

AFGHANISTAN

MIDYEAR REPORT 2011

PROTECTION OF CIVILIANS IN ARMED CONFLICT



UNAMA



**United Nations Assistance
Mission in Afghanistan**

**Kabul, Afghanistan
July 2011**

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Mandate

This midyear report on the Protection of Civilians in Armed Conflict in Afghanistan prepared by the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) covers the period 01 January to 30 June 2011.

This report is compiled in pursuance of UNAMA's mandate under United Nations Security Council Resolution 1974 (2011) "to monitor the situation of civilians, to coordinate efforts to ensure their protection, to promote accountability, and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights."

UNAMA undertakes a range of activities aimed at minimizing the impact of the armed conflict on civilians including: independent and impartial monitoring of incidents involving loss of life or injury to civilians; advocacy activities 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.

GLOSSARY FOR PURPOSES OF THIS REPORT

Air strike or aerial attack: 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 unmanned combat air vehicles (UCAVs) or drones.

ABP: Afghan Border Police

ALP: Afghan Local Police

ANA: Afghan National Army

ANAP: Afghan National Auxiliary Police

ANP: Afghan National Police

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

AP3: Afghan Public Protection Program

APRP: Afghan Peace and Reintegration Program

BBIED: Body-Borne Improvised Explosive Device; see IED.

BDA: Battle Damage Assessment

Casualties:

May be of two classifications:

- **Direct:** Casualties resulting directly from armed conflict – including those arising from military operations conducted by Afghan government 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 arising from the activities of non-State armed groups such as targeted killings (assassinations), improvised explosive devices or direct engagement in hostilities with pro-government forces.
- **Other:** Casualties resulting indirectly from the conflict, including casualties caused by explosive remnants of war, deaths in prison, deaths from probable underlying medical conditions that occurred during military operations, or where access to medical care was denied or not available. It also includes deaths arising from incidents where responsibility cannot be determined with any degree of certainty, such as deaths or injuries arising from cross-fire.

Children: According to the *Convention on the Rights of the Child*, a “child” is defined as any person under the age of 18 (0-17 inclusive). In addition, the Rome Statute 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/Protected Combatant: International humanitarian law means under “civilians” those persons who are not combatants (members of military/paramilitary forces) or members of organized armed groups of a party to a conflict or those who are not part of *levée en masse* (*mass uprising*¹). Civilians may lose their protection against attacks for such time as they take direct part in hostilities. Similar to civilians, a combatant 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.

COMISAF: Commander of International Security Assistance Force in Afghanistan/ISAF.

EOF Incidents: Escalation of Force incidents also referred to as “force protection” incidents: Situations where civilians fail to pay attention to warnings from military personnel when in the proximity of, approaching or overtaking military convoys or fail to follow instructions at check points.

IHL: International Humanitarian Law

IDP: Internally Displaced Person

ICRC: International Committee of the Red Cross

IED: Improvised Explosive Device. A bomb constructed and deployed in ways other than in conventional military action. IEDs can also take the form of suicide bombs, such as Body-Borne IEDs (BBIEDs), Remote-Controlled IEDs (RCIEDs), Vehicle-Borne IEDs (VBIEDs) and Pressure Plate IEDs (PPIEDs).

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

IM Forces: “International Military Forces” includes all foreign soldiers forming part of ISAF and US Forces Afghanistan (including Operation Enduring Freedom) who are under the command of the Commander of ISAF (COMISAF). The term also encompasses those forces not operating under the Commander of ISAF, including certain special forces and special operations 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.

IMU: Islamic Movement of Uzbekistan

ISAF: International Security Assistance Force in Afghanistan. ISAF has a peace enforcement mandate under Chapter VII of the UN Charter. It is deployed under the authority of the UN Security Council. In August 2003, on the request of the UN and the Government of Afghanistan, NATO took command of ISAF. As at 6 June 2011, the ISAF force comprised approximately 132,457 troops from 48 troop contributing States,

¹ *Levee en masse* is referenced in the Third Geneva Convention: “Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war (Article 4(1)(6)).”

organized in six regional commands plus ISAF Headquarters in Kabul. Since November 2008, the Commander of ISAF also serves as Commander of US Forces Afghanistan, although the chains of command remain separate. Security Council Resolution 1943 (2010) reaffirms previous resolutions on ISAF and extends the authorization of ISAF for twelve months until 13 October 2011.

Mol: Ministry of Interior

NATO: North Atlantic Treaty Organization. Members of NATO are the main troop-contributing countries to ISAF; see ISAF.

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

NGO: Non-governmental Organization

Non-State Armed Groups/Anti-Government Elements (AGEs): These encompass all individuals and armed groups currently 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 groups motivated by a range of objectives and assuming a variety of labels including the Haqqani Network, Hezb-e-Islami and al-Qaida affiliates such as the Islamic Movement of Uzbekistan, Islamic Jihad Union, Lashkari Tayyiba and Jaysh Muhammed.

Pro-government forces (PGF):

- **Afghan Government Forces.** Forces 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 ANA, ANP, ABP and the NDS.
- **International Military Forces (IM Forces)** and other government agencies (OGAs).

RCIED: Remote-Controlled Improvised Explosive Device; see IED.

SVBIED: Suicide Vehicle-Borne Improvised Explosive Device; see IED.

SOPs: Standard Operations Procedure

SOFs: Special Operations Forces

US Forces Afghanistan: or "USFOR-A" is the functioning command and control headquarters for US forces operating in Afghanistan. USFOR-A is commanded by General David Petraeus, who also serves as the NATO/ISAF commander. Under this arrangement, activated in October 2008, troops operating as part of Operation Enduring Freedom were placed under the operational control of USFOR-A. The ISAF and OEF chains of command remain separate and distinct.

UNDSS: United Nations Department of Safety and Security

UNAMA: United Nations Assistance Mission in Afghanistan

UNHCR: United Nations High Commissioner for Refugees

VBIED: Vehicle-Borne Improvised Explosive Device; see IED.

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Methodology

UNAMA investigates reports of civilian casualties by conducting on-site investigations wherever possible and consulting a broad range of sources and types of information that are evaluated for their credibility and reliability. In undertaking investigation and analysis of each incident, UNAMA uses best efforts to corroborate and cross-check information inputs from as wide a range of sources as possible including accounts of eyewitnesses and directly affected persons, military actors (including Government of Afghanistan and international military forces), local village/district and provincial authorities, religious and community leaders, and obtained through direct site visits, physical examination of items and evidence gathered at sites of incidents, visits to hospitals and medical facilities, still and video images, reports of the UN Department of Safety and Security and other UN agencies, secondary source accounts, media reports, and information gathered by NGOs and other third parties.

Wherever possible, investigations are based on the primary testimony 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 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 non-combatant status of the reported victims cannot be conclusively established or is disputed. In such cases, UNAMA is guided by the applicable standards of international humanitarian law and does not presume fighting-age males are either civilians or fighters. Rather, such claims are assessed on the facts available on the incident in question. If the status of one or more victim(s) remains uncertain, such deaths are not included in the overall number of civilian casualties.

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 and gender. 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 precisely identify or distinguish between diverse military actors/insurgents or where no party claims responsibility for an incident, UNAMA attributes responsibility for particular incidents to either pro-government forces or anti-government elements. UNAMA does not claim the statistics presented in this report are complete; it may be that UNAMA is under-reporting civilian casualties given limitations associated with the operating environment².

² Due to the temporary closure of UNAMA's office in Mazar-e-Sharif from April 1-June 19, 2011 this report does not include data for the northern region for the period March-June, 2011.

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 supported by international military forces (also referred to in this report and within Afghanistan as “Pro-Government Forces”) and various non-State armed groups (also referred to in this report and within Afghanistan as “Anti-Government Elements”).

The non-State armed groups encompass organized armed groups of diverse backgrounds, motivations and command structures, including those characterized as the Taliban, the Haqqani network, Hezb-e-Islami and others. 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.

(i) Obligations under International Humanitarian Law

Afghanistan is a party to the four *Geneva Conventions of 1949*. 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.

Afghanistan is a party to *Additional Protocol II 1977*³ which addresses the protection of civilians in non-international armed conflict. The Protocol prohibits attacks against civilians and objects indispensable to survival of the civilian population. Additional Protocol II also prohibits acts or threats of violence of which the primary purpose is to spread terror among the civilian population. The Government of Afghanistan and those international military forces in Afghanistan, the States of which are parties to Additional Protocol II are bound by the provisions of the Protocol.

Several rules of the four *Geneva Conventions of 1949* and their Additional Protocols became part of customary international law,⁴ and the most relevant principles that apply to the conduct of Afghan armed forces and international military forces, and non-State armed groups as parties to the non-international armed conflict are the following:

- Distinction: The civilian population as such, as well as individual civilians, shall not be the object of attack⁵. “[The Parties]...shall at all times distinguish between the civilian population and combatants” and “between civilian objects and military objectives.”⁶
- 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

³ Afghanistan ratified Additional Protocol II 1977 on 10 November 2009 which entered into force on 24 December 2009.

⁴ This matter has also been affirmed by the International Committee of the Red Cross (ICRC), which has concluded that several rules of the four *Geneva Conventions and Additional Protocol I* have acquired the force of customary international law and that most of these rules apply in both international and non-international armed conflicts (ICRC, *Customary International Humanitarian Law*, ed. Jean-Marie Henckaerts and Louise Doswald-Beck (CU P/ICRC, Cambridge 2005) {ICRC Study}).

⁵ Additional Protocol II, article 13(2).

⁶ Additional Protocol 1, article 48. See further article 51 (2) where civilians “shall not be the object of attack,” and article 52 (2) where “attacks shall be limited strictly to military objectives.”

would be excessive in relation to the concrete and direct military advantage anticipated.”⁷

- Precautions in attack: “...civilians shall enjoy general protection against the dangers arising from military operations”⁸. In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects” and that 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.”⁹

All States contributing to the international military forces present in Afghanistan, including contingents of the International Security Assistance Force in Afghanistan (ISAF), US Special Forces Afghanistan, members of the Operation Enduring Freedom coalition, or Special Operations Forces that fall outside these chains of command are signatories to the four *Geneva Conventions of 1949*. While not all troop-contributing States are signatories to *Additional Protocol I* and *Additional Protocol II 1977*, they are still bound by those relevant rules that became part of customary international law.

(ii) Obligations under International Human Rights Law

International human rights law applies both in peace and during armed conflict. As the International Court of Justice concluded, “The protection offered by human rights conventions does not cease in the case of armed conflict.”¹⁰ International human rights law applies together with international humanitarian law which is the *lex specialis* (the prevailing law governing a specific subject matter) during times of armed conflict.

Afghanistan is a signatory to several international human rights treaties,¹¹ including the International Convention on Civil and Political Rights (ICCPR) which obligates the Government of Afghanistan to provide basic human rights protection to all persons within the territory or jurisdiction of the State.

Non-State actors in Afghanistan including non-State armed groups cannot formally become parties to international human rights treaties and are not formally given

⁷ Additional Protocol 1, article 51(5)(b). See further article 57 on Precautions in Attacks.

⁸ Additional Protocol II, article 13(1).

⁹ Additional Protocol 1, article 57 (1) and 2(a)(ii).

¹⁰ Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004, p. 178, paras. 105-106. See also statements concerning international humanitarian law as *lex specialis* in Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, p. 240, para. 25.

¹¹ 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 Covenant 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 of the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 19 October, 2002; and Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, ratified on 24 September, 2003. Source:

http://www.aihrc.org.af/English/Eng_pages/X_pages/conventions_af_z_party.html.

obligations under the treaties. The extent to which international human rights law obligates non-State actors remains unresolved in international law;¹² however, it is increasingly accepted that where non-State actors, such as the Taliban, exercise *de facto* control over territory, they must respect the fundamental human rights of persons in that territory.¹³

As the UN Security Council underlined in Security Council Resolution 1325, 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 women and girls from gender-based violence during armed conflict.¹⁴

(iii) Obligations under International Criminal Law

Afghanistan ratified and acceded to the Rome Statute of the International Criminal Court in 2003. Afghanistan therefore has the primary responsibility to investigate and prosecute international crimes, i.e. war crimes, crimes against humanity and genocide, within the Court's jurisdiction. If Afghanistan is unable or unwilling to do so, the Court can exercise its jurisdiction over Afghanistan.

States whose military forces are among the International military forces party to the conflict in Afghanistan, and which ratified the Rome Statute of the ICC, also have a responsibility to investigate and prosecute alleged crimes within the Court's jurisdiction that may have been committed by their nationals in Afghanistan. Regarding protection of civilians in particular, Article 8(2) (e)(i) of the ICC Statute 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 conflict.

(iv) Obligations under National Laws

Insurgents could be prosecuted under the criminal laws of Afghanistan for having taken part in hostilities. In addition, members of the military forces of the Government of Afghanistan and members of international military forces are accountable for violations of the national laws of their home States.

Civilian/Protected Combatant

UNAMA uses a definition of "civilian" that reflects the standards of international humanitarian law. International humanitarian law means under "civilians" those persons who are not combatants (members of military/paramilitary forces) or members of organized armed groups of a party to the armed conflict, and those who are not part of

¹² For a more expansive view of the application of international human rights law, see Andrew Clapham, *Human Rights Obligations of Non-State Actors* (Oxford, Oxford University Press, 2006).

¹³ Further see UN 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.

¹⁴ S/RES/1325; See also S/RES/1820.

levée en masse.¹⁵ A civilian may lose his or her protected status when taking a direct part in hostilities.

International humanitarian law requires parties to a conflict to always make a distinction in the conduct of military operations between combatants and civilians. Persons who are not or no longer taking part in hostilities are protected and must not be attacked. As with civilians, combatants who are *hors de combat* (wounded, sick, shipwrecked, detained or surrendering) or who belong to the medical and religious personnel of the armed forces also are protected from attack under international humanitarian law.

In the context of the situation in Afghanistan, this report documents attacks against various categories of people not involved in hostilities including public servants, teachers, health clinic workers and others involved in public service delivery, political figures and office holders, and employees of NGOs; and, civilian police personnel who do not function as combatants and are not involved in counter insurgency operations.¹⁶

UNAMA recognizes that the different understanding of the term “civilian” used by parties to the conflict in Afghanistan may in part explain discrepancies in numbers of civilian casualties caused, tracked and reported by the parties.

UNAMA notes that Anti-Government Elements appear to consider that certain persons who lawfully fall under the definition of “civilian” may be the subject of attack; this is inconsistent with international humanitarian law.

