

AFGHANISTAN
HUMAN RIGHTS AND
PROTECTION OF CIVILIANS IN ARMED CONFLICT
SPECIAL REPORT ON KUNDUZ PROVINCE



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United Nations Assistance Mission in Afghanistan



United Nations Office of the High Commissioner
for Human Rights

Kabul, Afghanistan

December 2015

**Kunduz Province
Afghanistan**



UNAMA

Legend

Information

- Primary Roads
- Secondary Roads
- Streams
- Main River

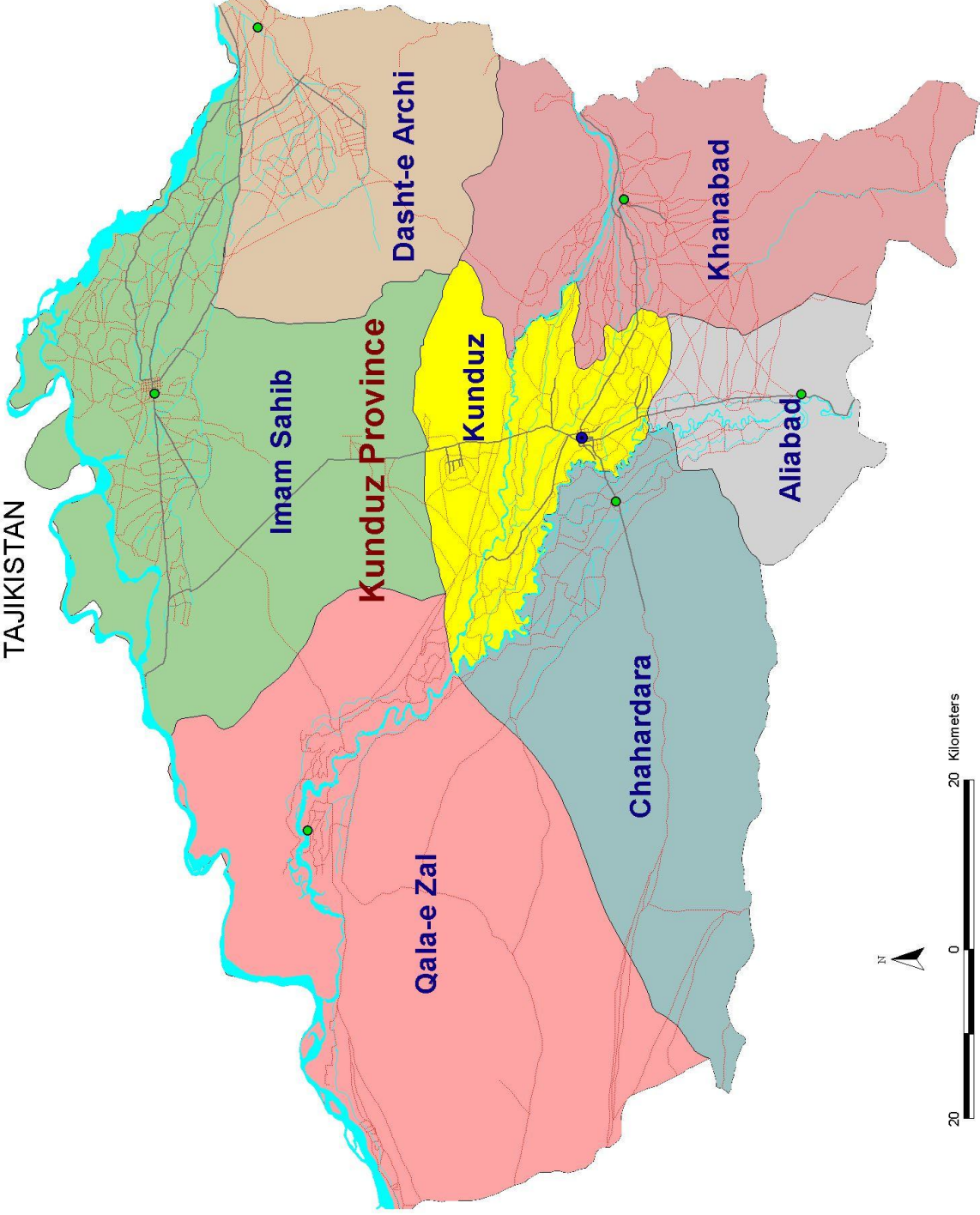
**Kunduz Province
Districts**

- Aliabad
- Chahardara
- Dasht-e Archi
- Imam Sahib
- Khanabad
- Kunduz
- Qala-e Zal
- Provincial Capital
- District Capital

Note:
The Boundaries and names on the map do not imply official endorsement or acceptance by the United Nations.

Map Produced by :
ANDS Support Unit
UNAMA Kunduz
Print Date:
2 nd February 2010

TAJIKISTAN



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Photo on Front Cover © 2015/ Jawed Omid/Xinhua. A man searches for the bodies of his relatives inside the ruins of the *Médecins Sans Frontières* hospital in Kunduz city. (On 3 October, a United States AC-130 aircraft carried out a series of airstrikes against the hospital, resulting in at least 30 deaths and 37 injured).

Photo taken on 11 October 2015.

"Citizens of Kunduz were subjected to a horrifying ordeal. The street by street fighting coupled with a breakdown of the rule of law created an environment where civilians were subjected to shooting, other forms of violence, abductions, denial of medical care and restrictions of movement out of the city."

Nicholas Haysom, United Nations Special Representative of the Secretary-General in Afghanistan, Kabul, 25 October 2015.

"This event was utterly tragic, inexcusable, and possibly even criminal. International and Afghan military planners have an obligation to respect and protect civilians at all times, and medical facilities and personnel are the object of a special protection. These obligations apply no matter whose air force is involved, and irrespective of the location."

United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein, Geneva, 3 October 2015, public statement about attack against the Médecins Sans Frontières hospital.

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Summary

This special report on the human rights situation in Kunduz province was prepared by the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA). The report received technical input from the Office of the United Nations High Commissioner for Human Rights (OHCHR).

The report covers the period from 28 September to 13 October 2015¹ and presents the preliminary findings by UNAMA regarding civilian protection concerns, potential violations of international humanitarian law and human rights violations and abuses following the Taliban's attack and control of Kunduz city, the initial phase of the counter-offensive by pro-Government Forces and the period that ensued until Government forces regained control of the city.

The report documents harm inflicted on civilians and civilian property, and related human rights concerns. UNAMA received credible reports of 848 civilian casualties (289 deaths and 559 injured) that occurred in Kunduz city and surrounding districts between 28 September and 13 October. These figures are preliminary and may increase as UNAMA continues its efforts to verify additional civilian casualty reports with three types of sources.² The vast majority of casualties documented so far resulted from ground fighting that could not be attributed solely to one party³, and 67 of these casualties (30 deaths and 37 injured)⁴ resulted from an airstrike carried out by international military forces on a *Médecins Sans Frontières* (MSF) hospital on 3 October.

The battle following the Taliban's attack on the city led to a loss of protection of the most basic human rights, including the rights to life and security of person. The deterioration of security, the breakdown of the rule of law and the absence of governance enabled an environment in which civilians were subjected to arbitrary killings, assault, other forms of violence, including gender-based violence, threats and widespread criminality.

Mandate

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

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

¹ Taliban forces occupied Kunduz city or parts of the city from 28 September to 13 October 2015. See: Statement of Islamic Emirate concerning withdrawal from central areas of Kunduz city, available at <http://shahamat-english.com/statement-of-islamic-emirate-concerning-withdrawal-from-central-areas-of-kunduz-city/>, last accessed 23 October 2015.

² Additional information on civilian casualties from the period covered by this report will be detailed in the UNAMA 2015 Annual Report on Protection of Civilians in Armed Conflict.

³ In these cases of ground engagements in which a civilian casualty could not be attributed to one party, UNAMA attributes responsibility to both Pro-Government Forces and Anti-Government Elements.

⁴ In an email dated 9 December 2015, MSF provided UNAMA with updated casualty figures for the airstrike on the hospital, stating that "the death toll has risen to 42". UNAMA is in the process of verifying these revised figures.

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 with all parties to the conflict 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.

Methodology

The findings of this report are based upon 326 interviews conducted by UNAMA human rights staff, between 28 September and 1 December 2015, with residents of Kunduz city and civilians displaced to other locations in Afghanistan, including Mazar-e-Sharif city (Balkh province), Taloqan city (Takhar province), Faizabad city (Badakhshan province) and Kabul city.

UNAMA carried out 136 face-to-face interviews with victims and witnesses displaced from Kunduz. It also conducted over 190 telephone interviews, with victims, witnesses and other directly involved persons including medical practitioners, community leaders, Government officials and other interlocutors. The findings set out in this report are primarily based on the credible and consistent accounts provided by these multiple and varied sources. Due to insecurity and the relocation of all staff from the UNAMA office in Kunduz, human rights officers could not conduct investigations in Kunduz city.

In addition to gathering information from primary sources on specific incidents, UNAMA obtained data from hospitals and other medical facilities. The Department of Public Health in Kunduz provided UNAMA with figures of injured civilians treated in its facilities (as well as the number of dead civilians it received) up to 3 October, after which all major health facilities in Kunduz city ceased functioning⁵ or stopped recording civilian casualty figures due to limited staffing⁶ and the high volume of patients. UNAMA obtained additional information from the Department of Health in Kunduz province after they resumed normal operations. UNAMA also obtained data on injured civilians treated in the MSF hospital before it was hit by an airstrike on 3 October.

