91 child casualties from aerial operations. UNAMA is concerned that this trend that may increase as the Afghan Air Force fields more combat aircraft in 2016.

UNAMA also documented slight increases in children casualties from conflict-related abductions.

Incidents Related to Schools and Education⁴²

In 2015, although civilian casualties from incidents impacting education and education-related personnel decreased by 32 per cent, causing 25 civilian casualties (11 deaths and 14 injured)⁴³, overall incidents increased by 56 per cent. Between 1 January and 31 December 2015, UNAMA documented 111 conflict-related incidents affecting education compared to 71 incidents in 2014.

³⁹ In 2014, UNAMA documented 219 child casualties (61 deaths and 158 injured) as a result of suicide and complex attacks.

⁴⁰ Between 1 January and 31 December 2014, UNAMA documented 76 child casualties (28 deaths and 48 injured) as a result of targeted and deliberate killings.

⁴¹ In the statement, Taliban claimed that the explosion killed the judge and seriously injured his two bodyguards. See, <http://alemara1.org/index.php/news/61490>.

⁴² See, UNAMA/UNICEF/OCHA, Bearing the Brunt of Conflict in Afghanistan: 4-year analysis of six grave violations against children in armed conflict (Sept 2010-Dec 2014), available at: http://unama.unmissions.org/sites/default/files/dashboard_on_violations_against_children_affected_by_armed_conflict_in_afghanistan_from_september_2010_to_december_2014.pdf.

⁴³ In 2014, UNAMA documented 37 civilian casualties from incidents targeting educational institutions or personnel (23 deaths and 14 injured).

Incidents of intimidation and threats⁴⁴ against education-related personnel largely accounted for the increase in such incidents - from 26 in 2014 to 68 in 2015. Threats and intimidation directed at teachers and educational staff resulted in the closure of more than 222 schools across seven out of the eight regions of Afghanistan for varying periods of time, affecting at least 124,218 students, including 68,291 girls.

Impact of ISIL/Daesh groups on access to education in Deh Bala district, Nangarhar province

UNAMA confirmed that ISIL/Daesh fighters forced the closure of 25 educational institutions in Deh Bala district in August 2015, depriving 14,102 students (including 4,900 girls) of access to education, and 341 teachers of their right to work. During public meetings organized by ISIL/Daesh, fighters threatened teachers with severe punishment if they failed to comply with their orders to close schools. Sources reported that some teachers received phone calls threatening their lives if they reported ISIL/Daesh threats to the authorities, while the group demanded one month salary from others. The threats created a deep sense of insecurity and fear among parents, teachers and students, causing significant decreases in school attendance. As of 31 December 2015, 10 of the educational institutions remained closed in Deh Bala district, affecting 7,087 students.

Military Use of Schools by Parties to the Conflict

From 1 January to 31 December, UNAMA documented 20 separate incidents of military use of schools by parties to the conflict. UNAMA documented 15 incidents involving Afghan security forces, including Afghan Local Police, Afghan National Police (including Afghan National Civil Order Police and Afghan National Border Police), and Afghan National Army, as well as one incident of military use of a school by a pro-Government armed group.

The majority of reported incidents occurred in Kunduz province, although UNAMA also documented military use of schools by Afghan security forces in Badakhshan, Baghlan, Nangarhar, and Kunar provinces.

UNAMA also documented the military use of five schools by Anti-Government Elements – two schools in Kunduz province and one in Nuristan province used by Taliban and two schools in Nangarhar province used by ISIL/Daesh.

Aside from denying children access to school facilities, the military use of schools by parties to the conflict may result in the targeting of the schools during fighting and

⁴⁴ Threats, intimidation and harassment is a category of tactic used by UNAMA to record incidents of threats of death or harm, intimidation and harassment which amount to a human rights violation or abuse carried out by a party to conflict against a civilian. This category includes unlawful movement restrictions or prohibition of freedom of expression, and illegal deprivation of property. The category also includes incidents of physical violence when the purpose is to threaten, intimidate or harass civilians, i.e. punishment, revenge, or other forms of deliberate assault when the purpose is to threaten, intimidate or harass civilians.

subsequent damage.⁴⁵ The damage and destruction of schools from military use jeopardizes medium to long-term access to education. UNAMA urges all parties to the conflict, and in particular, the Afghan Government, to cease the use of schools for military purposes.

Incidents Related to Healthcare⁴⁶

In 2015, UNAMA observed an increase in the number of conflict-related incidents deliberately targeting hospitals, clinics and health personnel, including searches by Afghan Special Forces supported by international military forces on clinics in Helmand and Logar provinces.⁴⁷ UNAMA also documented the United States military airstrike on the MSF Hospital in Kunduz city, on 3 October, that caused 85 casualties (42 deaths and 43 injured), including 49 medical personnel. The attack had a devastating impact on healthcare in the province that continued through the end of 2015. United States and NATO authorities claim the hospital itself was not the intended target.

UNAMA also documented increased intimidation and threats against healthcare staff and institutions by Anti-Government Elements – 31 incidents compared to 14 in 2014. These threats led to multiple closures of health centres and the resignation of many female healthcare practitioners, depriving civilians of their right to access healthcare.

For example, on 12 September, in Nangarhar province, Kot district, ISIL/Daesh fighters entered two basic health clinics run by an NGO and looted all the medicine and equipment. Reportedly, earlier that day, ISIL/Daesh gathered the health staff and local teachers and demanded they pay one month salary as a penalty for working with the Government. The clinics remained closed until 29 November, forcing the local population to seek medical assistance in neighbouring districts.

UNAMA documented 63 incidents targeting hospitals and health personnel by Anti-Government Elements – a 47 per cent increase compared to 2014. Taliban perpetrated 36 of the incidents and ISIL/Daesh fighters perpetrated 12 (11 threats and intimidation incidents and one abduction). Tehrik Taliban Pakistan perpetrated one while UNAMA could not attribute responsibility to any group in 14 cases.

On 10 May, in Kunar province, Taliban stopped four health workers traveling in a private vehicle, forced them out and destroyed their vaccination kits before abducting them. Although Taliban later released the health workers, this incident appears to be part of a broader trend aimed at hindering polio vaccination campaigns and obstructing polio workers' access to the population.⁴⁸

⁴⁵ See for example, UNAMA/OHCHR 2015 Midyear Report on Protection of Civilians in Armed Conflict, page 30 concerning school occupations during the April-May 2015 fighting in Kunduz province that resulted in damage to four schools.

⁴⁶ See *Ibid* at footnote 42.

⁴⁷ See chapter on Afghan security forces and international military forces combined operations, below.

⁴⁸ Afghanistan is one of the two remaining polio endemic countries in the world. In Afghanistan, in 2015, a total of 19 polio cases were reported as against 28 in 2014. Access and security

In 2015, UNAMA recorded 18 incidents of abduction of health care workers by Anti-Government Elements. Seven of these incidents occurred in Taliban-controlled areas – five of the incidents appeared to be correlated to the Taliban’s refusal to allow vaccination campaigns. In seven separate incidents, Taliban kidnapped 20 health-related personnel. Six of the seven Taliban-perpetrated abductions aimed at intimidating the population and the Government. The rationale for the abductions and intimidation from other groups, particularly ISIL/Daesh fighters, may have stemmed from other factors, including the belief that vaccination is “anti-Islamic.”

Incidents affecting healthcare in Nangarhar province

The number of incidents targeting hospitals and health personnel nearly doubled in Nangarhar province: UNAMA documented 21 incidents in 2015 compared to 11 in 2014. The number of incidents in the province represents nearly one third of all attacks against health and health-related personnel documented in 2015.

UNAMA notes a sharp increase in the number of incidents of threats and intimidation against health personnel - from four incidents⁴⁹ in 2014 to 15 in 2015. Of the 15 incidents in Nangarhar province, UNAMA attributed 11 incidents to ISIL/Daesh, one to Taliban, two to undetermined Anti-Government Elements, and one to Afghan National Police. ISIL/Daesh affiliates’ threats and intimidation often included looting of medical equipment (seven incidents) and extortion of one month’s salary of medical personnel (three incidents). As a result, 11 health clinics closed in the province.

UNAMA reiterates that intentional attacks on education facilities, hospitals and related personnel committed as part of the ongoing conflict constitute violations and abuses of international human rights law, breaches international humanitarian law, and are contrary to the Constitution of the Islamic Republic of Afghanistan. All parties to the conflict are required to uphold the international humanitarian law principles of distinction and precautions in attack, and spare the civilian population and civilian objects from harm. Finally, UNAMA reiterates that attacks on schools and hospitals constitute violations of international law⁵⁰ and urges all parties to refrain from targeting schools and hospitals and take all feasible precautions to prevent civilian casualties among their personnel.

continue to remain major challenges to the program. A total of 89,873 children could not be reached with the vaccine during December 2015 Sub National Immunization days (SNIDs), these inaccessible children are mostly from Kunar (12,638), Nangarhar (59,650) and Helmand (13,493) provinces. Districts with major access challenges in Nangarhar are Chaparhar, Dehbala, Kot, Batikot and Achin. Information received from UNICEF by email, 2 February 2016.

⁴⁹ The two incidents were attributed to Anti-Government Elements, among which one was Taliban and the other was undetermined.

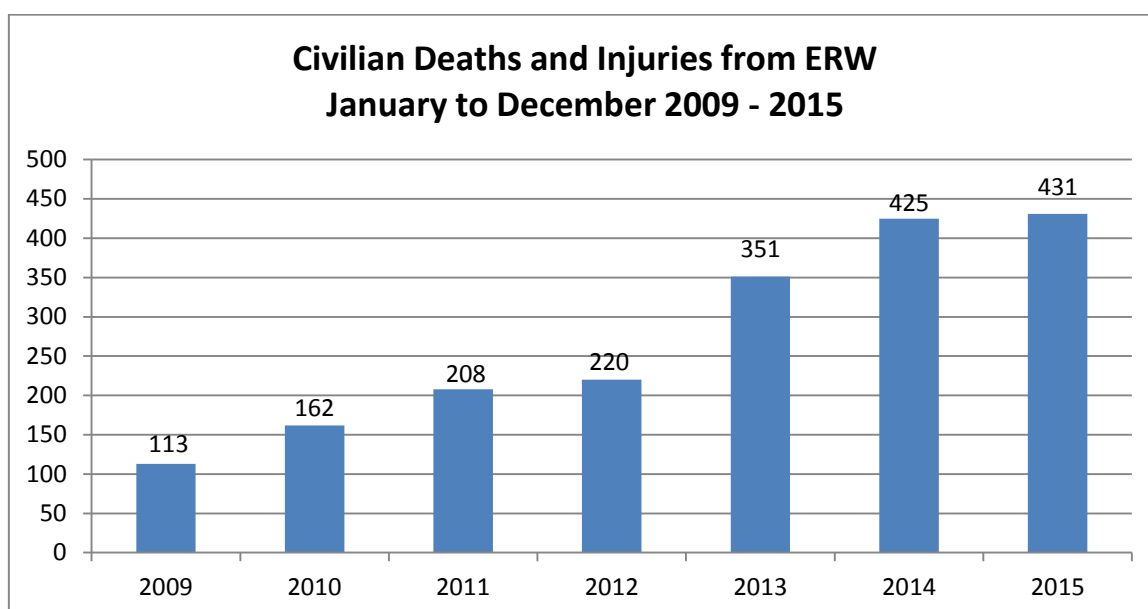
⁵⁰ See, United Nations Security Council resolution 1998 (2011).

Explosive Remnants of War (ERW)

“Last Tuesday I was at the village shop with a friend when another friend arrived with a grenade. He said he found it outside the village and wanted to burn it to see what would happen. We were about to leave the shop to have fun with the grenade when it fell from my friend’s hands and exploded. We were all standing close to each other. The explosion injured my friend who brought the grenade and me, but our other friend died after a few minutes.”⁵¹

-- 12 year-old victim of an ERW detonation in Shindand district, Herat province, that killed one boy and injured two others on 1 December.

UNAMA documented 168 separate incidents of ERW⁵² detonation resulting in 431 civilian casualties (127 deaths and 304 injured) in 2015 - a one per cent increase⁵³ compared to the previous year.⁵⁴



UNAMA is particularly concerned with the harsh impact of ERW upon children. Of the 431 civilian casualties from ERW, 365 – 85 per cent – were children. After ground engagements and IEDs, ERW killed and injured more children than any other type of incident.

⁵¹ UNAMA interview with a victim, Herat provincial hospital, 9 December 2015.

⁵² Explosive Remnants of War (ERW) refers to unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

⁵³ UNAMA and the Mine Action Coordination Centre of Afghanistan (MACCA) observed a reduction in civilian casualties resulting from the removal of ERW found at high explosive training ranges (HETR) utilized by Coalition Forces and Afghan security forces. MACCA statistics demonstrate a trend of reduction, documenting 50 civilian casualties from high explosive ranges in 2013, 19 in 2014 to two during in 2015.

⁵⁴ In 2014, UNAMA documented 425 civilian casualties (124 deaths and 301 injured) from ERW.

In almost half of the incidents documented, children detonated ERW after finding and playing with these devices. For example, on 1 December, in Pul-i-Khumri district, Baghlan province, a group of children playing with an ERW in an open field detonated it, killing five boys, one girl and a man, and injuring nine boys and two girls. While the overall increase in civilian casualties caused by ERW in 2015 stood at one per cent, child casualties from ERW increased by 10 per cent compared to 2014.

The risk of killing and maiming from ERW remains in communities where fighting has taken place and parties used weapons systems that produce UXO⁵⁵ and subsequently failed to mark or clear unexploded ordnance from the battlefield. For example, on 18 July, three boys found an unexploded mortar round in a field in Warduj district, Badakhshan province that subsequently detonated, killing one boy and injuring the other two. Local community sources reported that the mortar round was from a ground engagement between Taliban and Afghan National Army (ANA) the previous day.

Children and adults also became casualties from ERW when collecting scrap metal, tending to livestock or engaging in farming activities.

The UNAMA Protection of Civilians in Armed Conflict 2014 Mid-year and Annual reports highlighted the potential contamination of areas with UXO resulting from the use of mortars, rockets, and grenade during ground engagements between Afghan national security forces and Anti-Government Elements. UNAMA reiterates the growing concern that Afghan security forces still appear not to have any policy or operational measures in place requiring them to track, mark and clear UXO from areas where ground engagements have taken place.⁵⁶

International humanitarian law stipulates that in the conduct of military operations, every effort should be made to spare civilian populations from the ravages of war, and all necessary precautions should be taken to avoid injury, loss or damage to civilian populations.⁵⁷ UNAMA urges that all parties adopt measures to track and mark locations of possible UXO contamination.

Conflict-Related Displacement of Civilians: Internally Displaced Persons

In 2015, the conflict displaced an estimated 335,400 individuals from their place of origin within Afghanistan, representing an increase of 78 per cent compared to 2014.⁵⁸ By the end of 2015, Afghanistan hosted more than 1.17 million conflict-induced Internally Displaced Persons (IDPs).

⁵⁵ Weapons system which produce dud ordnance include mortars, rockets, grenades, air-dropped munitions and other manufactured ordnance frequently used across Afghanistan.

⁵⁶ Meeting with Ministry of Defense officials in Kabul, 12 May 2015. The draft National Civilian Casualty Prevention and Mitigation policy viewed by UNAMA includes such a requirement, but had not been finalized at the time of writing this report. See chapter on Development of a national policy on civilian casualty mitigation, below.

⁵⁷ See Article 13, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.

⁵⁸ Data provided by UNHCR. Information received by email on 4 February 2016.

In some situations such as Kunduz city in September/October 2015, IDPs quickly returned to their place of origin after the cessation of fighting between Pro-Government Forces and Anti-Government Elements, while in other areas the inability of parties to the conflict to consolidate territorial control led to displacement of civilians from conflict areas. Conflict in the northeastern region, including Kunduz, Badakhshan, Baghlan, and Takhar provinces largely drove in the increase in displacement, with 90,700 individuals displaced in 2015. In addition, fighting between ISIL/Daesh fighters and Taliban, coupled with the extreme restrictions imposed by ISIL/Daesh, led to the displacement of 40,000 individuals from parts of Nangarhar province in 2015, while the western and southern regions also recorded increased conflict-induced displacement. At the time this report was released, the majority of this population remained displaced. By the end of 2015, 31 out of 34 provinces of Afghanistan either hosted or generated IDPs.

Cross-Border Engagement

Between 1 January and 31 December 2015, UNAMA documented 19 incidents of cross-border shelling from Pakistan into Afghanistan that caused 32 civilian casualties (10 deaths and 22 injured) - a 61 per cent reduction compared to 2014.⁵⁹

UNAMA documented civilian casualties from cross-border shelling in Khost, Kunar, Nangarhar and Paktika provinces. For example, on 8 August, the Pakistani military fired 25 mortar rounds into Sarkani district, Kunar province, impacting a civilian area, and killing one man and injuring his adult son.

UNAMA documented three other incidents between 20 and 24 July in Nazian district, Nangarhar province, that did not harm civilians but killed livestock, and destroyed civilian property and caused the internal displacement of approximately 100 families.

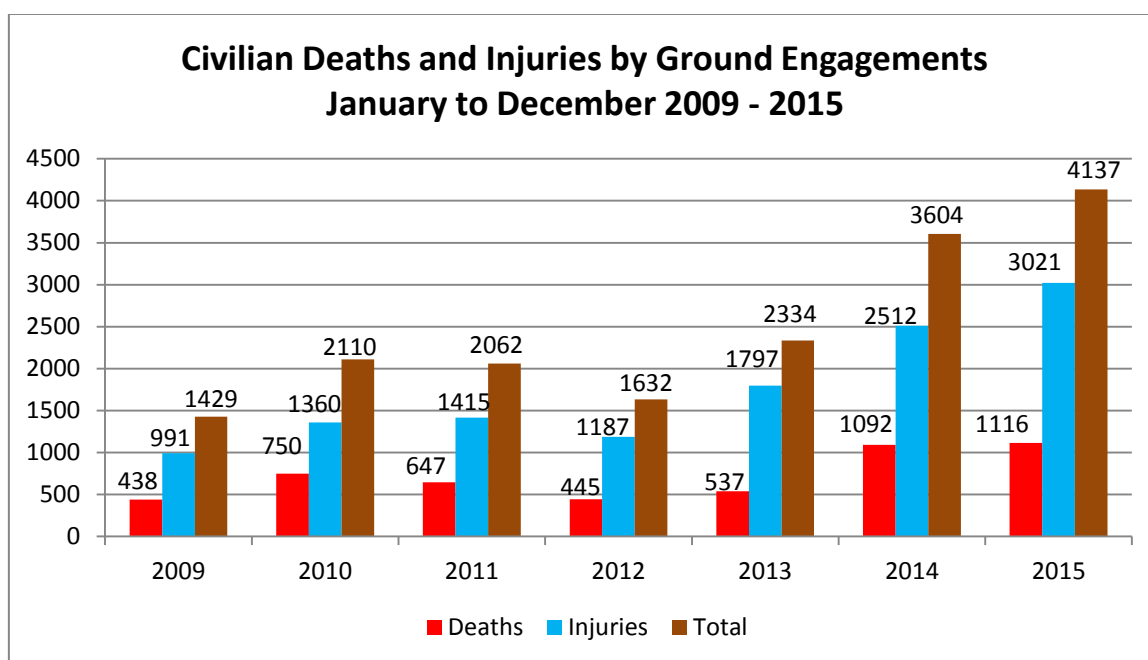
⁵⁹ In 2014, UNAMA documented 82 civilian casualties (11 deaths and 71 injured) as a result of cross-border shelling from Pakistan into Afghanistan.

II. Ground Engagements – Civilians Caught in the Crossfire

“It was around 10 in the morning and I was playing with my two-year-old daughter when a mortar landed in my home and exploded. I was in shock. A small piece of shrapnel hit my daughter on her back and my wife was severely injured – two pieces of shrapnel hit her right leg while she was in the kitchen cooking. Later another mortar landed elsewhere in our neighbourhood. The doctor discharged my daughter after a day but my wife could not move her leg and had to undergo surgery.”⁶⁰

-- Relative of two victims injured during crossfire between Afghan security forces and Taliban in Aqcha district, Jawzjan province, on 11 May 2015. The crossfire killed one boy and injured 11 other civilians, including two girls and a boy.

Between 1 January and 31 December 2015, UNAMA documented 4,137 civilian casualties (1,116 deaths and 3,021 injured) from ground engagements, a 15 per cent increase compared to 2014. Ground engagements remained the leading cause of civilian casualties in 2015, causing 38 per cent of all casualties this year.



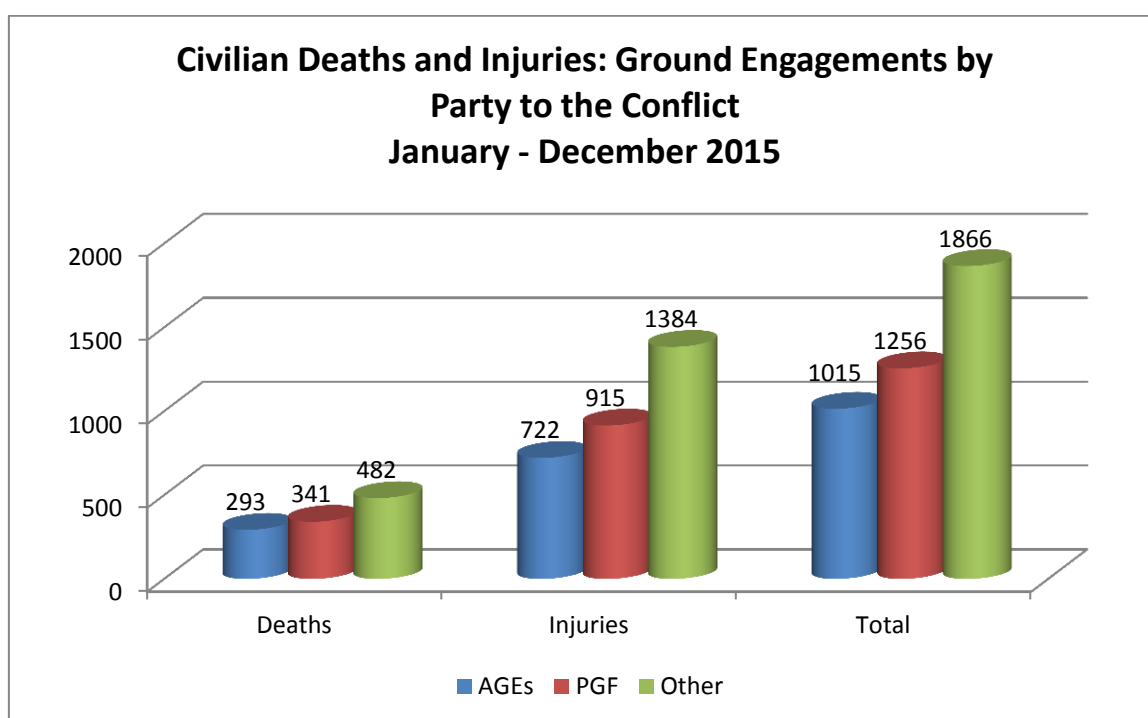
In the second half of 2015, increased ground fighting across Afghanistan, and the Taliban offensive in Kunduz province in September-October 2015 in particular⁶¹, drove a 60 per cent increase in civilian casualties from ground engagements, reversing the 19 per cent decrease in casualties resulting from this tactic documented by UNAMA in the first half of the year.