As an example, in their 2010 Code of Conduct, the Taliban include government workers, contractors, drivers, translators and others in their list of targets to kill or capture.¹⁷ In their statement announcing their 2011 spring offensive, the Taliban expand this list to

¹⁵ Compare Article 50 Paragraph 1, Additional Protocol 1 to the Geneva Conventions. Also see Neils Melzer, “Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law,” 1 July 2009.

¹⁶ UNAMA considers as combatants police officers taking a direct part in hostilities. This includes members of the Afghan National Police, the Afghan Local Police and the Afghan Border Police that routinely conduct counter-insurgency operations unless there is evidence to the contrary. UNAMA considers as non-combatants Afghan traffic police and other police officers carrying out solely civilian policing roles.

¹⁷ The Islamic Emirate of Afghanistan, “The Laiha” (Code of Conduct for the Mujahidin of the Islamic Emirate of Afghanistan), May 30, 2010. Section 2, About Prisoners, Paragraph 11: For those contractors who deliver and supply oil, resources, or other material, and build governmental centers for the infidels or their slave administration; and similarly security companies' high and low ranking officials, the infidel's translators, and drivers supplying the enemies with goods who are captured, the death penalty should be pronounced if the judge has solid proof in regard to their manifest involvement. In a province where a judge is not appointed then giving the decision of guilt or a death penalty will be the responsibility of the governor; and Section 4: About Those Who Facilitate Providing Supplies and Construction Activities to the Enemy, Paragraph 25: When it is confirmed that those contractors or the monopolists, who are establishing centers for the infidels and slave organizations or are transporting oil or other equipment to them, then the mujahidin should burn their resources and they should be killed, or if they are made captives and if it is proven to the judge that these individuals in reality perform these activities then they should be awarded a death sentence. If a judge has not been appointed in that province, then the subjects related to murder and evidence are handed over to the governor; and Paragraph 26: When it is confirmed, those contractors who are providing laborers and workers to the enemy and are providing support to them should also be killed.

include members of the (Afghan) cabinet, parliament, and peace councils.¹⁸ The deliberate targeting and killing of these civilians is a violation of international humanitarian law. Under international humanitarian law, only military objectives are lawful objects of attack. Civilians are not lawful military targets unless they are taking a direct part in hostilities.

At UNAMA's request, ISAF provided the following definition of civilian:

"In distinguishing between civilians and combatants, NATO/ISAF units follow all of the applicable provisions of the law of armed conflict. The specific methods and procedures that ISAF uses to identify lawful targets are classified at a level that does not allow for public dissemination."¹⁹

¹⁸ The Islamic Emirate of Afghanistan, "Statement of the Leadership Council of the Islamic Emirate Regarding the Inception of the Spring Operations," April 30, 2011, Paragraph 2: Throughout the operations, the prior target of Mujahideen's attacks must remain foreign invading forces, members of their spy networks and (other) spies, high-ranking officials of the Kabul Puppet Administration, both military and civilian, members of the cabinet, members of the parliament, Heads of foreign and local companies working for the enemy and contractors; and Paragraph 3: Since members of the American espionage agencies, government officials of the Puppet Administration and enemies of the Afghan people and Jihad have ensconced themselves in the so-called Peace Council and are trying to pave the way for the prolongation of the American occupation by cashing in on the name of Jihad, religion and tribal chieftainship,; wants to prevent Mujahideen from waging Jihad against the invaders and are urging the Afghan Mujahid people to accept American slavery and surrender, therefore, members of the Council can be target of the Mujahideen attacks during the operations as, in view of their role, they are considered official members of the ranks of the enemy.

¹⁹ Email correspondence with ISAF 27 June 2011.

Executive Summary

"It was in the morning and I was at home when it happened. My daughter and my two nieces were going to the madrasa to learn the basics of Islam from a religious scholar. When they left in the morning, I saw they had the Holy Qur'an in their hands. Those were really happy girls, they were saying to me all the time that they will become doctors to serve our people, especially their parents. After the IED explosion [improvised explosive device], I found my beloved daughter and nieces were wounded. We took them to the hospital but the injuries of one of my nieces were too serious and she passed away. The other two were asking me about her. I was telling them that she is fine and that she is at home, but the fact is that she is no more with them that they would not play or go to school together anymore. These children were not a part of the conflict, they had very hopeful aspirations for their future, but this useless war took their future dreams and lives."

Tribal elder and father from Khost province describing the death and injuries of his daughter and two nieces ages 10, 10 and 12 years from an improvised explosive device on 15 March 2011.²⁰

In the first six months of 2011, the armed conflict in Afghanistan brought increasingly grim impacts and a bleak outlook for Afghan civilians. As the conflict intensified in the traditional fighting areas of the south and southeast and moved to districts in the west and north, civilians experienced a downward spiral in protection. At the same time, non-State armed groups or Anti-Government Elements (AGEs) altered their tactics with deadly results. Increasingly, AGEs undertook unlawful means of warfare including increased use of improvised explosive devices (IEDs) – particularly victim-activated pressure plate IEDs which act like anti-personnel landmines and are indiscriminate, as they are detonated by any person stepping on or any vehicle driving over them – targeted killings of high profile civilians, and attacks on protected places such as hospitals.²¹ These tactics violated Afghans' basic right to life and contravened the international humanitarian law principles of distinction, proportionality and precaution which all parties to the armed conflict – Anti-Government Elements, and Afghan national security and international military forces – are bound to uphold to minimize civilian loss of life and injury.

At the mid-point of 2011, UNAMA re-asserts the imperative for all parties to the Afghan conflict to increase civilian protection and take all necessary measures to protect civilians now.

UNAMA documented 1,462 civilian deaths in the first six months of 2011, an increase of 15 percent over the same period in 2010.²² The main trends that led to rising civilian casualties in early 2011 were increased and widespread use of improvised explosive devices, more complex suicide attacks, an intensified campaign of targeted killings,

²⁰ UNAMA interview with father and uncle of the victims following an IED attack on 15 March 2011 in Nadar Shah Kot district, Khost province that resulted in the death of one girl and injuries to two other girls.

²¹ Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction, September 18, 1997: the use, production, transfers, and stockpiling of victim-activated antipersonnel IEDs is prohibited under the Mine Ban Treaty. Afghanistan is a party to the Mine Ban treaty. Pressure plate IEDs cannot discriminate between a military target and a civilian target and as such are a prohibited or illegal weapon and a prohibited means of warfare. In 1998 the Taliban banned the use, production, trade, and stockpiling of anti-personnel landmines. See Statement of the Islamic Emirate of Afghanistan on the Problem of Landmines, 6 October 1998. See also footnote 47.

²² UNAMA documented 2,144 injuries in the first half of 2011 for a total of 3,606 civilian casualties (1,462 deaths and 2,144 injuries), a 10 percent increase compared to the first six months of 2010.

increased ground fighting, and a rise in civilian deaths from air strikes, particularly by Apache helicopters.²³

In total, 80 percent of all civilian deaths in the first half of 2011 were attributed to Anti-Government Elements (up 28 percent from the same period in 2010), 14 percent were attributed to Pro-Government Forces (down nine percent from the same period in 2010) and six percent were unattributed.

IEDs and suicide attacks, tactics used by Anti-Government Elements, accounted for nearly half (49 percent) of all civilian deaths and injuries. Civilian deaths from IEDs increased 17 percent from the same period in 2010, making IEDs the single largest killer of civilians in the first half of 2011. IEDs killed 444 civilians, comprising 30 percent of all civilian deaths in Afghanistan during this period (38 percent of all civilian deaths attributed to Anti-Government Elements).

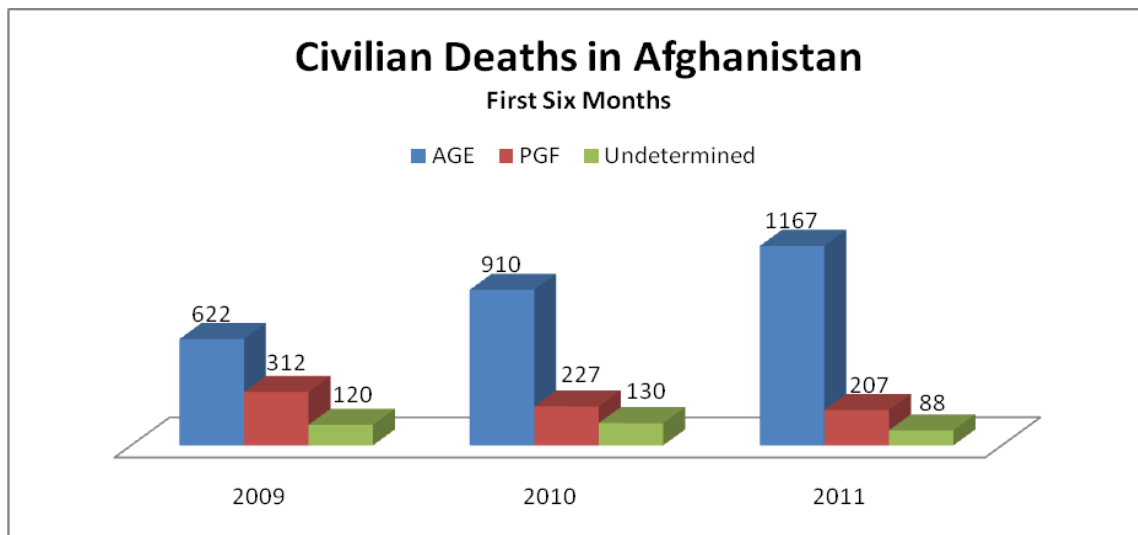
UNAMA's view is that victim-activated IEDs such as pressure plate IEDs are *de facto* landmines because they are designed and configured to function like anti-personnel landmines and have the effect of these devices. Pressure plate IEDs used by Anti-Government Elements in Afghanistan are set to explode when they are walked on or driven over, with a trigger weight between 10kg and 100kg. Most of the pressure plate IEDs used in Afghanistan contain approximately 20kg of explosive, more than twice that of a standard anti-tank mine, yet have the trigger weight of an anti-personnel mine. As a result of this design and configuration, each pressure plate IED serves as a massive anti-personnel landmine with the capability of destroying a tank. Civilians who step or drive on these IEDS have no defense against them and little chance of survival. Of the IEDs used by Anti-Government Elements in Afghanistan, nearly two-thirds are pressure plate IEDs of this design and configuration.²⁴ June 2011 was the single highest month ever recorded by ISAF for IED attacks in Afghanistan.

Suicide attacks in the first six months of 2011 killed 276 civilians, causing 19 percent of all civilian deaths (24 percent of civilian deaths attributed to Anti-Government Elements). While the number of suicide attacks was similar to the same period in 2010, civilian deaths from suicide attacks increased by 52 percent, the largest increase of any tactic killing Afghan civilians. Suicide attacks in 2011 have become more complex, often using multiple bombers in spectacular attacks that kill many Afghan civilians.

Targeted killings continued at last year's high rate, with attacks on provincial and district governors, provincial council members, chiefs of police, members of peace councils, tribal elders, and fighters entering the reintegration program singled out for targeted killings. Between January and June 2011, UNAMA documented 190 targeted killings compared to 181 in the same period in 2010.

²³ The first half of 2011 saw the highest number of security incidents recorded by United Nations Department of Safety and Security (UNDSS) since 2003 when security incidents were first recorded, with 11,826 incidents reported, compared with 8,242 during the same period in 2010 and 5,095 in the same period in 2009. The southern and southeastern regions accounted for 64 percent of all incidents, nearly two-thirds. However, the monthly growth rate of incidents was highest in the western region at 35 percent. Armed clashes and IEDs accounted for 71 percent of all security incidents recorded. UNDSS recorded the highest number of security incidents ever for a one month period in June 2011.

²⁴ UNAMA interviews with ISAF Counter-IED office, Kabul 10 July 2011. In the last 12 months, ISAF and ANSF cleared 20,000 IEDs in Afghanistan, obtaining technical information on 13,000 or 65 percent of the total cleared. Of the IEDs analyzed, 69 percent were victim-activated, with 90 percent of those using a pressure plate design. See also footnote 48.



Air strikes remained the leading cause of Afghan civilian deaths caused by Pro-Government Forces; all aerial attacks²⁵ in Afghanistan are carried out by ISAF. In the first six months of 2011, 79 civilian deaths were attributed to air strikes, a 14 percent increase compared to the first half of 2010. This increase is associated with a greater number of civilian deaths resulting from aerial attacks by Apache helicopters. For all of 2010, 33 percent of civilian deaths from air strikes were attributed to aerial attacks by Apache helicopters (56 of a total 171 deaths). In the first half of 2011, civilian deaths attributed to aerial attacks by Apache helicopters were already at 56 percent of the total number of civilian deaths from air strikes for this period (44 of a total 79 deaths).²⁶

Civilian casualties from ground combat and armed clashes increased over the first six months of 2011. Ground combat resulted in 304 civilian deaths and 354 injuries, a 36 percent increase in deaths and an eight percent increase in total civilian casualties from ground combat compared to the same period in 2010. UNAMA documented 188 civilian deaths from ground combat by AGEs, 66 to PGF and 50 civilian deaths from crossfire.

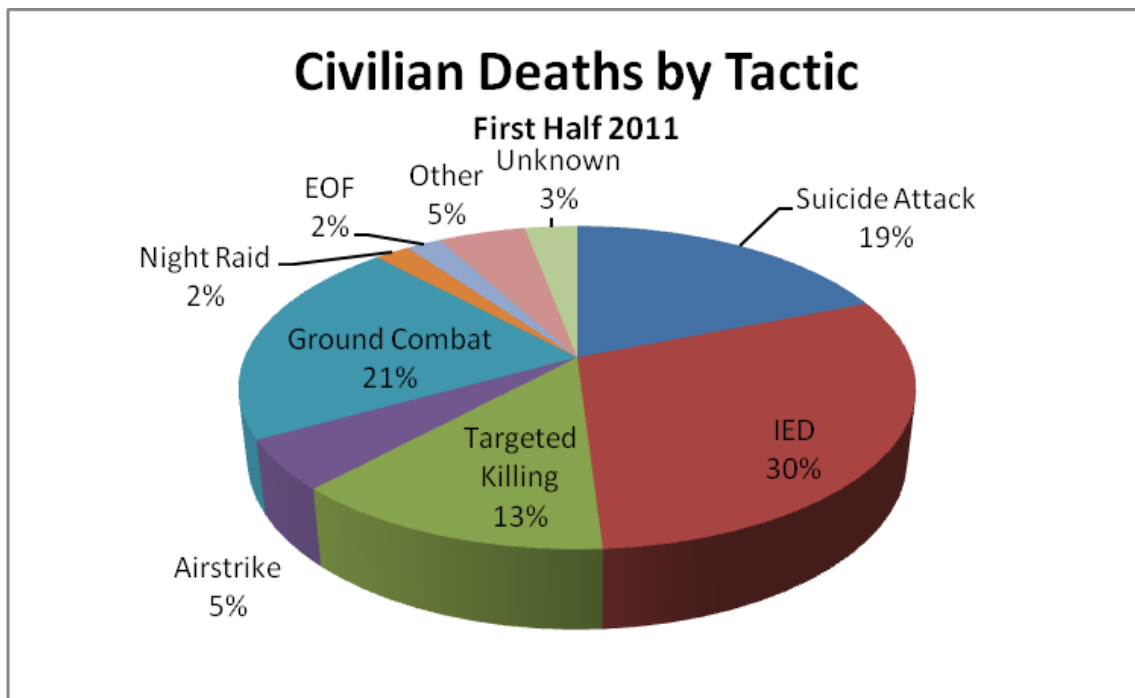
Two percent of all civilian casualties occurred as a result of night raids, down slightly from the first half of 2010.²⁷ UNAMA documented 30 civilian deaths and 14 injuries during night raid operations. However, resentment regarding these raids grew among

²⁵ 'Aerial attacks' encompasses all attacks or air strikes from military aircraft, including munitions dropped or fired from airplanes, helicopters and drones.