UNAMA also obtained data on injured civilians from Kunduz treated in Department of Public Health hospitals in Taloqan (Takhar province), Pul-i-Khumri (Baghlan province), and Mazar-e-Sharif (Balkh province). Whilst the Department of Public Health categorized its figures as representing “civilian casualties”, UNAMA has not yet been able to fully verify the status of each of the reported victims.

Monitoring and Verification Constraints

Due to the prevailing security conditions, the methodology used to compile this report differs from that routinely employed by UNAMA to verify civilian casualty incidents or human rights violations or abuse carried out in the context of the armed conflict for its reports on Protection of Civilians in Armed Conflict. For an incident involving a civilian casualty to be considered verified, the standard UNAMA methodology requires confirmation from at least three types of sources having independent knowledge of the incident – i.e. victim, witness, medical practitioner, local authority, a party to the conflict or another appropriate source. Wherever possible, investigative findings are based on primary accounts of victims and/or witnesses of the incident and on-site investigation. At the time of

⁵ The MSF hospital in Kunduz city ceased functioning on 3 October, after international military forces conducted an airstrike on the hospital compound, severely damaging the main hospital building.

⁶ After 3 October, the Kunduz public health hospital reduced its staff to four nurses and two doctors providing emergency first aid.

writing, UNAMA was unable to conduct on-site investigations, primarily due to security related constraints affecting access.

In gathering the information used to prepare this report, UNAMA therefore faced severe constraints in gaining access to victims and witnesses. On 28 September, UNAMA relocated all national and international staff from its Kunduz office to alternative locations, from where they remained in telephone contact with sources in Kunduz city and other parts of the country. At the time of writing this report, UNAMA staff members had not yet returned to Kunduz and were therefore still unable to carry out on-site investigations or verification in Kunduz.

The large scale and widespread conflict-induced displacement of civilians, including community leaders, human rights defenders and those working for humanitarian organizations and other non-governmental organizations (NGOs), also affected the ability of UNAMA to gather information through its usual networks on the ground.

In order to accurately assess the human rights situation with a limited scope of outreach, UNAMA relied on a wide range of monitoring techniques in order to gain information through reliable alternative networks.

In compiling this report, UNAMA received allegations of violence, including violence carried out against women and girls by unidentified armed men. Due to the security situation, the prevailing environment of fear and UNAMA lack of direct access to the affected region, corroborating these allegations proved challenging.

I. Overview

Background

During Taliban offensives in Kunduz province between 24 April and 13 May 2015, and again between 20 and 30 June 2015, the Taliban gained increasing control of territory surrounding Kunduz city and other parts of the province. At the time of the attack on Kunduz city on 28 September, the Taliban controlled the Dasht-e-Archi district administrative centre, large parts of Chahar Darah, Qala-e-Zal and Imam Saheb districts, and periodically controlled the Chahar Darah district centre.

Despite the steady expansion of Taliban territorial control in Kunduz province between April and June 2015 and the increasing likelihood of further Taliban offensives against the city, it appears that insufficient security measures were taken ahead of the 28 September offensive, allowing the city to fall relatively quickly. Part of the inability of security institutions to secure the safety of the civilian population in Kunduz stemmed from weak working relationships among provincial authorities in Kunduz, with well-publicized disputes between top provincial authorities in the months preceding the Taliban's September offensive. In addition, there appears to have been a level of infiltration of the city by the Taliban in the period immediately preceding the Eid holiday.

Since 2011, UNAMA has documented continuous human rights violations by Afghan Local Police (ALP) units and human rights abuses by pro-Government armed groups in Kunduz province. In many cases, the violations and abuses were related to local, political, tribal, and ethnic-based disputes. The human rights violations and abuses included extrajudicial killings, ill-treatment, extortion, theft, and intimidation, and largely went unpunished, contributing to a climate of impunity and fuelling dissatisfaction toward the Government.

The combination of these elements, and increasing tactical gains by the Taliban in Kunduz province enabled conditions conducive for the capture and occupation of Kunduz city and surrounding areas. It also manifested a limited capacity of the Government to safeguard the human rights of the civilian population.

Summary of Taliban Attack and Occupation of Kunduz City

In the early hours of 28 September 2015, the Taliban launched an attack against Kunduz city, the provincial capital of Kunduz province, in the Northeastern region of Afghanistan.

Sources interviewed by UNAMA consistently described the attack as appearing to be well-planned, with the Taliban encountering little resistance as they entered and occupied the city centre and pushed Afghan security forces back to positions at Kunduz airport. Once inside the city, the Taliban immediately freed over 600 male prisoners⁷ from the Kunduz prison, allegedly providing some with weapons, and thereby enabling them to join the fight against Afghan security forces.

In the days following the Taliban capture of the city, Afghan security forces, with the assistance of international military forces, launched a counter-attack. By mid-day on 1 October, the Government claimed to have re-captured large parts of the city. However, fighting continued for almost two weeks as Afghan security forces, with the assistance of international military forces, attempted to dislodge Taliban fighters from positions in the north, east and west of the city.

⁷ The women held at the prison also left the Kunduz prison at this time.

During the attempt to re-take Kunduz, on 3 October, international military forces carried out an airstrike on the MSF hospital in Kunduz city, killing and injuring large numbers of patients and hospital staff.

Heavy fighting between Afghan security forces and Taliban continued until 13 October when the Taliban formally announced their withdrawal from Kunduz city.

Allegations of Human Rights Violations and Abuses and Violations of International Humanitarian Law

The insecurity, absence of governance and the breakdown of rule of law during this period resulted in a loss of protection of the most basic human rights, including the rights to life and security of person. This chaos enabled an environment in which arbitrary killings, and other forms of violence against civilians and civilian objects, criminality and destruction of civilian property took place.

UNAMA also received several reports of individual incidents of targeted and deliberate killings during the attack on and subsequent occupation of the city. UNAMA received conflicting reports of violence against women and girls carried out by armed men. These reports are not yet verified, but provide an indication of the levels of fear, instability and insecurity prevalent in Kunduz city during the Taliban's occupation of the city, particularly the first week. UNAMA received several reports of civilians being killed by 'sniper-fire' from unknown persons and locations as they ventured from their homes in search of food or water or to flee the city.

UNAMA confirmed that during the first days of their occupation of Kunduz city, Taliban fighters carried out systematic searches for women's rights and civil society activists, human rights defenders, and staff members of NGOs and other international organizations, including UNAMA. These systematic searches created an environment of fear and resulted in widespread displacement of these individuals.

UNAMA received varying reports of Taliban behaviour during the occupation of Kunduz city. As noted above, dozens of interlocutors stated that they had left the city due to security concerns arising from the Taliban's systematic searches for civilians associated with human rights-related work, or working for international organizations and media. UNAMA also received differing accounts regarding Taliban conduct in hospitals. Medical personnel in both major hospitals in Kunduz stated that Taliban fighters had respected the neutral provision of medical care. For example, several reported that Taliban did not occupy the hospitals, but brought in the injured for treatment, and ensured that fighters did not enter women's wards. Other witnesses reported firsthand accounts of armed men physically and verbally abusing women healthcare staff, occupying the provincial hospital, entering a maternity ward and impairing access of pro-Government *hors-de-combat* fighters to health care.

Regarding the conduct of Afghan security forces, UNAMA received several reports that Afghan soldiers stopped vehicles transporting injured persons to Kabul for medical treatment and harassed occupants.

Rights to Food, the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, and Education

Throughout the Taliban occupation of Kunduz city, an estimated 150,000 residents remained in their homes, unable to flee due to heavy fighting in parts of the city, fear of leaving their home, and poverty (residents could not afford the transportation costs). Those remaining in the city consistently reported severe food shortages or unaffordable food, lack of clean water and no

electricity. The violence also led to the displacement of over 13,000 families to different parts of the country.

The 3 October international military airstrike resulted in the destruction of the main building of the MSF hospital and significantly impacted the overall availability of health services, not only in Kunduz city but in the whole region.

The violence also directly impacted children's access to education and health services. During the fighting, all 497 schools in Kunduz were closed, thereby depriving more than 330,000 children of their access to education.

Theft and Destruction of Civilian Property

At the onset of their operations, the Taliban issued public statements indicating that civilians, including Government workers, would not be harmed. In the 'Statement by the Leader of Islamic Emirate concerning liberation of Kunduz city', published on the Taliban website on 28 September, the Taliban explicitly directed its fighters to "safeguard the lives, property and honor of the respected citizens of the city of Kunduz" and to prevent looting and protect the civilian population. The statement reassured citizens about their property and security and directed that "all traders, workers, staff of hospitals, municipality and governing bodies should continue their daily routines without any fear or intimidation."⁸ The Taliban issued a separate "Statement by Commission for Control and Administration of NGOs and Companies" on the same day, calling "all workers of NGOs, private companies and Telecommunication Networks to continue their work normally". The statement included contact numbers for a "Main Branch" and "Kunduz Branch" to resolve any issues preventing them from performing their regular functions.⁹

Despite these early statements, individuals interviewed by UNAMA described a different reality on the ground. Sources confirmed that some Taliban fighters and/or opportunistic criminals entered and ransacked the UNAMA Kunduz office, as well as the offices of the Afghan Independent Human Rights Commission, several local and international NGOs, media outlets, and the Department of Women's Affairs and other Government offices. In some cases, the Taliban reportedly removed confidential documents from these offices, and generally looted assets and equipment, including NGO, United Nations and humanitarian organizations' vehicles.