⁶⁰ UNAMA telephone interviewed with a witness, Mazar-e-Sharif city, 13 May 2015.

⁶¹ See UNAMA/OHCHR Special Report on Human Rights and Protection of Civilians in Armed Conflict in Kunduz province, 12 December 2015, available at http://unama.unmissions.org/Portals/UNAMA/civcas/Special%20Report%20on%20Kunduz%20pr%20vince_12%20December%202015.pdf.

Pro-Government Forces caused 30 per cent of all civilian casualties from ground engagements⁶², Anti-Government Elements caused 25 per cent, while 44 per cent resulted from ground engagements in which UNAMA could not determine the perpetrator. Cross-border firing from Pakistan into Afghanistan caused the remaining one per cent of civilian casualties.

Following the transition of primary security responsibility to Government forces in 2015, UNAMA observed a significant increase in civilian casualties from ground engagements resulting from operations and attacks carried out by Pro-Government Forces. UNAMA attributes this in large part to the increase in ground operations conducted by Afghan security forces in 2015 as they undertook responsibility for counter-insurgency operations and responding to counter attacks launched by Anti-Government Elements.



⁶² In addition, Pro-Government Forces caused 60 per cent of all civilian casualties from the use of artillery, mortars, rockets, and grenades during ground engagements in 2015, compared to 32 per cent by Anti-Government Elements and six per cent in crossfire incidents. Cross-border shelling caused the remaining two per cent.

Protection concerns resulting from the Taliban occupation of Kunduz city

In December 2015, UNAMA/OHCHR published a Special Report on Human Rights and Protection of Civilians in Armed Conflict in Kunduz province⁶³, covering 28 September to 13 October 2015. This period corresponds to the Taliban's attack and control of Kunduz city, the initial phase of the counter-offensive by pro-Government Forces, and the period that ensued until Government forces regained control of the city.

UNAMA documented 896 civilian casualties (318 deaths and 578 injured)⁶⁴ from incidents in Kunduz city and surrounding districts. The vast majority of civilian casualties resulted from ground fighting between Taliban fighters and Afghan security forces, although UNAMA documented civilian casualties from targeted or deliberate killings, parallel justice punishment, and aerial operations, including 85 civilian casualties (42 deaths and 43 injured) resulting from the airstrike on the MSF hospital on 3 October.

UNAMA also confirmed that Afghan security forces threatened and intimidated medical staff evacuating the wounded from the MSF hospital, failing to respect the protected status of civilian medical personnel treating wounded civilians as well as fighters from parties to the conflict.

The occupation of Kunduz was marked by Taliban carrying out systematic searches for human rights defenders – particularly women – as well as Government employees, NGO workers, journalists and UNAMA staff members, creating a climate of fear and resulting in the immediate displacement of human rights defenders from the city. UNAMA also documented the destruction and looting of offices and property belonging to Government, NGOs, United Nations and other civilian organizations.

The absence of governance during this period and the complete breakdown of the rule of law in Kunduz, combined with the release of over 600 prisoners from the provincial prison by Taliban, resulted in the loss of protection of the most basic human rights. Residents complained of water and electricity outages and food scarcity, exacerbated by significant restraints on humanitarian access due to the fighting. This chaos enabled an environment in which arbitrary killings, opportunistic criminality and destruction took place with complete impunity. UNAMA confirmed that fear of gender-based violence by armed men or opportunistic criminals stemming from unconfirmed reports was a key factor in the mass displacement of women from the city.

Following the Taliban withdrawal, the overall situation quickly returned to normal in Kunduz city, although human rights defenders – particularly women – remained reluctant to return.

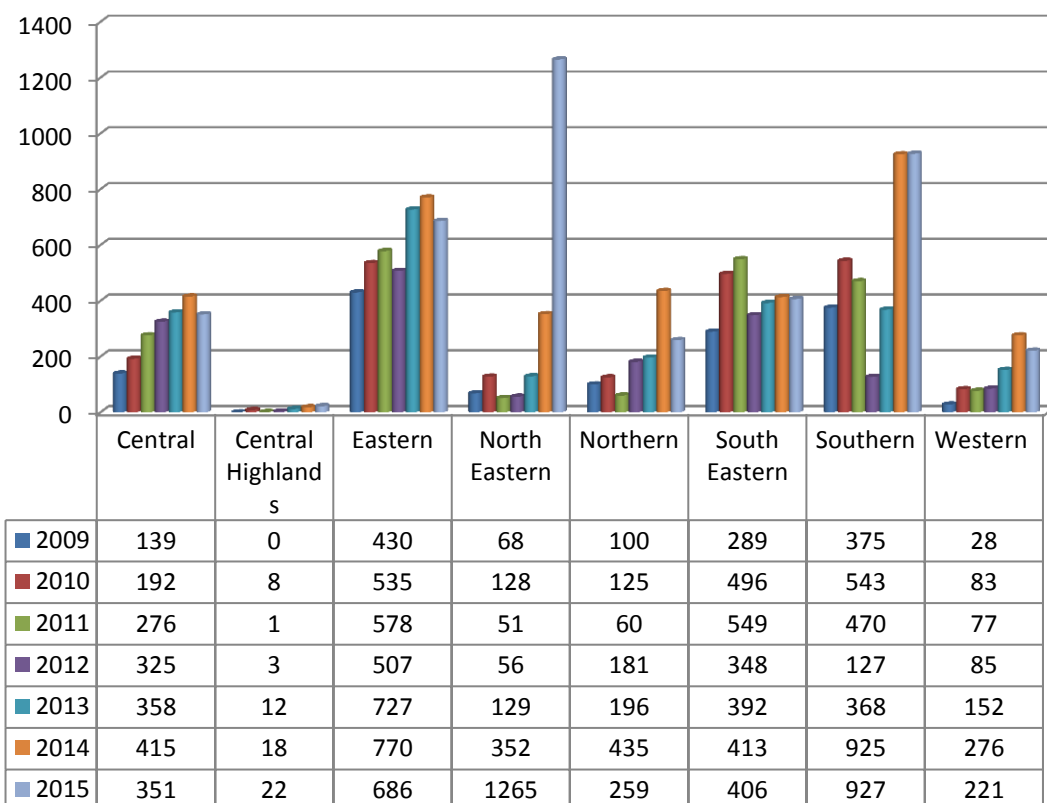
UNAMA received preliminary reports that Government officials began providing compensation payments to civilian victims and their families for harm suffered during the occupation of the city, as well as compensation paid by the United States to victims of the airstrike on the MSF hospital. Furthermore, UNAMA has yet to receive information on any measures of accountability, aside

⁶³ See UNAMA/OHCHR Special Report on Human Rights and Protection of Civilians in Armed Conflict in Kunduz province, 12 December 2015, available at http://unama.unmissions.org/Portals/UNAMA/civcas/Special%20Report%20on%20Kunduz%20pr ovince_12%20December%202015.pdf.

⁶⁴ *Ibid.* In its Special Report, UNAMA/OHCHR reported a preliminary casualty figure of 848 civilian casualties (289 deaths and 559 injured) from the fighting in Kunduz province during that time.

from suspensions from duty, taken by any party to the conflict for violations or abuses committed during this period, including the United States airstrike on the MSF hospital.⁶⁵

**Civilian Deaths and Injuries: Ground Engagements by region
January to December 2009 - 2015**



Civilian Casualties Attributed to Afghan National Security Forces in Ground Engagements

“It was around 8 a.m., and we had finished breakfast at home when I heard an explosion. When I looked out of the window, I saw a man I knew running towards the mosque. My young son called to me and said that my other son had been close to the mosque earlier. Everyone in the village ran to the mosque. When I arrived, I saw one injured person and many bodies. Then I found my son. He was in the final moments of

⁶⁵ UNAMA notes that the Commander of United States Forces in Afghanistan stated that “those individuals most closely associated with the incident have been suspended from their duties, pending consideration and disposition of administrative and disciplinary matters”. As of the writing of this report, United States Forces Afghanistan made no further information available concerning the status of any administrative, disciplinary, or legal proceedings related to this incident. See, “Statement on the Kunduz MSF Hospital Investigation” Resolute Support Mission, 28 November 2015, available at <http://www.rs.nato.int/article/press-releases/statement-on-the-kunduz-msf-hospital-investigation.html>, last accessed 31 January 2016.

his life, breathing his last breaths. I was in shock. I could not even touch his body to move him. The explosion killed eight people and injured another. Why were they killed? There was no fighting. Why did they fire this rocket? Why was it necessary? I became angry and then very sad. My anger was directed towards the person who fired this round and caused these casualties. The site of the impact was only one hundred meters from my home. His sisters and mother were all crying. Can you imagine? Can you imagine how difficult it is when your son is lying in his own blood and you are crying for him?"⁶⁶

-- Father of man killed during a shelling by ANA in Otari Village, Sayed Abad district, Wardak province, on 4 December 2015. The shelling killed nine civilians and injured one.

In 2015, fighting intensified in and around civilian populated areas, with Afghan national security forces conducting clearance operations to regain control of population centres and repelling offensives by Anti-Government Elements. Combined with continued use of explosive weapons in civilian-populated areas, this resulted in increasing civilian deaths and injuries attributed to Pro-Government Forces during ground engagements.

UNAMA attributed 1,256 civilian casualties (341 deaths and 915 injured) from ground engagements to Pro-Government Forces - a 40 per cent increase compared to 2014, accounting for 30 per cent of all civilian casualties caused by ground engagements.

The increase in civilian casualties attributed to Pro-Government Forces resulted largely from their use of explosive weapons, including artillery, mortars, rockets, recoilless rifles and grenades in civilian populated areas. UNAMA observed that 85 per cent of all civilian casualties caused by Pro-Government Forces during ground engagements resulted from the use of indirect⁶⁷ and explosive weapons during fighting. This amounted to a 60 per cent increase compared to 2014.

These findings underscore the critical need for the Government of Afghanistan to put in place robust, practical measures to reduce civilian casualties from the use of explosive weapons by Afghan security forces, and ensure accountability for those personnel responsible for negligent or intentional harm caused to civilians.

The following are only a couple of examples of civilian casualties from ground operations by Afghan security forces:

- On 24 April, Anti-Government Elements attacked an ANA post with heavy weapons, including mortars, in Alingar district, Laghman province. ANA returned fire with mortars, one of which impacted a civilian home and caused 15 civilian casualties (seven killed, including four children, and eight injured, including six children).

⁶⁶ UNAMA interview with the father of a victim, Kabul city, 9 December 2015.

⁶⁷ Indirect fire weapons, such as mortars, rockets and grenades are high explosive weapons systems which fire projectiles to a location without a direct line of visibility to the target. Mortars cannot be guided to hit a specific target and have a wide-area of impact; when used in civilian-populated areas the risk of civilian casualties is very high.

- On 16 November, ANA fired multiple mortars against Anti-Government Elements positions in Gormach district, Faryab province. Two mortars impacted a civilian home, killing two boys and injuring a woman.

Civilian Casualties Attributed to Anti-Government Elements in Ground Engagements

UNAMA attributed 1,015 civilian casualties (293 deaths and 722 injured) from ground engagements to Anti-Government Elements - a decrease of 38 per cent, accounting for 25 per cent of all civilian casualties from ground engagements. UNAMA observed that 57 per cent of civilian casualties caused by Anti-Government Elements during ground engagements resulted from the use of indirect and explosive weapons.

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

- On 5 September, Taliban attacked several Afghan security forces checkpoints in Chapadara district, Kunar province. One mortar fired by Taliban impacted a civilian home close to the Chaparada district administration building, killing two girls, two boys and a woman, and injuring two other girls. Taliban claimed that they launched attacks against nine checkpoints in Kunar, killing 17 Afghan security forces and injuring nine others.⁶⁸
- On 16 October, during a clash between Taliban and Afghan security forces in Sayedabad district, Wardak province, a Taliban-fired mortar impacted the Kabul-Ghazni highway, killing two civilians and injuring nine others as they were traveling in buses along the highway. Taliban issued a series of statements claiming to have closed the Kabul-Ghazni highway and engaging Afghan security forces, and blamed the incident on Government forces.⁶⁹ Local sources attributed the incident to Taliban.

⁶⁸ See, Taliban statement, “22 killed, 11 military posts seized in country’s eas[t]”, available at <http://shahamat-english.com/22-killed-11-military-posts-seized-in-countrys-eas/>, last accessed 16 January 2016.

⁶⁹ See, Taliban statement, “Kabul-Ghazni highway reopened”, available at <http://shahamat-english.com/22-killed-11-military-posts-seized-in-countrys-eas/>, last accessed 16 January 2016. See also, “Mujahideen close off Kabul-Ghazni highway”, available at <http://shahamat-english.com/mujahideen-close-off-kabul-ghazni-highway/>, and “Kabul-Bamyan highway blocked off”, available at <http://shahamat-english.com/kabul-bamyan-highway-blocked-off/>, last accessed 16 January 2016.

Ground Engagements Causing Civilian Casualties in which Attribution to a Specific Party was not Possible

*“He called my mobile and said, ‘Hey brother...I was shot in my stomach...I don’t know who shot me...my injuries are serious...I can see pieces of my own intestines on my motorcycle’. After that, the line went dead. I tried to call him back several times, but his phone was switched off and no one could reach the site of the incident to take him back because of the fighting. The next day, I saw his dead body and his motorcycle on TV. His body remained in the streets for three days, until my relatives could recover it and bury him. When I saw his body, he still had his phone in his hand...a small piece of bread was in his mouth, and his body was completely burnt and had turned black”.*⁷⁰

-- Brother of a civilian man killed in crossfire in Kunduz city, on 1 October. The victim had gone out to obtain water for his family as residential water supplies had been cut during the Taliban occupation.

UNAMA attributed 1,834 civilian casualties (472 deaths and 1,362 injured) to both Anti-Government Elements and Pro-Government Forces – 44 per cent of all civilian deaths and injuries - from ground engagements, representing an 85 per cent increase in casualties from ground engagements attributed to both parties. The increase in civilian casualties during ground engagements from such crossfire incidents stemmed from the fighting in Kunduz province between 28 September and 13 October. During this period, crossfire in urban combat caused 716 civilian casualties (234 deaths and 482 injured) – 17 per cent of all civilian casualties from ground engagements in 2015.

The following are examples of civilian casualties from unattributed ground engagements between Anti-Government Elements and Pro-Government Forces:

- On 24 November, in Ghor province, Chaghcharan district, an armed clash erupted between Anti-Government Elements and ANA and ANP, resulting in the death of five civilians, including one boy, in the crossfire.
- On 5 September, Anti-Government Elements attacked an ANA check post in Musa Qala district, Helmand province, killing four civilian men and injuring another. The incident took place while the men attempted to collect the body of a family member killed by an IED detonation half an hour before the armed clash.

⁷⁰ UNAMA telephone interview with the brother of a victim, Kabul city, 10 October 2015.

Explosive Weapons in Civilian-Populated Areas

*"We were sitting in the mosque waiting for the mullah to begin his Friday sermon. I was sitting in the back row as the boys usually sit in the back while the elders pray in front. When the mortar hit, it killed and wounded the boys in the back. I was a little bit farther away and shrapnel wounded me in my back. I saw blood everywhere inside the mosque and then lost consciousness."*⁷¹

-- A 12-year-old boy, wounded by a mortar impact on a mosque in Achin district, Nangarhar province, on 30 October. The incident killed five boys and injured eight people, including five boys. The mortar impacted the mosque during a ground engagement between Afghan security forces and ISIL/Daesh fighters.

Of the 4,137 civilian casualties from ground engagements documented between 1 January and 31 December 2015, UNAMA notes that 1,781 casualties (417 deaths and 1,364 injured) resulted from the use of mortars, rockets, grenades and other explosive weapons employed by parties to the conflict. UNAMA documented instances where the use of indirect weapons in populated environments had an indiscriminate and severe humanitarian impact on civilians. The United Nations Secretary-General has urged parties to conflict to refrain from using explosive weapons with a wide-area impact in densely populated areas.⁷²

Neither Afghan national security forces nor any Anti-Government Element groups, including Taliban, have demonstrated a single instance of accountability for incidents where civilians appeared to have been directly targeted, harmed by an indiscriminate attack, or where forces had failed to take sufficient precautions to prevent harm to civilians by the use of explosive weapons or indirect fire.

The following are only two examples of civilian casualties caused by explosive weapons in civilian-populated area:

- On 30 August, Anti-Government Elements ambushed an ANA convoy as it passed through Karo Khil and Yousef Khil villages, Sayedabad district, Wardak province. In the ensuing fighting, two mortar rounds impacted civilian homes, killing one girl and injuring 16 other civilians, including six boys, two girls and seven women.
- On 13 December, in Helmand province, Marjah district centre, ANA fired a mortar at a group of Anti-Government Elements as they approached a civilian home resulting in the injury of five women and six children and damage to the home.

⁷¹ UNAMA interview with a victim, Nangarhar public hospital, 1 November 2015.

⁷² See United Nations Secretary-General Report on the Protection of Civilians in Armed Conflict, S/2012/376.

III. Anti-Government Elements

Anti-Government Elements⁷³, remained responsible for the majority of conflict-related harm to the civilian population, causing 62 per cent of all civilian casualties in 2015. Between 1 January and 31 December, UNAMA documented 6,859 civilian casualties (2,315 deaths and 4,544 injured) from operations and attacks carried out by all Anti-Government Elements⁷⁴, a 10 per cent decrease from 2014.

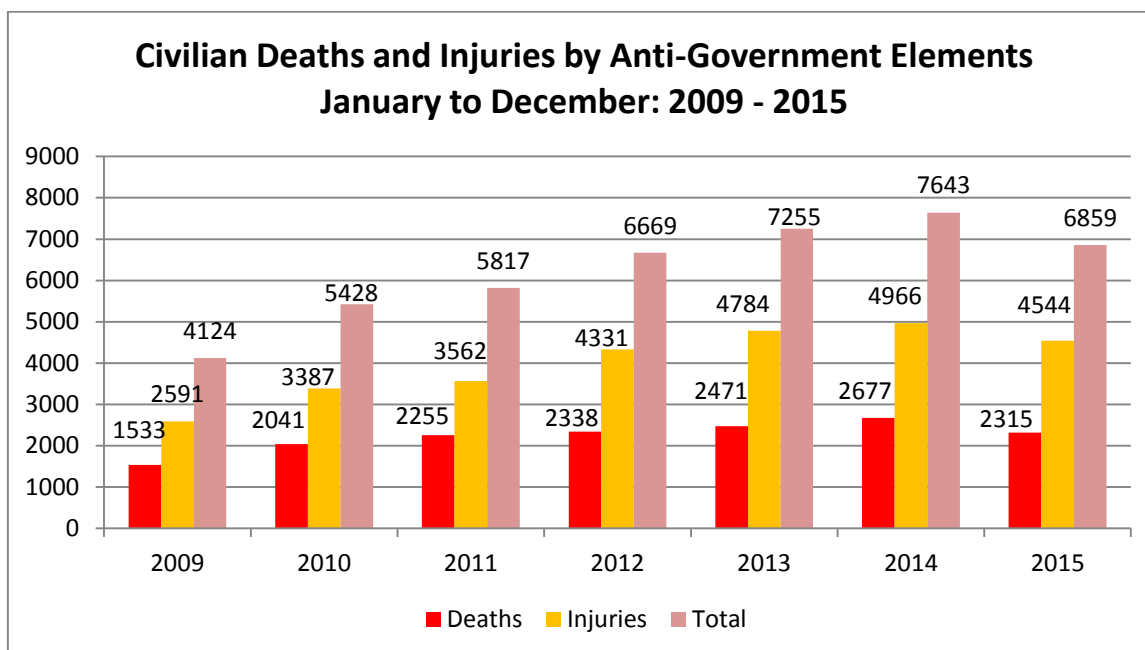
UNAMA attributed responsibility as follows:

Civilian casualties from incidents publicly claimed by Taliban	1,490
Civilian casualties from incidents sources attributed to Taliban-affiliated commanders but not publicly claimed	2,549
Civilian casualties from incidents publicly claimed by ISIL/ <i>Daesh</i>	18
Civilian casualties from incidents sources attributed to ISIL/ <i>Daesh</i> -affiliated commanders but not publicly claimed	64
Civilian casualties attributed to anti-government armed groups for which there was no claim of responsibility and attribution to a specific armed group was not possible ⁷⁵	2,738
Total civilian casualties attributed to Anti-Government Elements	6,859

⁷³ 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 identified as ‘*Daesh*’ and other militia and armed groups pursuing political, ideological or economic objectives including armed criminal groups directly engaged in hostile acts on behalf of a party to the conflict.

⁷⁴ In 2014, UNAMA attributed 7,643 civilian casualties (2,677 deaths and 4,966 injured) to all Anti-Government Elements groups.

⁷⁵ UNAMA attributed fewer than 10 civilian casualties to the following groups during 2015: Haqqani Network, Hezb-i-Islami, and Tehrik-Taliban Pakistan.