²⁶ In a meeting with the ISAF Civilian Casualty Tracking Cell on 5 June 2011, ISAF informed UNAMA that ISAF uses the AH-64 Apache for the Close Combat Attack missions noted in this report.

²⁷ See Gall, Carlotta, "Night Raids Curbing Taliban, but Afghans Cite Civilian Toll," New York Times 8 July 2011. NATO and Afghan officials were reported to have stated that night raids were averaging 300 per month. UNAMA notes that obtaining accurate data on night search operations is difficult given the lack of transparency, frequency and wide scope of such operations conducted by ISAF, ANA, international and national special forces and the ANBP, both independently and jointly. UNAMA asked ISAF on several occasions for information on numbers of night raids and civilian casualties from night raids and was told the number is classified. Given both limitations associated with the operating environment and limited access to information, UNAMA may be under-reporting the number of night raids involving civilian casualties.

the Afghan population. Violent demonstrations sometimes followed night raids and led to deaths and injuries of civilians, as when police opened fire on protestors in Nangarhar province, Kandahar city and Taloqan city after night raids caused civilian casualties.



The mounting toll of civilian casualties in the first six months of 2011 represents a deepening entrenchment of violence in the everyday lives of Afghans.²⁸ With responsibility for security transitioning from international military forces to Afghan forces in several parts of the country in July, violence rose as Anti-Government Elements sought to demonstrate that Afghan security forces could not manage security on their own. Combined with the efforts of various armed groups to undermine peace and reconciliation, the rising tide of violence and bloodshed in the first half of 2011 brought injury and death to Afghan civilians at levels without recorded precedent in the current armed conflict.

In addition to changes in tactics, new locations were targeted by Anti-Government Elements in the first half of 2011. UNAMA documented the first confirmed cases of attacks against two hospitals, which are in principle protected places under international humanitarian law. The Taliban claimed responsibility for a suicide attack on a military hospital in Kabul on May 21 that killed six students from the medical faculty and wounded 23 others. UNAMA documented a second attack on a hospital on June 25, when a suicide attacker detonated explosives at a civilian hospital in Azra district, Logar province, killing 20 including 13 children lined up to receive vaccinations and injuring 43, many of whom were women and children.

²⁸ May was the deadliest month for civilians since UNAMA began documenting civilian casualties in 2007, with 368 civilian deaths, followed closely by June, with 360 civilian deaths. The previous high was August 2010 when 350 civilians were killed in the immediate pre-election period, a typically violent time in Afghanistan.

Recruitment and use of children in the armed conflict emerged as an increasing concern in the first half of 2011. On May 1 in Paktika province, a 12-year-old suicide bomber, the youngest recorded by UNAMA, killed three civilians and injured 12. UNAMA also noted the use of females in attacks, including as suicide bombers. On June 4, the Taliban claimed responsibility when a 20-year-old female suicide bomber attacked an international military convoy in Marawara district, Kunar province. On June 26 in Char China district, Uruzgan province, an eight-year old girl died after being used in effect as a suicide bomber. Anti-Government Elements instructed the child to carry a package containing an explosive device to a police vehicle, then detonated the device by remote control, killing the child; there were no other casualties.

UNAMA documented tactics used by the Taliban to coerce civilians to support them. For example, in addition to the fear created through IED attacks, targeted killings and other deliberate attacks against civilians, the Taliban continued to use intimidation tactics such as night letters, verbal threats, abduction and illegal check points to force communities to support them. In May, threats against civilians associated with the Government of Afghanistan surfaced in Logar, Nuristan, Kunar, Nangarhar, Sari Pul, and Ghor provinces, with reports of Taliban carrying out abductions, restricting freedom of movement and sending night letters warning civilians to resign from their jobs.

UNAMA notes that while Taliban messaging about reducing civilian casualties improved in the first half of 2011, as seen in several statements released by the Taliban in April and May, a corresponding improvement in compliance with international humanitarian law and an actual reduction in civilian casualties from improved targeting practices did not occur.²⁹ The Taliban continued to deliberately target and kill civilians, and Anti-Government Elements used a large and increasing number of indiscriminate weapons, in particular pressure plate IEDs. These IEDs that function like anti-personnel landmines cannot discriminate between a military and a civilian target and are therefore illegal weapons. Any group that uses pressure plate IEDs is violating international humanitarian law and Afghan law by using a prohibited weapon and a prohibited means of warfare.

In 1998, the Taliban banned the use of anti-personnel landmines and issued statements condemning their use as an “un-Islamic and anti-human act.”³⁰ Any use by Taliban

²⁹ The Islamic Emirate of Afghanistan, “Statement of the Leadership Council of the Islamic Emirate Regarding the Inception of the Spring Operations” 30 April 2011 and The Islamic Emirate of Afghanistan, “48 Hour Kandahar Operation, A Complete Report,” 10 May, 2011. Also see section in this report on Taliban Statements on Civilian Casualties.

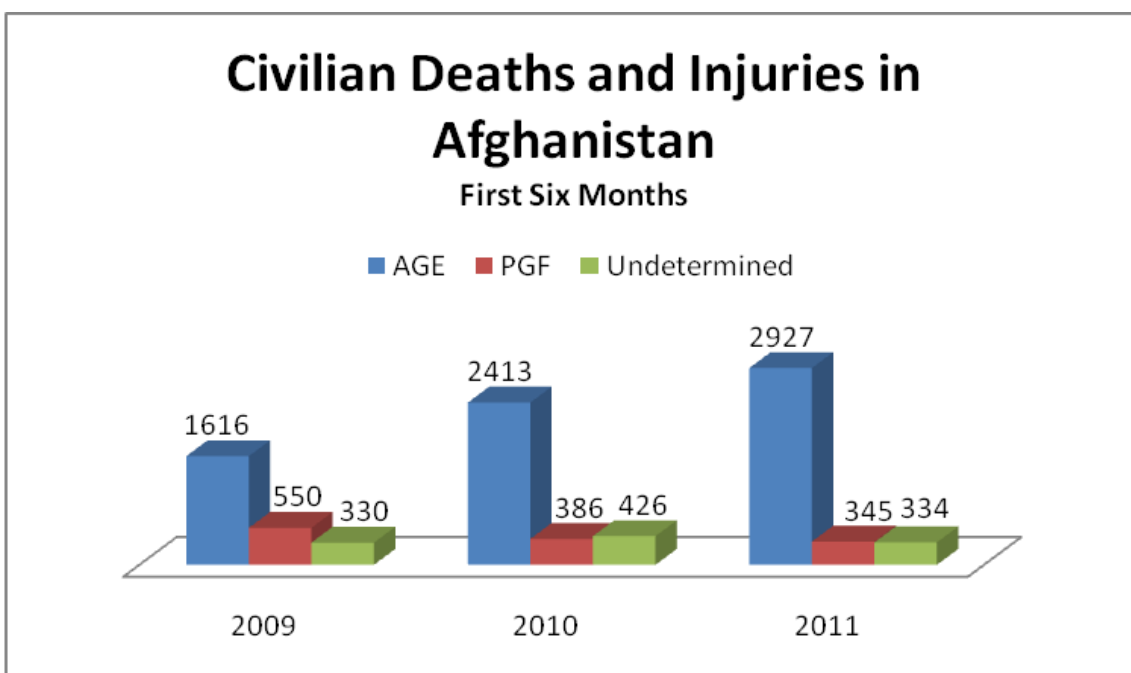
³⁰ Statement of the Islamic Emirate of Afghanistan on the Problem of Landmines, 6 October 1998: 1. At international level, the IEA [Islamic Emirate of Afghanistan] calls for a total ban on the production, trade, stockpiling and use of landmines and is ready to actively cooperate in this regard. 2. At national level, the IEA announces a total ban on the production, trade, stockpiling, and use of landmines, and makes a commitment to the suffering people of Afghanistan and the international community that the IEA would never make use of any type of landmines. 3. The IEA asks all the opposition groups to avoid use, trade and stockpiling of landmines and do not cause more harm to the bereaved and suffering people of Afghanistan. 4. Those who use landmines in personal, political or any other differences in Afghanistan would be punished in accordance with the Islamic law. 5. The IEA thanks all those countries that have signed the Ottawa treaty and strongly urges all those countries that have not yet signed this treaty to immediately stop production, trade, stockpiling and use of landmines and respect the Ottawa international treaty. Sign and seal of: the servant of Islam Amir Almonineen (Mujahid) Mulla Mohammad Omer Akhund. There is no record of the Taliban withdrawing this statement. More available at: Landmine and Cluster Munition Monitor.

members of pressure-plate IEDs violates the Taliban ban on landmines. UNAMA calls on the Taliban to publicly reiterate a ban of these weapons and to immediately cease any use of them by Taliban members.

The lead up to transition of security responsibilities from international military forces to Afghan forces scheduled for July 20 has been preceded by roll out of the official Afghan Local Police (ALP) program in some parts of the country. UNAMA continued to receive mixed reports from government authorities and community leaders on the program. UNAMA observed inconsistency in ALP recruitment and vetting procedures and concerns with oversight and command and control. For example, in Laghman province in June, local government members, tribal elders, district shurah members and others reported that the ALP recruitment process had been controlled by district power brokers and referred to the ALP as a mechanism to “rearm the ex-jihadis formerly disarmed by the government and international community”. Some interlocutors viewed this as a favourable step to control insurgent penetration at the village level while others expressed strong concern about the potential for a return to warlordism, power abuses and increased criminality.

In Marja district in Helmand province, community leaders told UNAMA that although the ALP were defending the area from Taliban re-entry, it was too early to tell whether the ALP would be able to stabilize the situation in the longer term.

All elements of ALP need rigorous oversight and monitoring from the ministry of interior and those international forces working with the ALP. Improved command and control and prompt action for any abusive or criminal acts is also required to ensure the program results in more protection for civilians, not less.



Although transition of security responsibilities to Afghan forces officially begins on July 20 in three provinces and four municipalities, in some conflict-affected parts of

website, <http://www.the-monitor.org/index.php/publications/display?url=lm/1999/afghanistan>.

Afghanistan, international military forces began withdrawing from military bases and outposts in 2010 (for example in some districts of Kunar province). UNAMA documented serious concerns relating to protection of human rights following the withdrawal from those areas.

In the first half of 2011, UNAMA also documented civilian casualties in Afghanistan from counter-insurgency operations of the Pakistani military in the Federally Administered Tribal Areas (FATA) bordering Kunar and Nangarhar provinces. These operations resulted in civilian casualties and displacement of hundreds of civilians. Provincial authorities in Kunar province confirmed that between June 15 and 30, 289 artillery rounds fired from Pakistan impacted in Sheigal, Sirkanay, Nari, Dangam and Asmar districts, killing 14 (including eight children) and injuring 16. Authorities in Ghoshta district, Nangarhar also reported shelling in recent months that displaced 2,000 civilians to the district centre. Inadequate control by Afghan security forces of the border areas broadens the scope for activities of insurgents and counter-insurgency operations which often results in harm to civilians.

With decreases in security for civilians over the first six months of 2011, civilians found fewer places of refuge and protection. Civilians increasingly had their civilian status threatened as they were “caught between two sides.” Civilians were subjected to conflicting and competing demands of the warring parties that often included intimidation and violence regardless of their choice to support one side or the other – and often they did not have a choice. As one civilian from Marja district in Helmand province told UNAMA,

“The Taliban come to any house they please, by force. Then they fire from the house and then ISAF and ANA fire at the house. But if I tell the Taliban not to enter, the Taliban will kill me. So, what is the answer? Either ISAF kills me or the Taliban kills me. The people cannot live like this.”³¹

All civilian deaths and injuries, no matter what party is responsible, have tragic and lasting impacts on families and communities. Civilians will only “win” in Afghanistan when civilian casualties overall decrease. UNAMA urges all parties to the conflict to do much more to respect civilian status, strengthen civilian protection and fully comply with their legal obligations to minimize civilian casualties and harm to civilian communities.

In Appendix 1, UNAMA responds to Taliban statements regarding a UNAMA press release on June 11, 2011 that documented 368 civilian deaths in May 2011 with 80 percent attributed to anti-government elements. The Taliban’s June 12 statement disputed the casualties and provided a list of incidents they said UNAMA had not accounted for in its reporting. UNAMA reviewed the status of each incident the Taliban listed, sent the Taliban a response that replied to each incident and confirmed UNAMA’s investigation and reporting of the incident in this report or other UNAMA reports.

³¹ UNAMA interviews with civilians from Marja, Helmand province, June 2011.

Recommendations

In their 2010 Annual Report on Protection of Civilians, UNAMA and the Afghanistan Independent Human Rights Commission recommended to the parties to the Afghan conflict key measures to improve civilian protection. The parties have not fully implemented these recommendations. UNAMA reinforces and supplements these recommendations as follows:

Anti-Government Elements

- Prevent civilian casualties by complying with international humanitarian law including respect for the principles of distinction, proportionality and precautionary measures.
- Use the meaning of 'civilian' that is consistent and in compliance with international humanitarian law.
- Immediately cease targeting civilians who are protected against any attacks under international law, and withdraw orders that permit attacks and killings of civilians.
- Immediately cease attacks on hospitals.
- Immediately cease using pressure-plate IEDs, prohibit members from using them, and publicly commit to banning the use of these indiscriminate and therefore illegal weapons. Publicly restate the 1998 Taliban ban on landmines and reinforce the ban with all members.
- Implement and enforce codes of conduct and directives that instruct members to prevent civilian casualties and hold accountable those members who kill and injure civilians.
- Engage in a dialogue and information sharing on civilian casualties with UNAMA.