UNAMA confirmed Taliban and criminal elements had stolen vehicles, but in at least one instance, Taliban had returned a stolen vehicle to a humanitarian international organization. Further looting by opportunistic criminals was reported subsequent to the Taliban leaving the city. UNAMA also received reports referring to some Taliban fighters protecting property and of a Taliban commander ordering a halt to the attacks on the premises of a specific agency.

The absence of Government control and the breakdown of the rule of law in Kunduz city enabled local residents and criminal elements not directly associated with the Taliban to engage in opportunistic criminality, including revenge killing, other forms of violence, looting, and property destruction. For example, UNAMA received multiple reports of private individuals looting NGO, United Nations and Government offices, as well as shops and private homes.

⁸ See: <http://shahamat-english.com/statement-by-the-leader-of-islamic-emirate-concerning-liberation-of-kunduz-city/>, last accessed 28 October 2015. The full text of this statement is provided in Annex 4.

⁹ See: <http://shahamat-english.com/statement-by-commission-for-control-and-administration-of-ngos-and-companies/>, last accessed 28 October 2015. The full text of this statement is provided in Annex 5.

It is difficult to attribute responsibility for the looting and destruction of civilian property, although the Taliban bear responsibility for the release into the community of a large number of criminal offenders held in the city's prison. In addition, the Taliban attack on the city resulted in widespread unrest, creating the conditions for opportunistic looting and other criminal activities.

Desecration of the Deceased by Parties to the Conflict

Although not the main focus of the report (which is on the treatment of civilians), UNAMA received reports of mutilation and other maltreatment of bodies of fighters by both Taliban and Afghan security forces during and after fighting in the Northeastern region, including in Kunduz city, between 28 September and 13 October. Local sources reported that the maltreatment included alleged beheadings of dead Afghan security forces by Taliban¹⁰, alleged mutilation of Taliban fighters' bodies by Afghan security forces (dragging Taliban fighters' bodies behind vehicles in Kunduz city) and preventing accepted Islamic burial practices by both parties to the conflict. Sources reported that the Taliban prevented families from retrieving and burying bodies of their relatives¹¹ while they also accused Afghan security forces of burying Taliban fighters in mass graves without Islamic burial rights.

In addition, as fighting continued across the Northeastern region, UNAMA received credible reports that between 1 and 2 October, in Warduj district, Badakhshan province, the Taliban beheaded up to 17 members of Afghan security forces. On 3 October, reportedly in retaliation, Afghan security forces members allegedly opened fire on 13 suspected Taliban members who were in the custody of Afghan security forces in Baharak district of the same province. Some sources reported that the shooting caused a fire, which burned the bodies of the 13 detainees. It is unclear whether the detainees died from bullet wounds and ANSF subsequently burned their corpses or if they were burned alive.

Desecration of the deceased may amount to a war crime; customary law of armed conflict prohibits mutilation or other maltreatment of dead bodies.¹²

Investigation by Government

The Government of Afghanistan initiated a fact-finding delegation to investigate the fall of Kunduz City.¹³ The delegation conducted extensive interviews with Afghan security forces personnel, civil society representatives, and Kunduz residents and others and, in a press conference in Kabul on 21 November made public some of their findings related to the security and governance failings that led to the fall of the city.¹⁴ The information released publicly did not include any findings related to

¹⁰ During a meeting with UNAMA in November 2015, Taliban representatives refuted this allegation.

¹¹ Ibid.

¹² See 16.29, Customary law [applicable in non-international armed conflicts], *The Manual of the Law of Armed Conflict*, UK Ministry of Defence, Oxford University Press, Oxford, 2004.

¹³ The President of Afghanistan announced the appointment of the fact-finding delegation during a meeting with the President and 'elders and influential personalities' from Kunduz on 8 October 2015. The delegation is headed by former Director-General of the National Directorate of Security Amrullah Saleh, and includes former Minister of Education Ghulam Farooq Wardak, Fazel Karim Aymaq and Abdullah Mohammadi and "has been tasked to clearly and impartially look into all aspects of the recent incident in Kunduz province." See, President Ghani appointed a delegation to review the situation in Kunduz, available at <http://president.gov.af/en/news/53780>, last accessed 20 November 2015.

¹⁴ Poor leadership blamed for Kunduz fall: report, 21 November 2015, Aljazeera News, available at: <http://www.aljazeera.com/news/2015/11/poor-leadership-blamed-kunduz-fall-report-151121153803402.html>, last accessed 22 November 2015.

human rights violations or abuses, nor did it address civilian casualties or violations of international humanitarian law.

II. Civilian Casualties

The Taliban occupation of Kunduz city was the first prolonged urban combat situation in Afghanistan since 2001. The heavy ground fighting caused extreme suffering for civilians living in the city. The civilian casualty toll from this approximately two-week period in Kunduz is almost equivalent to 10 per cent of all civilian casualties documented by UNAMA in the entire country during 2014, the most violent year documented by UNAMA since 2009.

From the start of the Taliban attack on Kunduz city on 28 September, until 13 October, when the Taliban withdrew from the city, UNAMA recorded a preliminary figure of 848 civilian casualties (289 deaths and 559 injured) from incidents in the city and surrounding districts.¹⁵ The vast majority of civilian casualties reportedly resulted from ground fighting between Taliban fighters and Afghan security forces, although UNAMA received reports of civilian casualties from deliberate killings and aerial operations, including the preliminary¹⁶ figure of 67 casualties (30 dead and 37 injured) resulting from the airstrike on the MSF hospital in Kunduz on 3 October.

Due to access limitations and significant operational disruption, UNAMA continues to investigate additional reports of civilian casualties, and estimates that the final verified figures are likely to be higher.

UNAMA is not yet able to fully disaggregate the casualty figures it has compiled by age or gender. However, they include at least 122 women (43 killed and 79 injured) and 162 children (23 killed and 139 injured).

Ground Engagements

Where UNAMA obtained more detailed information from victims and witnesses on individual incidents, these sources reported that the vast majority of civilian casualties resulted from heavy ground fighting in residential areas, mainly from small arms fire and explosive weapons. In most of these cases, UNAMA could not attribute the casualties to a specific party to the conflict.

UNAMA received multiple reports of civilian casualties caused by rockets, mortars or other explosive weapons fired by both parties to the conflict. For example, on 28 September, two mortar rounds impacted in a populated area of Chahar Darah district. UNAMA received conflicting reports on the number of civilian casualties resulting from this incident, with credible sources reporting that two civilians were killed and 17 injured. According to several victims and witnesses, the first mortar round impacted a civilian house, injuring two members of one family. The second mortar round struck a group of villagers who had come to assist the injured. The area was reportedly under Taliban control at the time of the incident. On 5 October, multiple sources reported that the Taliban fired a rocket propelled grenade (RPG) at Afghan security forces in police district one of Kunduz city. The RPG impacted a civilian home, injuring two women.

¹⁵ While the vast majority of civilian casualties resulted from violence in and around the city, the report also includes casualties resulting from operations and attacks linked to the Taliban attack on Kunduz city. As noted above additional information on civilian casualties from the period covered by this report will be detailed in the UNAMA 2015 Annual Report on Protection of Civilians in Armed Conflict.

¹⁶ See *supra*, footnote 4.

Improvised Explosive Devices (IEDs)

At the beginning of the Taliban offensive, UNAMA received unconfirmed reports that the Taliban had planted pressure-plate IEDs on the roads leading out of Kunduz, and that civilians were afraid to leave the city for fear of roadside bombs. UNAMA also received multiple reports that the Taliban had planted IEDs in civilian buildings in Kunduz city before they withdrew. Afghan security forces had also reported that pressure-plate IEDs delayed their advance toward Kunduz to re-capture the city. UNAMA received several other accounts from civilians reporting that, due to the presence of IEDs, the Taliban issued instructions to the civilian population regarding which roads to use and which ones to avoid when fleeing the city.

UNAMA has received some credible reports of civilian casualties arising from pressure-plate IEDs, including, in one case, a booby-trap IED.¹⁷

- On 1 October, a local transportation vehicle struck a pressure-plate IED in Khanabad district, Kunduz province, killing one boy, four girls, and two women, and injuring two women.
- On 9 October, four family members (a man, a woman and two children) died when their motorcycle hit a pressure-plate -IED planted by the Taliban to impede Afghan security forces movement around Qala area of Qala-e-Zal district. UNAMA received information that on the same day, other civilians traveling on the same road were stopped and warned by the Taliban not to proceed because of the IED threat.
- On 1 November, a pressure-plate -IED detonated inside a civilian house in Kunduz city, killing one girl and injuring a woman and a boy when they returned to their home after the Taliban withdrew from the city. Sources reported that the Taliban planted the IED as they retreated during the period covered in this report, in order to target advancing Afghan security forces.

Explosive Remnants of War

Given the extent of the fighting, there is a high concern about the widespread presence of explosive remnants of war (ERW) in Kunduz city and surrounding districts. Under the coordination of the United Nations Mine Action Service and the United Nations Mine Action Centre of Afghanistan, humanitarian explosive ordnance disposal organizations reportedly cleared nearly 300 ERW from the four police districts of Kunduz city.¹⁸ ERW clearance is still ongoing in certain locations in the city and there remains a risk in other areas in Kunduz province where fighting took place.

Aerial Operations

Both Afghan security forces and international military forces carried out airstrikes during the fighting in and around Kunduz city. UNAMA recorded 81 civilian casualties (39 deaths and 42 injured) caused by this tactic. Sixty-seven of those casualties (30 deaths and 37 injured)¹⁹ resulted from one airstrike conducted by international military forces on the MSF hospital. This incident is addressed separately below.