Tactics and Incident Types Causing the most Harm to Civilians

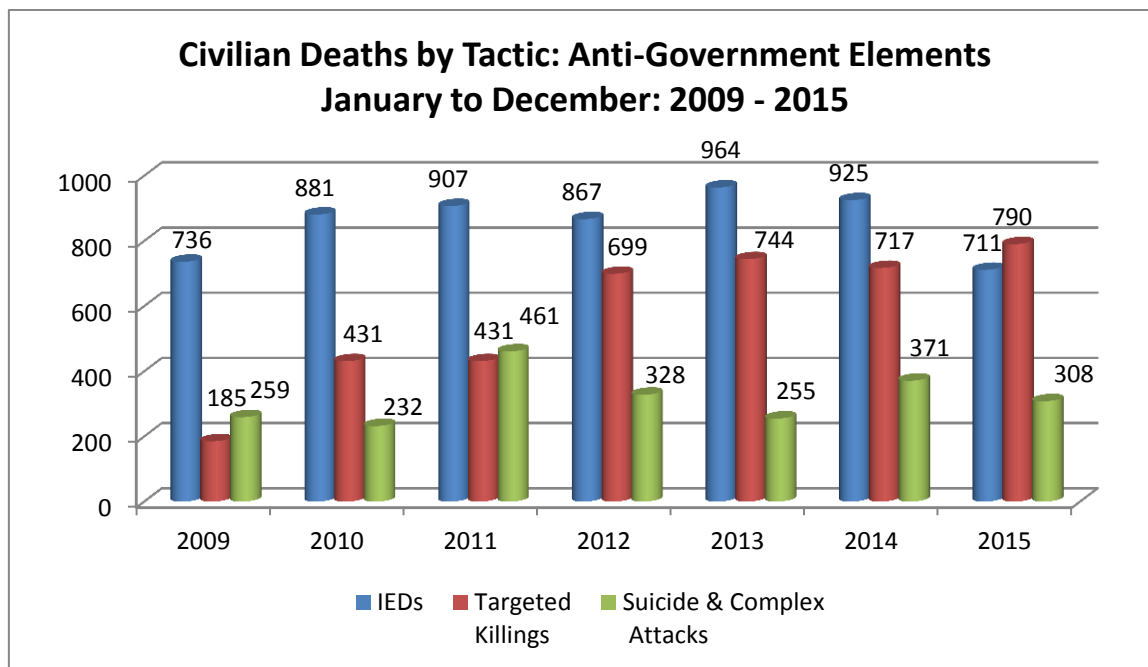
The most harmful tactic used by Anti-Government Elements in 2015 remained IEDs, which caused 35 per cent of all civilian casualties attributed to such groups, followed by suicide and complex attacks, which resulted in 27 per cent of all civilian casualties attributed to Anti-Government Elements. Targeted killings by Anti-Government Elements, including the use of IEDs for such attacks, caused the third highest number of civilian casualties by Anti-Government Elements, amounting to 21 per cent of civilian casualties attributed to these groups. Ground engagements where the civilian casualties were attributed solely to Anti-Government Elements resulted in the fourth highest number of civilian casualties for Anti-Government Elements – 15 per cent of the total. The remaining two per cent of casualties resulted from conflict-related abductions, parallel justice structure punishments, and physical injuries inflicted to civilians during threat, intimidation and harassment incidents⁷⁶.

Of particular note, combined IED tactics (traditional IEDs, suicide and complex attacks⁷⁷, and targeted killings using IEDs) by Anti-Government Elements, caused 4,520 civilian casualties (1,108 deaths and 3,412 injured) between 1 January and 31 December 2015 -

⁷⁶ Threats, intimidation and harassment is a category of tactic used by UNAMA to record incidents of threats of death or harm, intimidation and harassment which amount to a human rights violation or abuse carried out by a party to conflict against a civilian. This category includes unlawful movement restrictions or prohibition of freedom of expression, and illegal deprivation of property. The category also includes incidents of physical violence when the purpose is to threaten, intimidate or harass civilians, i.e. punishment, revenge, or other forms of deliberate assault when the purpose is to threaten, intimidate or harass civilians.

⁷⁷ UNAMA definition of 'complex attack' refers to a deliberate and coordinated attack which includes a suicide device (i.e., BBIED, VBIED), more than one attacker and more than one type of device (i.e., BBIED and mortars). All three elements must be present for an attack to be considered complex.

accounting for 66 per cent of civilian casualties caused by Anti-Government Elements. Combined IED tactics caused 41 per cent of all civilian deaths and injuries related to the conflict in 2015.



Improvised Explosive Devices

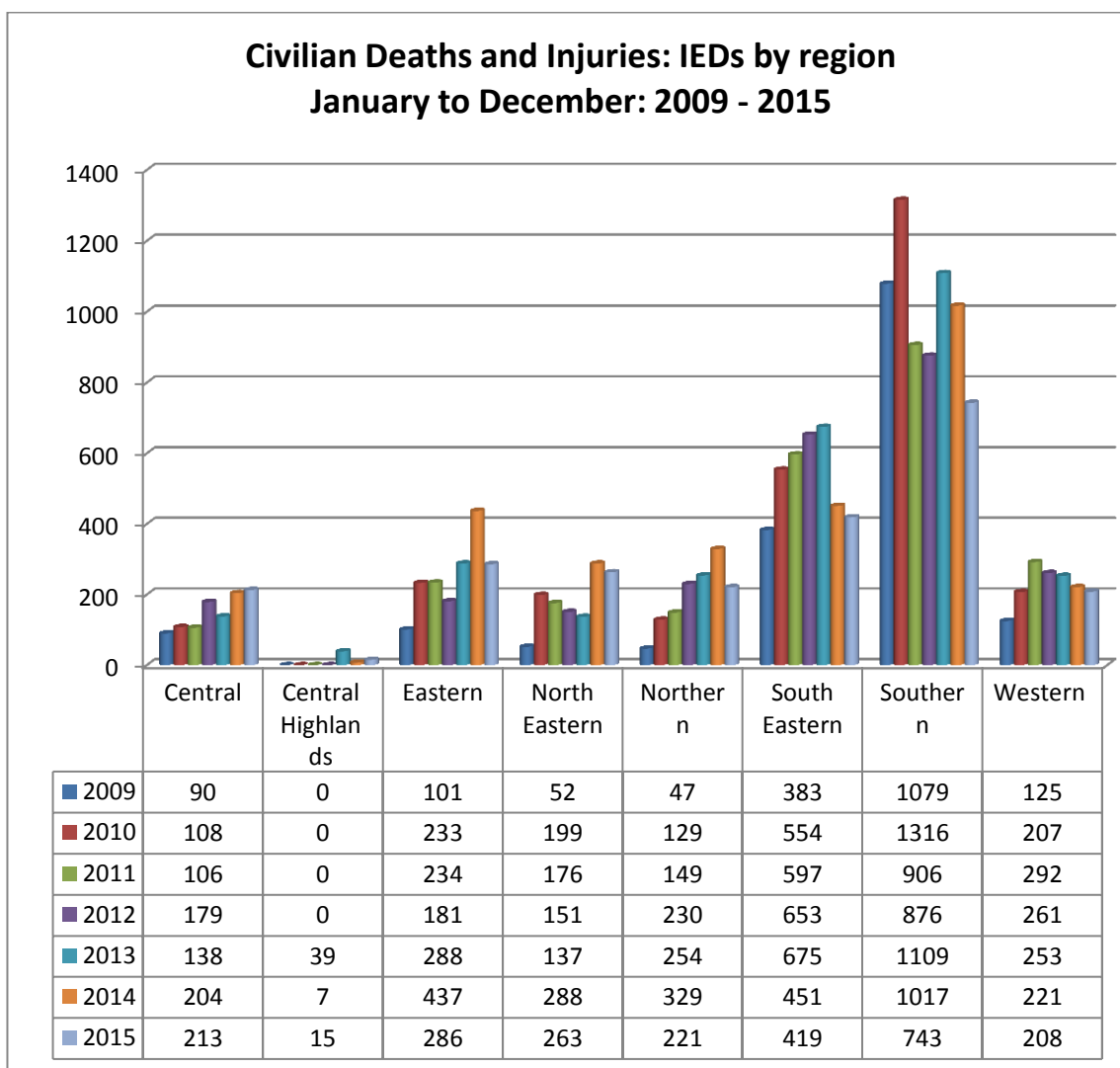
Following the trend documented in its 2015 Midyear Report on Protection of Civilians in Armed Conflict, UNAMA recorded a decrease in civilian casualties caused by IEDs. Between 1 January and 31 December 2015, it documented 2,368 civilian casualties (713 deaths and 1,655 injured) from IEDs, a 20 per cent decrease⁷⁸ in total civilian casualties caused from IEDs compared to 2014.⁷⁹ Nevertheless, IEDs remained the leading cause of civilian casualties attributed solely to Anti-Government Elements and caused the second highest number of civilian casualties – 22 per cent – of all tactics by all parties in 2015.

UNAMA notes that the reduction in civilian casualties from IEDs does not necessarily reflect that Anti-Government Elements are using fewer IEDs. Some of the reduction in casualties from IEDs may be attributed to potential improvements in targeting practices by Anti-Government Elements and to the increasing ability of Afghan security forces to detect and make safe IEDs.

⁷⁸ UNAMA notes that these figures do not include civilian casualties from IEDs used in complex and suicide attacks or IEDs used in targeted killings, which are recorded separately due to the distinct nature of these tactics. Counted together, combined IED tactics accounted for 41 per cent of all civilian casualties in 2015 – See previous section.

⁷⁹ In 2014, UNAMA documented 2,954 civilian casualties (925 deaths and 2,029 injured) from IEDs.

In 2015, the province of Kandahar was the most affected by IEDs, followed by Helmand, Nangarhar and Ghazni provinces.

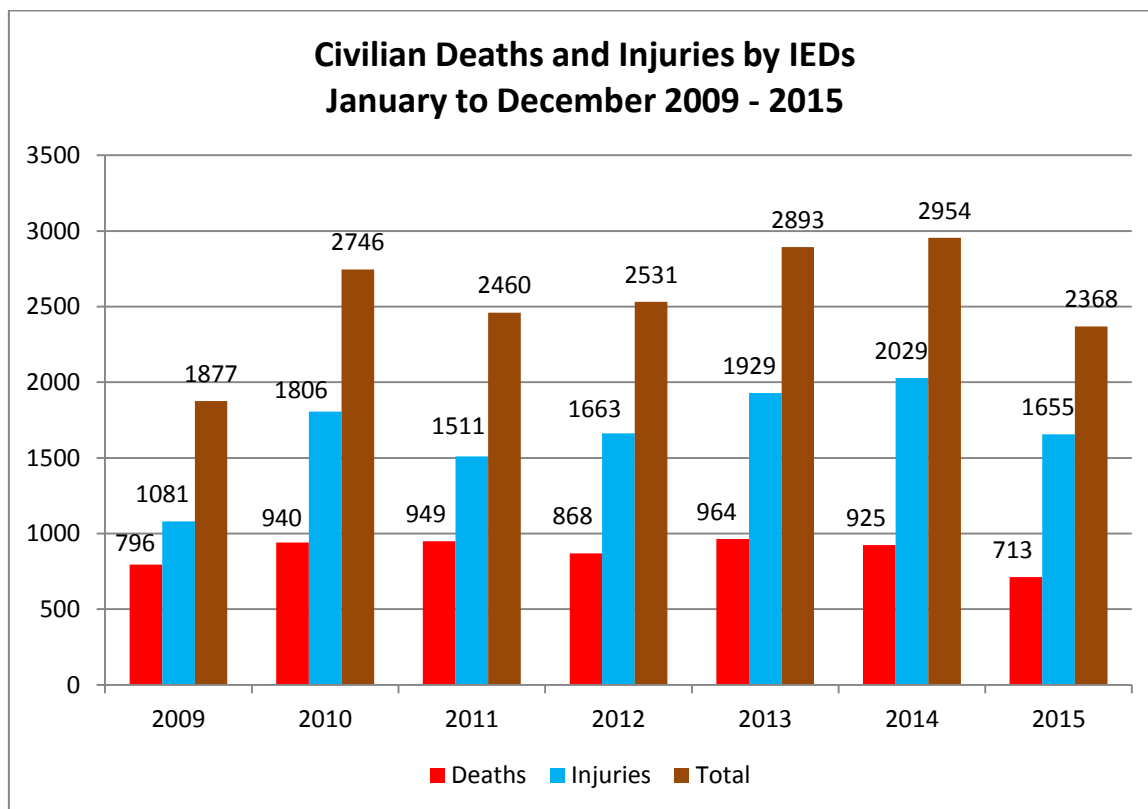


During its verification of IED incidents resulting in civilian casualties, UNAMA consulted with Afghan and international security organizations⁸⁰, including counter-IED and explosive ordnance disposal (EOD) experts at the district, provincial and national levels, to ascertain the types of IEDs used in particular attacks. UNAMA categorizes IEDs by the basic method used to initiate detonation,⁸¹ including victim-activated-IEDs, remote-

⁸⁰ Among others, UNAMA meeting with ANA Chief Counter-IED in Kabul city, Kabul province, 4 June 2015.

⁸¹ An IED is detonated or triggered by the initiating system, which could be a pressure plate, mobile phone, radio, timer or wire physically connected to the device. See CIED Knowledge Manager, Civil-Military Fusion Centre (CFC), *Understanding the Basics of Improvised Explosive Devices (IEDs)*. September 2011, available at: https://www.cimicweb.org/CounterIED/20110912_C-IED_Topical_Report_Introduction_to_IEDs%20-%20draft%20final%5B1%5D.pdf, accessed 8 June 2014.

control/radio/command-operated IEDs, and suicide IEDs.⁸² The most common victim-activated-IEDs in Afghanistan are pressure plate IEDs⁸³. While UNAMA records magnetic-IEDs separately, they are technically a sub-category of remote-controlled IEDs. See *Glossary for definition of each trigger-type of IED*.



Pressure Plate-IEDs

“That day, my 15-year-old son and I travelled to our home in the village from our temporary shelter, in order to get some clothing and food. Insecurity already displaced my family from our home. We had loaded everything in a handcart and as soon as my son stepped out of the entrance to the house, a pressure plate IED detonated and injured him. When we crossed the same entrance just a few minutes before nothing happened, but when we were coming out the handcart was loaded and the weight might

⁸² See the Glossary for definitions and descriptions of types of IEDs.

⁸³ 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. PP-IEDs in Afghanistan are generally set to explode when they are walked on or driven over and most contain approximately 20-25 kg of explosives (commonly homemade); more than twice the content of a conventional anti-tank mine, but with the trigger sensitivity of an anti-personnel mine. This means that a pressure-plate IED effectively functions as a massive anti-personnel landmine (which is an illegal weapon not least as Afghanistan is a party to the Convention on the Prohibition of Anti-Personnel Mines) with the capability of causing extensive, catastrophic damage to personnel and vehicles. Civilians who step on or drive over these IEDs in conventional (un-armoured) vehicles have no defence against them and very little chance of survival. See, UNAMA 2015 Midyear Report on Protection of Civilians in Armed Conflict, page 47.

have set off the pressure plate IED. I do not know why we have to suffer. We have nothing to eat, we have only one set of clothes each, and we have no place to live.”

-- Father of a 15-year-old boy injured by a pressure plate IED in Musa Qala district, Helmand province, on 29 October 2015.⁸⁴

While there was an overall reduction of civilian casualties from IEDs, UNAMA is extremely concerned about the increase of civilian deaths and injuries due to the use of illegal pressure plate IEDs⁸⁵ in 2015.⁸⁶ Pressure plate IEDs are victim-operated devices. This indiscriminate weapon is designed to detonate when a person or vehicle triggers the initiator or switch by stepping or driving on it. UNAMA documented 1,051 civilian casualties (459 deaths and 592 injured) from the use of such devices by Anti-Government Elements, a 35 per cent increase compared to 2014.

The increase in civilian casualties from pressure plate IEDs stems from the growing use of these devices by Anti-Government Elements as a defensive weapon to slow or prevent advancement of Afghan security forces before, during and after ground engagements. UNAMA documented multiple incidents of pressure plate IED detonations in civilian agricultural areas, footpaths, public roads and other public areas frequented by civilians.⁸⁷ These IEDs killed and maimed civilians as they went about their daily lives, traveling between villages and grazing livestock. Such use of pressure plate IEDs is illegal in Afghanistan⁸⁸ and may amount to violations of international humanitarian law as the effects of the device cannot be limited as required by international humanitarian law.

The following are examples of civilian casualties from pressure plate IED attacks:

- On 20 November, a motorbike carrying four civilians struck a pressure plate IED in Marjah district, Helmand province. The detonation killed two adult civilians (husband and wife) and injured two children.

⁸⁴ UNAMA telephone interview, Kandahar city, 1 November 2015

⁸⁵ Afghanistan has ratified the 1997 *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* ('Ottawa Convention' or the Mine Ban Treaty). This treaty prohibits the use of factory-made anti-personnel mines and victim-activated IEDs, such as PP-IEDs. The definition of 'mine' in the Convention encompasses IEDs to the extent that they are designed to be placed under, or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or vehicle.

⁸⁶ Between 1 January and 31 December 2014, UNAMA documented 775 civilian casualties (417 deaths and 358 injured), a 39 per cent increase in civilian casualties from pressure plate IEDs compared to 2013. See, UNAMA 2014 Annual Report on Protection of Civilians in Armed Conflict, page 48.

⁸⁷ Anti-Government Elements placed IEDs, particularly those equipped with a pressure-plate trigger, on transit routes ranging from small footpaths to highways that killed and injured civilians whether they were on foot, riding bicycles, in buses, or cars.

⁸⁸ Afghanistan has ratified the 1997 *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* ('Ottawa Convention' or the Mine Ban Treaty). This treaty prohibits the use of factory-made anti-personnel mines and the use of victim-activated IEDs, such as pressure plate-IEDs. The definition of 'mine' in the *Convention* encompasses IEDs, to the extent that they are designed to be placed under, or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or vehicle.

- On 13 July, a civilian vehicle carrying five civilians returning to their home struck a pressure plate IED in Sayedabad district, Wardak province, killing two civilians and injuring three others from the same family.

Remote Controlled-IEDs

"It was around 6 in the morning and I was cleaning my shop. I saw a jerry can on the road in front of my shop but did not pay attention to it. A boy together with his elder brother en route to their work at a bakery shop stopped to inspect the jerry can. When the boy moved the jerry can, it exploded. That explosion killed the boy and his elder brother sustained injuries all over his body. I rushed to them together with other people and took the injured man to the Farah Provincial Hospital. This incident upset me and spread fear among local population."⁸⁹

-- Witness of an incident when a remote controlled-IED detonated, when tampered with in Farah city, Farah province, on 5 April 2015. The explosion killed a boy and injured a civilian man.

Between 1 January and 31 December, UNAMA documented 763 civilian casualties (144 deaths and 619 injured) from remote controlled-IEDs, a decrease of 30 per cent compared to 2014.⁹⁰ Despite the significant reduction, remote controlled-IEDs accounted for 32 per cent of all civilian casualties from IEDs, and seven per cent of total civilian casualties in 2015.⁹¹

Remote controlled-IEDs are command-operated IEDs that enable the operator to detonate the device at the precise time desired. The continuing use of these devices in civilian-populated areas bears a high risk of harming civilians and civilian objects. It must therefore cease in order to comply with the international humanitarian law requirement to take all feasible measures⁹² to avoid, or at the very least minimize, 'collateral damage' during operations, and abstain from attacks that may disproportionately harm civilians.

Examples of civilian casualties from remote-controlled IED attacks include the following incidents:

- On 29 January, Anti-Government Elements detonated a remote controlled-IED targeting the private vehicle of an ALP Commander in Mehterlam city, Laghman

⁸⁹ UNAMA interview with a witness, Farah city, 12 April 2015.

⁹⁰ In 2014, UNAMA documented 1,091 civilian casualties (233 deaths and 858 injured) from remote controlled-IEDs.

⁹¹ RC-IEDs used as a method to conduct a targeted killing, including instances when the targeted individual was a civilian, are covered in the section, War Crime of Murder: Deliberate Killings of Civilians, below.

⁹² See Rule 15. *ICRC Customary Law Study*. In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.

province. The detonation killed three civilians, including a boy, and injured a civilian man.

- On 15 July, Anti-Government Elements detonated a remote controlled-IED attached to a motorbike, targeting an ANP vehicle, in Maimana city, Faryab province. The detonation injured 23 civilians, including a boy and a girl.

Magnetic-IEDs

“Yesterday morning, I picked up my vehicle and started driving toward the hospital to pick up passengers when there was a blast and I lost consciousness. When I woke up, I found myself in this hospital. The night before, I parked my vehicle in front of my house and did not know if someone attached something to the vehicle during the night. At the time of the explosion, I was alone. I do not know how it happened. I never had problem with anyone. I am still suffering from the pain.”⁹³

-- Civilian victim of a magnetic-IED attack targeting Afghan Local Police in Kunduz city, on 29 July. The explosion killed two civilians and injured nine, including two boys.

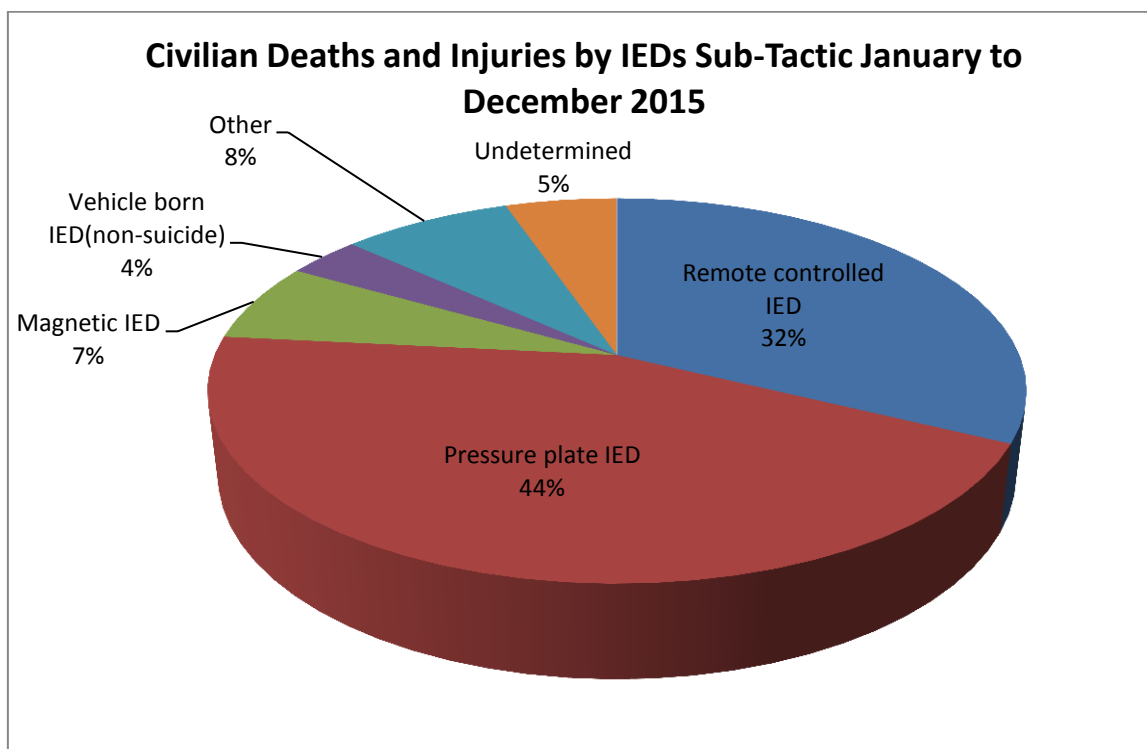
UNAMA documented 157 civilian casualties (14 deaths and 143 injured) from magnetic-IEDs in 2015, a 35 per cent decrease from the same period in 2014.⁹⁴ While the majority of incidents involved Anti-Government Elements placing magnetic-IEDs on vehicles of Afghan security forces, UNAMA continued to document civilian deaths and injuries from these attacks.