Government of Afghanistan

- Establish a professional standing government body with powers to investigate, respond and report on incidents of civilian casualties.
- Create a civilian casualty tracking group similar to the ISAF Civilian Casualty Tracking Cell to ensure accurate and timely tracking of all incidents of civilian casualties caused by ANSF, to provide lessons learned, and to improve civilian protection, compensation, and accountability.
- Develop and implement with international military forces measures to protect civilians from being attacked and targeted.
- Ensure that all Afghan security forces (military and police) are properly trained in all elements of international humanitarian and human rights law and that such training is mandatory and integrated into all ANSF training programs.
- Properly train and equip the Afghan National Police for crowd control including alternatives to lethal force. Ensure adequate training in the legal standards and implementation of such alternatives.

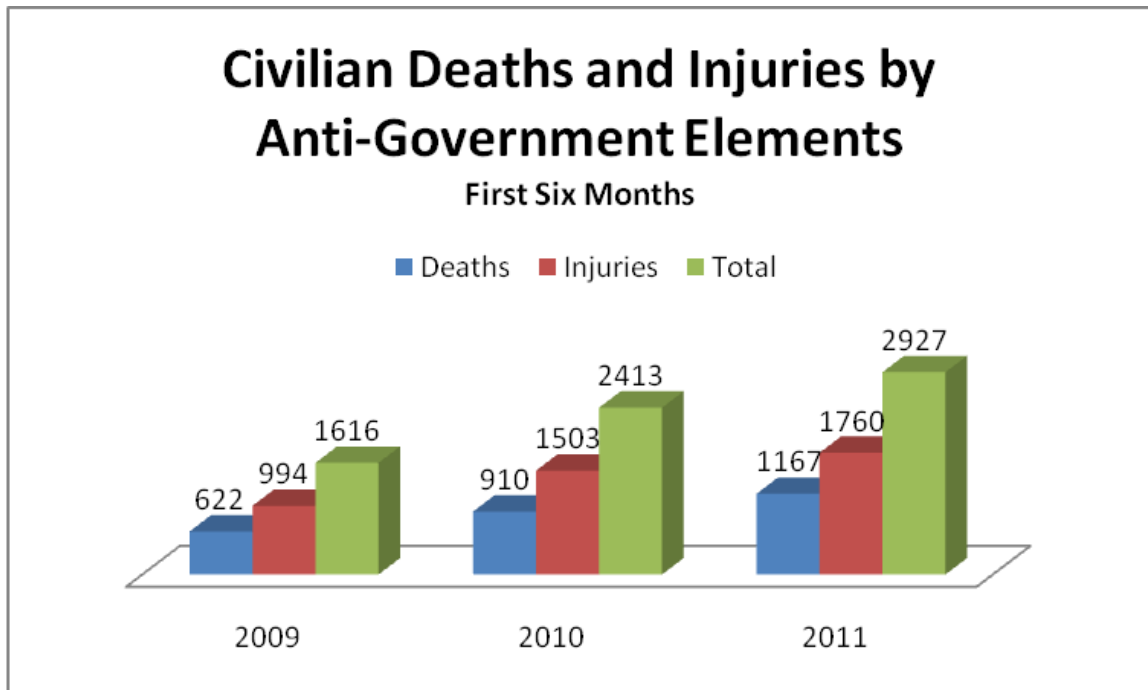
International Military Forces

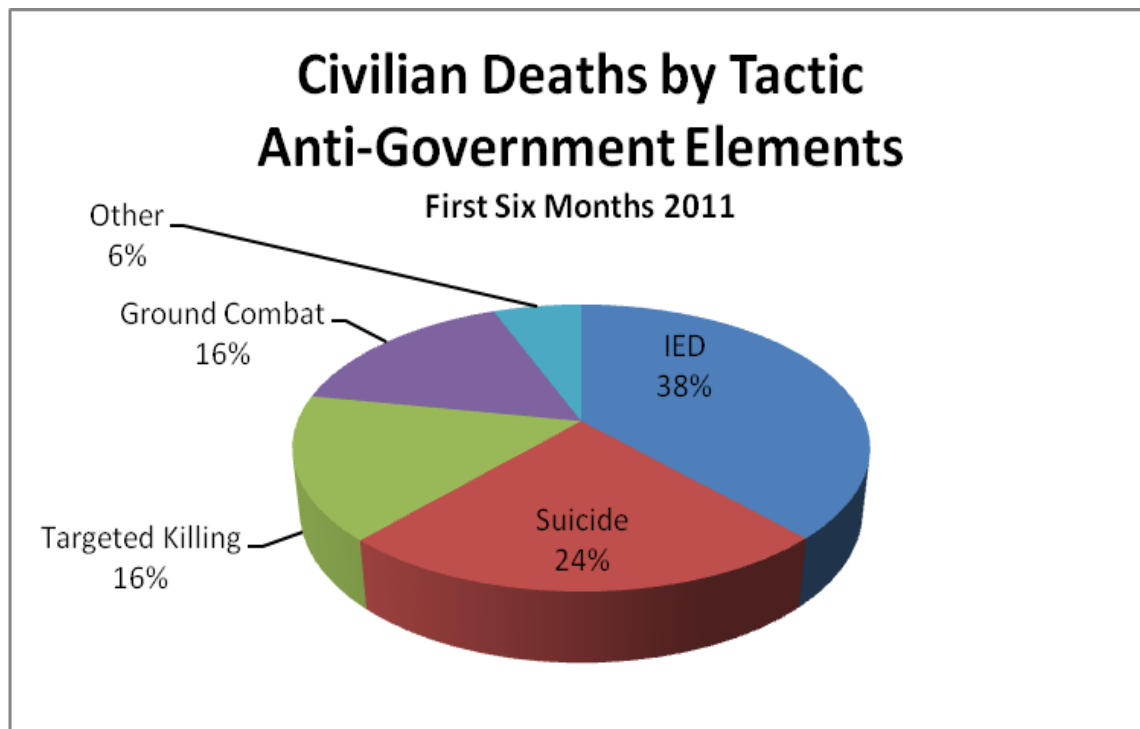
- Take all feasible precautions to prevent and minimize incidental loss of civilian life, injury to civilians and damage to civilian objects during the planning and implementation of military operations. Fully and promptly implement new directives.
- Ensure all helicopter crews are trained on the Tactical Directives for the use of force and ensure implementation of Tactical Directives for all helicopter Close Combat Attack missions. Investigate reasons why civilian casualties from Apache helicopters are rising and implement changes to improve civilian protection.
- Review the “Night Raids Tactical Directive” of 23 January 2010 to ensure all elements of the directive are mandatory for every raid and not optional. Ensure any new night raids directive is more restrictive due to continued civilian casualties and that all night raids are led by ANSF with “local ownership” the final aim.
- Ensure all troops are adequately trained in escalation of force tactics, techniques, and procedures including on the standard operating procedures on escalation of force. Equip checkpoints and quick reaction forces with alternatives to lethal force. Implement public service announcements, on radio in particular, to increase awareness by Afghan civilians of proper checkpoint and convoy procedures.

Anti-Government Elements and Protection of Civilians

Overview

The first half of 2011 was marked by another increase in civilian casualties caused by Anti-Government Elements. Between 1 January and 30 June 2011, 2,927 civilian casualties were attributed to anti-government elements, with 1,167 civilian deaths and 1,760 injuries. This represents an increase of 21 percent in civilian deaths and injuries attributed to anti-government elements from the same period in 2010. Deaths linked to anti-government elements rose to 80 percent of all civilian deaths, compared with 72 percent for the same period in 2010. The main causes were an increase in civilian deaths from suicide attacks and ground combat, a continued campaign of targeted killings and increased use of improvised explosive device attacks.





Taliban Statements on Civilian Casualties

In the first half of 2011 the Taliban released several statements on civilian casualties. A review of these statements shows an evolving dialogue on targeting to minimize civilian casualties in suicide attacks, by taking precautions during military operations through tactics, weapons, and target selection.

The Taliban's 30 April 2011 statement on the "Inception of the Spring Operations or Operation Badar," stated they will "focus attacks" on targets of a military nature, take precautions, and noted the need to protect civilians:

"Strict attention must be paid to the protection and safety of civilians during the spring operations by working out a meticulous military plan. Utilizing all proven military tactics, the operations will focus on usage of advanced weapons against the air and ground forces of the invaders, hit-and-run attacks, and group offensives, city attacks, advanced explosives attacks, effective group and martyrdom seeking attacks by warrior Mujahideen."³²

In a statement issued on 10 May 2011 after a 48 hour attack in Kandahar, the Taliban highlighted that their targets were all military in nature, stating, "It should be mentioned only governmental facilities were targeted by Mujahedeen in their operation hence no civilians were harmed."³³

³² The Islamic Emirate of Afghanistan, "Statement of the Leadership Council of the Islamic Emirate Regarding the Inception of the Spring Operations," 30 April 2011, paragraph 4.

³³ The Islamic Emirate of Afghanistan, "48 Hour Kandahar Operation, A Complete Report," 10 May 2011. UNAMA notes however that the Kandahar operation by the Taliban led to civilian casualties with five dead and 26 wounded. This number of civilian casualties is lower than previously documented in other large-scale operations. Analysis of Taliban target selection in the

UNAMA notes however that paragraph 7 of the Taliban's April 30 statement puts the onus of civilian protection on the civilian population and not on the parties to the conflict. The Taliban instructs civilians to stay away from "gatherings, convoys, and centers of the enemy so that they will not become harmed during attacks by the Mujahidin against the enemy."³⁴ UNAMA stresses that protecting the civilian population is an active responsibility of all parties to a conflict. It is not the responsibility of Afghan civilians to protect themselves from the effects of war but the legal responsibility of the conflicting parties to take active measures to ensure civilians are not harmed during military operations.

UNAMA also highlights statements in the Taliban's 2010 "Code of Conduct" on protection of civilians. For example, paragraph 57 on suicide attacks states a requirement to avoid civilian casualties. The section however does not limit targets to lawful military targets only and may permit targeted killing of civilians.³⁵ Paragraph 65 requires Taliban leaders and members "to take best possible steps to ensure the safety and security of civilian lives and property", and notes accountability for "negligence" although the mechanism is not spelled out.

UNAMA notes that paragraph 65 could prohibit the use of indiscriminate weapons such as pressure plate IEDs which violate the requirement under international humanitarian law to take all feasible precautions to protect civilians and arguably the Code of Conduct. These IEDs, which by their nature do not distinguish between a civilian minibus/vehicle and a military vehicle, are indiscriminate weapons, act as landmines, and their use violates international humanitarian law.³⁶

In conclusion, although Taliban rhetoric on preventing civilian casualties has improved, UNAMA has not documented improved compliance with international humanitarian law by the Taliban or a reduction in civilian casualties on the ground due to improved

attack shows they targeted mainly military and command and control facilities, although the traffic police headquarters was attacked which UNAMA considers a civilian object.

³⁴ The Islamic Emirate of Afghanistan, "Statement of the Leadership Council of the Islamic Emirate Regarding the Inception of the Spring Operations," April 30, 2011, Paragraph 7: All Afghan people should bear in mind to keep away from gatherings, convoys and centres of the enemy so that they will not become harmed during attacks of Mujahideen against the enemy or, as usual, the enemy may not avenge itself on them, following the operations of the Mujahideen.

³⁵ The Islamic Emirate of Afghanistan, "The Laiha" (Code of Conduct for the Mujahidin of the Islamic Emirate of Afghanistan), May 30, 2010: paragraph 57. The following four things should be kept in mind while carrying out self-sacrificing attacks: First: Self-sacrificing attackers should be properly trained before carrying out attacks. Second: Self-sacrificing attacks should be carried out against high-profile and important targets. These courageous members of the Islamic Ummah should not be used in low-profile and valueless targets. Third: Utmost efforts should be made to avoid civilian casualties in carrying out self-sacrificing attacks. Fourth: Apart from those mujahidin who are entrusted by the chief with a special program and are allowed by him, all the mujahidin are bound to get permission and instructions from provincial commanders in carrying out self-sacrificing attacks.

³⁶ The Islamic Emirate of Afghanistan, "The Laiha" (Code of Conduct for the Mujahidin of the Islamic Emirate of Afghanistan), May 30, 2010: paragraph 65: Provincial and district leaders, group heads, and the rest of the mujahidin are bound to take best possible steps to ensure safety and security of the civilians' life and property. In case of negligence each of them will be accountable according to the severity and level, and will be punished in accordance with the degree of crime.

targeting practices. The Taliban continue to directly target civilians and use indiscriminate weapons such as pressure-plate IEDs.

It is worth noting that the Afghanistan National Ulema Shurah issued a fatwa in March 2011 condemning the killing of civilians in both ISAF air strikes and suicide attacks by anti-government elements.³⁷

Targeting of civilian contractors

The Taliban have singled out civilian laborers providing logistics or construction services to the Government of Afghanistan and pro-government forces as lawful targets.³⁸ In the first half of 2011, the Taliban and other armed groups directly targeted these civilians. UNAMA documented 126 incidents resulting in 127 deaths and 166 injuries to Afghan construction workers and other civilian contractors. The Taliban's 2010 Code of Conduct, section 4, specifically directs the Taliban to target contractors providing services to "the enemy."³⁹ This was reemphasized in the Taliban's April 30 statement which clearly states an intention to target contractors.⁴⁰

UNAMA notes that contractors and other laborers are civilians and can not be targeted under international humanitarian law unless they are taking a direct part in the hostilities. UNAMA documented the deaths of contractors by various methods including targeted killings, complex attacks, IEDs, and suicide attacks. Attacks on construction workers were highest in the southern and southeastern regions.

- On 27 March in Paktika province, an anti-government elements complex attack using multiple IEDs on a road construction company resulted in 24 civilians killed and 59 wounded.
- On 18 May in Paktika province, 36 construction workers were killed and 13 wounded when an SVBIED and anti-government elements attacked a road construction company. The Haqqani network claimed responsibility.

³⁷ Afghanistan National Ulema Shurah, "Ulema Council Fatwa Issued in March 2011," March 2011. Article 5 states, "The Ulema Council strongly condemns the unmerciful and cruel killing of civilians, including women, the elderly and children, by the brutal air strikes of the international military forces or the suicide attacks by anti government elements."