¹⁷ During a meeting with UNAMA in November 2015, Taliban representatives refuted this allegation and stated that no booby traps or pressure plate IEDs had been used. They also referred to their organization's explicit prohibition of the use of such devices.

¹⁸ UNAMA email exchange with the United Nations Mine Action Service, 15 November 2015.

¹⁹ See *supra*, footnote 4.

Afghan National Army Aerial Operations

“On the second day of the Taliban attack, a Government helicopter fired at Taliban targets and one of the bombs landed on a cart carrying six or seven children. All the children died and their dead bodies were scattered on the street. Perhaps the rest of the family members had already moved out of the area. Afghan security forces collected the dead bodies and took them to MSF hospital.”

- UNAMA interview with an IDP from Kunduz city, 8 October 2015, Mazar-e-Sharif city, Balkh province

UNAMA received several reports of civilian casualties resulting from aerial attacks by the Afghan National Army (ANA):

On 30 September, in Zakhil area of Kunduz city, an ANA helicopter airstrike targeted a group of Taliban traveling in a vehicle, and impacted a civilian house, killing a woman and a child and injuring four other civilians, including a woman and two children.

On 7 October, in Qaraya-e-Yateem village, Chahar Darah district, an ANA helicopter airstrike impacted a civilian house, killing a girl and injuring another.

Attack on Médecins Sans Frontières Hospital in Kunduz, 3 October 2015

“Suddenly the hospital was attacked. The lights fell down from the ceiling and I heard the next bomb, and another. I saw people jumping one by one from the window of the room. Air strikes continued without any major break. There were also laser weapons/beams being used. I also went out of the window. There was thick smoke and then total blackout and I lost my bearings. I heard people shouting and calling for help. I was near a window when another air strike started. Something hit me and I fell down. Blood gushed from my leg. I tore my clothes with my teeth and tied the wound to stop bleeding. I read the first Kalima loudly thinking that it was my last day and I would die soon.”

- UNAMA interview with a victim of the 3 October airstrike against the MSF hospital in Kunduz city, 21 October 2015, Kabul city

On 3 October, between approximately 2:00 am and 3:00 am, international military forces conducted a series of air strikes on the MSF hospital compound located in Kunduz city.

The air strikes, reportedly carried out by a United States AC-130 fixed-wing ground-attack aircraft, killed and injured large numbers of civilians, including MSF medical staff, patients, cleaners, guards and relatives of patients. The attack also destroyed the main hospital building and the hospital guard-room.

UNAMA has documented preliminary casualty figures of at least 67 persons protected under international humanitarian law²⁰ (30 dead and 37 injured)²¹ caused by the airstrike, although it is not yet in a position to verify the number or breakdown (by age and gender). The attack killed 13 MSF staff members, 10 patients, and seven individuals whose bodies were unrecognizable when

²⁰ UNAMA recognizes the possibility that some of the patients may have been *hors de combat* at the time of the bombardment. UNAMA's assessment is that the MSF hospital, staff members, and patients were all afforded legal protection from attack at the time of the incident. In the absence of evidence to the contrary, UNAMA preliminarily included all casualties from the MSF hospital bombardment as civilians. As more information becomes available regarding the civilian status of particular individuals, UNAMA may revise the civilian casualty count from this incident.

²¹ See *supra*, footnote 4.

recovered. It also injured 37 people, including 27 MSF staff members.²² At the time of writing, the excavation of the collapsed portions of the MSF Hospital was still ongoing, and additional mortal remains may be exhumed.

Efforts have been ongoing to determine the identities of the seven unrecognizable bodies found in the wreck of the hospital. It is presumed that one MSF staff member and two patients are among them.

MSF has stated that at least 245 people were present in the facility at the time of the attack – 105 patients and their caretakers, together with over 140 MSF staff members.²³

According to a statement issued by MSF on 7 October, the airstrike continued for 30 minutes after MSF first informed United States and NATO officials that the hospital was under aerial attack.²⁴

Speaking to the United States Senate Armed Forces Committee on 6 October, the Commander of the United States Forces in Afghanistan acknowledged that they had carried out the airstrike on the hospital but insisted that it was “*mistakenly struck*” and that “*we would never intentionally target a protected medical facility*”.²⁵

MSF immediately rejected the assertion that the hospital was targeted by mistake - and which implied that the forces had not known the location was a hospital. MSF insists that, as recently as 29 September, they had provided the US and Afghan military and civilian authorities with the hospital’s precise GPS coordinates, and that US and Afghan Forces were therefore fully aware of the location of the hospital and of its protected status.

On 10 October, the US Department of Defense announced that it would pay “condolence payments” to the victims of the air strike on the hospital.²⁶ At the time of writing, UNAMA had not received any reports that condolence payments had been made to any victims of the attack.

To date, the NATO-led Resolute Support Mission has declined to respond to specific UNAMA requests for information about the operation, stating they expected these “will be answered by the various NATO/RS, US national, and Afghan inquiries”.²⁷

Initial Reactions to the Attack

United States and Afghan officials initially claimed that they had called in the airstrike to target Taliban fighters who had reportedly fired on Afghan Security forces from in, or around, the hospital compound. On 4 October, a spokesman for the Afghan Ministry of Defence, stated that, prior to the airstrike, the Taliban were firing on Afghan security forces from the hospital compound. He also

²² *Kunduz Hospital Attack: MSF factsheet* 7 October 2015, available at <http://www.msf.org/article/factsheet-kunduz-hospital-attack>

²³ Ibid.

²⁴ Ibid. For a detailed timeline of contacts made by MSF during the airstrike, see also ‘*Afghanistan: MSF releases internal review of the Kunduz hospital attack*’, available at <http://www.msf.org/article/afghanistan-msf-releases-internal-review-kunduz-hospital-attack>, last accessed 7 November 2015.

²⁵ Statement by General John Campbell to the United States Senate Armed Forces Committee, 5 October 2015

²⁶ Statement from Pentagon Press Secretary Peter Cook on Kunduz Condolence Payments, NR-395-15, 10 October 2015.

²⁷ Email from LEGAD Resolute Support/ SJA USFOR-A, US Army to UNAMA Human Rights Director, 22 October 2015, in response to a list of questions from UNAMA about the incident.

claimed that “terrorists” had entered the hospital compound and had used the “buildings and people inside as a shield.”²⁸

Speaking at a press briefing on 5th October 2015, the Commander of the United States Forces in Afghanistan stated:

*“We have now learned that on October 3rd, Afghan forces advised that they were taking fire from enemy positions and asked for air support from US forces. An airstrike was then called to eliminate the Taliban threat and several civilians were accidentally struck.”*²⁹

In an interview published on 19 October, the Afghan Defence Minister used similar language: “The compound was being used by people who were fighting there, whether it was the Taliban, or ISI or whoever they were. [...] If the fighting was not coming from there, that kind of a mistake will never happen.”³⁰

Local sources consistently stated that, at the time of the attack, the Taliban had occupied the area surrounding the hospital compound and had taken up positions close to it. However, no sources interviewed by UNAMA reported that fighting was taking place in the vicinity of the hospital when the airstrike took place. MSF categorically denied that there were armed fighters in the hospital compound prior to the airstrike, both in the immediate aftermath of the airstrike and in an internal review of the incident published on 5 November 2015.³¹

UNAMA sources reported that the MSF hospital did provide treatment to wounded Taliban fighters *hors de combat*, including at the time of the attack.³² In doing so, MSF staff members would have been acting in accordance with the accepted and expected principles of international humanitarian law, which provide special protection for the sick and wounded, and oblige medical staff to provide treatment impartially and without any distinction to all those placed *hors de combat* by wounds or sickness.³³

The treatment provided by MSF to wounded Taliban fighters, in accordance with the principles of impartiality and neutrality under international humanitarian law, may have given rise to resentment amongst some elements of Afghan security forces. UNAMA received several reports that Afghan security forces harassed and insulted MSF staff members as they tried to leave Kunduz in the aftermath of the attack, accusing them of “helping the Taliban”.

²⁸ ‘Doctors Without Borders: 19 Dead in Afghan clinic airstrike’ Associated Press online article, available at <http://bigstory.ap.org/article/069682e9bee94ce4a48e347ac4dc3ec0/doctors-without-borders-afghan-clinic-bombed-3-staff-dead>, last accessed 24 November 2015

²⁹ Department of Defense Press Briefing by Gen. Campbell, 5 October 2015 (available at <http://www.defense.gov/News/News-Transcripts/Transcript-View/Article/621848/departement-of-defense-press-briefing-by-gen-campbell-in-the-pentagon-briefing-room>)

³⁰ ‘Afghan defense minister says Taliban hid in bombed hospital’ Associated Press online article 19 October, available at <http://bigstory.ap.org/article/4ae0135dc5fd4cf4b7619c647ddfa873/afghan-defense-minister-says-taliban-hid-bombed-hospital>, last accessed 24 November 2015

³¹ ‘Afghanistan: MSF releases internal review of the Kunduz hospital attack’, available at <http://www.msf.org/article/afghanistan-msf-releases-internal-review-kunduz-hospital-attack>, last accessed 7 November 2015.

³² See also, *Ibid.*

³³ Customary IHL – Rule 47. Attacks Against Persons Hors De Combat, available at https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule47, last accessed 08 December 2015.

US, NATO, and Afghan Government Investigations

Following the attack on the MSF hospital, the United States Department of Defense, Resolute Support Mission, and the Government of Afghanistan all announced that they would be conducting separate investigations into the incident.