Examples of civilian casualties from magnetic-IED attacks include the following:

- On 20 September, Anti-Government Elements detonated a magnetic-IED near the ANA recruitment centre in Asadabad city, Kunar province. The detonation injured 34 civilians, including four children.
- On 15 October, Anti-Government Elements rigged a magnetic-IED to a Corolla vehicle and detonated it in front of a mobile phone shop in Kabul city. The explosion killed one civilian and injured six others.

⁹³ UNAMA interview with the victim, Kunduz city, 30 July 2015.

⁹⁴ In 2014, UNAMA documented 241 civilian casualties (20 deaths and 221 injured) from magnetic-IEDs.



Suicide and Complex Attacks⁹⁵

“It was around 7 p.m., I was in my shop when I heard an explosion. Many people rushed towards the Imam Abara mosque area. I also went there. It is an area where ANP vehicles often park, like an ANP checkpoint. I saw women, men and ANP personnel amongst the damaged ANP vehicle with white smoke in the air. Blood was running on the street. I was upset. Why did the motorcyclist explode himself to kill these innocent people? There was nothing I could do to bring them back. An ANP vehicle and two private cars took the injured victims to the hospital.”⁹⁶

-- Witness of a body-borne IED attack against ANP in Kandahar city, on 5 July. The explosion killed five civilians and injured 22 others.

Complex and suicide attacks continued to exact a heavy toll on the civilian population in 2015, causing 1,840 civilian casualties (308 deaths and 1,532 injured), a 16 per cent increase compared to 2014. Taliban claimed responsibility for 41 of the 74⁹⁷ documented complex and suicide attacks, resulting in 706 civilian casualties (110 deaths and 596

⁹⁵ UNAMA definition of ‘complex attack’ refers to a deliberate and coordinated attack which includes a suicide device (i.e., BBIED, VBIED), more than one attacker and more than one type of device (i.e., BBIED and mortars). All three elements must be present for an attack to be considered complex.

⁹⁶ UNAMA interview with a witness, Kandahar city, 5 July 2015.

⁹⁷ The 74 attacks include only attacks which resulted in civilian deaths or injury.

injured) - a 14 per cent decrease in civilian casualties from Taliban-claimed complex and suicide attacks.⁹⁸

Suicide and complex attacks caused extreme harm, particularly in urban areas, mainly in Kabul city, Lashkar Gah city, Helmand province, and Jalalabad city, Nangarhar province. Two suicide attacks in Kabul city on 7 August 2015 caused 355 civilian casualties (42 deaths and 313 injured), representing the highest number on civilians killed and injured in one day since UNAMA began systemically recording civilian casualties in 2009. In one of these attacks, a suicide vehicle-borne IED detonated in the Shah Shahid area of Kabul city, killing 15 civilians and injuring 283 others. Taliban issued a statement on their website, explicitly denying responsibility for the Shah Shahid area attack.

Attacks directed at the civilian population, as well as the indiscriminate use of suicide IED tactics, are serious violations of international humanitarian law - which binds all parties to the armed conflict in Afghanistan - and may amount to war crimes. Moreover, international humanitarian law prohibits attacks which may be expected to cause incidental loss of civilian life, injury to civilians or damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.⁹⁹

The following are examples of civilian casualties from suicide attacks:

- On 12 July, a suicide attacker detonated his vehicle-borne-IED against a Khost Protection Force checkpoint, near a bazaar outside of Camp Chapman, in Karwan Sarai village, Matun district, Khost province. The attack killed 28 civilians, including three women and 12 children, and injured nine others, in addition to causing significant damage to civilian property. The attack also killed six Khost Protection Force members and wounded 12 others.
- On 28 December, a Taliban suicide attacker detonated a vehicle-borne-IED near Maidan Hawae square, in Kabul city, killing one civilian and injuring 32 others, including two women and 19 children. Taliban claimed responsibility for the attack on their website, stating that they killed and injured “many foreign invaders” in the attack.¹⁰⁰

War Crime of Murder: Targeted Killings of Civilians

“On the day of the incident, I left work and rode my bicycle to the centre of the town. I stopped and dismounted my bicycle to speak with a student when the explosion happened. I think it was a remote-controlled IED someone had placed under the seat of

⁹⁸ In 2014, Taliban claimed responsibility for 56 suicide and complex attacks that caused 817 civilian casualties (172 deaths and 645 injured).

⁹⁹ *Customary International Humanitarian Law*, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}, Proportionality in Attacks.

¹⁰⁰ See, “10 foreigners, 3 hirelings killed in Kabul martyr attack”, Taliban statement of 28 December 2015, available at <http://shahamat-english.com/10-foreigners-3-hirelings-killed-in-kabul-martyr-attack/>, last accessed 14 January 2016.

*my bicycle. The blast injured my stomach, left leg and face. The blast also injured the student. I am sure that Taliban were responsible for this incident because a student with Taliban connections threatened me earlier because I work with an NGO. It does not scare me and I intend to continue my work.*¹⁰¹

-- Victim of an attempted targeted killing using a remote controlled-IED, in Pul-e-Alam town, Logar province, on 6 December 2015. The explosion injured two civilians.

Civilian casualties from targeted killings increased by 27 per cent in 2015, with 1,422 civilian casualties (850 deaths and 572 injured), and accounted for 13 per cent of all civilian casualties. Although ground engagements, IEDs, and complex and suicide attacks caused more overall civilian casualties (combined deaths and injuries) in 2015, targeted killings caused the second highest number of civilian deaths – after ground engagements - representing 24 per cent of all 3,545 documented civilian deaths in 2015.

UNAMA attributed 1,335 civilian casualties (790 deaths and 545 injured) – 94 per cent – from targeted killings to Anti-Government Elements. These included deliberate killings of aid workers, tribal elders, civilian Government officials, mullahs and civilian justice officials. Of the 725 documented targeted killing incidents attributed to Anti-Government Elements, Taliban claimed responsibility for 139 separate incidents, which resulted in 336 civilian casualties (168 deaths and 168 injured) - an increase of 59 per cent from targeted killings claimed by Taliban in 2014.¹⁰²

The following are examples of civilian casualties from targeted killings for which Taliban claimed responsibility:

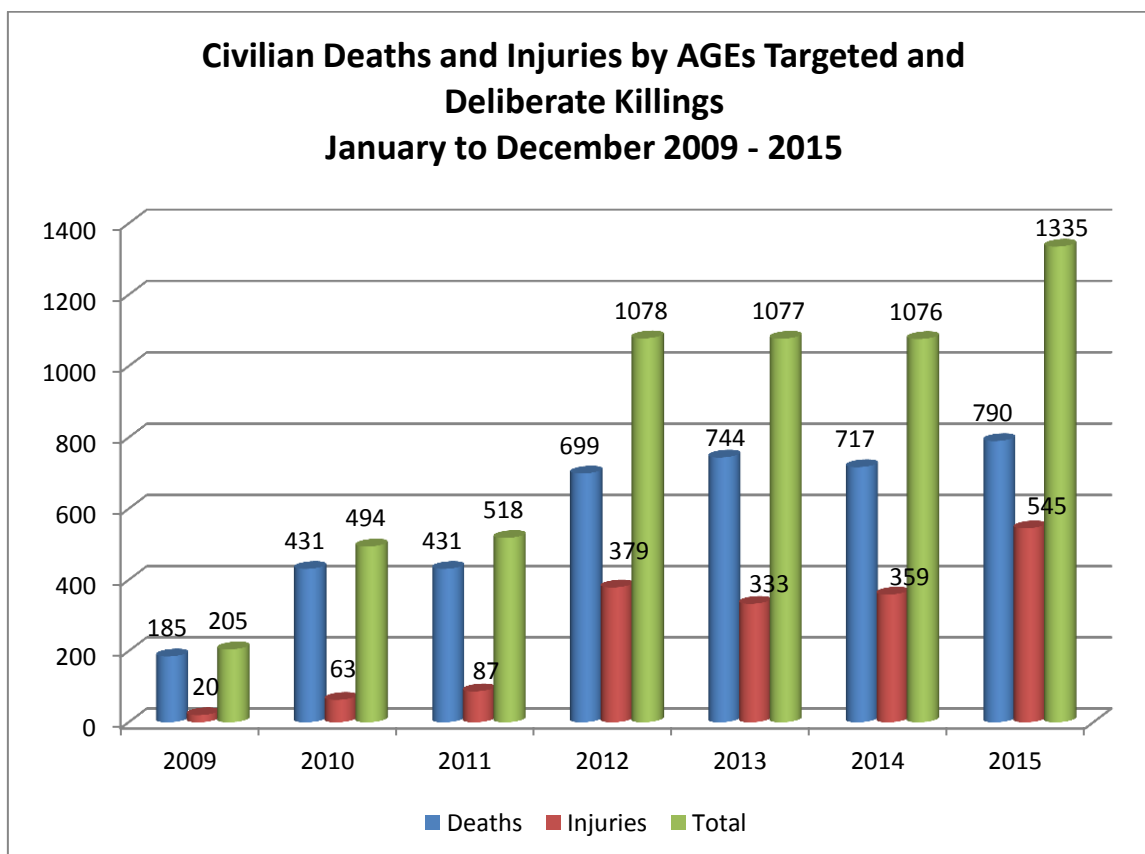
- On 24 April, Taliban detonated a magnetic-IED attached to the vehicle of the provincial director of Borders and Tribes as he returned home from his office in Ahmadaba district, Paktya province. The detonation killed one civilian man and injured the director. Taliban claimed responsibility for the attack.¹⁰³
- On 28 June, in Bil Cheragh district, Faryab province, Taliban shot and killed a community elder for encouraging local people to stand against Anti-Government Elements. Taliban claimed responsibility for the killing.¹⁰⁴

¹⁰¹ UNAMA interview with a victim, Kabul city, 7 December 2015.

¹⁰² In 2014, Taliban claimed responsibility for 103 targeted killings incidents which resulted in 211 civilian casualties (138 deaths and 73 injured).

¹⁰³ See statement of Taliban: <http://www.shahamat-english.com/index.php/news/54258-enemy-losses-in-paktia-amid-operation-azm-on-day-one>. Note that UNAMA counts targeted killings using IEDs (regardless of trigger-type) under targeted killings and not under IEDs.

¹⁰⁴ See statement of Taliban: <http://www.shahamat-farsi.com/?p=3675015/6/29>



Attacks against Civilian Government Officials

UNAMA documented increasing attacks on civilian Government officials, including judges, prosecutors, and judicial institutions in 2015. Taliban claimed responsibility for the vast majority of attacks on judges, prosecutors and judicial institutions, and attacks targeting other civilian Government officials that caused hundreds of civilian casualties.

The targeting of these clearly civilian personnel is part of a stated Taliban policy. As UNAMA noted in its 2015 Midyear Report on Protection of Civilians in Armed Conflict, the Taliban statement of 22 April 2015, announcing the launch of the ‘Azm’ Spring Offensive, declared that “officials of the stooge regime and other pernicious individuals” would be targeted during the 2015 fighting season.¹⁰⁵ In their claim of responsibility for the 19 May suicide attack on the Ministry of Justice (see below) in Kabul city, Taliban announced that they would continue to target, “judges, prosecutors, the personal of Ministry of Justice and the likes.”¹⁰⁶ UNAMA reiterates that direct attacks against civilians or civilian objects – which include judicial officials and civilian Government workers, as

¹⁰⁵ Statement by the Leading Council of the Islamic Emirate regarding the inauguration of Spring Operations called ‘Azm’ (Resolve), available at <http://shahamat-english.com/index.php/paighamoona/54149-statementby-the-leading-council-of-the-islamic-emirate-regarding-the-inauguration-of-spring-operations-called-%E2%80%99azm%E2%80%99-resolve>.

¹⁰⁶ *Ibid.*

well as courts – are a serious violation of international humanitarian law that may amount to war crimes.¹⁰⁷

For this section, UNAMA notes that each individual casualty caused by a particular tactic is included under the relevant tactic heading in this report, i.e. IEDs, suicide attacks. The purpose of this section is to draw attention to the pattern of deliberate attacks targeting civilian Government officials (but includes civilian casualties from various tactics).

Attacks on Judges, Prosecutors and Judicial Institutions:

Civilian casualties caused by deliberate targeting by Anti-Government Elements of judges, prosecutors and judicial institutions, through complex and suicide attacks, targeted killings, IEDs and abductions, doubled compared to 2014. These attacks resulted in 188 civilian casualties (46 deaths and 142 injured) - a 109 per cent increase compared to 2014.¹⁰⁸ UNAMA attributed the majority of such deaths and injuries to Taliban. They claimed responsibility for 21 of these attacks, which resulted in 179 out of 188 – or 95 per cent – of the civilian casualties documented from such attacks.

The majority of civilian casualties resulted from a wave of targeted killings, complex and suicide attacks against judges, prosecutors and judicial staff in April and May 2015. Taliban-claimed attacks during these two months alone caused 161 civilian casualties (33 deaths and 128 injured). These include: the 9 April attack on the Balkh provincial prosecution office, in Mazar-e-Sharif city, that killed 14 civilians and injured 47 others¹⁰⁹; and three suicide attacks in Kabul: the 4 May suicide body-borne IED attack on an Attorney General Office shuttle that killed two civilians and injured 15 others;¹¹⁰ the 10 May suicide body-borne IED attack on an Attorney General Office shuttle that killed five civilians and injured 19 others;¹¹¹ and the 19 May suicide vehicle-borne-IED attack on the Ministry of Justice that killed five and injured 47 others.¹¹²

The following are other examples of attack against judges, prosecutors and judicial institutions:

¹⁰⁷ See Articles 48 and 52 of Additional Protocol 1 to the Geneva Conventions of 1949. See also, articles 8(e) (i) and 8(e)(xii) of the Rome Statute. See also Rule 7 ICRC, *Customary International Humanitarian Law*, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}.

¹⁰⁸ During 2014, UNAMA documented 40 incidents targeting judges, prosecutors, and judicial institutions, recording 90 civilian casualties (37 deaths and 53 injured). This should also be compared to 2013, during which UNAMA documented 233 civilian casualties (59 deaths and 174 injured) from attacks targeting this group of civilians, showing a continuing pattern of attacks on purely civilian targets, which is explicitly prohibited under international humanitarian law.

¹⁰⁹ See statement of Taliban: <http://shahamat-english.com/index.php/news/53897-martyr-attack-hits-balkh-several-court-staff-killed>

¹¹⁰ See Taliban statement posted at, <http://shahamat-english.com/index.php/news/54461-martyr-attack-kills-20-in-kabul-city>, subsequently removed from website but on file with UNAMA.

¹¹¹ Taliban statement posted at <http://justpaste.it/l1tg>, subsequently removed from website but on file with UNAMA.

¹¹² See, Taliban statement, <http://justpaste.it/l7w6>, last accessed 25 January 2016.

- On 10 January, Taliban shot and killed the head of the anti-corruption chamber of the Nangarhar Appeals Court while he was en route to his work in Beshud district, Nangarhar province. Taliban claimed responsibility for this killing on their website.¹¹³
- On 27 May, Taliban shot dead a Prosecutor and his adult son in the Ishkamish district centre, Takhar province. They claimed responsibility for the killing on the Pashto version of their website, stating that they killed a prosecutor and his bodyguard.¹¹⁴

Attacks on other Civilian Government Officials

UNAMA documented a sharp increase in civilian casualties resulting from Anti-Government Elements carrying out deliberate attacks against civilian Government officials and locations (other than judges, prosecutors, and judicial institutions) in 2015. UNAMA documented 962 civilian casualties (156 deaths and 806 injured) from suicide and complex attacks, targeted and deliberate killings, ground engagements and IEDs, targeting civilian Government institutions and personnel – doubling the number of such casualties from 2014.¹¹⁵ Taliban claimed responsibility for 48 such attacks that, resulted in 292 civilian casualties (49 deaths and 243 injured).

The following are examples of attacks against civilian Government officials:

- On 26 January, Taliban shot and killed the head of the district Agriculture Department while returning home from his office in Qala-e-Kah district, Farah province. Taliban claimed responsibility for the killing on their website.¹¹⁶
- On 23 May, Taliban detonated a remote controlled-IED near the Sahid-e-Hassas district centre, Uruzgan province, targeting the district Governor killing him and injuring his bodyguard. Taliban claimed responsibility for the attack on their website.¹¹⁷

Attacks on Religious Personnel and Places of Worship

In 2015, Anti-Government Elements continued to threaten and kill religious leaders and destroy religious shrines and buildings. Attacks deliberately targeting mullahs and places of worship decreased slightly in 2015, with UNAMA documenting 56 civilian casualties

¹¹³ See Taliban statement available at <http://shahamat-farsi.com/index.php/news/55751> subsequently removed from website but on file with UNAMA.

¹¹⁴ See Taliban statement available at <http://alemara1.org/?p=14160>, last accessed 25 January 2016.

¹¹⁵ In 2014, UNAMA documented 478 civilian casualties from such attacks (124 deaths and 354 injured).

¹¹⁶ See statement of Taliban: <http://shahamat-english.com/index.php/news/52623-government-worker-killed-in-pusht-koh> subsequently removed from website but on file with UNAMA.

¹¹⁷ See statement of Taliban: <http://shahamat-english.com/index.php/news/54811-char-chino-district-governor-killed> subsequently removed from website but on file with UNAMA.

(42 deaths and 14 injured) - an eight per cent decrease from 2014.¹¹⁸ UNAMA notes that while the total number of civilian casualties from attacks deliberately targeting religious personnel decreased, the number of fatalities more than doubled, from 19 deaths in 2014 to 42 deaths in 2015.

International humanitarian law prohibits the deliberate targeting of civilians and civilian property, including places of worship. This includes attacks directed against people and places of worship that constitute the cultural or spiritual heritage of peoples.¹¹⁹ Moreover, international humanitarian law places a specific obligation on parties to enable religious personnel to carry out their work.¹²⁰ UNAMA notes that under Additional Protocol II to the Geneva Conventions, the Government of Afghanistan also has specific obligations under international law to protect religious personnel and places of worship from attack.¹²¹

UNAMA highlights concern with the continued pattern of targeted killings of mullahs who had expressed pro-Government views or condemned civilian casualties caused by Anti-Government Elements. Both the Government of Afghanistan and Anti-Government Elements¹²² have obligations under international law to safeguard the right to freedom of speech, thought, conscience and religion.¹²³

The following are examples of attacks against religious personnel and places of worship:

- On 12 January, Taliban shot and killed a member of the Ulema Shura as he returned home from a mosque in Lashkar Gah district, Helmand province. Taliban claimed responsibility for this killing on their website.¹²⁴

¹¹⁸ In 2014, UNAMA documented 61 civilian casualties (19 deaths and 42 injured) from attacks targeting religious personnel and places of worship.

¹¹⁹ "Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties." Article 9 on protection of medical and religious personnel, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. Article 18 of the International Covenant on Civil and Political Rights provides that: 1. "Everyone shall have the right to freedom of thought, conscience and religion". Under Article 4 2, "no derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision." See also ICRC, *Customary International Humanitarian Law*, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}. See also Article 16 of Additional Protocol II.

¹²⁰ *Ibid.*

¹²¹ The obligation to respect and protect religious personnel is set forth in Article 9 of Additional Protocol II. It is also a war crime to intentionally direct attacks against buildings dedicated to religion (provided they are not military objectives), see Art. 8(e) (iv) of the Rome Statute. The respect for and protection of religious personnel is also considered a norm of customary international humanitarian law. ICRC, *Customary International Humanitarian Law*, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}. Rule 27- Religious Personnel.

¹²² Anti-Government Elements can have human rights obligations, in particular under customary international human rights law, to the extent that they can be considered as *de facto* authorities or have effective control over territory, as is the case in certain parts of Afghanistan.

¹²³ *Ibid*, footnote 119.

¹²⁴ See statement of Taliban: <http://shahamat-english.com/index.php/news/52213-police-officer-kills-nawzad-governor,-police-chief-and-intelligence-director> subsequently removed from website but on file with UNAMA.

- On 18 April, the ISIL/Daesh detonated an IED inside a local shrine in Jalalabad city, Nangarhar province. The detonation injured three civilians, including two boys. The spokesperson of ISIL/Daesh claimed responsibility for the attack, informing local media by phone.

Conflict-Related Abduction of Civilians

*"It was early Saturday morning. I had travelled to the district centre with four colleagues for an assessment mission. As we approached, Taliban stopped our vehicle and took us to an unknown location in another district. Taliban did not ill-treat us but changed our location four times during the 12 days of captivity. They released us following the mediation of tribal elders – our families paid a large ransom and we pledged to cease working with the Government. Two days ago, the abductors called and demanded medicine from me. I am very scared and don't know what to do."*¹²⁵

-- Victim of an abduction that occurred in January 2015 (province and district withheld).. Taliban abducted five NGO staff members and released them after 12 days of captivity.