³⁸ See next footnote for clarification.

³⁹ The Islamic Emirate of Afghanistan, "The Laiha" (Code of Conduct for the Mujahidin of the Islamic Emirate of Afghanistan), May 30, 2010. Section 4: "About Those Who Facilitate Providing Supplies and construction Activities to the Enemy, Paragraph 25. When it is confirmed that those contractors or the monopolists, who are establishing centers for the infidels and slave organizations or are transporting oil or other equipment to them, then the mujahidin should burn their resources and they should be killed, or if they are made captives and if it is proven to the judge that these individuals in reality perform these activities then they should be awarded a death sentence. If a judge has not been appointed in that province, then the subjects related to murder and evidence is handed over to the governor."

⁴⁰ The Islamic Emirate of Afghanistan, "Statement of the Leadership Council of the Islamic Emirate Regarding the Inception of the Spring Operations," April 30, 2011, Paragraph 2: "Throughout the operations, the prior target of Mujahedeens' attacks must remain foreign invading forces, members of their spy networks and (other) spies, high-ranking officials of the Kabul Puppets Administration, both military and civilian, members of the cabinet, members of the parliament, Heads of foreign and local companies working for the enemy and contractors."

- On 11 May, in Panjwayi district, Kandahar province, an IED detonated against a truck carrying laborers employed by a private construction company, killing 12 civilians and injuring 28.

Targeting protected places and perfidious attacks

Hospitals, including military hospitals, are protected places under international humanitarian law and must not be attacked⁴¹. On May 21, 2011 the Taliban claimed responsibility for an attack on a hospital in a suicide attack which killed six medical students and injured 23 in the Sardar Mohammad Dawood Khan Hospital in Kabul. All soldiers treated in a hospital are considered “hors de combat” and must not be attacked. Taliban spokesman Zabiullah Mujahid claimed the target was foreign trainers and Afghan doctors who work with them.⁴² On 25 June in Azra district, Logar province, a suicide attacker drove a vehicle laden with explosives into Azra Central Hospital. The detonation resulted in a large number of civilian casualties, including women and children. Although Afghan authorities and other sources reported conflicting numbers of casualties, the attack killed at least 23 civilians and wounded 25. Most of the victims were seeking medical care, visiting family members or were health workers. Medical trainers, doctors and medical students are civilians and must not be attacked under international humanitarian law.

The Taliban used an ambulance in a suicide attack on 7 April in Kandahar when attacking a police training center.⁴³ Misleading the adversary by falsely claiming protection under international humanitarian law, for example by using an ambulance to launch an attack, to kill or injure the adversary is perfidy and prohibited under international humanitarian law. The attack was condemned by the International Committee of the Red Cross.⁴⁴ The Taliban acknowledged use of the ambulance and pledged never to use one again. According to ISAF in the first six months of 2011 there were 15 attacks of marked MEDEVAC helicopters. Such attacks are a violation of international humanitarian law.

Attacks at mosques, which are protected places have also occurred. For example, on June 10 a bomber wearing a suicide vest attempted to enter the mosque during the funeral of General Daud in Kunduz. The bomber was not allowed in and detonated outside the building, killing numerous police who were not engaged in combat activities.

Recruitment, training and use of children as suicide bombers

UNAMA notes with concern the rising number of incidents involving child suicide bombers. On May 10, 2011 a Taliban statement denied “the use of children and adolescents in Jihadic Operations.”⁴⁵ Although UNAMA is unable to link the use of children suicide bombers to a particular insurgent group, we note that the Taliban’s

⁴¹ Medical units and transports shall be respected and protected at all times and shall not be the object of attack. AP II, Art 11 (1), Protection of medical units and transports.

⁴² The Times of India, “Taliban Bomb Kabul Hospital, 6 killed,” 22 May, 2011.

⁴³ African Press International, “Afghanistan: Taliban Rue Ambulance Attack,” 12 April 2011.

⁴⁴ International Committee of the Red Cross, “Afghanistan: ambulance used in attack on police training compound,” 7 April 2011.

⁴⁵ Islamic Emirate of Afghanistan, “Remarks of the Spokesman of the Islamic Emirate Regarding the Baseless Claim of Presence of Children in the Ranks of Mujahedeen,” 10 May 2011.

definition of children is not consistent with international standards. The United Nations Convention on the Rights of the Child (CRC) defines a child as a person under the age of 18 years, regardless of what local laws apply to children.⁴⁶ According to the Taliban they do not use “boys with no beards” in military operations.⁴⁷ This vague definition may permit the use of boys younger than 18 years old in combat operations.

UNAMA calls on the Taliban to recognize the international standard for the age of a child as defined in the CRC and to pledge not to use anyone younger than 18 years old in military operations.

- On 26 June in Char China district, Uruzgan province, insurgents instructed an eight year old girl to bring a package of explosive devices to a police vehicle. The insurgents remotely detonated the bomb, killing the girl. There were no other casualties.
- On 1 May in Paktika province, a 12-year old suicide bomber, the youngest ever reported in Afghanistan, killed three civilians and injured 12.

Afghan security forces have made an increasing number of arrests of children suspected of being suicide attackers which may indicate that more children are being recruited, trained and used to carry out such attacks.

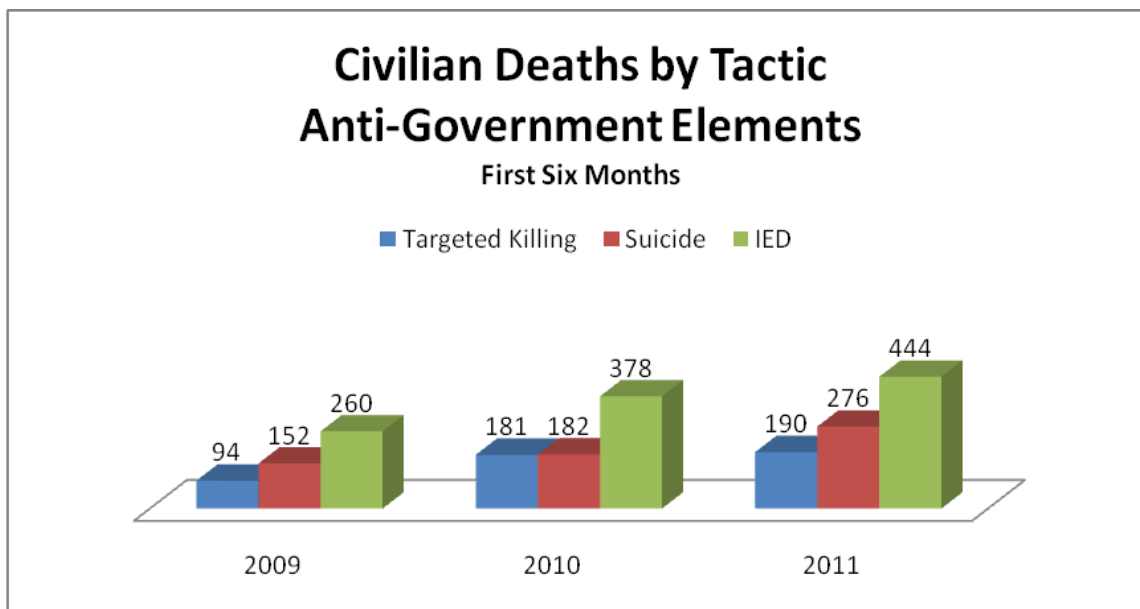
- On 7 May, the National Directorate of Security (NDS) arrested five boys between the ages of 13 and 14 who confessed to NDS they had undergone training in Peshawar, Pakistan to carry out suicide attacks.
- On 30 March, authorities in Baghlan province arrested a 17-year old boy trained as a suicide bomber and on 2 April, NDS arrested a 14 year-old suspect suicide bomber, originally from Badakhshan province.
- On 20 May, in Nuristan province, Parun district, Chatras area, a 12-year-old child died when a suicide vest accidentally detonated during his training session.

Tactics used by Anti-Government Elements

IEDs remained the leading cause of civilian deaths and the primary method of attack was indiscriminate pressure-plate IEDs. Deaths from suicide attacks were on the rise and together with IEDs made up nearly half (49 percent) of all civilian deaths in the conflict. The Taliban’s targeted killings of civilians did not slow down from its high of 2010 and continued at approximately the same rate. Ground combat casualties from anti-government elements tended to be caused by mortars and other indirect-fire weapons targeting international military forces and ANSF.

⁴⁶ The Rome Statute ratified by Afghanistan in 2003, provides that it is a war crime to conscript or enlist children under the age of 15 years into national armed forces and (non-national) armed forces or groups or use them to participate actively in hostilities; (See Article 8(2)(b) (xxvi) and 8(2) (e) (vii).

⁴⁷ Islamic Emirate of Afghanistan, “Remarks of the Spokesman of the Islamic Emirate Regarding the Baseless Claim of Presence of Children in the Ranks of Mujahedeen,” 10 May 2011. In remarks, the Taliban quote Article 29 of their Code of Conduct, “The teenagers (boys with no beards) are legally banned to stay in hostels and military centers with Mujahedeen.”



IED attacks

The majority of IEDs that kill civilians in Afghanistan are pressure plate IEDs (PPIEDs). These weapons are indiscriminate in nature as they cannot distinguish between a civilian object and a military objective, making their use illegal under international humanitarian law. For example, a minibus carrying a family to a religious shrine was destroyed when it drove over a PPIED on June 11 in Kandahar province. Everyone in the vehicle was killed, sixteen in all, including eight children.

UNAMA is of the view that victim-activated IEDs are *defacto* landmines; that is, they function as anti-personnel landmines. Approximately two-thirds of all IEDs used in Afghanistan are victim activated pressure-plate IEDs.⁴⁸ PPIEDs in Afghanistan are set to explode when they are walked on or driven over with a trigger weight between 10kg and 100kg. The majority of PPIEDs in Afghanistan have approximately 20kg of explosive; more than twice the explosive content of a standard anti-tank mine yet they have the trigger of an anti-personnel mine. This means that every PPIED is a massive anti-personnel landmine with the capability of destroying a tank; civilians who step or drive over these IEDS have no defense against them and little chance of survival.

In 1998, the Taliban banned the use of anti-personnel landmines and issued statements condemning their use as an “un-Islamic and anti-human act.”⁴⁹ Any Taliban member’s use of pressure-plate IEDs violates the Taliban ban on landmines.

⁴⁸ UNAMA meeting with ISAF Counter-IED office, Kabul, 10 July, 2011. ISAF completed testing 400 of 1000 IEDs removed from Afghanistan at the UK Defence Exploitation Facility to determine the weight that would set off the PPIEDs used in Afghanistan. The majority were set at approximately 10kg, though some tested were set as high as 100kg. According to ISAF, June was the single highest month ever recorded by ISAF for IED attacks in Afghanistan.

⁴⁹ Statement of the Islamic Emirate of Afghanistan on the Problem of Landmines, 6 October 1998: 1. At international level, the IEA [Islamic Emirate of Afghanistan] calls for a total ban on the production, trade, stockpiling and use of landmines and is ready to actively cooperate in this regard. 2. At national level, the IEA announces a total ban on the production, trade, stockpiling, and use of landmines, and makes a commitment to the suffering people of Afghanistan and the

IEDs were the single largest killer of civilians in the first half of 2011, killing 444 civilians and comprising 30 percent of all civilian deaths in Afghanistan and 38 percent of all civilian deaths attributed to the anti-government elements. They caused 1,254 civilian casualties including 444 deaths and 810 injuries. This is a 21 percent increase in total civilian deaths and injuries from improvised explosive devices compared to the same period in 2010.

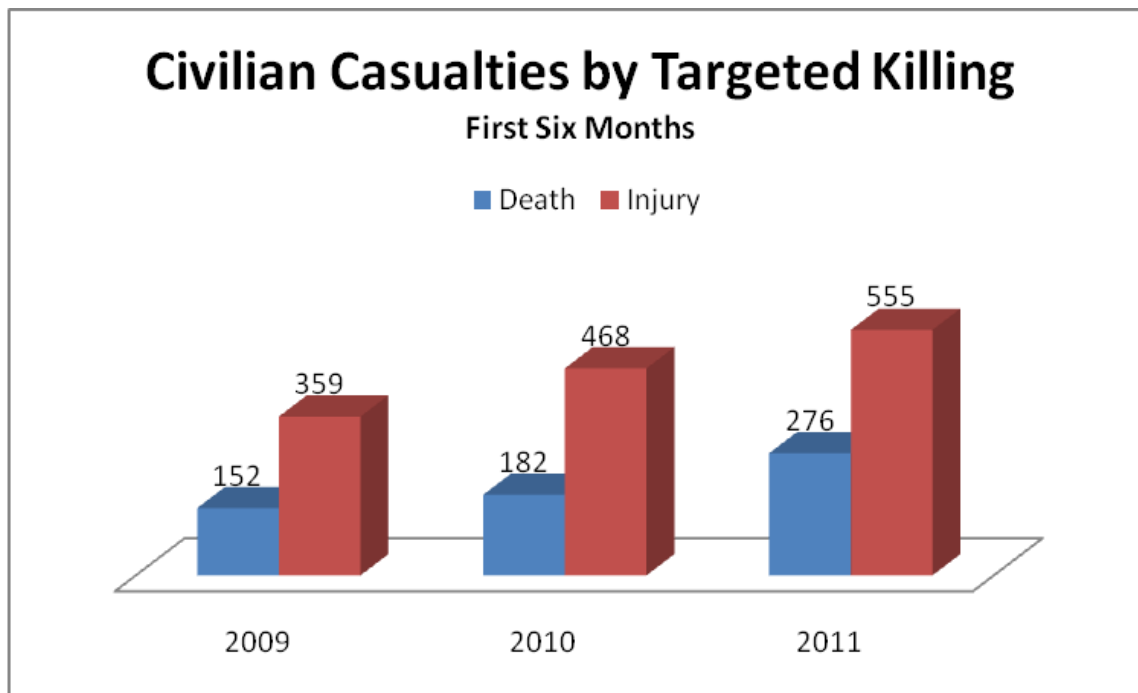
IEDs were often placed where civilians are likely to be harmed by them; along busy roads and in commercial areas like bazaars. This affects not only civilian lives but civilian livelihoods, killing and injuring civilians, potentially removing an earner from a family, affecting freedom of movement due to fear of IEDs, and destroying business property and goods. The widespread use of these indiscriminate weapons by anti-government elements in such obviously civilian areas demonstrates an unwillingness to distinguish between civilians and military targets.