In a statement given on 25 November 2015 the Commander of the United States Forces in Afghanistan summarised the findings of the US Forces investigation, and stated that the airstrike on the MSF hospital “was the direct result of human error, compounded by systems and procedural failures.”³⁴

The Commander claimed that “U.S. forces directly involved in this incident did not know the targeted compound was the MSF Trauma Center” while also acknowledging that the “personnel who requested the strike, and those who executed it from the air, did not undertake appropriate measures to verify that the facility was a legitimate military target.”³⁵

On 28 November the NATO Supreme Allied Commander Europe released an Executive Summary of the NATO Resolute Support Combined Civilian Casualty Assessment Team (CCAT) report into the airstrike. Reflecting the language used in the 25 November statement by the Commander of US Forces, the NATO CCAT Report states that the airstrike on the MSF hospital “resulted from a series of human errors compounded by failures of process and procedure, and malfunctions of technical equipment.”³⁶

At the time of writing, neither the US Forces nor NATO CCAT have made the full findings of their investigations public.

The Government of Afghanistan’s investigation into the incident is still pending.

MSF has questioned the impartiality of the US, NATO and Afghan government investigations and has called for an investigation by the International Humanitarian Fact-Finding Commission (IHFFC).³⁷ In reaction to the Commander’s statement of 25 November, MSF responded that the United States narrative “leaves MSF with more questions than answers” and reiterated its call for an independent investigation by the IHFFC.³⁸

The United Nations High Commissioner for Human Rights,³⁹ the United Nations Special Representative of the Secretary-General for Children in Armed Conflict⁴⁰ and the United Nations

³⁴ “Statement on the Kunduz MSF Hospital Investigation” Resolute Support Mission, 28 November 2015, available at <http://www.rs.nato.int/article/press-releases/statement-on-the-kunduz-msf-hospital-investigation.html>, last accessed 28 November 2015

³⁵ Ibid.

³⁶ ‘Executive Summary. Combined Civilian Casualty (CIVCAS) Assessment of an airstrike on a medical facility in Kunduz city on 03 October 2015’, available at http://www.aco.nato.int/resources/3/images/2015/saceur/exec_sum.pdf, last accessed 28 November 2015

³⁷ A body established under the First Additional Protocol to the Geneva Conventions specifically for the purpose of investigating violations of international humanitarian law. This body has now been activated but cannot proceed without the consent of the Governments of Afghanistan and the United States.

³⁸ ‘MSF Initial Reaction to US Military Investigation in Kunduz Attack’, 25 November 2015, available at: http://www.doctorswithoutborders.org/article/msf-initial-reaction-us-military-investigation-kunduz-attack?utm_medium=social&utm_source=twitter&utm_campaign=social, last accessed 27 November 2015.

³⁹ Statement by the United Nations High Commissioner for Human Rights, Geneva, 3 October 2015, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?newsID=16564&LangID=E>, last accessed 24 November 2015.

Under-Secretary-General and Emergency Relief Coordinator⁴¹ all strongly condemned the attack and called for an independent and impartial inquiry into the incident.⁴²

Legal Analysis

Under international humanitarian law, an attack on a hospital may amount to a war crime. For international military forces to have authorized an intentional airstrike against such a clearly identifiable civilian object would represent a complete disregard for international law, in particular the fundamental prohibitions against the targeting of civilians and the special protections afforded to hospitals and medical personnel. It would also represent a clear departure from the usual practice followed by international military forces when conducting air operations in Afghanistan. This practice demands strict adherence to targeting protocols designed specifically to ensure the protection of civilians.

Under international humanitarian law, hospitals are afforded special protection from intentional attack. Furthermore, hospitals also enjoy general protection afforded to civilian objects whereby parties to a conflict must at all times make a distinction between such objects and military objectives, and may only target legitimate military objectives.⁴³

The protection afforded to medical facilities under international humanitarian law is not absolute, and a hospital may lose its protected status for such time that it is used to commit acts harmful to the enemy, but only after due warning has been given with a reasonable time limit and that warning has gone unheeded. UNAMA has no information or accounts indicating that this was the case. Even if the airstrike aimed at Taliban who had taken positions close to the hospital and the impact was only incidental, it was foreseeable that the impact would very likely cause significant civilian loss of life and the destruction of a major medical facility, and this should have therefore precluded the authorization for this attack.

Additionally, those authorizing and carrying out an attack against military objectives in the vicinity of a medical facility are required to take all feasible precautions to limit the effect of the attack on the facility and the civilians it cares for and shelters.⁴⁴ UNAMA is not aware of any such precautions having been taken in relation to the MSF hospital.

UNAMA has not received information indicating that the MSF facility in Kunduz was being used for any military purpose. At the time of the attack, the hospital appears to have been a fully operational

⁴⁰ Statement by the United Nations Special Representative of the Secretary-General for Children and Armed Conflict, New York, 9 October 2015, available at <https://childrenandarmedconflict.un.org/press-release/special-representative-of-the-secretary-general-for-children-and-armed-conflict-leila-zerrougui-voices-concern-over-mounting-child-casualties-and-grave-violations-in-kunduz/>, last accessed 24 November 2015

⁴¹ Statement by the United Nations Under-Secretary-General and Emergency Relief Coordinator, New York, 3 October 2015. The full text of this statement is provided in Annex 3.

⁴² The United Nations Special Representative of the Secretary-General and Head of UNAMA also condemned the attack and called on all parties to the conflict to respect and protect medical and humanitarian personnel and facilities. See, <https://unama.unmissions.org/Default.aspx?tabid=12254&ctl=Details&mid=15756&ItemID=39029&language=en-US>, last accessed 15 November 2015.

⁴³ The term “military objective” is defined in customary international humanitarian law as “any object which by its nature, location, purpose or use make an effective contribution to the military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a distinct military advantage.” Customary IHL - Rule 8. Definition of Military Objectives, available at https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule8, last accessed 24 November 2015

⁴⁴ See Customary IHL – Rule 15. Precautions in Attack, available at https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter5_rule15, last accessed 24 November 2015

medical facility and was as such fully protected under international humanitarian law. MSF has stated that on 2 October two MSF flags were placed on the roof of the hospital, in addition to an existing flag that was being flown at the hospital entrance.⁴⁵ The grid coordinates of the hospital had repeatedly been shared with the US Department of Defense, Afghan Ministry of Interior and Defense and the US army in Kabul, and the hospital compound was a well-established medical facility well known as such.⁴⁶

Should an attack against a hospital be found to have been deliberate, it may amount to a war crime. All military have an obligation to respect and protect civilians at all times, and medical facilities and personnel are the object of special protection. Furthermore, those who are rendered *hors de combat* may not be the object of attack.⁴⁷ These obligations apply no matter whose air force is involved and irrespective of the affiliation of patients receiving medical care. Violations of these obligations also entail a breach of the human right to life.⁴⁸

While acknowledging the public summary of the internal United States-led investigation and welcoming the release of the key findings of the NATO Resolute Support Mission CCAT investigation, UNAMA nevertheless continues to recommend an independent, impartial, prompt, transparent and effective investigation of the attack against the MSF hospital. The findings of the investigation should be made public. The information available publicly does not indicate that the investigations carried out thus far satisfy all criteria recommended by UNAMA, in particular in relation to the independence and effectiveness of the investigations. States with jurisdiction over personnel involved in this incident must also ensure that individuals responsible for authorizing and carrying out this attack are investigated and prosecuted by a legally constituted tribunal, with due regard for the rights of the accused. UNAMA further recommends that international military forces undertake robust steps to ensure accountability, better operational practices, compensation and support (including medical support) to victims and their families.

Stronger mechanisms must be put in place by international military forces to ensure full compliance with the international humanitarian law principles of distinction, proportionality and precautions in all military operations, and to ensure that that military forces always respect the protected status of medical facilities and personnel, as required under international humanitarian law.

⁴⁵ 'Initial MSF Internal Review: Attack on Kunduz Trauma Centre', available at <http://www.doctorswithoutborders.org/article/msf-releases-internal-review-kunduz-hospital-attack>, last accessed 08 December 2015

⁴⁶ See: MSF Statement on 3 October 2015, "Afghanistan: MSF Information All Fighting Parties of GPS Coordinates", available at: <http://www.doctorswithoutborders.org/article/afghanistan-msf-staff-killed-hospital-partially-destroyed-kunduz>, last accessed 28 October 2015.

⁴⁷ See Customary IHL – Rule 47. Attacks against Persons Hors de Combat, available at https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule47, last accessed 24 November 2015

⁴⁸ Afghanistan's obligations under international human rights law continue to apply during periods of armed conflict.

Deliberate Killings

“On the second day that the Taliban captured Kunduz province, at around 10 am, an RPG hit our neighbour’s house, I heard wailing and crying and I immediately went to find out what had happened. I saw that her young daughter was wounded. My neighbour wanted to take her to hospital but at that moment the house gate opened and two Taliban entered. They asked what had happened and my neighbour explained that her daughter was wounded by RPG shrapnel. The Taliban asked us to leave them alone with the victim. They then shot and killed the wounded girl and told her mother that she had been martyred. I saw this incident with my eyes and on that day I decided to leave Kunduz.”

- UNAMA interview with an IDP, 10 October 2015, Mazar-e-Sharif city, Balkh province.

UNAMA received multiple reports that members of the Taliban had intentionally killed civilians during the fighting in Kunduz, in violation of international humanitarian law and international human rights law.