UNAMA documented 410 abduction incidents, almost all carried out by Anti-Government Elements, which resulted in 172 civilian casualties (145 deaths and 27 injured), marking a 39 per cent increase in the number of such incidents, and a 112 per cent increase in casualties related to abductions compared to 2014.¹²⁶ Anti-Government Elements perpetrated 400 of the 410 incidents of civilian abductions documented by UNAMA, causing 169 out of 172 civilian casualties. UNAMA attributed eight incidents resulting in one civilian death to Pro-Government Forces.¹²⁷

UNAMA documented abductions of civilians by Anti-Government Elements for financial gain, intimidation of the civilian population, or extraction of concessions from other parties to the conflict, including exchange of hostages. As in the above example, many victims released by Anti-Government Elements reported that their former captors continued to contact them to demand money or other forms of support, ensuring that their ordeal did not end with their release from captivity.

Moreover, UNAMA documented a growing number of abductees killed by their captors because of failure to comply with demands, to maintain authority over other abductees, or because the aim of the abduction was to kill the victim.

The number of abductions as well as the number of resulting civilian casualties are the highest recorded by UNAMA since it started documenting such incidents systematically in 2009. They accounted for two per cent of all civilian casualties in 2015.

The following are examples of conflict-related kidnapping and abduction:

¹²⁵ UNAMA interview with a victim, (location withheld), 8 February 2015.

¹²⁶ In 2014, UNAMA documented 294 incidents of abduction resulting in 81 civilian casualties (65 deaths and 16 injured).

¹²⁷ Of the two remaining incidents, UNAMA could not attribute the abductions solely to one party.

- On 10 December, Anti-Government Elements abducted a civilian man during a visit to his fiancé's family in Dawlatyar district, Ghor province. The victim was a relative of a member of the Afghan security forces involved in the killing of a Taliban commander during an operation two days earlier. On 13 December, Anti-Government Elements killed the abductee and handed over his mutilated body to his tribesmen on 15 December.
- On 5 November, Anti-Government Elements abducted a civilian man in Maimana city, Faryab province, and contacted his family to demand an AK-47 in exchange for his release. The family members could not afford to purchase the weapon to ensure his release. Despite mediation attempts by tribal elders, on 7 November, Anti-Government Elements shot and killed the abductee. Villagers later found his corpse and took it to a local medical facility.

Abduction and Killing of Civilians of Hazara Ethnicity

In 2015, UNAMA observed a sharp increase in the abduction and killing of civilians of Hazara ethnicity by Anti-Government Elements. Between 1 January and 31 December, Anti-Government Elements abducted at least 146 members of the Hazara community in 20 separate incidents. All but one incident took place in areas with mixed Hazara and non-Hazara communities, in Ghazni, Balkh, Sari Pul, Faryab, Uruzgan, Baghlan, Wardak, Jawzjan, and Ghor provinces.

UNAMA confirmed the release of 118 of the 146 abducted Hazaras, while Anti-Government Elements killed 13, and two others died while in captivity. UNAMA was not able to verify the whereabouts of the remaining hostages. The motives for the abductions included holding hostages for ransom, exchange of detainees, suspicion of the hostages being members of the Afghan national security forces, and non-payment of illegal taxes. In some cases, the motive was unknown.

The following are examples of abduction and killing of civilians of Hazara ethnicity by Anti-Government Elements:

- On 23 February, in one incident that garnered significant public attention, Anti-Government Elements abducted 30 Hazara passengers from two public buses in Shajoy district, Zabul province, as they were travelling from Herat to Kabul. Three of the victims were killed during captivity while two died, reportedly of natural causes. Between May and August 2015, the remaining hostages were released, reportedly in exchange for a group of detainees held by the Government.
- On 13 October 2015, Anti-Government Elements abducted seven Hazara civilians, including two women, two boys and one girl, as they travelled along the Kabul-Kandahar highway, on the way to Jaghuri district, Ghazni province. Tribal elders attempted to mediate the release of the victims, without success. The civilians remained in captivity in Arghandab district, Zabul province, until fighting broke out between rival Anti-Government Element groups, including the group detaining the civilians. Between 6 and 8 November, before fleeing the area, the

Anti-Government Elements slit the throats of all seven civilians, including the children, prompting large demonstrations in Kabul city demanding accountability and greater protection for the Hazara community.

Parallel Justice Structure Punishments

"I was on my way to the village when I heard shouting. I saw Taliban pushing three people with bound hands into the village. Local people came to me and said, "You are an elder. Go before Taliban and ask them to release the ANP and the engineer." I did so but they warned me to leave. I followed them as they led the detainees away, but one insulted and threatened me. The engineer asked for water, but Taliban refused. Taliban then separated the ANP from the engineer and took them in two different directions. A Taliban told me "if you follow us, you will face the same fate." I followed the group that took the engineer. The engineer again asked for water, without avail. Two Taliban tightened the bindings on the engineer's hands. I was very scared but continued watching. The Taliban commander ordered the beheading of the engineer. Without any hesitation, the two Taliban beheaded the engineer in front of me. The commander instructed a Taliban member to record that he had imposed the punishment for supporting the Government. He wrote it down and Taliban posted the paper on the engineer's body. I returned to the village full of fear and explained everything to the people. I cannot forget those moments."¹²⁸

-- Witness to the beheading of an engineer by Taliban in a parallel justice process in May 2015 (district and province withheld).

In 2015, UNAMA documented 44 incidents of Anti-Government Elements, including Taliban, punishing civilians for alleged infractions of Sharia law, perceived offences, and allegations of spying. UNAMA documented summary executions (by stoning, beheading, shooting, hanging, and the toppling of a wall on the accused), lashings and illegal detention carried out by Anti-Government Elements.¹²⁹ Although parallel justice structure punishments garnered significant public attention in 2015, UNAMA documented a 22 per cent decrease in civilian casualties from the use of such mechanisms. Death sentences¹³⁰ and lashings by Anti-Government Elements resulted in 76 casualties comprising 60 deaths and 16 injured.¹³¹

¹²⁸ UNAMA telephone interview with a witness (location withheld), 5 December 2015.

¹²⁹ All incidents of civilian casualties from parallel judicial system punishments recorded by UNAMA were carried out by Anti-Government Elements. UNAMA recorded instances of deaths and injuries from such procedures, whether the punishment was directly linked to the conflict (i.e. execution of the father of an ANA soldier) or was carried out by Anti-Government Elements against a civilian in relation to a non-conflict-related infraction i.e. public lashing for adultery. Common Article 3 of the Geneva Conventions protects civilians through the explicit prohibition of murder, violence, passing of sentences and carrying out of executions without respect for fair trial standards, torture, mutilation and other forms of violence. These acts are prohibited at any time and in any place whatsoever. See the *Legal Framework* section of this report for further details on the applicability of Common Article 3 in Afghanistan.

¹³⁰ UNAMA considers parallel judicial structure executions to include those intentional, premeditated and deliberate killings of an individual who is present in the perpetrator's physical

UNAMA reiterates that parallel judicial structures are illegal and have no legitimacy or basis under the laws of Afghanistan. Punishments carried out by these structures amount to human rights abuses, criminal acts under the laws of Afghanistan and, in some circumstances, war crimes under international law.¹³²

In the majority of incidents documented in 2015, Anti-Government Elements executed civilians for committing 'criminal' acts as defined by Anti-Government Elements – including 'moral crimes', suspicion of spying for the Government, and for working for the Government.

Due to the inherent illegality of these mechanisms, UNAMA views the use of these structures and resulting punishments as amounting to human rights abuses.¹³³

The following are examples of parallel justice structure punishments:

- On 14 August, in Taywarah district, Ghor province, a parallel justice 'court' sentenced two men and a 17-year-old boy to execution by wall-toppling for homosexuality. The falling wall killed the two men and injured the boy, who they allowed to live.
- On 6 March, Taliban detained four men in Khogyani district, Nangarhar province, under allegations of robbery. A Taliban 'court' sentenced each man to 28 lashes each. Taliban carried out the punishment in public after Friday prayers. They claimed responsibility for inflicting the punishments on their website.¹³⁴

Taliban Claims of Responsibility for Attacks Impacting Civilians

Of the 6,859 civilian casualties attributed to Anti-Government Elements, Taliban claimed responsibility for 352 incidents that caused 1,490 civilian casualties (437 deaths and 1,053 injured). These casualties include only those civilian deaths and injuries resulting from attacks publicly claimed by Taliban on their website or Twitter.¹³⁵ This number represents an 11 per cent decrease in civilian deaths and injuries from Taliban-claimed

custody (as opposed to targeted killings that require the victim not to be in the perpetrator's physical custody) when the killing is imposed for the purpose of punishment, e.g. killing of religious leader for delivering a funeral ceremony to a deceased Afghan national security force member, despite warnings not to. UNAMA considers such incidents as 'murder', as defined under international humanitarian law applicable in the non-international conflict in Afghanistan.

¹³¹ In 2014, UNAMA documented 98 civilian casualties from parallel justice structure punishments (83 deaths and 15 injured).

¹³² Refer to the *Legal Framework* section of this report for a definition of 'war crimes'.

¹³³ For the same reason, UNAMA analysis does not conclude the procedural elements allegedly followed are in accordance with recognized international human rights standards, for example, fair trial standards.

¹³⁴ See, <http://www.shahamat-english.com/index.php/news/53349-4-robbers-captured-in-eastern-afghanistan> subsequently removed from website but on file with UNAMA.

¹³⁵ Those civilian casualties attributed by UNAMA to Taliban, for which Taliban made no claim of responsibility, are included under the umbrella term Anti-Government Elements.

incidents compared to 2014.¹³⁶ Civilian casualties from incidents claimed by Taliban accounted for 14 per cent of all civilian casualties.

Out of the 352 incidents claimed by Taliban, 199 attacks targeted Afghan security forces, international military forces and pro-Government armed groups while Taliban deliberately targeted civilians or civilian locations in 153 incidents, including tribal elders, civilian members of the Government, and judicial personnel. See *Annex 1 for the breakdown of claimed attacks by target type*.

Consistent with trends documented by UNAMA in the first semester of 2015, approximately half (47 per cent) of the civilian casualties in Taliban-claimed attacks resulted from complex and suicide attacks targeting civilian objects or military targets in civilian-populated areas. Taliban-claimed attacks also included the deliberate targeting of individual civilians, indiscriminate IED attacks, attacks targeting Afghan security forces that killed and injured civilians.

Taliban Threats to Media and Human Right Defenders

On 12 October, in an explicit attempt to threaten and intimidate journalists, the Taliban's Military Commission issued a statement condemning the reporting by two Afghan television channels (Tolo TV and 1TV), and stating that these media outlets were to be considered as "military targets" and their staff "enemy personnel". This statement followed broadcasts by both channels reporting allegations that Taliban raped women in Kunduz. On 16 October, Taliban published an article on their website directly calling for attacks on media outlets and journalists "that work for and are funded by the west", adding that they "must become firm military targets and be eliminated". UNAMA notes the clear attempt to carry out this threat on 20 January 2016 falls outside this reporting period.¹³⁷

¹³⁶ The decrease in civilian casualties from incidents publicly claimed by Taliban does not necessarily mean that civilian deaths and injuries caused by Taliban have decreased. The statistic reflects the number of attacks causing civilian casualties that were claimed by Taliban.

¹³⁷ Following these threats against Tolo TV and 1TV, on 20 January 2016 in Kabul city, Taliban conducted a suicide vehicle-borne IED attack against a shuttle bus of the Moby Group (the parent company of Tolo TV) killing eight civilians (including three women) and injuring 30 others (including two women and three boys). Seven of the dead were Tolo TV staff members working with one of their subsidiary production companies. Taliban claimed responsibility for the attack on their website in retaliation for Tolo TV's "severe hostility" against Islam, serving as "an apparatus and propaganda mechanism of the US", and "disrespecting Kunduz citizens and false accusations of executions, plunder, kidnappings, and other abuses". Full statement available at <http://shahamat-english.com/many-killed-as-martyr-attack-hits-invaders-run-media-vehicle/>. Taliban also issued at least two additional statements seeking to justify the attack on their website, <http://shahamat-english.com/remarks-by-spokesman-of-islamic-emirate-concerning-attack-on-tolo-intelligence-network/> and <http://shahamat-english.com/taliban-compel-tolo-to-air-free-azan/> and at least one article 'Why Tolo was led to sunset?' <http://shahamat-farsi.com/?p=20603>.

Under international humanitarian law, journalists are not participants in the conflicts they cover and do not lose their status as civilians.¹³⁸ Additionally, international human rights law protects the rights of journalists to life, security and freedom of expression.¹³⁹ The actions and threats made against journalists by Taliban amount to human rights abuses.

Threats against journalists and media outlets create an environment which deters journalists from exercising their right to seek and disseminate information. The work of journalists is critical in providing independent information about the ongoing conflict. Journalists must be guaranteed the highest degree of protection by State and non-State actors, including Taliban and, as civilians, may never be the object of attack.

UNAMA reiterates that all attacks and threats against media workers must cease immediately.

Attack on Afghanistan Independent Human Rights Commission in Jalalabad city

On 15 October, the Afghanistan Independent Human Rights Commission (AIHRC) published a report on the human rights situation during the Taliban occupation of Kunduz city between 28 September and 13 October 2015, including preliminary information on allegations of sexual abuse of women committed by armed men. On 16 October, Taliban published a statement rejecting the AIHRC report, characterizing the AIHRC as an “intelligence network”. It further stated that, “Such organs in the structure of the Kabul administration all work for intelligence objectives, publish reports in accordance with the wishes of corrupt groups and exert efforts in defaming the Mujahideen.”

On 26 October, in Jalalabad city, Nangarhar province, a remote-controlled-IED detonated against an AIHRC staff shuttle bus, killing two AIHRC staff members and injuring four others. No group claimed responsibility for the attack on any website or social media, but a local radio station alleged that ISIL/*Daesh* fighters sent a text message to the station claiming responsibility for the attack.

Regardless of the perpetrator, UNAMA notes that attacks, threats and intimidation against human rights defenders create a climate of fear and serve to undermine the work of human rights defenders. Such actions amount to abuses of the rights to life and physical security, as well as the right to freedom of expression.

UNAMA calls on all parties to respect and protect human rights defenders and the vital work they do to promote the human rights of all in Afghanistan.

Taliban Statements on Civilian Protection

During 2015, Taliban issued 84 public statements related to protecting civilians and civilian property in armed conflict. For example, they issued a statement advising all the

¹³⁸ Article 13(2) Additional Protocol II to the Geneva Conventions and customary international humanitarian law explicitly prohibits attacks against civilians and acts or threats of violence aimed at terrorizing the civilian population.

¹³⁹ The Universal Declaration of Human Rights and the International Covenant on Civil and Political rights guarantee the right to freedom of expression both in Article 19.

workers of NGOs, private companies and telecommunication networks to continue their work normally following the Taliban offensive in Kunduz at the end of September 2015¹⁴⁰.

Through statements on their public website, Taliban repeatedly stated that civilian protection is a core objective and enumerated categories of protected persons in one such statement.¹⁴¹ In a marked shift, they publicly admitted to causing civilian casualties in two claims of responsibility in 2015, while clearly understating the actual impact of on the civilian population. For example, on 17 May, Taliban acknowledged that “a few civilians may have been slightly wounded by shrapnel” following a suicide vehicle borne-IED attack in Kabul city, targeting EUPOL, that killed three civilians and wounded 30 others.¹⁴² In a similar incident on 16 November, a suicide vehicle borne-IED targeting an international military forces convoy in Lashkar Gah city, Helmand province, killed two civilians and injured 12. Taliban claimed responsibility for the attack, admitting slight injuries of three civilians¹⁴³.

Despite Taliban’s public statements regarding precautionary measures¹⁴⁴, UNAMA continued to document Taliban attacks in public places, which harmed civilians indiscriminately. Furthermore, Taliban continue to apply a definition of ‘civilian’ that is inconsistent with international humanitarian law while their operations fail to comply even with their own, more limited definition of ‘civilian’.¹⁴⁵

In 2015, Taliban made public statements pledging to facilitate the work of “NGOs and other benevolent individuals”¹⁴⁶ while threatening human rights defenders.¹⁴⁷ In a statement on civilian protection in armed conflict, they referred to the contents of a

¹⁴⁰ Taliban statement 28 September 2015 available at: <http://shahamat-english.com/statement-by-commission-for-control-and-administration-of-ngos-and-companies/>, last accessed 25 January 2016.

¹⁴¹ See UNAMA/OHCHR 2014 Annual Report on Civilians at pages 70- 74 , UNAMA/OHCHR 2015 Midyear Report on Civilians Protection at pages 62-66, and Taliban statement, ‘Special Instructions of the Islamic Emirate’s leadership regarding precautionary means to prevent civilian casualties in the ongoing Jihad’ available at <http://www.shahamat-english.com/index.php/paighamoonah/51926-special-instructions-of-the-islamic-emirate-s-leadership-regarding-precautionary-means-to-prevent-civilian-casualties-in-the-ongoing-jihad>, subsequently removed from website but on file with UNAMA.

¹⁴² Taliban “Operation reporting” for 17 May 2015, available at, justpaste.it/l6sy, subsequently removed from website but on file with UNAMA.

¹⁴³ See Taliban statement available at <http://shahamat-english.com/lashkargah-martyr-attack-hits-3-apcs-kills-us-generals/>, last accessed 25 January 2016.

¹⁴⁴ *Ibid*, footnote 141.

¹⁴⁵ *Ibid*.

¹⁴⁶ Message of Taliban leader during Eidul Adha on 22 September 2015 available at: <http://shahamat-english.com/message-of-felicitation-of-the-esteemed-amir-ul-momineen-mullah-akhtar-mohammad-mansoor-may-allah-protect-him-on-the-eve-of-eid-ul-odha/>

¹⁴⁷ See, see UNAMA/OHCHR Special Report on Human Rights and Protection of Civilians in Armed Conflict in Kunduz province, 12 December 2015, available at http://unama.unmissions.org/Portals/UNAMA/civcas/Special%20Report%20on%20Kunduz%20pr vince_12%20December%202015.pdf, pages 15-16.

Hadith¹⁴⁸ and Islamic principles protecting women, children, the elderly and monks from harm during fighting and prohibiting the killing of those who are not engaged in fighting or are not important for warfare.¹⁴⁹ Despite this statement, Taliban continued to target civilians and claim responsibility for attacks (see for instance the above chapter on attacks on civilian Government officials).

As in past years, despite continuing reference to accountability for Taliban fighters, Taliban did not provide any public information concerning accountability among their members who failed to comply with civilian protection measures. They continued to deny responsibility for attacks and incidents which caused high numbers of civilian casualties.¹⁵⁰

While neither acknowledging nor taking responsibility for the actual harm Taliban caused the civilian population in either incident, UNAMA encourages Taliban to continue to publicly recognize harm to the civilian population caused by their operations. UNAMA acknowledges that these statements are an overall positive development yet insists that these statements must be internally directed to those responsible for battlefield actions, and not simply a public relations exercise without impact on Taliban practices on the ground. It urges them to give far greater priority to take meaningful steps to reduce the harm caused to civilians through their operations.

Taliban Statements Committing to Protecting the Rights of Women and Girls

Despite a statement by Taliban committing to the protection of human rights, including women's rights, at an international conference in Qatar in 2015,¹⁵¹ UNAMA documented multiple instances of Anti-Government Elements deliberately restricting the freedom of movement of women and girls, preventing their access to medical care and forbidding access to education beyond primary levels (see, chapter on women and armed conflict, above).

¹⁴⁸ Hadiths are a collection of traditions containing sayings of the prophet Muhammad which, with accounts of his daily practice (the Sunna), constitute the major source of guidance for Muslims apart from the Koran.

¹⁴⁹ See Taliban statement of 24 August 2015, "Civilian protection is our religious and national responsibility", available at: <http://alemara1.org/?p=25288>, last accessed 25 January 2016.

¹⁵⁰ See, for example Taliban denials for the suicide vehicle-borne IED on 7 August in Kabul city that caused 298 civilian casualties (15 deaths and 283 injured : Taliban statement, "Report by investigation team of Islamic Emirate regarding the incident in Kabul's Shah Shaheed", <http://shahamat-english.com/report-by-investigation-team-of-islamic-emirate-regarding-the-incident-in-kabuls-shah-shaheed/>, last accessed, 25 January 2016 and the denial of responsibility for the 22 August suicide vehicle-borne IED attack in Kabul city that caused 100 civilian casualties (12 deaths and 88 injured): Taliban statement, "Today's attack in Kabul has nothing to do with us", <http://shahamat-english.com/todays-attack-in-kabul-has-nothing-to-do-with-us-mujahid/>, last accessed 25 January 2016.

¹⁵¹ See, UNAMA/OHCHR 2015 Midyear Report on Protection of Civilians in Armed Conflict, page 66. Taliban statement, "Full text of the Statement delivered by the Delegation of Political Office of the Islamic Emirate in the International Pugwash Research Conference", 5 May 2015, is available at: <http://shahamat-english.com/full-text-of-the-statement-delivered-by-the-delegation-of-political-office-of-the-islamic-emirate-in-the-international-pugwash-research-conference/>.

UNAMA reiterates its call for Taliban to demonstrate their commitments on women's rights through concrete actions conducive to women's full exercise of their inalienable rights. UNAMA encourages Taliban to ensure that commanders fully adhere to these commitments and respect the fundamental human rights of women. They should also ensure accountability for those fighters who abuse or fail to protect the rights of women and girls.

Islamic State of Iraq and the Levant / *Daesh*¹⁵²

As observed in the UNAMA 2015 Midyear Report on Protection of Civilians in Armed Conflict, groups claiming allegiance to the terrorist organization self-identified as Islamic State of Iraq and the Levant (ISIL) - known in Afghanistan by the Arabic acronym *Daesh* - began causing civilian casualties in the eastern province of Nangarhar in 2015. These groups mirror ISIL/*Daesh* media tactics in other countries, for example, publicizing beheadings and execution by IED¹⁵³ through social media. ISIL/*Daesh* primarily caused civilian casualties during ground engagements with Taliban in 2015, although UNAMA also documented civilian casualties from targeted and deliberate killings and IEDs attributed to ISIL/*Daesh*.

In the first six months of 2015, UNAMA documented 13 civilian casualties attributed to ISIL/*Daesh*. In the second half of the year, this group conducted increasing operations, with UNAMA documenting 69 civilian casualties (30 deaths and 39 injured) attributed to ISIL/*Daesh* in Nangarhar province. UNAMA documented 26 civilian casualties (17 deaths and nine injured) from 17 targeted and deliberate killing incidents, 26 civilian casualties (four deaths and 22 injured) from five IED incidents, 23 civilian casualties (11 deaths and 12 injured) from five ground engagement incidents, and seven deaths from six abduction incidents.