- On 16 January in Baghlan province, 12 civilians, including five children and six women, were killed when their vehicle hit a pressure-plate IED in Pul-i-Kumri district.
- On 17 April in Jalalabad city, Nangarhar province, 11 civilians were wounded when an IED was used to target a music shop. Music shops were a regular target of IED attacks in Jalalabad in 2011.
- On 11 June in Ghazni center two civilians were killed, one a child, and seven wounded (four children) when an IED placed in an ice cream cart detonated.

Suicide and complex attacks

Insurgents continued to carry out suicide attacks in populated areas. Suicide attacks saw the largest percentage increase in civilian casualties over last year's numbers at this time, with a 52 percent increase in civilian deaths compared to 2010. Suicide attacks caused 19 percent of all civilian deaths and 26 percent of civilian injuries. Suicide attacks caused 831 civilian casualties comprising 276 deaths and 555 injuries. This is a 28 percent increase in total civilian deaths and injuries from suicide attacks compared to the same period in 2010.

international community that the IEA would never make use of any type of landmines. 3. The IEA asks all the opposition groups to avoid use, trade and stockpiling of landmines and do not cause more harm to the bereaved and suffering people of Afghanistan. 4. Those who use landmines in personal, political or any other differences in Afghanistan would be punished in accordance with the Islamic law. 5. The IEA thanks all those countries that have signed the Ottawa treaty and strongly urges all those countries that have not yet signed this treaty to immediately stop production, trade, stockpiling and use of landmines and respect the Ottawa international treaty. Sign and seal of: the servant of Islam Amir Almonineen (Mujahid) Mulla Mohammad Omer Akhund. More available at: Landmine and Cluster Munition Monitor website, <http://www.the-monitor.org/index.php/publications/display?url=lm/1999/afghanistan>.



Suicide attacks increased in intensity with the number of attacks remaining steady but with the numbers of casualties per attack increasing. These attacks were often spectacular in nature, using multiple attackers in complex suicide attacks. Suicide attacks targeting civilians were aimed primarily at areas where people were gathered in large numbers including supermarkets, construction projects, government buildings, and hospitals, without a specific military target.

- On 28 June in Kabul city, a complex attack, including at least two suicide attacks at the Intercontinental Hotel killed nine civilians and injured 17 civilians. The Taliban claimed responsibility.
- On 21 May, a suicide attack on a hospital in Kabul killed six and injured 23 students from the medical faculty. The Taliban claimed responsibility; this is the first documented case of Taliban attacking a hospital.
- On 21 February in Imam Sahib district, Kunduz province, a suicide bomber detonated his vest at the Central Census Department, killing 33 civilians and injuring 41.
- On 28 January, a BBIED attack against Finest supermarket in Kabul killed eight civilians, including children and women, and injured 15 others. Among those killed was a commissioner of the Afghanistan Independent Human Rights Commission and her family. Both the Taliban and HIG claimed responsibility and that the target was head of an international private security company.
- On 7 January in Spin Boldak district, Kandahar province a suicide attack in a public *hammam* (baths) resulted in 15 civilians killed and 20 injured. The Taliban claimed responsibility for the attack, stating they killed the deputy commander of the border police. However, the deputy commander was not at the *hammam* and a border police officer was killed.

Targeted Killings

Targeted killings (or assassinations) and attempted killings remained steady over last year's numbers at the same time. They caused 233 civilian casualties including 190 deaths and 43 injuries. This is a five percent increase in total civilian deaths from targeted killings compared to the same period in 2010 when anti-government elements assassinated 181 civilians.

Anti-government elements engaged in a systematic and widespread campaign of intimidation by carrying out targeted killings against those civilians perceived to support the Afghan government or international military forces. Off-duty police, members of peace councils, tribal elders, and fighters trying to reintegrate into Afghan society were some of the groups and individuals singled out in targeted killings. Anti-government elements also targeted high-level political and police officials including members of provincial councils, chiefs of police, governors and other high-level political figures.

UNAMA highlights the vulnerability of former combatants who have joined the Afghan Peace and Reintegration Program (APRP). For example, anti-government elements shot and killed eight recently reintegrated men in two separate incidents in the northeast region in May.

Targeted killings affect Afghan society and violate human rights in ways that go far beyond the deaths of those targeted. These killings violate the right to life and deter civilians from exercising their basic human rights to security, freedom of expression and rights to political participation, and the right to work and to education. This suppression of rights has severe political, economic and social consequences as it impedes governance and development, and hinders the process of transition.

- On 8 June, in Uruzgan province, Tirin Kot district, Garmab village, two civilians were shot and killed by anti-government elements. The victims were relatives of a provincial council member.
- On 3 June, the head of the Bamyan Provincial Council was abducted while traveling from Kabul to Bamyan and found dead on 7 June. The Taliban claimed responsibility for his death.
- On 22 May, the headmaster of Porak Female High School was shot dead close to his house in Porak village, Puli Alam Center of Logar province. The Taliban denied involvement in his killing.
- On 8 May, five members of a reconciled group, including the group commander, were shot dead in Kunduz province by one of the bodyguards of the commander who allegedly switched to the insurgents. The men were preparing to join the Afghan Local Police.
- On 23 April, a tribal elder from Alizai tribe from Musa Qala district was shot and killed by assassins when visiting Lashkar Gah. The victim reportedly had been trying to broker peace in his district.
- On 16 April, the Kandahar chief of police was killed by a suicide bomber who entered police headquarters.
- On 11 April, Haji Ghulam Dastager a member of Barakzai tribe and the district community council in Nawa-e-Barakzai district, Helmand province was killed while praying in the mosque in Khusraw Abad.

Transition in Conflict Areas

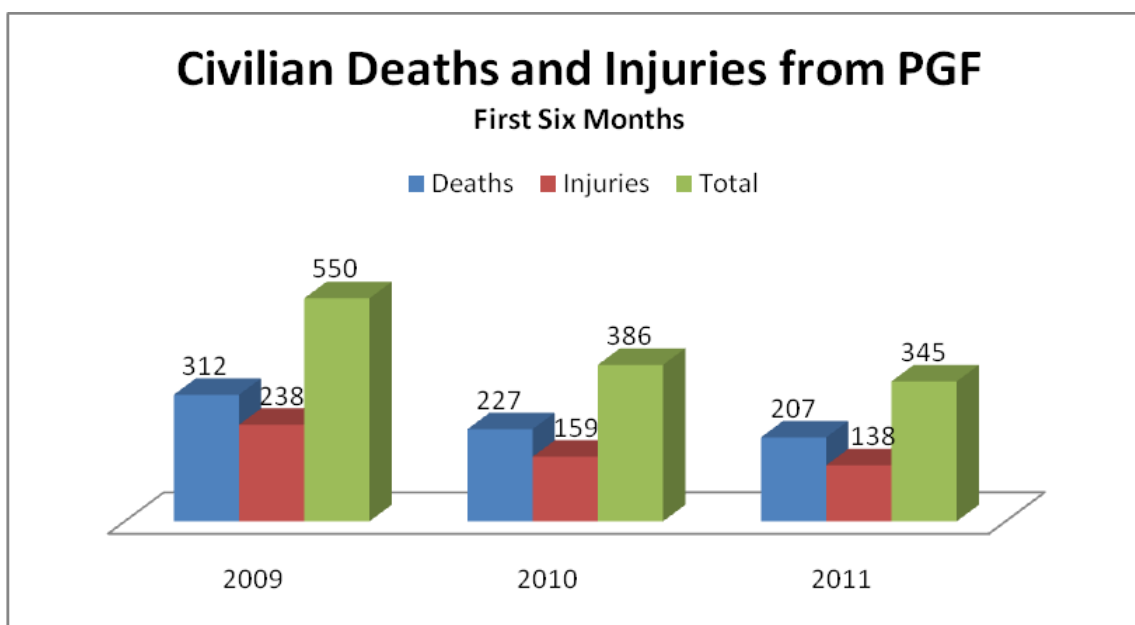
The formal process of transition of lead security responsibilities from international military forces to Afghan security forces begins in July 2011 in three provinces (Bamyan, Panjshir, Kabul (minus Sarobi district)) and four municipalities (Mazar-i-Sharif, Herat, Mehtarlam, Lashkar Gah). In other parts of the country, international military forces began withdrawing from military bases and outposts in 2010. UNAMA documented that in the first half of 2011 in the Pech Valley districts of Kunar province from where international military forces withdrew in 2010, anti-government elements were increasingly coercing civilians through violence and threats to support the insurgency and to resist or disregard the Afghan government.

Community interlocutors reported to UNAMA that the Taliban established a shadow government in the Pech Valley and that the Government of Afghanistan no longer controlled the area. District authorities were unable to carry out their duties due to threat of attack and rule of law institutions were no longer functioning. Community leaders told UNAMA that Afghan police and military forces were largely confined to district headquarters.

In May and June 2011, UNAMA received reports of Taliban freely establishing check-posts to abduct civilians for extortion or dissuade people from supporting the Afghan government, as well as numerous reports of theft and harassment. The district courts had not referred cases to the Appeals Court in Assadabad city for several months.

Pro-Government Forces and Protection of Civilians

Between 1 January and 30 June 2011, 345 civilian casualties were attributed to Pro-Government Forces, including 207 civilian deaths and 138 injuries.⁵⁰ This represents an 11 percent decrease in overall civilian deaths and injuries attributed to Pro-Government Forces compared to the same period in 2010. Deaths by pro-government forces were down nine percent and injuries decreased 13 percent compared to the first half 2010.



⁵⁰ Not included in these numbers are a substantial number of civilian deaths and injuries caused by ANP during crowd control. See the section on “Night Operations.”

ISAF Statements

The Commander of ISAF (COMISAF) issued two official statements on civilian casualties in the first six months of 2011. On May 12, General Petraeus sent a letter to all the troop-contributing States to provide recommendations on pre-deployment training to minimize civilian casualties. On May 15, he sent a letter to all members of ISAF in Afghanistan providing specific guidance on civilian casualties. Titled “COMISAF’s Guidance Concerning Civilian Casualties (CIVCAS),” General Petraeus reinforced the need to minimize civilian casualties in Afghanistan. The letter reminds ISAF to follow the Tactical Directives and other documents related to civilian casualties.

COMISAF provided the following recommendations to troop-contributing nations:

- Situational vignettes that help troopers understand when hostile intent is evident.
- Training in tactical patience based on disciplined leadership in the absence of immediate threat to friendly forces. In these situations, our troopers must take time to gain a better understanding of the situation before acting.
- The use of disengagement and call-out procedures, recognizing that, when feasible, capturing is preferable to killing.
- Training concerning precision weapon capabilities and stand-off distances before employment.
- Instruction for joint tactical air controllers and ground commanders on aircraft capabilities and requirements for establishing and maintaining Positive Identification (PID) for all potential Close Air Support (CAS), Close Combat Attack (CCA), and armed Intelligence, Surveillance, and Reconnaissance (ISR) aircraft.
- Collaborative target tracking training and certification for CAS, CCA, and armed ISR using multiple airborne platforms, to include bombers.

General Petraeus noted the need for pre-deployment training in Battle-Damage Assessment (BDA) for civilian casualty numbers to assist ISAF in confirming or denying allegations of civilian casualties and to improve media reporting. UNAMA welcomes the reinforcement of ISAF’s requirements to take proactive measures to improve civilian protection. However, accurate BDA should not be seen as necessary for information operations, but rather to ensure accurate and timely reporting of civilian casualties so proper lessons are learned, changes implemented, and civilian protection enhanced.

When asked about the status of an ongoing review of tactical directives, ISAF provided the following comment to UNAMA: “ISAF is reviewing all its policies (i.e. Tactical Directives) and procedures (i.e. Standard Operating Procedures) to ensure that they remain current and valid. The work is ongoing with a view to re-issuing them, if deemed necessary, at the earliest opportunity.”⁵¹ ISAF reported that it issued a revised Tactical Directive on 7 July which has not yet been shared with UNAMA.

UNAMA welcomes the ongoing review of Tactical Directives and recommends ISAF urgently update and promptly implement all directives to further improve civilian protection, transparency and accountability for any civilian casualties caused by ISAF.

⁵¹ E-mail correspondence from ISAF to UNAMA, 12 June 2011.

Investigations into civilian casualties

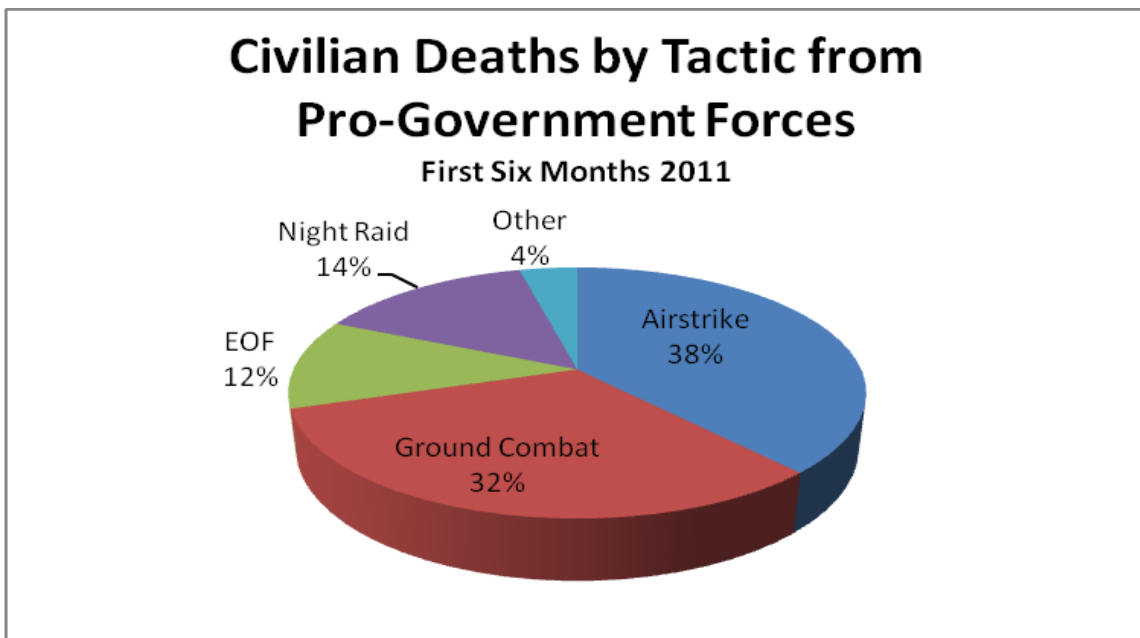
In 2009, ISAF created an investigative body called the Joint Incident Assessment Team (JIAT) that deploys to sites of alleged civilian casualty incidents. It is a combined ISAF-ANSF group with a rapid-response capability. The ANSF component has both Afghan Ministry of Defense and Afghan Ministry of Interior representation. Although this is a strong step towards improving investigation of civilian casualty incidents, the group is ad-hoc and members are pulled from their regular jobs to conduct investigations. UNAMA recommends ISAF and the ANSF form a permanent, professional group to focus full-time on civilian casualty incident investigations.