On 29 September, in a similar incident to the account above, a member of the Taliban reportedly shot and killed a woman in front of her two children after she was severely wounded by a mortar round that hit her house.

UNAMA received reports that the Taliban allegedly targeted individuals because of their perceived support to the Government or sought out other targets for deliberate killings. One source informed UNAMA that, on 29 September, the Taliban entered the house of a female NGO worker, shooting and killing her husband. The NGO worker was reportedly not in the house at the time. UNAMA received allegations that the Taliban shot and killed a motorbike taxi driver with a disability because he was believed to have provided logistical assistance to an Afghan Local Police (ALP) commander. In another reported case, the Taliban allegedly shot and killed a poultry farmer because they believed he worked for ANP. In another case, sources alleged that the Taliban reportedly shot and killed two male civilians who were taking the dead body of their relative – an ANP officer – away for burial. These allegations await further corroboration and remain unverified.

Reports of Parallel Justice Executions

UNAMA also received multiple reports that Taliban conducted parallel justice executions⁴⁹ in the northeastern part of the city, with at least three men executed at one location, and one elderly civilian man reportedly publicly hanged. Witnesses stated that they had observed Taliban questioning persons suspected of working for the Government or Afghan security forces. One source described being stopped by the Taliban while fleeing the city and being questioned and beaten along with another man before being taken to a location (withheld) in the northeastern part of the city, where they reportedly observed the three corpses described above and a large amount of blood on the ground. The Taliban allegedly questioned the two men at that location and threatened to kill them before ultimately releasing them, being satisfied that they were not Government workers. During the questioning, the Taliban injured one of the men on his hand with a knife, but this appears to have been incidental to a brief struggle rather than a parallel judicial punishment. In addition to

⁴⁹ UNAMA considers parallel judicial structure executions to include those intentional, premeditated and deliberate killings of an individual who is held in the perpetrator’s physical custody (as opposed to targeted killings that require the victim not to be in the perpetrator’s physical custody) when the killing is imposed for the purpose of punishment, e.g. killing of a civilian after an ‘investigation’ determines that the individual or a relative of his / hers is employed by a Government institution. UNAMA considers such incidents as ‘murder’, as defined under international humanitarian law applicable in the non-international conflict in Afghanistan.

the accounts above, multiple sources reported that the Taliban had abducted young men and brought them to that location for questioning on Government affiliation. These allegations await further corroboration and remain unverified.

Reports of Sniper Attacks

Although most civilian casualties resulted from mortar, rockets, grenades, artillery, and aerial attacks in densely populated areas, UNAMA received numerous reports of civilians shot by 'sniper fire' when they ventured out of their homes to flee the conflict, or simply to obtain food and water.

While it remains unclear if these incidents amounted to intentional targeting of civilians by sniper fire or whether the victims were caught in crossfire during active fighting, such incidents demonstrate the increasingly desperate situation of civilians trapped in the city as the fighting dragged on. For example, a resident of Kunduz city informed UNAMA that, while attempting to flee the city on 2 October, he witnessed firing from an unknown location that killed two men and a boy 20 metres ahead of him. He informed UNAMA that while making his way back home, he had witnessed a girl and her father shot to death in the streets in a similar manner. Like many others, the resident was forced to remain in his home in Kunduz city with scarce supplies, unable to flee the ongoing fighting.

III. Abductions and Disappearances

UNAMA received numerous reports of the Taliban abducting civilian men. In particular, it received multiple, consistent reports that, between 28 September and 5 October, the Taliban stopped cars and trucks leaving Kunduz city for Takhar, and singled out and abducted young men and teenage boys. In most cases, the whereabouts of these individuals remained unknown at the time of writing this report.

Many sources who spoke to UNAMA expressed fear that the Taliban shot and killed those they had abducted. Others raised the possibility that they were still in Taliban custody or were forced to fight for the Taliban. UNAMA assesses the allegations of abductions as credible, although the reports require additional investigation and remain unverified.

IV. Violence against Women and Girls

While UNAMA did not find evidence that gender-based violence against women and girls occurred systematically or on a large scale during the period covered in this report, it did nonetheless receive credible reports of such forms of violence during and after the fall of Kunduz city. The incidents reported to UNAMA indicate that some armed men may have taken advantage of the general breakdown in law and order during this period to carry out acts of gender-based violence against women and girls. The allegations included reports of armed men abducting women, and UNAMA's sources expressed the belief that those women may have then been harmed by their captors.

UNAMA confirmed that fear of gender specific violence was a key factor in the mass displacement of women from the city, including women's activists and human rights defenders.

The Office of the President of Afghanistan⁵⁰ and the Afghanistan Independent Human Rights Commission⁵¹ separately acknowledged reports of gender-based violence against women and girls

⁵⁰ See, Office of President of the Islamic Republic of Afghanistan, Press Release of 2 October 2015, available at: <http://president.gov.af/en/news/53399>, last accessed 20 November 2015.

that warranted further investigation, while others, including the Taliban⁵², some public officials and other prominent figures⁵³, have strongly rejected reports that such violence took place.

UNAMA considers that some individual allegations are sufficiently credible so as to warrant further investigation by the competent authorities.⁵⁴

III-Treatment and Harassment of Women

UNAMA also received multiple reports that the Taliban imposed restrictions on women following their capture of Kunduz. These reports include allegations that the Taliban forced women to wear the *chaderi*⁵⁵, and that women who were not accompanied in public by a *mahram*⁵⁶ were beaten. It should be noted that UNAMA sources consistently described the anti-Government fighters who carried out these attacks as 'Taliban'.

V. Systematic Targeting, Threats and Intimidation of Civil Society and Government Workers

According to numerous accounts received by UNAMA, within a few hours of entering Kunduz city on 28 September, Taliban commenced house to house searches using pre-prepared lists containing the names and addresses of human rights defenders, and in particular women, women active in public life, NGO workers, United Nations staff, journalists and Government officials, including lawyers, judges and prosecutors.

Women Human Right Defenders

During the Taliban's house-to-house searches, which reportedly occurred over several days, Taliban sought out women human rights defenders by going directly to their homes and asking for them by name. The Taliban reportedly used lists that included the women's individual names, addresses and the organizations that they worked for. On being told that the woman they sought was not at home, Taliban reportedly threatened and, in some cases, physically assaulted their family members or damaged their property.

⁵¹ See, Afghanistan Independent Human Rights Commission, Report on the Investigation of Human Rights and Humanitarian Rights Situation in Kunduz Province Armed Conflict, 17 October 2015, available at: http://www.aihrc.org.af/media/files/Kondozi_English.pdf, last accessed 20 November 2015.

⁵² During meetings with UNAMA in October and November 2015, representatives of the Taliban refuted in the strongest terms all allegations of all forms of gender based violence against women and girls during the occupation of Kunduz city.

⁵³ Spokesperson for the Kunduz Provincial Governor's Office, Chairman of the *Meshrano Jirga* (Upper House of the Parliament), Spokesperson of the Ministry of Higher Education, Chancellor of Kunduz University, Kunduz Member of *Wolesi Jirga* (Lower House of Parliament) Engineer Kamal, and the Head of the Kunduz Department of Public Health were among those officials that reportedly rejected allegations of gender based violence against women and girls in Kunduz city during this period.

⁵⁴ UNAMA also recalls that United Nations Security Council resolution 1888 (2009), "Urges all parties to a conflict to ensure that all reports of sexual violence committed by civilians or by military personnel are thoroughly investigated and the alleged perpetrators brought to justice, and that civilian superiors and military commanders, in accordance with international humanitarian law, use their authority and powers to prevent sexual violence, including by combatting impunity." See also, United Nations Security Council resolutions 1820 (2008), 1960 (2010), and 2106 (2013).

⁵⁵ Full-length clothing worn by women that covers the entire body and the whole face.

⁵⁶ In Islamic Sharia terminology, a woman's *mahram* is a person whom she is not permitted to marry, usually because of a close blood relationship.

As many Taliban fighters were reportedly unfamiliar with Kunduz city and were therefore forced to ask local residents to direct them to specific locations, some women's activists learned in advance of the Taliban's intentions before they located their houses. Those who were able to fled the city, while others went into hiding.

Several women human rights defenders informed UNAMA that they spent days in hiding, where they had limited access to food or water. One woman described the cramped and airless conditions she experienced when she was forced to hide in a particular location with almost 50 others. Most women interviewed by UNAMA expressed their apprehension that the Taliban would have killed them if they had found them.

Multiple sources consistently reported that the Taliban set up numerous checkpoints within and on the outskirts of the city and checked all vehicles that passed through those checkpoints. All those women who spoke to UNAMA stated that they hid their identities when they attempted to leave the city.

Many of the women's rights defenders who fled Kunduz city initially went to Takhar province, then on to Badakhshan province, while some escaped towards the border with Tajikistan. Others took the road to Baghlan province and from there were able to reach Mazar-e-Sharif.

Some of the women who spoke to UNAMA are well-known to the public and had previously been subjected to threats and intimidation by the Taliban. Some women reported that they had continued to receive threatening telephone calls even after they fled Kunduz.

As information about the targeting of women human rights defenders in Kunduz became known across the country, other women human rights activists living in Baghlan, Takhar, Badakhshan and Faryab provinces also fled, fearing for their safety. Many relocated to Kabul, where they received temporary emergency assistance.