In Nangarhar province, self-identified ISIL/*Daesh* fighters also had a significant impact on children's access to education and the ability of civilians as a whole to access medical care - as noted above in the chapter on children and armed conflict. UNAMA noted that between 1 January and 31 December 2015, one third of attacks committed by ISIL/*Daesh* fighters targeted education and health facilities and their personnel. This trend will likely continue to cause harm to civilians and temporary displacement of population in areas under the control of ISIL/*Daesh*.

¹⁵² In Afghanistan, groups affiliated with the IS are referred to by the Arabic acronym "*Daesh*" in Afghanistan, although in some parts of the country the term is used to refer to any foreign fighter, regardless of their allegiance. The word '*Daesh*' is an acronym from "Islamic State of Iraq and the Levant" (*al-Dawla al-Islamiya al-Iraq al-Sham*).

¹⁵³ UNAMA documented the execution by IED of 10 adult male fighters aligned with Taliban by IS/*Daesh* in Achin district, Nangarhar province on 25 July 2015. The video of the execution was widely circulated on social media beginning on 10 August 2015. UNAMA recalls that Common Article 3 of the Geneva Conventions protects persons taking no active part in the hostilities, including fighters placed *hors de combat*, through the explicit prohibition of murder, violence, passing of sentences and carrying out of executions without respect for fair trial standards, torture, mutilation and other forms of violence. These acts are prohibited at any time and in any place whatsoever. See the Legal Framework section of this report for further details on the applicability of Common Article 3 in Afghanistan.

Examples of civilian casualties attributed to ISIL/*Daesh* include the following incidents:

- On 2 September, ISIL/*Daesh* attacked Taliban positions in Pachir Wa Agam district, Nangarhar province, using small arms and rocket-propelled grenades. During the fighting, ISIL/*Daesh* fighters killed nine civilian men (including three burnt to death in a civilian home) and injured eight others, including two women. Sources reported that ISIL/*Daesh* deliberately targeted the civilian population during this attack due to their support for local Taliban. On the same day, ISIL/*Daesh* abducted 26 civilians, including one woman. ISIL/*Daesh* released the captives in November 2015 after they pledged not to support either Taliban or any national uprising movement.
- On 30 September, a group of civilians on foot, fleeing fighting between ISIL/*Daesh* and Afghan security forces in Achin district, Nangarhar province, stepped on a pressure plate IED planted by ISIL/*Daesh* to target Afghan security forces. The detonation killed one girl and injured seven other civilians, including six children and a woman.

IV. Pro-Government Forces

Pro-Government Forces caused 1,854 civilian casualties in 2015 (621 deaths and 1,233 injured) - a 28 per cent increase compared to 2014, accounting for 17 per cent of total civilian casualties.

UNAMA attributed nearly half of the civilian casualties from Pro-Government Forces – 47 per cent – solely to the Afghan National Army (868 civilian casualties: 258 deaths and 610 injured), with the majority caused during ground engagements. International military forces caused the second highest number of civilian casualties attributed to Pro-Government Forces – 10 per cent, comprising 179 casualties (106 deaths and 73 injured). Pro-Government armed groups caused seven per cent of civilian casualties attributed to all Pro-Government Forces, while Afghan Local Police caused seven per cent and Afghan National Police four per cent. The remaining 25 per cent of civilian casualties attributed to Pro-Government Forces resulted from joint operations of Pro-Government Forces or operations where UNAMA could not determine the responsible security force.

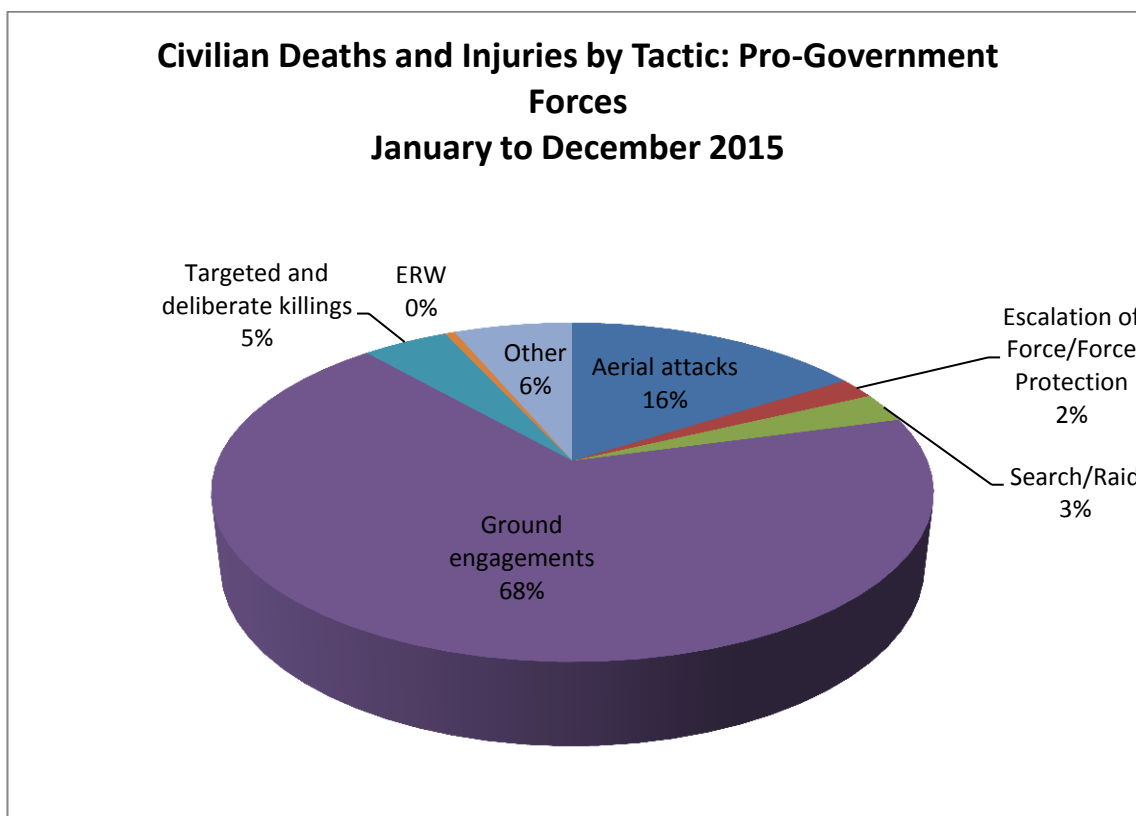
The following are examples of civilian casualties attributed to Pro-Government Forces:

- On 20 October, ANA fired a mortar at Anti-Government Element positions in Nada Ali district, Helmand province. The round impacted a civilian home, killing four children and a woman.
- On 4 December, ANA fired two (explosive) recoilless rifle rounds that impacted a mosque in Sayedabad district, Wardak province, killing nine civilians including four boys, and injuring three others. ANA reportedly arrested three ANA soldiers in relation to this incident. The investigation was underway at the time of writing this report.

Tactics and Incident Types Causing the most Harm to Civilians

In 2015, Pro-Government Forces caused the most harm to the civilian population during ground engagements (see above chapter on civilian casualties attributed to Afghan national security forces in ground engagements), which caused 68 per cent of all civilian casualties attributed to such forces. Aerial operations were the second leading cause of civilian casualties by Pro-Government Forces, resulting in 16 per cent of all civilian casualties attributed to these forces. Targeted killings by Pro-Government Forces, caused the third highest number of civilian casualties, amounting to five per cent of civilian casualties attributed to these groups. The remaining 11 per cent of casualties resulted from conflict-related threat, intimidation and harassment¹⁵⁴, escalation of force incidents, and search operations.

¹⁵⁴ Threats, intimidation and harassment is a category of tactic used by UNAMA to record incidents of threats of death or harm, intimidation and harassment which amount to a human rights violation or abuse carried out by a party to conflict against a civilian. This category includes unlawful movement restrictions or prohibition of freedom of expression, and illegal deprivation of



Aerial Operations

"We were having lunch in our tent near the pistachio forest. We heard a helicopter overhead so I went outside to watch it. Suddenly, the helicopter started firing rockets. It fired many rockets and one hit my family's tent. I ran over to the tent and saw that the rocket killed my wife and injured my two brothers and my sister. Later, some ANA and the deputy provincial governor visited my family at the hospital. They told me the ANA apologized for causing the casualties. I registered with the Department of Labour and Social affairs, hoping they will compensate us."¹⁵⁵

-- Witness and relative of several victims of an ANA aerial attack, Abkamary district, Badghis province, on 14 September 2015. The attack killed a woman and wounded a man, a boy and a girl.¹⁵⁶

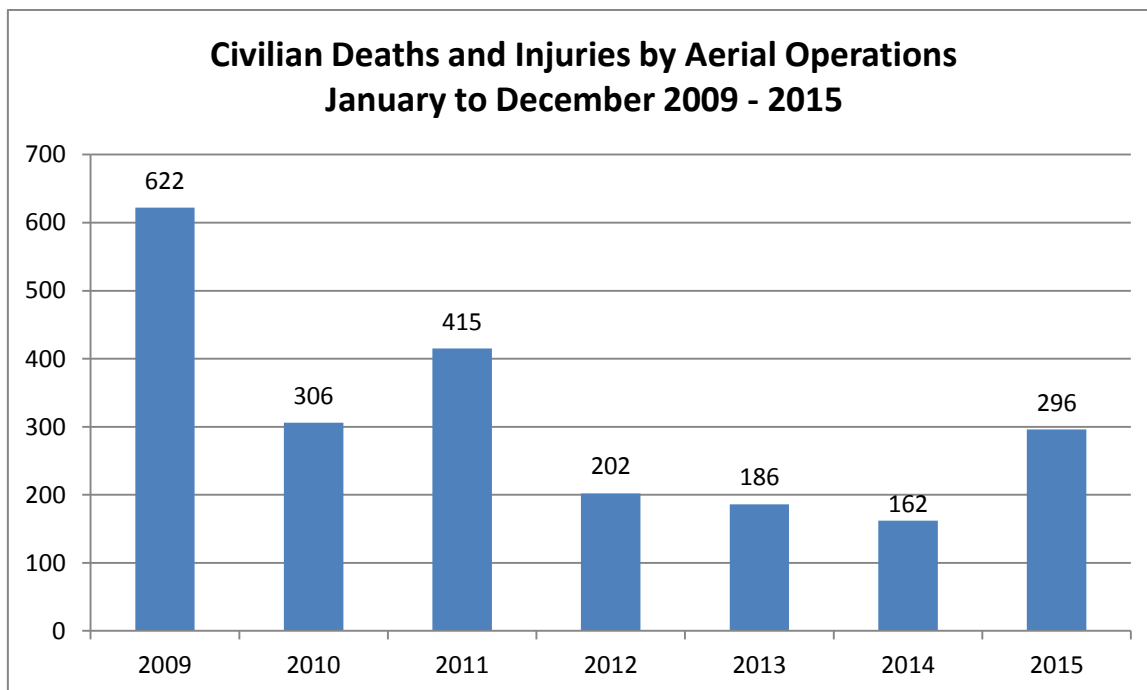
Reversing a decline between 2012 and 2014, civilian casualties from aerial operations – both by international military forces and the Afghan Air Force (AAF), a branch of the ANA

property. The category also includes incidents of physical violence when the purpose is to threaten, intimidate or harass civilians, i.e. punishment, revenge, or other forms of deliberate assault when the purpose is to threaten, intimidate or harass civilians.

¹⁵⁵ UNAMA telephone interview, Herat city, 21 September 2015.

¹⁵⁶ See, <http://shahamat-english.com/enemy-airstrike-martyrs-woman-wounds-3-civilians/>. "Enemy airstrike martyrs woman, wounds 3 civilians" Badghis, Sep. 15 – Enemy helicopters carried out airstrikes today in Aab Kamari area of Sang-e-Atish district from which an innocent woman was martyred and 3 other civilians wounded, surely to Allah we belong and to Him is the return."

– increased by 83 per cent in 2015, causing 296 civilian casualties (149 deaths and 147 injured). International military forces caused 57 per cent of these casualties while the Afghan Air Force (AAF) caused 43 per cent.



Aerial Operations Carried out by International Military Forces

Aerial operations carried out by international military forces in support of Afghan security forces and independent counterterrorism operations caused 170 civilian casualties (103 deaths and 67 injured) in 2015 - an increase of nine per cent compared to 2014.¹⁵⁷ UNAMA noted, however, that the increase in civilian casualties attributed to such forces largely resulted from the airstrike on the *MSF* hospital in Kunduz city, on 3 October, that caused at least 85 civilian casualties (42 deaths and 43 injured).

Attack on the *Médecins Sans Frontières* Hospital in Kunduz, 3 October 2015¹⁵⁸

During the prolonged urban combat situation in Kunduz city between 28 September and 13 October (see Chapter on Ground Engagements, above), the *MSF* hospital was the only functioning trauma hospital in the northeast region, providing life-saving healthcare to injured civilians and fighters without distinction. In the early morning hours of 3

¹⁵⁷ In 2014, UNAMA documented 156 civilian casualties from International Military Forces aerial operations (101 deaths and 55 injured).

¹⁵⁸ For a detailed account of the airstrike and aftermath, see UNAMA/OHCHR Special Report on Human Rights and Protection of Civilians in Armed Conflict in Kunduz province, 12 December 2015, available at http://unama.unmissions.org/Portals/UNAMA/civcas/Special%20Report%20on%20Kunduz%20pr%20vince_12%20December%202015.pdf, pages 7-12.

October, the MSF hospital compound in Kunduz hosted at least 249 people, including 119 patients and caretakers and 130 MSF staff members.¹⁵⁹

Between approximately 2 and 3 a.m., a United States AC-130 fixed-wing ground-attack aircraft conducted a series of air strikes on the hospital compound, causing at least 85 casualties (42 deaths and 43 injured), and setting fire to and destroying the main hospital building. Witnesses reported seeing victims shot by machine gun fire from the aircraft as they fled the burning hospital. The dead and injured included doctors, nurses, patients, caretakers, guards and cleaners. The harm to civilians caused by this attack extended beyond the immediate deaths and injuries as the destruction of the hospital significantly reduced the overall availability of health services in Kunduz city as well as in the whole region.

United States and Afghan officials made a series of inconsistent public statements in the immediate aftermath of the incident. On 25 November, the Commander of United States Forces-Afghanistan released a statement summarizing the findings of the United States Forces investigation, stating that the airstrike “was the direct result of human error, compounded by systems and procedural failures.”¹⁶⁰ On 28 November, the NATO Supreme Allied Commander Europe released an Executive Summary of the NATO Resolute Support Combined Civilian Casualty Assessment Team (CCAT) report into the airstrike, which also blamed the airstrike on “a series of human errors compounded by failures of process and procedure, and malfunctions of technical equipment.”¹⁶¹ The findings of the inquiry of the Government of Afghanistan into the attack have not been made public.

While acknowledging the public summary of the internal United States-led investigation and welcoming the release of the key findings of the NATO Resolute Support Mission CCAT investigation, UNAMA continues to recommend an independent, impartial, transparent and effective investigation of the airstrike on the MSF hospital. The findings of the investigation should be made public.

The information available publicly does not indicate that the investigations carried out thus far satisfy all criteria recommended by UNAMA, in particular in relation to their independence and effectiveness. States with jurisdiction over personnel involved in this incident must ensure that individuals responsible for authorizing and carrying out this attack are investigated. Those reasonably suspected to have committed war crimes with the requisite intent must be prosecuted and punished by a legally constituted tribunal, with due regard for the rights of the accused. UNAMA further recommends that international military forces undertake robust steps to ensure accountability, better

¹⁵⁹ Information received from MSF by email, 8 February 2016.

¹⁶⁰ “Statement on the Kunduz MSF Hospital Investigation” Resolute Support Mission, 28 November 2015, available at <http://www.rs.nato.int/article/press-releases/statement-on-the-kunduz-msf-hospital-investigation.html>, last accessed 28 November 2015

¹⁶¹ ‘Executive Summary. Combined Civilian Casualty (CIVCAS) Assessment of an airstrike on a medical facility in Kunduz city on 03 October 2015’, available at http://www.aco.nato.int/resources/3/images/2015/saceur/exec_sum.pdf, last accessed 28 November 2015

operational practices,¹⁶² compensation and support (including medical assistance) to victims and their families.

Afghan Air Force Aerial Operations

Consistent with trends documented in the UNAMA 2015 Midyear Report on Protection of Civilians, the deployment of aircraft capable of aerial attacks by the Afghan Air Force resulted in increasing harm to the civilian population, causing 126 civilian casualties (46 deaths and 80 injured).

As of 31 December, the Afghan Air Force operated at least 28 aircrafts, including one Mi-35 attack helicopters, three Mi-24 attack helicopters, 10 MD-530 light attack helicopters¹⁶³, and 14 Mi-17 transport helicopters modified with fixed forward-firing machine guns.¹⁶⁴

The following are examples of civilian casualties caused by Afghan Air Force aerial operations:

- On 2 August, an ANA helicopter opened fire on a group of Anti-Government Elements gathered in Shakh bazar, Qaysar district Faryab province, killing and injuring several fighters. The attack also killed two boys and injured six civilian men, and destroyed two fuel shops.
- On 3 November, during an offensive by Afghan security forces to re-take Dasht-e-Archi district centre, Kunduz province, from Taliban fighters, an ANA helicopter repeatedly fired upon a residential area, killing a civilian man and injuring four others, including two children and a woman. Reportedly, ANA struck the area due to a malfunctioning GPS system in the helicopter.

Given the likelihood of continued fighting in civilian-populated areas and the use of Afghan Air Force assets during operations,¹⁶⁵ UNAMA welcomes the continued support

¹⁶² In a written response provided to UNAMA on 4 February 2016 (see Annex 3), the NATO Resolute Support mission stated, “As a result of Kunduz, the Resolute Support Commander directed a new step be added to the targeting process—verification of the No Strike List. This step must be verified before any strike on a structure is conducted. Additionally, retraining of the force was conducted regarding the necessity of protecting No Strike List entities. And a rewrite of the Commander’s Guidance was completed, this revision emphasizes the importance of the No Strike List as a means to avoid CIVCAS and is required reading for all RS personnel.”

¹⁶³ The Mi-35, Mi-24, MD-530, and seven of the modified Mi-17 helicopters also have the capacity to deploy unguided rocket systems.

¹⁶⁴ United States Department of Defense, ‘Report on Enhancing Security and Stability in Afghanistan’, pages 49-55, December 2015, available at: http://www.defense.gov/Portals/1/Documents/pubs/1225_Report_Dec_2015_-_Final_20151210.pdf, last accessed 26 January 2016. There are also an additional 30 Mi-5VS aircraft used by the Special Mission Wing under the Afghan Ministry of Defense, although their offensive armament capabilities are not known. See, *Ibid*, at pages 59-60.

¹⁶⁵ On 15 January 2016, the Afghan Air Force received four fixed-wing A-29 ‘Super Tucano’ light attack aircrafts with plans to deploy additional armed aircrafts in 2016. UNAMA notes that with the delivery of the A-29 aircraft, the Afghan Air Force will have the capability for the first time since 2001 to release 250-500 pound “dumb” bombs from aircraft. Source: United States Department of

of international military forces to strengthen the capacity of the Afghan Air Force to mitigate civilian casualties in air operations, both by providing training and assisting the strengthening of rules of engagement.

UNAMA reiterates that international humanitarian law requires parties to the conflict to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects, including during the conduct of aerial operations.¹⁶⁶

Afghan Security Forces and International Military Forces Combined Operations

In the second half of 2015, UNAMA documented an increase in civilian casualties resulting from combined operations of international military forces and Afghan security forces in Khost, Kunduz, Logar, and Helmand provinces. UNAMA documented 30 civilian casualties (23 deaths and seven injured) that occurred during nine joint search operations and one joint ground engagement.

Although civilian casualties from joint operations decreased compared to 2014¹⁶⁷, UNAMA is concerned about the sharp increase in such incidents at the end of 2015 and recommends international military forces and Afghan special forces to redouble efforts to take all feasible precautions in the conduct of such operations to protect the civilian population and conduct prompt, impartial, and thorough investigations into civilian casualty incidents implicating such forces.

UNAMA also documented two joint search operations targeting NGO-run health facilities in Charkh district, Logar province and Sangin district, Helmand province, in December 2015, that resulted in the arrest of healthcare staff and destruction of clinic equipment - although they did not cause any civilian casualties. UNAMA reiterates that all parties to the conflict must respect the protected status of medical facilities, keep search operations of such facilities to a minimum, and ensure that any operations in the vicinity of health facilities are carried out so as to limit the impact on hospital staff, patients, equipment, and infrastructure.¹⁶⁸

Defense, 'Report on Enhancing Security and Stability in Afghanistan', pages 53-55. On 15 January 2016, the Afghan Air Force received four fixed-wing A-29 'Super Tucano' light attack aircrafts with plans to deploy additional armed aircrafts in 2016. UNAMA notes that with the delivery of the A-29 aircraft, the Afghan Air Force will have the capability for the first time since 2001 to release 250-500 pound "dumb" bombs from aircraft.

¹⁶⁶ Rule 1-Distinction between Civilians and Combatants and Rule 25-Precautions in Attack.

Customary International Humanitarian Law, Volume 1, Rules. Jean-Marie Henckaerts and Louise Doswalk-Beck, ICRC, Cambridge, 2005.

¹⁶⁷ In 2014, UNAMA documented 185 civilian casualties (102 deaths and 83 injured) from joint operations or operations conducted by Afghan security forces with an embedded presence of international forces.

¹⁶⁸ The protection afforded to medical facilities under international humanitarian law is not absolute, and a hospital may lose its protected status for such time that it is used to commit acts harmful to the enemy, but only after due warning has been given with a reasonable time limit and that warning has gone unheeded. See ICRC Customary International Humanitarian Law, rules, 15, 22, 25, 26, and 28, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_rul.

Pro-Government Armed Groups

"It was late afternoon and I was in my yard with my grand-daughter when two pro-Government armed groups started shooting at each other nearby. Bullets were flying everywhere. One hit my granddaughter in the back and another struck my leg. When I saw my granddaughter bleeding, I lost control and started to cry. Our neighbours came and took us to the hospital but they could not save my granddaughter. Can you imagine how difficult it is to bear this pain?"¹⁶⁹

-- Victim of ground engagement between two pro-Government armed groups in Garziwan district, Faryab province, on 18 January. The incident led to the death of a child and wounded a woman.