ISAF created the Civilian Casualty Tracking Cell (CCTC) in 2007 to track all incidents of alleged ISAF-attributed civilian casualties. The cell operates 24 hours a day, seven days a week and tracks the incidents in a database, assists the JIAT with investigations, and provides lessons learned to the ISAF chain of command. General Petraeus is briefed daily on all civilian casualty incidents.

UNAMA notes that neither the JIAT nor other ISAF investigation teams release public reports of investigation results. Prompt and public release of results of investigations would promote transparency, accountability and better relations with affected Afghan civilians and communities.

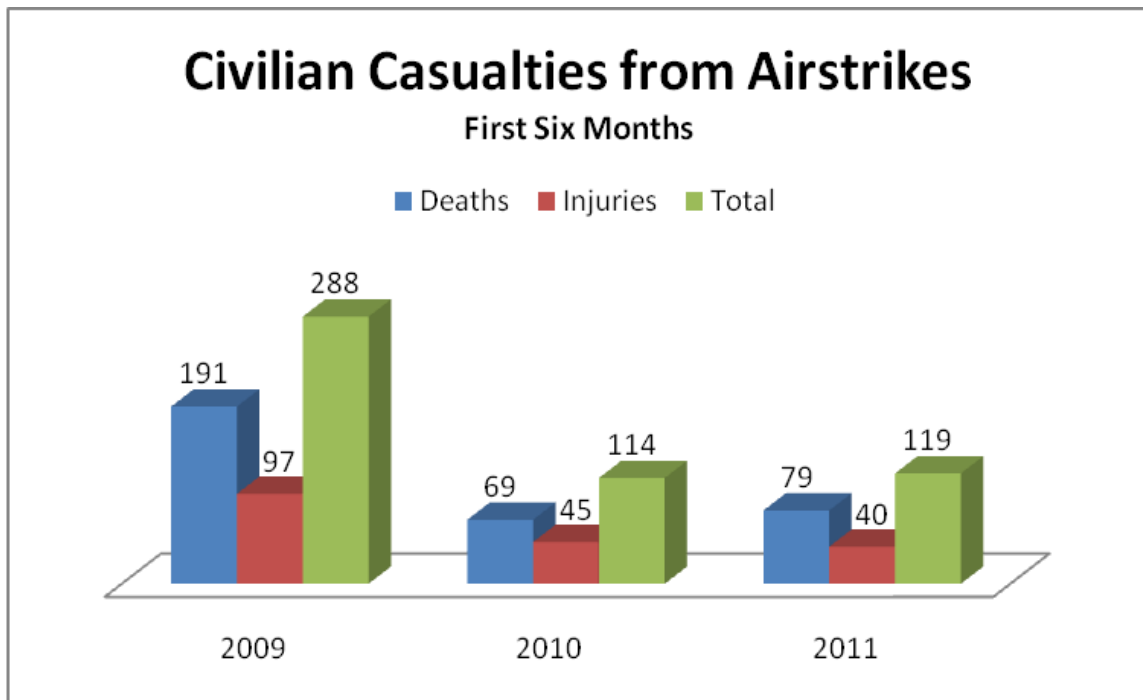
Tactics used by pro-government forces

Airstrikes killed more civilians than in 2010, reversing the previous year's downward trend. Ground combat, including armed clashes continued to kill civilians. Escalation of Force (EOF) continued to raise concerns in the south with ISAF and countrywide with the ANP. Civilian casualties from night raids remained low, although they sometimes led to violent demonstrations, furthered civilian harm and remained intensely disliked by the Afghan population.



Aerial attacks

Deaths as a result of aerial attacks increased 14 percent in the first half of 2011, causing 38 percent of civilian deaths attributed to pro-government forces and remained the main cause of civilian casualties by pro-government forces (five percent of total civilian deaths were from airstrikes). Although civilian casualties from airstrikes dropped significantly from 2009 to 2010, that trend appears to be reversing. Airstrikes caused 119 civilian casualties including 79 deaths and 40 injuries, compared with 69 deaths and 49 injuries in 2010.



Two types of air strikes are used in Afghanistan, Close Air Support (CAS) and Close Combat Attack (CCA).⁵² Civilian casualties from Close Air Support (CAS), fixed-wing aircraft, have decreased over the last three years even though the number of CAS air strikes has increased. In the first six months of 2011, ISAF released 2170 weapons from CAS, a 51 percent increase over 2010 when 1440 weapon releases occurred from CAS in the first six months.⁵³ 35 civilians were killed and 20 wounded by ISAF fixed-wing aircraft during CAS missions in the first six months of 2011. Although CAS has improved, mistakes continued to claim the lives of Afghans civilians.

- On 28 May, an airstrike in Helmand from an AV-8B Harrier killed 12 civilians, including six children, and injured eight.
- On 17 April, a B-1 killed four children and injured two children and a 19-yr old when it attacked anti-government elements on the ground. Two anti-government elements

⁵² UNAMA uses the Close Air Support and Close Combat Attack definitions as provided by the ISAF Civilian Casualty Tracking Cell which lists CAS as missions from fixed-wing aircraft and CCA as missions from rotary-wing aircraft.

⁵³ U.S. Air Forces Central Public Affairs, News Release, "Combined Forces Air Component Commander 2008-2011 Airpower Statistics," July 4, 2011.

were reportedly killed. The children were collecting water from a nearby pond for their livestock.

- On 18 January, an F-16 responding to a “Troops in Contact” firefight killed six civilians and wounded one. Three of the dead were children.

Civilian casualties for air strikes involving Close Combat Attack (CCA) rotary-wing aircraft (helicopters) have risen over the last three years. Apache helicopters are responsible for the majority of civilian deaths from air strikes. In all of 2009, 25 civilians were killed by ISAF helicopter strikes (seven percent of civilians killed by airstrikes); in all of 2010, 56 were killed by ISAF helicopter strikes (33 percent of civilians killed by air strikes).⁵⁴ In the first five months of 2011, at least 44 civilians were already killed by ISAF helicopters and 20 wounded (56 percent of civilian deaths from air strikes). At least 11 of the victims were children killed as they were doing farm work. ISAF should take immediate steps to reduce civilian casualties from CCA, particularly as this is the continuation of a three-year trend that could have been identified by ISAF and corrected.

- On March 14 in Chawki district, Kunar province, an Apache helicopter fired a Hellfire missile and canon rounds at two children, killing both. The boys had been irrigating their farm when the Apache mistook them for planting IEDs.
- On 1 March in Manogay district, Kunar province, an Apache helicopter strike targeting anti-government elements killed nine children and injured one. The children were collecting firewood when they were killed.
- On 6 February in Marja district, Helmand province, one child and one adult were killed when an Apache fired a Hellfire missile, hitting their home.

UNAMA notes that it is not fully clear whether the increase in civilian casualties from helicopters is due to an increase in the number of helicopter strikes or due to problems in tactics, techniques, and procedures. ISAF does not publish figures for CCA, unlike CAS which is publicly available. It is possible an increase in helicopter missions led to an increase in civilian deaths; however, CAS missions dropped 51 percent more bombs than the same period in 2010 and reduced civilian casualties, so more bombs does not necessarily mean more civilians will be killed. Helicopters should logically lead to lower civilian casualties due to the decreased yield of their smaller weapons compared to fixed-wing aircraft. Helicopters also have an ability to loiter above a target longer than a fixed-wing aircraft which should improve their ability to get positive identification (PID) of a target.

In addition, in some cases UNAMA documented an apparent lack of precautionary measures that led to civilian casualties from helicopters. In one incident, an Apache helicopter killed two children in the Chawki district. The children were farming at night so the water from irrigating their fields would not evaporate during the hot Afghan days, a common practice in Afghanistan. The Apache crew apparently believed the children were planting IEDs. Effective precautionary measures include maintaining a clear

⁵⁴ E-mail correspondence between ISAF Civilian Casualty Tracking Cell and UNAMA HR on July 9, 2011. According to ISAF, there were 25 civilians killed by CCA in 2009, 56 in 2010, and 14 in the first half of 2011. UNAMA notes the difference between the ISAF and UNAMA numbers for 2011 are due to differences in definitions and because UNAMA has a number of incidents where UNAMA documented civilian casualties but the JIAT found no civilian casualties. UNAMA documented a total of 171 civilian deaths from all airstrikes in 2010 and 359 in 2009.

understanding of the environment in which the attack is being launched. A better cultural understanding of the situation may have prevented the boys' deaths.

UNAMA recommends ISAF immediately investigate why civilians are being killed at an increased rate by Apache helicopters. It is imperative to train helicopter crews in the Tactical Directives and that these pilots implement them. If there are reasons specific to the nature of the Apache that result in civilians being killed at increased rates, it is important ISAF address these.

Night Raids

Civilian casualties from night raids decreased 15 percent in the first six months of 2011 while the number of night raids increased.⁵⁵ Although civilian casualties from night raids decreased, they remain one of the most despised tactics in the eyes of the Afghan population. UNAMA documented 30 civilian deaths and 14 injuries from night search operations/compound searches in the first half of 2011. Concerns remained, however, about the full and consistent implementation of the "Night Raids Tactical Directive," procedures on the ground and the lack of transparency on investigations.

In the publicly releasable portion of the "Tactical Directives on Night Raids 23 January 2010" it clearly states "Afghans must be in the lead wherever possible...ANSF should be the first force seen and the first voices heard by the occupants of any compound entered," and "All searches will be led and accomplished primarily by ANSF forces."⁵⁶ UNAMA is concerned that ISAF is not fully applying the Night Raids Tactical Directive at all times. Consequence management (communication with affected local communities) also needs to be improved and UNAMA recommends Afghan elements and/or ISAF promptly brief local communities in full after each night raid, including on disclosure of evidence found in the raid.

- On 18-19 February, a nine year old boy was killed and his two sisters (12 and 18) were seriously injured during a joint IMF/ANSF night raid in Baghlan-Jaded District, Baghlan province.
- On 26 February, three civilians were killed during a night raid in Tarnak Wa Jaldakk district in Zabul province.
- On 15 February in Nawa-E-Barakzai district, Helmand province, four civilians were killed during a night raid.
- On 5 February in Helmand province two civilians were killed during a night raid in Musa Qala district.

Violent demonstrations and riots were sometimes a consequence of night raids. On May 18, in Taloqan city in Takhar province, ANP faced a crowd of more than 1,000 civilians demonstrating against a night raid by US Special Forces that killed two allegedly armed women and members of the Islamic Movement of Uzbekistan. The crowd was also enraged by infiltrators spreading rumors American forces had raped the women before killing them. When the crowd approached the district governor's office the ANP

⁵⁵ Accurate figures regarding night search operations are difficult to obtain given the frequency and wide scope of operations conducted by ISAF, ANA, international and national Special Forces and ANBP, both independently and jointly. See footnote 25 for more information.

⁵⁶ ISAF News Release, Headquarters International Security Assistance Force, "ISAF Issues Guidance on Night Raids in Afghanistan," 4 March 2010.

fired warning shots. When the crowd failed to disperse the ANP opened fire into the crowd killing at least 14 civilians and injuring 79. The crowd then attacked a nearby German military base and did not disperse until the Afghan National Army arrived.

The Afghan National Police are not trained or equipped for crowd control. Without such training and non lethal options the ANP often resort to warning shots followed by opening fire on crowds of civilians with live ammunition. In three cases alone in the first six months of 2011, at least 25 civilians were killed and 159 injured by the ANP during crowd control operations.

UNAMA is concerned by the high numbers of civilian casualties in crowd control incidents. Although these are not directly conflict-related deaths included in the overall figures for civilian casualties in this report, the urgent need exists for the Afghan Government and the ANP to properly address this issue to reduce civilians deaths and injuries from possible inappropriate and excessive use of force.

It is imperative the ANP become equipped with proper riot control agents, crowd control equipment, and receive training in the appropriate legal use of lethal and non-lethal alternatives.

Ground combat and armed clashes

Civilians continue to die as a result of ground combat by pro-government forces.⁵⁷ UNAMA documented 66 civilian deaths from an increase in armed clashes and the use of indirect fire, such as mortars, to support ground forces, especially in the south and southeast. Ground combat kills and injures civilians, destroys property, including homes, and is a cause of displacement of civilians.

- On 20 February, a mother and father and four of their children were killed and their two other children injured when their house was hit by a 120 mm mortar round. International military forces were firing at a group of suspected anti-government elements believed to be planting IEDs when the family's home was struck. The father was a security guard at a local international military base.
- On 28 March, a father and his daughter were killed and another adult male injured when an ISAF mortar round hit their residence in Helmand province during an armed clash with anti-government elements.
- On 27 May in Helmand province, a farmer was returning home from irrigating his land when an ISAF patrol mistook him for an insurgent and shot him. The farmer had been carrying a shovel in an area anti-government elements had been using.

Escalation of Force

After a decade, pro-government forces are still killing and injuring Afghan civilians at checkpoints and from convoys, although those numbers are decreasing. In the first six months of 2011 a total of 30 civilians were killed and 14 were injured in EOF incidents, primarily in the south. During the same period in 2010, UNAMA documented 36 civilian

⁵⁷ UNAMA defines the "ground combat" and "armed clashes" category as civilian deaths or injuries from direct fire or indirect fire weapons originating from ground forces where the perpetrator is identifiable. Crossfires are counted in the unattributed category.

deaths and 36 injured as a result of escalation of force incidents, a 17 percent decrease in civilian deaths from the same period in 2010.

UNAMA suggests to ISAF that an alternative to employing lethal force is not to engage. According to ISAF Standard Operating Procedure 373 on Escalation of Force, essential equipment for ISAF vehicle control points and cordon parties include stop signs, warning signs, speed bumps, tire shredders, flares, traffic cones, and bull horns.⁵⁸

ISAF should take steps to ensure all checkpoints are equipped with non-lethal alternatives and forces should be trained in their proper and legal use.

UNAMA also recommends ISAF implement a new round of public service announcements on radio in particular to ensure all Afghan civilians are aware of proper checkpoint and convoy procedures.