The apparent levels of organization and coordination behind the searches for women's rights defenders, particularly the use of detailed pre-prepared lists of targeted individuals, raise questions over how, when and by whom these lists were compiled. Some of the human rights defenders interviewed by UNAMA raised fears over possible infiltration by armed opposition groups of those governmental institutions which maintain detailed information on civil society organizations working in Kunduz.

Those women who spoke to UNAMA consistently stated that they continued to feel threatened and vulnerable, and the majority expressed their unwillingness to return to Kunduz to continue their work. Whilst this provides a stark indication of the extent to which they were traumatized by the events, their reluctance to return risks exacerbating the situation of those vulnerable women who depend on the support of women human rights defenders in the Northeastern provinces of Afghanistan.

NGO Workers

UNAMA received consistent reports of NGO staff being singled out by the Taliban in house searches, seemingly on the basis of their perceived association with 'foreigners'.

UNAMA is not in a position to assess the extent to which Taliban commanders deliberately disregarded the instructions in the statement attributed to Mullah Mansour regarding NGO

protection.⁵⁷ However, according to UNAMA sources, even where individual Taliban commanders wished to ensure the protection of NGO personnel and property, they struggled to achieve this given the number of different groups engaged in fighting and the lack of a centralized command and control structure in Kunduz.

Media Outlets and Journalists

According to multiple sources, while they held Kunduz, the Taliban deliberately looted and destroyed the offices of several media outlets and, in some cases, visited the homes of journalists in an attempt to determine their whereabouts. According to the Afghan Journalists Safety Committee, more than 100 journalists fled Kunduz province during the fighting. Besides fearing for their own safety, some of the journalists who subsequently escaped from Kunduz informed UNAMA that they were concerned for the well-being of their contacts and sources, whose details were kept in their offices, and whose identities are now presumably known to the Taliban.

On 12 October, in an explicit attempt to threaten and intimidate journalists, the Taliban's Military Commission issued a statement condemning the reporting by two Afghan television channels (Tolo TV and 1TV), and stating that these media outlets were to be considered as "military targets" and their staff "enemy personnel".⁵⁸ This statement followed broadcasts by both channels reporting allegations that Taliban had committed acts of gender-based violence against women and girls in Kunduz.

On 16 October, the Taliban published an article on its website directly calling for attacks on media outlets and journalists "that work for and are funded by the west".⁵⁹ Mirroring the language used in the above-mentioned 12 October statement, the article stated that such media outlets "must become firm military targets and be eliminated".

Even after the Taliban announced their withdrawal from Kunduz city, threats to journalists operating in Kunduz have persisted. For example, on 18 October, the owner of a private radio station in Kunduz city informed UNAMA that when the station resumed its broadcasts after almost three weeks off the air, armed men, believed to be Taliban, visited premises and warned the staff to stop broadcasting.

Under international humanitarian law, journalists are considered civilians and protected as such unless and for such time as they take a direct part in hostilities. International humanitarian law explicitly prohibits attacks against civilians and acts or threats of violence aimed at terrorizing the civilian population. Journalists would only lose their protection if they directly participated in hostilities. There is no information that this was the case for the journalists or television channels identified by the Taliban.

Additionally, journalists are protected under international human rights law, which protects the rights to life and physical security, as well as the right to freedom of expression. The actions and threats made against them by the Taliban amount to human rights abuses.

⁵⁷ See *supra*, footnote 8.

⁵⁸ 'Statement by the Military Commission of Islamic Emirate concerning intelligence TV networks of Tolo and 1TV', available at <http://shahamat-english.com/statement-by-the-military-commission-of-islamic-emirate-concerning-intelligence-tv-networks-of-tolo-and-1tv/>, last accessed 24 November

⁵⁹ 'The necessity of a decisive approach to impartial media', available at <http://shahamat-english.com/the-necessity-of-decisive-approach-to-impartial-media/>, last accessed 2 November

Government Employees

“People who left Kunduz via Khanabad district road to Takhar were questioned by Taliban fighters on their affiliation to Government offices. There were individuals at certain Taliban check points in Kunduz - Khanabad road, with hidden faces, taking off passengers from vehicles, identifying people with particular focus to identify Government officials who were escaping from the city towards Takhar. They were using different methods for identification of Government people. For instance if someone said that he is a shopkeeper, then the Taliban was asking him about the price of a specific type of cooking oil or some other things in market. If he couldn't give the exact answer, then he was taken to unknown place.”

- UNAMA telephone interview with Kunduz provincial government official, 5 October 2015, Kabul city

UNAMA received multiple reports of the Taliban systematically searching for those associated or perceived to be affiliated with the Government.

Other reports indicate that the Taliban specifically visited the houses of Government officials (including judges and prosecutors) and asked for them by name. However, UNAMA sources confirmed that the majority of key Government workers fled to safety before Kunduz was overrun by the Taliban.

VI. Recruitment and Use of Children in Hostilities

“Most of the Taliban are underage. When I was leaving Kunduz, I saw six or seven people who were carrying guns. They were young and even one of them looked like a 12-year old. The armed children were fighting along with the Taliban against Afghan security forces.”

- UNAMA interview with an IDP, 10 October 2015, Faizabad city, Badakhshan province

UNAMA received consistent, credible reports that the Taliban used large numbers of child soldiers during the attack on Kunduz.

UNAMA sources indicated that medical facilities in Kunduz treated ‘at least 200’ injured child fighters between 28 September and 13 October. Most of them are boys and are reportedly aged between 10 and 17. Credible sources reported that many of the boys complained that they had been forced to take up arms by Taliban who threatened that their families would be harmed if they refused.

One witness reported seeing a child soldier being shot by Taliban as he was trying to escape:

“The Taliban were asking children to carry bags of ammunition on their backs as well as to drag the cart of ammunition. These children were paid up to 3000 AFS. The Taliban forced one of [the boy's] friends to carry the bag of ammunition. As he tried to escape, he was shot dead by the Taliban.”

- UNAMA interview with a 10-year old boy IDP from Kunduz, 8 October 2015, Kabul.

VII. Plight of Civilians

The humanitarian situation in Kunduz city remained dire throughout the period covered by this report⁶⁰. During this period, those trapped in Kunduz reported severe food shortages or unaffordable food, lack of clean water, and no electricity.

⁶⁰ 28 September to 13 October 2015.

Conflict related violence in Kunduz resulted in the displacement of over 15,000 families to different parts of the country.⁶¹ Most of the families were displaced to various parts of the northern region, including Taloqan city (8,300 families), Kishem district and Faizabad city of Badakhshan province (900), Mazar city (1,200 families), and Baghlan province (1,550 families). An additional estimated 3,500 families were displaced in the central region, mostly Kabul. Displaced families were also reported along the Afghanistan and Tajikistan border.

However the situation remains fluid and there have been reports of increasing returns to Kunduz. Preliminary estimates of how many families have returned to Kunduz vary widely, with some indicating that up to 8,000 families have returned, and others suggesting that up to 95 per cent of those displaced have returned.⁶²

The 3 October US airstrike that destroyed the main ward of the MSF hospital significantly impacted the overall availability of health services in Kunduz city and in the whole region. The hospital was the only health facility of its kind, providing trauma care services for the entire Northeastern region.

The conflict had a direct impact on children's access to education and health services. During the fighting, all 497 schools in Kunduz were closed, thereby depriving more than 330,000 children (including more than 122,000 girls) of education⁶³. As of 25 October, 13 schools remained closed due to the fighting in Kunduz, continuing to deprive 7,272 children of access to education.⁶⁴ UNAMA also received credible reports that at least 20 schools were damaged as a result of the conflict in Kunduz, and that at least four school buildings were used for military purposes by both the Taliban and Afghan security forces.

Given the extent of the fighting, there is high concern about the widespread presence of explosive remnants of war. At the time of the release of the report, efforts were underway to clear unexploded ordnance from the city.

⁶¹ Information on internally displaced persons received by email from UNHCR on 2 November 2015.

⁶² Ibid.

⁶³ Ministry of Education.

⁶⁴ Ibid.

VIII. Recommendations

Taliban and Anti-Government Elements

- Immediately cease the deliberate targeting of civilians and civilian locations, including human rights defenders, NGO staff, journalists and civilian Government officials.
- Fully respect the protected status of medical facilities and personnel, as required under international humanitarian law, and refrain from taking positions close to medical facilities.
- Immediately cease the recruitment and use of child soldiers, and the use of schools for military purposes.
- Cease the use of indirect and indiscriminate fire and explosive weapons in areas populated by civilians.
- Cease the use of pressure plate improvised explosive devices.
- Implement directives issued by the Taliban leadership ordering its members to prevent and avoid civilian casualties, and hold accountable those who target, injure or kill civilians.

Government of Afghanistan

- Immediately cease the use of indiscriminate indirect fire and explosive weapons in areas populated by civilians.
- Fully respect the protected status of medical facilities and personnel, as required under international humanitarian law.
- Investigate all cases of violations of international humanitarian and human rights law allegedly committed by Afghan national security forces and pro-government armed groups and all allegations of gender-based violence committed by any person during this period; and ensure that those found responsible are brought to justice.
- Take steps to ensure the immediate reopening of all schools, and ensure that schools are not used for military purposes.
- Take all necessary steps to protect the human rights of journalists, including their right to freedom of expression, and ensure their safety at all times.

International Military Forces

- Comply with the well-established principles of distinction, proportionality and precautions in all military operations.
- Fully respect the protected status of medical facilities and personnel, as required under international humanitarian law.
- Ensure an independent, impartial, prompt, transparent and effective investigation into the attack against the MSF hospital, and make the findings of the investigation public. States with jurisdiction over personnel involved in this incident must also ensure that individuals responsible for authorizing and carrying out this attack are investigated and prosecuted by a legally constituted tribunal, with due regard for the rights of the accused. Appropriate steps should be taken to ensure accountability and compensation.
- Review current targeting protocols, operational policies and pre-engagement targeting criteria to prevent attacks against civilian locations, including hospitals.