Throughout 2015, UNAMA continued to document human rights abuses carried out by pro-Government armed groups with impunity, including deliberate killings, assaults, extortion, intimidation and theft. Between 1 January and 31 December 2015, UNAMA documented 136 civilian casualties (54 deaths and 82 injured) caused by pro-Government armed groups, a 42 per cent increase compared to 2014.¹⁷⁰

The majority of civilian casualties (83 civilian casualties, comprising 21 deaths and 62 injured – a 51 per cent increase compared to 2014¹⁷¹) caused by pro-Government armed groups occurred during ground engagements - including fighting against Anti-Government Elements and fighting between rival pro-Government armed groups.

In 2015, UNAMA observed an increasing use of pro-Government armed groups in operations by Afghan security forces. Notwithstanding the illegality of armed parallel militia groups carrying out operations alongside or with the complicity of the Government, Pro-Government armed groups lack the training and discipline of regular forces, and are not equipped to adequately protect civilians during operations. Furthermore, these groups often lack clear lines of command; provincial security officials repeatedly informed UNAMA that they lack the ability to control such groups and hold them accountable for abuses.

Pro-Government armed groups also increasingly conducted deliberate, targeted killings of civilians in 2015. UNAMA documented 25 civilian casualties (22 deaths and three injured) from targeted killings of civilians by pro-Government armed groups, compared to 10 casualties (nine killed and one injured) in 2014.

UNAMA also documented 31 incidents of pro-Government armed groups threatening, intimidating or harassing the civilian population in 2015. For example, on 4 July, in Khan Abad district, Kunduz province, a pro-Government armed group commander illegally detained and interrogated five civilian men following an attack by Anti-Government

¹⁶⁹ UNAMA interview, Maimana city hospital, 20 January 2015.

¹⁷⁰ In 2014, UNAMA attributed 96 civilian casualties (46 deaths and 50 injured) to pro-Government armed groups.

¹⁷¹ In 2014, pro-Government armed groups caused 55 civilian casualties (25 deaths and 30 injured) during ground engagements.

Elements. The commander held the men in an illegal detention centre and beat them with a stick during the interrogation, accusing them of failing to inform the commander of Anti-Government Elements movements in the area. Following the reported intervention of a Member of Parliament, the commander released the men later the same day, warning them to leave the area.

UNAMA recalls the Government's responsibility to protect the right to life and security in Afghanistan, and renews its call to disband all pro-Government armed groups and hold perpetrators accountable for abuses.

The following are examples of civilian casualties attributed to pro-Government armed groups:

- On 7 September, a pro-Government armed group ambushed another pro-Government armed group in Khan Abad district centre, Kunduz province, due to a long-standing dispute between commanders. Small arms fire struck civilian bystanders, killing four civilians, including a woman, and injuring four others, including two women.
- On 30 August, a pro-Government armed group entered a village in Pashtun Kot district, Faryab province, and killed two civilian men they accused of supporting local Taliban. Anti-Government Elements had reportedly killed two members of the pro-Government armed in an ambush earlier that day.

Government of Afghanistan's "National Uprising Support Strategy"

In 2015, the Government of Afghanistan developed a "National Uprising Support Strategy" to create pro-Government armed groups in 25 provinces¹⁷² in areas with limited presence of Afghan security forces. By the end of 2015, UNAMA documented the formation of pro-Government armed groups in 23 districts of 10 provinces¹⁷³. In meetings with UNAMA, Government officials stated that these "national uprising" groups were not

¹⁷² The term "pro-Government armed group" refers to an organized armed non-State actor engaged in conflict and distinct from Government Forces, rebels, and criminal groups. These armed groups have no legal basis under the laws of Afghanistan. Armed groups have the potential to employ arms in the use of force to achieve political, ideological, or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the host Government or other States. This definition includes, but is not limited to the following groups: national uprising movement, rebel opposition groups, local militias (ethnically, clan or otherwise based), insurgents, terrorists, guerrillas, and civil defence forces and paramilitary groups (when such groups are clearly not under State control).

¹⁷³ UNAMA met with the Afghan National Police, National Directorate of Security, and Governor at district and provincial level to confirm formation of these groups in September 2015. The local authorities confirmed formation of these pro-Government armed groups in Jalrez district, Wardak province; Kot district, Nangarhar province; Daulat Shah district, Laghman province; Raghustan, Arghanjkhaw, Baharak, Shuhada, Zebak and Tagab districts of Badakhshan province; Borika district, Baghlan province; Almar and Qaisar districts of Faryab province; Kohestanat and Suzmi Qala district of Sar-e-Pul province; Khamab, Aqcha, Mingajik, Fayzabad, and Qarqin districts of Jawzjan province; Aybak district, Samangan province; and Chemtal, Chahar, and Bolak districts of Balkh province.

militia tied to powerful individuals or warlords, but a temporary initiative that would be absorbed by the Afghan Local Police programme after three months.¹⁷⁴ Security officials informed UNAMA that the National Directorate of Security (NDS) hires village or tribal elders to propose “national uprising” group members, who NDS subsequently vets.¹⁷⁵ The Independent Directorate for Local Governance (IDLG) provided financial support to these groups, while the Ministry of Interior assumed responsibility for arming them.¹⁷⁶ UNAMA sources reported that the groups included local civilians and former Anti-Government Elements fighters. The strength of these pro-Government armed groups varied from 22 to 500 personnel operating under the operational command of NDS and ANP.

The creation of pro-Government armed groups has placed a greater risk of harm upon the civilian population. Notwithstanding the illegality of parallel militia groups armed by the state, “national uprising” groups, composed of regular civilians and former Anti-Government Elements and the absence of a legal framework for such groups create significant risk of human rights abuses and impunity. Furthermore, members of such groups lack formal weapons training and knowledge of international humanitarian and human rights law principles – and Afghan law – placing civilians at greater risk of harm.

As noted in the previous section, UNAMA consistently documented the misuse of weapons by pro-Government armed groups and their reliance on personal connections with Government authorities to perpetrate human rights abuses with impunity. The creation of additional armed groups outside the regular Afghan security forces chain of command will likely lead to an increase in such incidents. Plans to absorb “national uprising” fighters into the Afghan Local Police programme – a programme that remains problematic (see next chapter) - does little to mitigate civilian protection concerns.

UNAMA has consistently recommended the disbandment of pro-Government armed groups as they have no basis in law, are not accountable to the populations they interact with, and - in most cases documented by UNAMA - enjoy impunity for crimes and abuses committed against civilians.

UNAMA reiterates its recommendation for the immediate disbandment of all pro-Government armed groups, including “national uprising” groups, and for authorities to take effective steps to ensure accountability for all perpetrators of human rights abuses.

¹⁷⁴ UNAMA Meeting with Ministry of Interior Chief of Operations, Kabul city, 10 January 2016, UNAMA meeting with ALP Directorate, Kabul, 13 January 2016, UNAMA meeting with Office of National Security Council, Kabul city, 11 January 2016.

¹⁷⁵ *Ibid.*

¹⁷⁶ *Ibid.*

Afghan Local Police (ALP)

“A group of 15 ALP entered our village to look for Taliban. We tried to tell them that there were no Taliban there. In response, they beat my grandfather and I with the butts of their rifles and shot at the houses, injuring my seven-year-old child.”¹⁷⁷

-- Victim of ALP violations in Takhar province, 3 August 2015.

In 2015, the Afghan Local Police (ALP) continued to serve in remote areas of Afghanistan as a primary frontline defensive force. As of 16 January 2016, the total number of ALP members stood at 28,231, covering 175 districts in 28 provinces.¹⁷⁸

Although civilian casualties attributed to ALP decreased compared to 2014, UNAMA continued to document serious violations committed by these forces, with the worst incidents occurring in Kunduz, Badakhshan, Sari Pul and Kandahar provinces. UNAMA documented 134 civilian casualties (35 deaths and 99 injured) – a decrease of nine per cent compared to 2014 – from 63 incidents involving ALP.

The most common human rights violations attributed to ALP included severe beatings, property destruction, theft, threats, intimidation and harassment. UNAMA also documented targeted killings perpetrated by ALP members as well as illegal detention of civilians. Throughout 2015, UNAMA continued to document civilian casualties attributed to ALP during ground engagements.

While the decrease in civilian casualties attributed to ALP may be partially a result of increased accountability for ALP members,¹⁷⁹ reductions in actual ALP on the ground may be partially responsible. In a meeting with UNAMA in December 2015, the ALP Directorate noted that ALP lost approximately 500 members per month due to deaths, injuries and desertions.¹⁸⁰ For example, it reported that in Shindand district, Herat province, only 36 ALP out of a Tashkil of 325 were posted in the field.¹⁸¹

The following are examples of civilian casualties attributed to ALP:

- On 5 August, an ALP commander, along with four other ALP, stopped two civilian men traveling in a vehicle in Ali Abad district, Kunduz province. They tied one of the men to a tree, and beat both men with their rifles, accusing them of spying for Taliban. The ALP stopped another civilian vehicle traveling from the opposite direction, forced out three civilian men, and began beating them. A district Government official passed and attempted to intervene, without success. Local

¹⁷⁷ UNAMA interview (location and date withheld).

¹⁷⁸ UNAMA meeting with ALP Directorate, 13 January 2016, Kabul city. The ALP programme is not present in Bamyan, Daikundi, Khost, Nimroz, Panshir, or Samangan provinces.

¹⁷⁹ During a meeting with the Police Affairs Directorate in Kabul on 12 January 2016, the Director informed UNAMA that the Directorate referred 148 ALP members to the Attorney-General's Office for prosecution, and arrested approximately one third of the accused. According to the official, the remainder either could not be located or operate with impunity under the patronage of powerbrokers.

¹⁸⁰ UNAMA meeting with ALP Directorate, Kabul city, 7 December 2015.

¹⁸¹ *Ibid.*

elders later petitioned provincial authorities to hold the perpetrators to account and subsequently received threatening phone calls from the ALP commander. Authorities undertook no further action in relation to this incident.

- On 18 August, ALP fired a mortar in response to an Anti-Government Elements attack in Pul-e-Alam district, Logar province, that impacted a civilian home, killing three children and injuring three others, including a woman and a girl.

Oversight and Accountability of ALP

The ALP Directorate is the main oversight mechanism for the ALP programme. Throughout 2015, UNAMA regularly shared written accounts of allegations against ALP members with the Directorate and monitored follow-up actions taken by both the Directorate and Ministry of Interior authorities at the provincial level.

UNAMA is concerned that the ALP Directorate, which had taken concrete steps to promote ALP responsibility, suffered a reduction in *de facto* authority in 2015¹⁸² following its restructuring. The leadership of the Directorate transitioned from an independent General Directorate, headed by a two-star General who reported directly to the Deputy Minister of Interior, to a regular directorate, headed by a one-star General reporting to the Police Affairs Directorate. The ALP director is now at the same rank as most provincial chiefs of police and is therefore reportedly unable to issue binding orders for provincial chiefs of police to arrest or investigate ALP members.¹⁸³

The restructuring also resulted in the abolishment of the Tashkil for the monitoring and investigations unit within the ALP Directorate, although a new Tashkil reinstating the monitoring and investigations unit is reportedly pending approval in the Ministry of Interior.¹⁸⁴ While UNAMA notes the regularization of the ALP into Ministry of Interior structures, any such regularization process must retain and strengthen accountability, as well as command and control.

UNAMA also notes that while the review of the ALP programme ordered by President Ghani in June 2015 reportedly resulted in the identification of 2,200 ALP under the control of local powerbrokers,¹⁸⁵ it does not appear to have resulted in any increased measures to promote accountability within the ALP, nor to regularize the ALP further into regular Afghan security forces. UNAMA notes that the review recommended that 6,000 ALP members undergo additional basic training, which is expected to be completed by March 2016.¹⁸⁶

¹⁸² See, UNAMA 2015 Midyear Report on Protection of Civilians in Armed Conflict, pages, 71-72.

¹⁸³ UNAMA Meeting with ALP Directorate, Kabul city, 17 December 2015.

¹⁸⁴ UNAMA meeting with Police Affairs Directorate, Kabul city, 12 January 2016.

¹⁸⁵ *Ibid*, footnote 164, at pages 73-74.

¹⁸⁶ *Ibid*.

ALP Impunity in Parwan province

On 5 July, a group of ALP killed a shopkeeper and severely beat two other civilians in the Shurkhi bazaar, Sia Gird district, Parwan province, following an IED attack against two ALP earlier that day. On 6 July, local people organized a protest, demanding that the Government establish a fact-finding commission to investigate the incident. During the protest, ALP providing security fired on the crowd, killing one civilian man and injuring six others. The ALP involved in both incidents reported to the same ALP commander.

Following the demonstration, the Government established a fact-finding delegation - composed of representatives from the governor's office, the Department of Education, the Provincial Council, the National Directorate of Security and ANP – who met with local elders and visited the area. Although the delegation produced no public statement, UNAMA sources reported that it concluded that civilian casualties occurred during a ground engagement between Taliban and ALP following the IED attack, and dismissed the allegations against ALP as propaganda. The delegation made no statement regarding the deaths and injuries during the protest.

In November 2015, the Ministry of Interior dismissed the ALP commander and removed him from the ALP Tashkil and payroll. However, as of the writing of this report, UNAMA sources reported that this individual continued to act as the ALP commander in the area, receiving support from provincial level ANP.

These incidents underscore the need for continued oversight and accountability for ALP, including the need to dismantle informal patronage networks that shield ALP members from accountability. UNAMA calls on the Government to ensure comprehensive, independent, impartial and timely investigations into these incidents, and to hold perpetrators to account.

Development of a National Policy on Civilian Casualty Mitigation

In its 2015 Midyear Report on Protection of Civilians in Armed Conflict, UNAMA recommended that the Government develop a national policy on civilian casualty mitigation that binds all ministries, departments, elements of the armed forces, and that the international community - particularly the Resolute Support Mission - support the Government in this regard. UNAMA further recommended that this national policy be developed by an inter-ministerial working group, embedded in Afghan law, and supported by an action plan for implementation, with concrete measurable objectives.

The Government undertook to develop and implement such a policy following a meeting of the National Security Council, on 26 August 2015, during which President Ghani directed the Council to prepare a “plan on reduction of civilian casualties and launching of the campaign on raising public awareness about protection of civilians”.¹⁸⁷ Staff of the

¹⁸⁷ See, <http://president.gov.af/en/news/51701>.

Office of the National Security Council reported that the intention of the Government was to finalize the national strategy by February 2016.¹⁸⁸

UNAMA reiterates its call for the Government to prioritize the drafting and entry into force of this policy and related action plan, and for the international community to provide sufficient support to enable this process. The findings contained in the present report reinforce the need for the Government to intensify its efforts to reduce civilian casualties. UNAMA stands ready to assist with technical advice in this regard.

Simultaneously, the Ministry of Defense developed its own ministerial policy on civilian casualty mitigation, currently pending signature by the Acting Minister of Defense.¹⁸⁹

Transition of Civilian Casualties Avoidance and Mitigation Board to Afghan Government Control

In line with the transition of primary responsibility for security to Afghan security forces, NATO Resolute Support and the Government transitioned the Civilian Casualties Avoidance and Mitigation Board (CAMB)¹⁹⁰ from NATO to Afghan Government auspices, with its inaugural meeting held on 26 January 2016.¹⁹¹

The Afghan-led CAMB will meet every three months and is chaired by the First Deputy National Security Adviser, with representatives from the Ministries of Defense and Interior as well as the National Directorate for Security and the Independent Directorate for Local Governance. The final board members will be set in a forthcoming Presidential decree, which will also reportedly designate or create a dedicated body tasked to systematically investigate allegations of civilian casualties¹⁹² - a long-standing recommendation of UNAMA.¹⁹³ UNAMA welcomes this development and encourages the Government to ensure that the Afghan-led CAMB is used as a tool to reduce the number of civilian casualties caused by Pro-Government Forces.

¹⁸⁸ UNAMA meeting with Office of the National Security Council, Kabul city, 11 January 2016. The first working session of the civilian casualty working group with the office of the National Security Council (ONSC) was held 6 September 2015. During this meeting, the Office of the National Security Council reported that the ONSC completed a first draft that was under inter-ministerial review. The ONSC planned to hold a consultative meeting with external counterparts in February 2016 prior to the final approval of the national policy. UNAMA provided comments on a draft policy to the ONSC in January 2016.

¹⁸⁹ Meeting with NATO/Resolute Support Advisers, 29 November 2015. NATO/Resolute Support advisers informed UNAMA that the Ministry of Defense finalized its internal policy on 22 October, but as of the writing of this report, the acting Minister of Defense has yet to sign the policy for it to enter into force.

¹⁹⁰ See UNAMA/OHCHR 2012 Annual Report on Protection of Civilians in Armed Conflict, pages 37-39 and UNAMA/OHCHR 2012 Midyear Report on Protection of Civilians in Armed Conflict, page 37, for background, available at: <https://unama.unmissions.org/protection-of-civilians-reports>.

¹⁹¹ UNAMA attended the inaugural meeting as an observer in Kabul city on 26 January 2016.

¹⁹² UNAMA meeting with Office of the National Security Council, Kabul city, 11 January 2016. ONSC reported that the first Afghan-led CAMB will take place in late January 2016, following the adoption of a Presidential Decree setting out the terms of reference for the board.

¹⁹³ See UNAMA/OHCHR 2012 Annual Report on Protection of Civilians in Armed Conflict, pages 37-39.

V. Legal Framework

The legal framework used for this report includes international human rights law, international humanitarian and criminal law and binding United Nations Security Council resolutions on Afghanistan.¹⁹⁴ All contain obligations relevant to protection of civilians during armed conflict in Afghanistan, which are explained below.

Legal Responsibilities of Parties to the Armed Conflict

UNAMA takes the position that the armed conflict in Afghanistan is a non-international armed conflict between the Government of Afghanistan and its armed forces (Afghan national security forces supported by international military forces. These combined forces are referred to in this report and within Afghanistan as “Pro-Government Forces”), and non-State armed opposition groups (referred to in this report and within Afghanistan as “Anti-Government Elements”). See *Glossary for definition of Pro-Government Forces and Anti-Government Elements*.

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

In resolution 1325 (2000), the Security Council underlined that it is critical for all States to fully apply the relevant norms of international humanitarian and human rights law to women and girls, and to take special measures to protect them from gender-based violence during armed conflict.¹⁹⁵

(i) Obligations under International Humanitarian Law

Afghanistan is a party to the four Geneva Conventions of 1949 and to Additional Protocol II of 1977,¹⁹⁶ which addresses the protection of civilians in a non-international armed conflict and prohibits attacks against civilians and objects indispensable to the survival of the civilian population.

Article 3 common to the four Geneva Conventions of 1949 establishes minimum standards that parties, including State and non-State actors, shall respect in non-international armed conflict. Common Article 3 explicitly prohibits murder¹⁹⁷, violence,

¹⁹⁴ United Nations Security Council Resolution 2210 (2015) highlights the obligations of all parties to the armed conflict in Afghanistan to comply with international law “including international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians.”

¹⁹⁵ S/RES/1325 (2000); See also S/RES/1820 (2008), S/RES/1888 (2009), S/RES/1889 (2009), and S/RES/1960 (2010).

¹⁹⁶ Afghanistan ratified Additional Protocol II 1977 on 10 November 2009. It entered into force on 24 December 2009.

¹⁹⁷ Regarding the war crime of murder, as defined by the Rome Statute of the International Criminal Court, UNAMA uses the term ‘deliberate killing of civilians’, which includes targeted killing, to describe an alleged act that may amount to the war crime of murder, to distinguish such acts from the crime of murder committed by a private actor outside the context of the armed conflict. Terms such as ‘targeted killing’ and ‘extrajudicial killing’ are sometimes used to describe

extrajudicial executions, torture, mutilation and other forms of violence,¹⁹⁸ at any time and in any place.

The contents of the four Geneva Conventions of 1949 and several rules similar to those found in their Additional Protocols are also largely part of customary international law.¹⁹⁹ Among the most relevant principles that apply to the conduct of all the parties to Afghanistan's non-international armed conflict are the following:

- Distinction: The civilian population as such, as well as individual civilians, shall not be the object of attack.²⁰⁰
- Proportionality: "an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated is prohibited."²⁰¹
- Precautions in attack: "...civilians shall enjoy general protection against the dangers arising from military operations".²⁰² "In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects" and all feasible precautions must be taken with the "view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects."²⁰³
- All States contributing to the international military forces in Afghanistan are signatories to the four Geneva Conventions of 1949. While not all troop-contributing States are signatories of Additional Protocol II 1977, they are still bound by the relevant rules of customary international humanitarian law applicable

the deliberate killing of a civilian in the context of the non-international armed conflict in Afghanistan.

¹⁹⁸ Common Article 3 of the Geneva Conventions of 12 August 1949 is applicable during conflicts of a non-international character. "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ' *hors de combat* ' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

¹⁹⁹ See ICRC, *Customary International Humanitarian Law*, ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) (ICRC Study).

²⁰⁰ Additional Protocol II, article 13(2).

²⁰¹ ICRC, *Customary International Humanitarian Law*, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005).

²⁰² Additional Protocol II, article 13(1).

²⁰³ Rules 15 to 21 ICRC *Study on Customary International Human Rights Law* (2005).

in non-international armed conflicts.

(ii) Obligations under International Human Rights Law

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

Afghanistan is a signatory to numerous international human rights treaties,²⁰⁴ including the International Covenant on Civil and Political Rights (ICCPR) which obligates the Government to provide basic human rights protections to all persons within the territory or jurisdiction of the State.

While they cannot become parties to international human rights treaties, non-State actors, including armed groups, are increasingly deemed to be bound by international human rights obligations, particularly those exercising *de facto* control over some areas, such as Taliban.²⁰⁵

Under international human rights law, States must investigate the use of lethal force by their agents,²⁰⁶ particularly those involved in law enforcement. This duty, together with potential liability for failure to comply, flows from obligation to protect the right to life.²⁰⁷ For State investigations to be effective, they must be as prompt as possible, exhaustive,

²⁰⁴ Afghanistan is a party to the following human rights treaties and conventions: International Covenant on Civil and Political Rights, ratified on 24 April 1983; International Covenant on Economic, Social and Cultural Rights, ratified on 24 April 1983; International Convention on the Elimination of all Forms of Racial Discrimination, ratified on 5 August 1983; Convention on the Elimination of all Forms of Discrimination against Women, ratified on 5 March 1983; Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, ratified on 26 June 1987; Convention on the Rights of the Child, ratified on 27 April 1994; Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 19 October 2002; Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, ratified on 24 September 2003; and Convention on the Rights of Persons with Disabilities, acceded to on 18 September 2012. See http://www.aihrc.org.af/English/Eng_pages/X_pages/conventions_af_z_party.html.