- On 17 April, two passengers in a civilian vehicle were wounded in Maywand district, Kandahar province by small arms fire from international military forces when their car failed to stop at a stop sign.
- On 29 April, in Maywand district, Kandahar province, international military forces shot and wounded a civilian male riding on motorcycle as he approached the convoy.
- On 07 March, in Qalat district, Zabul province, international military forces shot and killed a civilian driver after he failed to follow instructions from the military.
- On 29 May 2011, in Lashkar Gah city, Helmand province, ANA opened fire at a vehicle after the driver lost control of vehicle and drove too quickly past the Karta Lagan security check post, killing the driver and injuring another.
- On 14 March, in Tirin Kot district, Uruzgan province, ANP shot and wounded a civilian male after he failed to heed ANP stop signals. A similar incident occurred on 14-15 June 2011 in Lashkar Gah city, Helmand province, when ANP shot and killed another civilian driver.
- On 2 May, in Ghazni city, Ghazni province, international military forces shot and wounded a driver after he failed to heed hand instructions from a military convoy.

⁵⁸LTC Gilbert Overmaat, "Actions Speak Louder than Words: Escalation of Force and CIVCAS," ISAF COIN Common Sense, Volume 1, Issue 1, February 2010, accessed at: <http://www.isaf.nato.int/COIN-publication/feb10.pdf>.

APPENDIX 1

MAY DEADLIEST MONTH FOR AFGHAN CIVILIANS

KABUL – 11 June 2011 – May 2011 was the deadliest month for Afghan civilians since at least 2007, the United Nations Assistance Mission in Afghanistan (UNAMA) said today. UNAMA documented 368 conflict-related civilian deaths in May and 593 civilian injuries.

“More civilians were killed in May than in any other month since 2007 when UNAMA began documenting civilian casualties,” said Georgette Gagnon, Director of Human Rights for UNAMA.

“We are very concerned that civilian suffering will increase even more over the summer fighting season which historically brings the highest numbers of civilian casualties. Parties to the conflict must increase their efforts to protect civilians now.”

Anti-government elements were responsible for 301 civilian deaths (82 per cent of all civilian deaths in May).

Forty-five civilian deaths (12 per cent of all civilian deaths in May 2011) were attributed to pro government forces.

Twenty-two deaths or six per cent of civilian deaths in May 2011 could not be attributed to any party to the conflict as most of these deaths were caused by crossfire.

Improvised explosive devices (IEDs) continued to kill and injure the most Afghan civilians in May taking 119 lives and causing 274 injuries (40 per cent of civilian deaths attributed to antigovernment elements). These devices caused 41 per cent of all civilian casualties in May. The large majority of IEDs in Afghanistan are pressure-plate devices which are indiscriminate in nature. They are often placed alongside roads and in busy commercial areas thus leading to civilian casualties. The widespread use by anti-government elements of these weapons is a violation of international humanitarian law.

Ground combat by pro-government forces caused six percent of all civilian deaths in May.

Civilian casualties attributed to ground combat have been increasing since the beginning of the

Taliban’s spring offensive. Air strikes caused three per cent of the total civilian deaths in May.

UNAMA is preparing its mid-year report on protection of civilians for release in early July which documents in detail the extent of and responsibility for civilian casualties for the first six months of 2011. However, as May was the deadliest month for Afghan civilians since 2007, UNAMA is releasing this interim statement calling for protection of civilians now.

Statement of the Islamic Emirate in response to UNAMA's one sided statement on civilian casualties

Sunday, 12 June 2011

The political wing of the United Nations, UNAMA) has said in its report that the casualties inflicted to civilian in May 2011 were incomparable in the last four years. The report states that 368 civilians were killed and 593 were wounded in this month, and 82 per cent of those killed (301 persons) are attributed to the Mujahedeen and only 12 per cent (45 people) is attributed to the invaders and their puppet regime's operations, while only 3 per cent of that is attributed to the attacks of the so called peace keeping forces air raids. At the end, UNAMA has called on the Mujahedeen and their opposing parties to pay due attention to prevention of civilian casualties.

It is a matter of regret that despite repeated claims of impartiality, the UN implements a one sided policy, and not only on civilian casualties but in connection with political, cultural, economical, ethical and military aspects of the ongoing conflict in Afghanistan, they have sided with the colonialists in the past ten years and unfortunately they are continuing doing it and this statement on civilian casualties is a clear evidence of that. It seems that similar to American Generals and Commanders, the officials of UNAMA have become incapable of analyzing the current situation of Afghanistan, and in particular the assessment of the armed conflict, just like the leading American commander, Gen. Petraeus, who had said upon his incorrect judgment on Ghaziabad bloody event which led to 70 civilians death where most of them were children that: "The Afghans intentionally have killed and cremated their children in order to show the number of civilian casualties higher in the American bombardment".

The UNAMA officials here again have forgotten the blind bombardment of the invaders on Doab district of Nuristan province that led to affecting 300 people, most of them civilians, particularly women and children, as stated by eye-witnesses and parliamentarians of that province. In addition to the Doab event, the number of civilian Afghans martyred and wounded by the invaders in the month of May in every corner of the country would number many fold of what is mentioned by UNAMA. We want to present in the following lines an exemplar picture that will not be similar to UNAMA and Kabul administration's baseless, imaginary and dictated numbers, but will be based on evidence with details of specific place, date, time and other relevant information.

On 1st May, in Fandi area of Baraki Bark district of Logar province, two children were martyred by American's firing and three women were wounded. On 2nd May, in Omarzo village of Sang-i-Atash district of Badghis province, in a military raid one community leader was martyred and two others were detained. On May 6th, in one area of Rubat-i-Sangi district of Herat province, a reputable religious figure (Said Haji Guljan Agha) who has thousands of followers and loyal people to him, was taken out from his convent and was martyred later. On the night of 14 May, in Lajgar village of Hisarak district of Nangarhar province, a 10 years child (Bilal son of Awal Gul) who was asleep was shot to death. On 16th May at night time, the invaders killed one child in Ghaziabad district of Kunar province and wounded three others. Again on 16th May, in Abdur Rahim village of Andar district of Ghazni province, bombs were shelled on civilians leading to martyrdom of three and wounding of five. On 18th May in a night raid in Saeedan village of Langar area in Tirinkot of Uruzgan province, the invaders have killed five civilians while 14 others are taken away and detained. On the night of 18th May, the invaders have killed five people, including women, in Ahandara area, three Kilometers away from Taloqan in Takhar province. In response to this event the local people protested and rallied a public

march where the army of democracy killed and wounded 135 civilians. On 19th May, in Miro village of Sarwan-Kala area of Sangin district of Helmand province, three civilians were killed by invaders. The invader forces fired at wedding cars on the night of May 20th in Lwara area of Sangin district of Helmand province leading to martyrdom of a reputable religious scholar and Shaikh-ul Hadith named Mawlavi Noor Agha, while other 6 civilians were wounded. In a raid on 20th May in Dalki-Surkh area of Dara-e Boom district of Badghis province, the invaders killed three civilians while detained three others. On the same date in a raid in vicinity of Dish district center in Helmand province, the invader soldiers detained Haji Din Mohammad Aka while killing her little daughter in the firing. On 25th May, in Doab district of Nuristan province, as a result of air bombardment of the invaders, 300 civilians were wounded and killed which was confirmed by Nuristani parliamentarians in the Kabul Administration. On 29th May, in Salam Bazaar area of Nawzad district of Helmand province, two houses were hit by bombs leading to killing of 14 children and women and wounding some others. On 31st May, In Badam village of Onakhi area of Saidabad district of Maidan, Wardak province, in a raid by American forces one woman was killed and one man was wounded and 20 civilians Afghans were detained. In this raid, in addition to the casualties, damage was inflicted to the property of people and upon statement of eye witnesses, seven cars, three houses and one seminary of the people were completely burnt. Despite the above mentioned documented information, UNAMA attributes only 12 per cent of the casualties to the invaders' and their puppet regime's operations and only 3 per cent of the casualties are attributed to the so called peace keeping forces.

The Islamic Emirate of Afghanistan has proposed repeatedly to the UN, Human Rights defender organizations and the opposing party to come and take decisive steps for research on civilian casualties and the prevention of that together with us, and identify the perpetrators and instead of talking about it, take practical measures in order to find out exact numbers of civilian casualties that should help prevention of that. Unfortunately, despite repeated stand and suggestions of the Islamic Emirate, no organization or their branches have responded. It looks like there is something hidden behind, and this report and others published on civilian casualties funded by the US embassy and their intelligence circles are only propaganda and unethical project that is used to deceive Afghans and the international community. But, they should know that the Afghan people are aware of the ominous objectives of the invaders, particularly of the baseless accusations relevant to civilian casualties of the Mujahedeen. Because, the people are practically victims of the different types of the crimes of the deeds of the "peace keeping" armed forces and the people can see everything with their eyes and it is impossible to cheat them. At the end, it is necessary to mention that we identified and presented the figures and relevant details on civilian casualties committed by the invaders in the month of May, which are documented and show exactly the time and place, then UNAMA should do a favor and prove and publish what, where and how have inflicted the over 80 per cent of the civilian casualties in order to make it clear that whether they are saying the truth or they just air propaganda in favor of their funders.

Islamic Emirate of Afghanistan

UNAMA response to June 12, 2011 statement of the Islamic Emirate in response to UNAMA's June 11, 2011 statement on civilian casualties

UNAMA reviewed the 15 cases of civilian casualties raised in the Islamic Emirate's June 12 statement and offer the following response:

Cases:

- 1) "On 1st May, in Fandi area of Baraki Bark district of Logar province, two children were martyred by American's firing and three women were wounded."
 - a. UNAMA verified the case which was reported in UNAMA weekly report.
 - b. Field investigation showed three girls killed ages eight, 13 and 16 and two civilians (mother and brother of three girls) injured by mortar.
 - c. Perpetrator of civilian casualties unclear.
- 2) "On 2nd May, in Omarzo village of Sang-i-Atash district of Badghis province, in a military raid one community leader was martyred and two others were detained."
 - a. The incident was not reported by any other sources.
 - b. Field office unable to verify incident due to remote location with limited access and telephone coverage.
- 3) "On May 6th, in one area of Rubat-i-Sangi district of Herat province, a reputable religious figure (Said Haji Guljan Agha) who has thousands of followers and loyal people to him, was taken out from his convent and was martyred later."
 - a. This incident was not reported on this day and likely reported on a different day.
 - b. Local government official reported the individual was killed by pro-government forces, but stated the individual was linked to the Taliban. Civilian status of individual killed unclear.
- 4) "On the night of 14 May, in Lajgar village of Hisarak district of Nangarhar province, a 10 years child (Bilal son of Awal Gul) who was asleep was shot to death."
 - a. The report was verified and reported in UNAMA weekly report.
 - b. Field investigation found a 15-year old boy killed by international forces during a night raid.
- 5) "On 16th May at night time, the invaders killed one child in Ghaziabad district of Kunar province and wounded three others."
 - a. The report was verified and reported in UNAMA Weekly report.
 - b. Field investigation found a rocket fired by international military forces killed one child (girl) and wounded three other children (girls).
- 6) "Again on 16th May, in Abdur Rahim village of Andar district of Ghazni province, bombs were shelled on civilians leading to martyrdom of three and wounding of five."
 - a. The report was verified and reported in UNAMA weekly report.
 - b. Field investigation found one adult male killed and one adult male injured, two children injured by crossfire between international military forces and anti-government elements. Perpetrators of death and injuries not clear.

- 7) "On 18th May in a night raid in Saeedan village of Langar area in Tirinkot of Uruzgan province, the invaders have killed five civilians while 14 others are taken away and detained."
 - a. The incident was not reported by any sources.
 - b. Field office opened an investigation which is ongoing and unable to verify report of civilian casualties at this time.
- 8) "On the night of 18th May, the invaders have killed five people, including women, in Ahandara area, three Kilometers away from Taloqan in Takhar province. In response to this event the local people protested and rallied a public march where the army of democracy killed and wounded 135 civilians."
 - a. The incident was reported in UNAMA weekly report.
 - b. Field investigation verified four deaths; two men and two women in a night raid, and 14 killed and 79 injured during demonstrations.
- 9) "On 19th May, in Miro village of Sarwan-Kala area of Sangin district of Helmand province, three civilians were killed by invaders."
 - a. The incident was not reported by any sources.
 - b. Field office opened an investigation which is ongoing and unable to verify report of civilian casualties at this time.
- 10) "The invader forces fired at wedding cars on the night of May 20th in Lwara area of Sangin district of Helmand province leading to martyrdom of a reputable religious scholar and Shaikh-ul Hadith named Mawlavi Noor Agha, while other 6 civilians were wounded."
 - a. The incident was not reported by any sources.
 - b. Field office opened an investigation which is ongoing and unable to verify report of civilian casualties at this time.
- 11) "In a raid on 20th May in Dalki-Surkh area of Dara-e Boom district of Badghis province, the invaders killed three civilians while detained three others."
 - a. The incident was not reported by any sources.
 - b. Field office unable to verify incident due to remote location with limited access and telephone coverage.
- 12) "On the same date in a raid in vicinity of Dish district center in Helmand province, the invader soldiers detained Haji Din Mohammad Aka while killing her little daughter in the firing."
 - a. The incident was not reported by any sources.
 - b. Field office opened an investigation which is ongoing and unable to verify report of civilian casualties at this time.
- 13) "On 25th May, in Doab district of Nuristan province, as a result of air bombardment of the invaders, 300 civilians were wounded and killed which was confirmed by Nuristani parliamentarians in the Kabul Administration."
 - a. The incident was reported and partially verified.

- b. Casualty figures vary widely and the field office is continuing to investigate. At this time, UNAMA states that it is probable civilian casualties occurred and consider the number of civilian casualties provided by the provincial authorities as most likely (18 civilians killed including women and children and 30 injured). It is likely the numbers of civilian casualties are higher but UNAMA cannot confirm as of this date.
- 14) "On 29th May, in Salam Bazaar area of Nawzad district of Helmand province, two houses were hit by bombs leading to killing of 14 children and women and wounding some others."
- a. The incident was reported and verified.
 - b. Field investigation found 12 civilians killed (including six children and two women) and at least eight injured (including two children and one woman).
- 15) "On 31st May, In Badam village of Onakhi area of Saidabad district of Maidan-Wardak province, in a raid by American forces one woman was killed and one man was wounded and 20 civilians Afghans were detained."
- a. The incident was reported and verified.
 - b. Field investigation found one woman killed, one male translator injured.

PREPARED BY UNAMA JUNE 19, 2011