Annex 1. Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui, Voices Concern over Mounting Child Casualties and Grave Violations in Kunduz

09 Oct 2015 - The Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui, today expressed serious concern over grave violations against children during ongoing hostilities in Kunduz, in north-eastern Afghanistan.

Since the launch of the Taliban offensive on Kunduz on 28 September 2015, at least 10 children have been killed and 53 injured.* “Children are paying an unacceptable price in the escalating conflict in Afghanistan,” stated the Special Representative, noting that the number of child casualties in the first half of 2015 was the highest recorded since the Monitoring and Reporting Mechanism was established in 2009. The Special Representative reiterated that all parties to conflict must abide by their international legal obligations to distinguish between civilian and military objects, and take precautions to avoid and minimize civilian casualties.

SRSZ Zerrougui expressed alarm at reports of the use of children – some allegedly as young as 10 years old – by the Taliban in fighting in and around Kunduz. An unconfirmed number of these children were reportedly killed during combat. The Special Representative stated, “The use of child soldiers – particularly in frontline operations – is unacceptable and I call on parties to immediately cease the recruitment and use of children.”

“I also strongly condemn the tragic attack on the Médecins Sans Frontières trauma hospital in Kunduz, which caused the deaths and injuries of medical personnel and patients, including the killing of three children.” She recalled the protections afforded to hospitals and medical personnel under international humanitarian law, and called for an independent, impartial and effective investigation into the incident. She expressed deep concern that, as a result of this attack, this facility is no longer operational and most medical staff have also fled the Kunduz regional hospital, leaving thousands of children and other civilians with limited access to medical assistance.

Further, the Special Representative deplored that, as a result of the hostilities, all 497 schools in Kunduz province have been closed, impeding access to education for over 330,000 children. She called on all parties to protect education and respect children’s right to education.

Children account for the majority among an estimated 10,000 families displaced by the hostilities. The Special Representative shared her concern with regards to the difficulties of humanitarian access as a result of insecurity, and called on all parties to facilitate the delivery of humanitarian assistance to alleviate the suffering of children and their families.

“In Kunduz, and also throughout Afghanistan, I call upon all parties to the conflict to respect their obligations under international law to protect children and other civilians from harm, to cease the recruitment and use of children, and to ensure the protection of hospitals, schools and other vital civilian infrastructure.”

* Figures are based on reports received by the Country Task Force on Monitoring and Reporting, which documents information on the [six grave violations](#) against children in armed conflict. The actual number of children killed or maimed is likely to be higher, as the fluid security situation has limited the access of monitors.

Annex 2. Kunduz Hospital Airstrikes “Inexcusable” -- Zeid

GENEVA (3 October 2015) – UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein said Saturday that there must be a swift, full and transparent investigation into the overnight airstrikes that hit a clinic in Kunduz killing and injuring many patients and medical personnel.

“This event is utterly tragic, inexcusable, and possibly even criminal,” Zeid said. “International and Afghan military planners have an obligation to respect and protect civilians at all times, and medical facilities and personnel are the object of a special protection. These obligations apply no matter whose air force is involved, and irrespective of the location.”

According to Medecins Sans Frontieres (MSF), pro-Government forces had been informed of the precise location of the medical facilities. While it has yet to be established whether or not the hospital or immediate surroundings were the target of the attack, or were recklessly endangered by it, according to MSF airstrikes continued to hit the area for a further 30 minutes after pro-Government forces were informed they were endangering a medical facility. A U.S. spokesperson has reportedly been quoted saying U.S. planes were carrying out airstrikes at around the time the hospital was hit.

The UN Human Rights Chief said it was essential to ensure any inquiry was independent, impartial, transparent and effective. “This deeply shocking event should be promptly, thoroughly and independently investigated and the results should be made public,” he said. “The seriousness of the incident is underlined by the fact that, if established as deliberate in a court of law, an airstrike on a hospital may amount to a war crime.”

Annex 3. Under-Secretary-General and Emergency Relief Coordinator, Stephen O'Brien, Statement on Afghanistan

(New York, 3 October 2015): I condemn the bombing overnight in Kunduz, Afghanistan that resulted in the death and injury of medical workers and patients at a Médecins Sans Frontières hospital. I extend my deepest sympathies to the families of those killed and injured.

Hospitals and medical personnel are explicitly protected under international humanitarian law. All parties to conflict must do everything in their power to distinguish between military and civilian targets, including medical facilities.

Hospitals and clinics should be sanctuaries where people, including women and children, go for help. Attacking a hospital not only has a devastating immediate impact but denies people the opportunity to access lifesaving healthcare in the future. I support calls for an urgent and impartial investigation to ensure accountability.

This horrific bombing demonstrates the disproportionate risk for civilians when explosive weapons are used in urban areas. I call on all parties to refrain from using explosive weapons or conducting aerial bombardments in densely-populated places.

I commend the courageous work of MSF staff in Kunduz and the dedication of all humanitarian workers, national and international, who are risking their lives to help people in need.

Annex 4. Statement by the Leader of Islamic Emirate Concerning Liberation of Kunduz City

All praise is due to Allah and it is due to His boundless mercy and help that a key provincial capital in northern Afghanistan, Kunduz, has finally fallen to the Mujahideen of Islamic Emirate as the first provincial capital to do so, and all praise belong solely to Allah.

The leader of Islamic Emirate of Afghanistan congratulates Mujahideen and all the Mujahid nation on the occasion of this immense conquest and asks them to celebrate this victory with the remembrance of Allah and praising Him abundantly with prayers of thanks.

The Islamic Emirate deems it necessary to point to and give serious consideration to a few key topics on the blessed occasion of this event in Kunduz:

1. Mujahideen should give all of their attention to safeguarding the lives, property and honor of the respected citizens of the city of Kunduz after ending combat operations and securing their military objectives. Mujahideen must be vigilant and prevent elements which misuse such occasions in order to loot and plunder or harm the lives and property of locals or the shared Bait-ul-Maal (public property).

2. The citizens of Kunduz city should be aware that the Islamic Emirate has no intention of transgressing against their personal property, carrying out extrajudicial killings, looting or breaching the inviolability of homes rather it seeks to prevent such happenings. Whoever exploits such military situations to perpetrate such crimes are not Mujahideen. All citizens must aid the Mujahideen of Islamic Emirate in preventing such actions from happening and help them in identifying and detaining all perpetrators.

3. The citizens of Kunduz should not worry about safeguarding their lives and properties. Carry out your ordinary livelihoods in absolute security. All traders, workers, staff of hospitals, municipality and governing bodies should continue their daily routines without any fear or intimidation. Mujahideen are their brothers and are committed to securing their lives and property. Mujahideen are not thinking of harassing or deriding anyone but have intentions of respecting and bringing serenity to their lives.

4. Our message to government officials and security personnel who are thinking about resistance or are hiding in fear of retribution is that they should abandon all negative thoughts spread about Mujahideen due to enemy propaganda.

Mujahideen are not thinking about retribution but have come with a message of peace. Mujahideen were against such people due to them standing and carrying out duties in the ranks of the invaders and its stooge regime. If they regret their former actions and renounce links with the opposition then the gates of forgiveness of the Islamic Emirate are open upon them. They can confidently establish links with the Mujahideen by utilizing the Dawat wal Irshad (Call and Guidance) program, thus securing their lives and properties.

5. These conquests are due to the help of Almighty Allah and sacrifices of this Mujahid nation therefore the Kabul regime should openly admit its defeat, stop linking the victories of the Mujahideen to outside intelligence agencies and must not avenge their setbacks with blind bombardments and shelling of innocent people. They should accept the progress of Mujahideen as a bitter reality and think about their future and the future of the entire country in a cool composed manner. The time has now passed where big talks of Dostum, shrewd promises of Ashraf Ghani and baseless propaganda of the west would confuse common thought.

Wasalam

Servant of Islam

Amir ul Mumineen

Mullah Akhtar Muhammad Mansur

14/12/1436 Hijri Lunar

06/07/1394 Hijri Solar 20/09/2015 Gregorian

See: <http://shahamat-english.com/statement-by-the-leader-of-islamic-emirate-concerning-liberation-of-kunduz-city/>, last accessed 28 October 2015. Note that the Taliban published this statement on their website on 28 September 2015.

Annex 5. Statement by Commission for Control and Administration of NGOs and Companies

In the name of Allah, the Beneficent, the Merciful

Islamic Emirate of Afghanistan

Commission for Control and Administration of NGOs and Companies

We declare to all the workers of NGOs, private companies and Telecommunication Networks to continue their work normally. If they do somehow face any problems then they should forward their complaints to the Commission for Control and Administration of NGOs and Companies of the Islamic Emirate by contacting the numbers provided below so that their problems are resolved quickly and all real hurdles preventing them from carrying out their normal duties removed.

Wasalam

Contact numbers:

Main Branch: 0702470267

Kunduz Branch: 0786231649

Commission for Control and Administration of NGOs and Companies

14/12/1346 Hijri Lunar

06/07/1394 Hijri Solar

28/09/2015 Gregorian

See: <http://shahamat-english.com/statement-by-commission-for-control-and-administration-of-ngos-and-companies/>, last accessed 28 October 2015