²⁰⁵ See United Nations Secretary-General, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011, para. 188. Also see Report of the International Commission of Inquiry to investigate all Alleged Violations of International Human Rights Law in the Libyan Arab Jamahiriya A/HRC/17/44, 1 June 2011; the Report of the International Commission of Inquiry on the Situation of Human Rights in the Syrian Arab Republic, A/HRC/19/69, para. 106; United Nations Mission in the Republic of South Sudan (UNMISS), Conflict in South Sudan: A Human Rights Report, 8 May 2014, para. 18.

²⁰⁶ See Paragraphs 9, 10 and 17 of the *United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, adopted on 24 May 1989 by the Economic and Social Council Resolution 1989/65. See also United Nations Security Council and General Assembly resolutions concerning non-international armed conflict, calling for all parties to respect international human rights law.

²⁰⁷ UNHRC, General Comment No. 31 (2004), § 15; UNHRC, General Comment No. 6 (1982), § 4; ECtHR, *McCann case*, § 169; ECtHR, *Kaya case*, § 86; ECtHR, *Ergi v. Turkey*, Application No. 23818/94, Judgment of 28 July 1998, §§ 82, 86; ECtHR, *Isayeva v. Russia*, Application No. 57950/00, Judgment of 24 February 2005, §§ 208-9, 224-5; IACiHR, *Abella (La Tablada) case*, § 244; IACiHR, *Alejandre case*, § 47; IACiHR, *Civil Liberties case*, § 22.

impartial, independent²⁰⁸ and open to public scrutiny.²⁰⁹ A State's duty to investigate applies to all law enforcement contexts, including those arising during armed conflict.²¹⁰

(iii) Obligations under International Criminal Law

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

States whose military forces are among the international military forces party to the conflict in Afghanistan, also have a responsibility to investigate and prosecute alleged crimes that may have been committed by their nationals in Afghanistan.²¹¹

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

(iv) Definition of Civilian(s)

In relation to the conduct of hostilities, UNAMA recalls that civilian(s) are defined under international law as persons who are not members of military/paramilitary forces or fighters of organized armed groups of a party to the conflict who are taking direct part in

²⁰⁸ IACiHR, *Abella (La Tablada) case*, § 412; ECtHR, *Özkan case*, § 184; ECtHR, *Orhan v. Turkey*, Application No. 25656/94, Judgment of 18 June 2002, § 335; ECtHR, *Isayeva et al. case*, § 210-11; ECtHR, *McCann case*.

²⁰⁹ ECtHR, *Hugh Jordan v. the United Kingdom*, Application No. 24746/94, Judgment of 4 May 2001, § 109; ECtHR, *Özkan case*, § 187; ECtHR, *Isayeva et al. case* § 213; ECtHR, *Isayeva case*, § 214. See also Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>.

²¹⁰ See C. Droège, "Distinguishing Law Enforcement from Conduct of Hostilities", pp. 57-63, contained in the Report on the Expert Meeting "Incapacitating Chemical Agents", Law Enforcement, Human Rights Law and Policy Perspectives, held in Montreux, Switzerland 24-26 April 2012, at <http://www.icrc.org/eng/assets/files/publications/icrc-002-4121.pdf>; Nils Melzer, "Conceptual Distinction and Overlaps between Law Enforcement and the Conduct of Hostilities," in *The Handbook of the International Law of Military Operations* (Oxford: Oxford University Press, 2010), pp. 43-44; Nils Milzer, *Human Rights Implications Of The Usage Of Drones and Unmanned Robots In Warfare*, Directorate-General For External Policies Of The Union, Policy Department (2013) at <http://www.europarl.europa.eu/delegations/en/studiesdownload.html?languageDocument=EN&file=92953>.

²¹¹ Irrespective of whether States are parties to the ICC statute, they all have obligations under customary law to investigate serious violations of international human rights and international humanitarian law when they are operating on the territory of Afghanistan.

hostilities. Civilians may lose their protection against attacks if and for such time as they take direct part in hostilities.²¹²

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

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

Persons who are not or no longer taking direct part in hostilities are to be protected and must not be attacked.²¹³

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

UNAMA notes that other actors and parties to the armed conflict in Afghanistan have been developing their own definition of the term, as described in this report.²¹⁴

²¹² Rule 5, Customary international humanitarian law, available at:

https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule6, last accessed 8 June 2015.

²¹³ “In non-international armed conflict, organized armed groups constitute the armed forces of a non-State party to the conflict, and consist of only individuals whose continuous function is to take direct part in hostilities (‘continuous combat function’). Those without “continuous combat function” are also considered to be civilians. See N. Melzer, ICRC ‘Interpretive Guidance on the Notion of Direct Participation in the Hostilities under International Humanitarian Law’, ICRC, Geneva, 2009.

²¹⁴ See the definition of ‘civilian’ used by Taliban earlier in this report.

VI. Glossary²¹⁵

AAF: Afghan Air Force.

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

ABP: Afghan Border Police, also known as ANBP (Afghan National Border Police).

Abduction: UNAMA defines abductions as an incident wherein a party to the conflict forcibly takes and holds a civilian or civilians against their will whether to compel a third party or the detained individual or individuals to do or abstain from doing any act as an explicit or implicit condition for the release of the individual or individuals. In many instances, it also includes abduction with the intent to murder the individual or individuals. The term also encompasses criminal abductions carried out by a party to the conflict or a person taking direct part in hostilities.

ALP: Afghan Local Police.

ANA: Afghan National Army.

ANP: Afghan National Police.

ANCOP: Afghan National Civil Order Police.

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

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

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

²¹⁵ Definitions contained in this Glossary are only for the purposes of this report.

terrorists, guerrillas, and civil defence forces and paramilitary groups (when such are clearly not under State control).²¹⁶ Some armed groups operate in a manner generally aligned with the Government, although not under their control, and are referred to as pro-Government armed groups.

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

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

Civilian Casualties: Killed or injured civilians.

UNAMA documents civilian casualties resulting from conflict-related violence including: civilian deaths and injuries resulting directly from armed conflict – including those arising from military operations by Afghan security forces and/or international military forces such as force protection incidents, aerial attacks, search and seizure operations, counter-insurgency or counter-terrorism operations. It includes casualties from the activities of non-State armed groups such as targeted killings (assassinations), deliberate killings, improvised explosive devices or direct engagement in hostilities with Pro-Government Forces. It also includes civilian deaths and injuries resulting from the conflict-related violence, including: casualties caused by explosive remnants of war, deaths from probable underlying medical conditions that occurred during military operations, or due to unavailability or denial of medical care.

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

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

²¹⁶ *United Nations Humanitarian Negotiations with Armed Groups: A Manual for Practitioners*, Gerard McHugh and Manuel Bessler, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), New York, January 2006. See Section 2.3 on *Characteristics of Armed Groups*.

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

COM-RS: Commander of the NATO-led Operation Resolute Support Mission and other US Forces Afghanistan.

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

ISAF defines EoFs as: “a defensive process which seeks to determine the presence of a threat, its eventual extent and when applicable to match the threat with an appropriate defensive response for Force protection.”²¹⁷

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

Explosive weapons: Explosive weapons are not explicitly defined by international law. Explosive weapons generally consist of a casing with a high-explosive filling and whose destructive effects result mainly from the blast wave and fragmentation produced by detonation. Mortars, artillery shells, aircraft bombs, rocket and missile warheads, and many improvised explosive devices (IEDs) fall under this term. Certain types of explosive weapons may be categorised as **light weapons** (e.g. hand-held under-barrel and mounted grenade launchers, portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres of less than 100 mm). Many explosive weapons, such as aircraft bombs, rockets systems, artillery and larger mortars are categorised as **heavy weapons**.²¹⁸

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

Heavy weapons: Although the term ‘heavy weapons’ is widely used, there is no commonly agreed international definition.²¹⁹ Typical examples include large mortars, rockets systems and artillery. (See Explosive weapons above).

High Explosive Training Range: A range used by military or security forces to employ weapon systems that use explosive ammunition, including heavy weapons.

²¹⁷ UNAMA interview with ISAF HQ, 31 January 2014, Kabul.

²¹⁸ Borrie, J. and Brehm, M., ‘Enhancing civilian protection from use of explosive weapons in populated areas: building a policy and research agenda’, in *International Review of the Red Cross*, Volume 93, Number 883.

²¹⁹ Heavy weapons are not mentioned in international human rights or international humanitarian law standards. Moyes, R., Brehm, M. and Nash, T., *Heavy weapons and civilian protection*, Article 36 (2012).

IDP: Internally Displaced Person(s).

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.²²⁰ 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.²²¹

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

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

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

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

IHL: International humanitarian law.

Imam: A religious scholar who leads prayers.

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

²²¹ *Ibid.*

International military forces : ‘international military forces’ include all foreign troops forming part of NATO-led Operation Resolute Support (formerly International Security Assistance Force, ISAF) and other US Forces Afghanistan (including Operation Freedom’s Sentinel, which replaced Operation Enduring Freedom on 1 January 2015) who are under the Commander of Resolute Support (COM-RS), who is also Commander of the US Forces in Afghanistan. The term also encompasses Special Operations Forces and other foreign intelligence and security forces.

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

ISAF: International Security Assistance Force in Afghanistan. ISAF operated under a peace enforcement mandate pursuant to Chapter VII of the United Nations Charter. ISAF was deployed under the authority of the United Nations Security Council. In August 2003, at the request of the Government of Afghanistan and the United Nations, NATO took command of ISAF. From November 2008, the Commander of ISAF served as Commander of US Forces Afghanistan, although the chains of command remained separate. United Nations Security Council resolution 2120 (2013) reaffirmed previous resolutions on ISAF and extended the authorisation of ISAF for 14 months until 31 December 2014. As of 1 January 2015, ISAF was replaced by the Resolute Support Mission (see Resolute Support Mission).

Light weapons: Weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, *inter alia*, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.²²²

Mahram: A women’s husband, or her immediate male relative (i.e., father, brother, paternal and maternal uncles and her nephews) with whom marriage is proscribed for her under Shari’a law.

Mol: Ministry of Interior.

NATO: North Atlantic Treaty Organization. Members of NATO are the main troop-contributing States to the Resolute Support Mission (see Resolute Support Mission and ISAF).

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

NGO: Non-Governmental Organisation.

²²² International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, Adopted by the United Nations General Assembly on 8 December 2005, A/CONF.192/15, available at: http://www.un.org/events/smallarms2006/pdf/international_instrument.pdf.

Pro-Government armed groups: The term “pro-Government armed group” refers to an organized armed non-State actor engaged in conflict and distinct from Government Forces, rebels and criminal groups. Pro-Government armed groups do not include the Afghan Local Police, which fall under the command and control of the Ministry of Interior. These armed groups have no legal basis under the laws of Afghanistan. Armed groups have the capacity to employ arms in the use of force to achieve political, ideological or other objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. In some cases, armed groups receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to, the following groups: ‘national uprising movements’²²³, local militias (ethnically, clan or otherwise based), and civil defence forces and paramilitary groups (when such groups are clearly not under State control).

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

Afghanistan National Security Forces include: ANA, which reports to the Ministry of Defence and is formally incorporated into the armed forces of Afghanistan; and forces under the authority of the Ministry of Interior which include: Afghan Local Police, which are considered a *de facto* part of the armed forces because of their function and do not have the legal protection afforded to civilians; and ANP, ANCOP and ANBP, which are law enforcement agencies not formally incorporated into the armed forces of Afghanistan and report to the Ministry of Interior. Members of law enforcement agencies lose their protection as civilians when they function as part of the armed forces or directly participate in hostilities. For members of police units which never have combat functions, the use of force in self-defence is not considered to result in a loss of protection as a civilian.

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

Pro-Government Militia: See pro-Government armed groups.

Resolute Support Mission (RSM): On 1 January 2015, the North Atlantic Treaty Organization (NATO) transitioned from its International Security Assistance Force (ISAF) mission in Afghanistan to its non-combat Resolute Support Mission (to train, assist and advise Afghan national security forces). Unlike ISAF, which was authorized by the United Nations Security Council, the legal basis for RSM is provided by a Status of Forces Agreement (SOFA), signed in Kabul on 30 September 2014 and ratified by the Afghan Parliament on 27 November 2014. United Nations Security Council resolution 2189

²²³ See Protection of Civilians in Armed Conflict Annual Reports 2014 for definitions and details of engagement of members of national uprising movements in the conflict.

(2014) welcomed the bilateral agreement between the Islamic Republic of Afghanistan and NATO to establish RSM. As of May 2015, the RSM force comprised 13,199 soldiers from 42 Troop Contributing Nations, organized in four regional Train, Advise Assist Commands (TAACs), plus RSM Headquarters and TAAC-Air, which seeks to support ANSF in the development of a professional, capable, and sustainable Air Force. The Commander of RSM also serves as Commander of US Forces Afghanistan, although the chains of command remain separate.

Small arms: Weapons designed for individual use. They include, *inter alia*, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns.²²⁴

SOPs: Standard Operating Procedures.

Targeted Killing: Intentional, premeditated and deliberate use of lethal force by States or their agents acting under colour of law (or by an organised armed group in armed conflict) against a specific individual who is not in the perpetrator's physical custody.²²⁵ The category of targeted killings also includes some cases of killings where the victim was briefly in the perpetrator's custody at the time of the killing, as opposed to targeted killings, where the victim is not in the perpetrator's physical custody.

UNDSS: United Nations Department of Safety and Security.

UNAMA: United Nations Assistance Mission in Afghanistan.

UNHCR: United Nations High Commissioner for Refugees.

USSOF: United States Special Operations Forces.

UXO: Unexploded Ordnance.

War Crimes: War crimes are serious violations of treaty and customary international humanitarian law. Under the definition of 'war crimes' of the Statute of the International Criminal Court (Rome Statute), war crimes²²⁶ include serious violations of common

²²⁴ International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, Adopted by the United Nations General Assembly on 8 December 2005, A/CONF.192/15, available at: http://www.un.org/events/smallarms2006/pdf/international_instrument.pdf.

²²⁵ Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal provided that relevant provisions of IHL and human rights law are respected. See United Nations General Assembly, Human Rights Council 14th Session, Agenda item 3, Report of the Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions, Philip Alston. Addendum, 'Study on Targeted Killings'. A/HRC/14/24/Add.6. 10 May 2010.

²²⁶ ICC Statute, Article 8. Customary international law applicable in both international and non-international armed conflicts defines war crimes as serious violations of international humanitarian law. State practice establishes this rule as a norm of customary international law. Rule 156. Definition of War Crimes. ICRC, Customary International Humanitarian Law, Volume 1, Rules ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}. See Additional Protocol II, Article 13(2). See Article 8 (2) (c) (i) of the Elements of Crime, Rome

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

Statute of the International Criminal Court. War crimes include serious violations of the laws and customs of war applicable in non-international armed conflicts (based primarily on Article 3 common to the four Geneva Conventions of 1949, their Additional Protocol II of 1977, the 1999 Optional Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1989 Convention on the Rights of the Child, the 1994 Convention on the Safety of United Nations and Associated Personnel, the Statutes of the International Criminal Tribunals for Rwanda and the former Yugoslavia, and the Statute of the Special Court for Sierra Leone). See War Crimes under the Rome Statute of the International Criminal Court and their source in International Humanitarian Law Comparative Table, ICRC Advisory Service on International Humanitarian Law.

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

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

Afghan National Police	93
Afghan Local Police	37
Afghan National Army	20
Afghan national security forces	15
National Directorate of Security	13
International military forces	8
Afghan Border Police	7
Arbaki/Pro-Government armed groups	6
Total attacks against security/military forces resulting in civilian casualties and claimed by Taliban on website or twitter:	199

Attacks directed at civilians and civilian objectives

Other civilian target	55
Civilian Government Administration	48
Judges, prosecutors and judicial staff	21
Tribal Elders	13
Contractors / Labourers	7
Healthcare	2
Traffic Police	2
Education	1
APRP / Reintegrees	1
Religious personnel and places of worship	1
Peace Council	1
United Nations	1
Total attacks claimed by Taliban directed at civilians or civilian locations which resulted in civilian casualties:	153


Total attacks claimed by Taliban which resulted in civilian casualties: 352

Annex 2: Table of Taliban Allegations of “War Crimes” by Verification Status and Attribution


TOTAL	UNAMA Documentation	Results	Attribution	
231	129 cases documented by UNAMA prior to publication of Taliban statements.	35 cases had the same number of casualties.	27 to Pro-Government Forces. 6 to cross-fire between Pro-Government Forces and Anti-Government Elements. 6 to Anti-Government Elements. 2 could not be determined.	
		6 cases had the same number of casualties with different ratio between those killed and wounded.		
		38 cases had a lower number of casualties.	25 to Pro-Government Forces. 7 to cross-fire between Pro-Government Forces and Anti-Government Elements. 5 to Anti-Government Elements. 1 could not be determined.	
		27 cases had a higher number of casualties.	17 to Pro-Government Forces. 6 to Cross-fire between Pro-Government Forces and Anti-Government Elements. 4 to Anti-Government Elements.	
		6 cases were not related to the armed conflict.		
		17 cases the casualties were not civilian or did not have casualties at all.		
	50 cases documented by UNAMA after publication of Taliban statements.	22 cases had the same number of casualties.	16 to Pro-Government Forces. 7 to cross-fire between Pro-Government Forces and Anti-Government Elements. 3 to Anti-Government Elements.	
		4 cases had the same number of casualties with a different ratio between those killed and wounded.		
		9 cases had a lower number of casualties.	6 to Pro-Government Forces. 1 to cross-fire between Pro-Government Forces and Anti-Government Elements. 1 to Anti-Government Elements. 1 could not be determined.	
		3 cases had a higher number of casualties	2 to Pro-Government Forces. 1 to cross-fire between Pro-Government Forces and Anti-Government Elements.	
		4 cases were not related to the armed conflict.		
		8 cases the casualties were not civilian or did not have casualties at all.		
	52 cases could not be confirmed by UNAMA.			

Annex 3: NATO Resolute Support Memorandum for Record, dated 3 February 2016

NATO/RS UNCLASSIFIED Rel UNAMA



**HEADQUARTERS
Resolute Support
Kabul, Afghanistan**



DCOS-OPS 03 February 2016

HQRS/5384

MEMORANDUM FOR RECORD

SUBJECT: Official response to recommendations for International Military Forces contained in UNAMA's Protection of Civilians in Conflict (PoCAC) report

1. The NATO Resolute Support (RS) mission would like to recognize UNAMA's efforts in advocating the respect of Human Rights in Afghanistan and appreciates the comprehensive actions set forth in the 2015 PoCAC report. RS would also like to take the opportunity to update UNAMA on all the actions taken in regards to the recommendations listed for the International Military Forces (IMF).

2. **Recommendation #1.** The 4-star Commanding General for RS and USFOR-A (GEN Campbell) took swift action to ensure that a RS assessment was initiated and immediately followed up by an independent investigation into the tragic events of the MSF incident in Kunduz. In his 25 November 2015 press statement he reiterated that he cannot comment on the disciplinary actions that followed the investigations. Two reports were produced by IMF, one being the Combined Civilian Casualty Assessment Team (CCAT) report, which was a joint NATO-Resolute Support report that validated the existence of civilian casualties in the aftermath of the airstrike. A US national AR 15-6 investigation produced a report that went into much more detail and provides accountability and responsibility for the incident. Experts from outside of Afghanistan were brought in to conduct the AR 15-6. In regards to condolence payments, the US has completed 142 payments out of 273 (52%) individuals identified by MSF, and recently successfully expressed condolences and payments to 9 injured MSF staff members. Condolence payment iterations continue as scheduled and will be complete within the next months.

3. **Recommendation #2.** As a result of the accidental strike on the MSF hospital in Kunduz, the RS Commander directed a new step be added to the targeting process—robust verification of the No Strike List. This step must be verified before any strike on a structure is conducted. Additionally, retraining of the force was conducted regarding the necessity of protecting No Strike List entities. Furthermore, a rewrite of the Commander's Guidance was completed. This latest revision emphasizes the importance of the No Strike List as a means to avoid CIVCAS and is required reading for all RS personnel.

4. **Recommendation #3.** The RS CIVCAS Mitigation Team (CCMT) is required to investigate all allegations of civilian casualties and self-reported incidents. It performs the function of the secretary for the CIVCAS Credibility Assessment Review Board (CCARB), which serves the purpose of assessing the credibility of

1 of 2

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place after each reported incident where a CIVCAS may have occurred.

5. **Recommendation #4.** The RS CCMT has conducted numerous engagements with GIRoA officials and continues in its Train, Advise and Assist (TAA) mission at the Office of the National Security Council (ONSC) to ensure that a national CIVCAS Prevention Policy is passed. Currently the draft is at the 2nd inter-ministerial round of consultations and is expected to be completed, with a session of consultations with International stakeholders, by the end of February 2016.

6. **Recommendation #5.** The RS TAA mission is no longer training Afghan National Defense Security Forces (ANDSF) at the tactical level, except in the case of Afghan Security Special Forces (ASSF) and Afghan Air Force (AAF). The RS mission is now advising and assisting ANDSF at the Corps or Zone level and above, while government offices receive support at the institutional/ministerial level.

7. **Recommendation #6.** RS C-IED personnel continue to advise GIRoA at the institutional level and provide programs for public awareness and ANDSF C-IED training and exploitation. Mol's 119 C-IED Call Center is already operational and additional efforts in public awareness consist of the training of 123 Child Protection Officers, who are trained in UXO, IED and Mine Awareness and will teach children across Afghanistan. RS is also supporting an initiative at the ministerial level that would place IED Public Awareness in the curriculum of all Secondary Schools in Afghanistan. ANDSF C-IED training has graduated over 500 personnel and exploitation has increased from 1% to 16% in the last 3 months.

8. The point of contact for this memorandum is CIV Carlo Salter, RS CCMT, at rshqopscj3civcassoms@hq.ms.isaf.nato.int; or NATO UNCLASS at: 60-686-2344.



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