



# AFGHANISTAN

PROTECTION OF CIVILIANS IN ARMED CONFLICT  
ANNUAL REPORT 2018



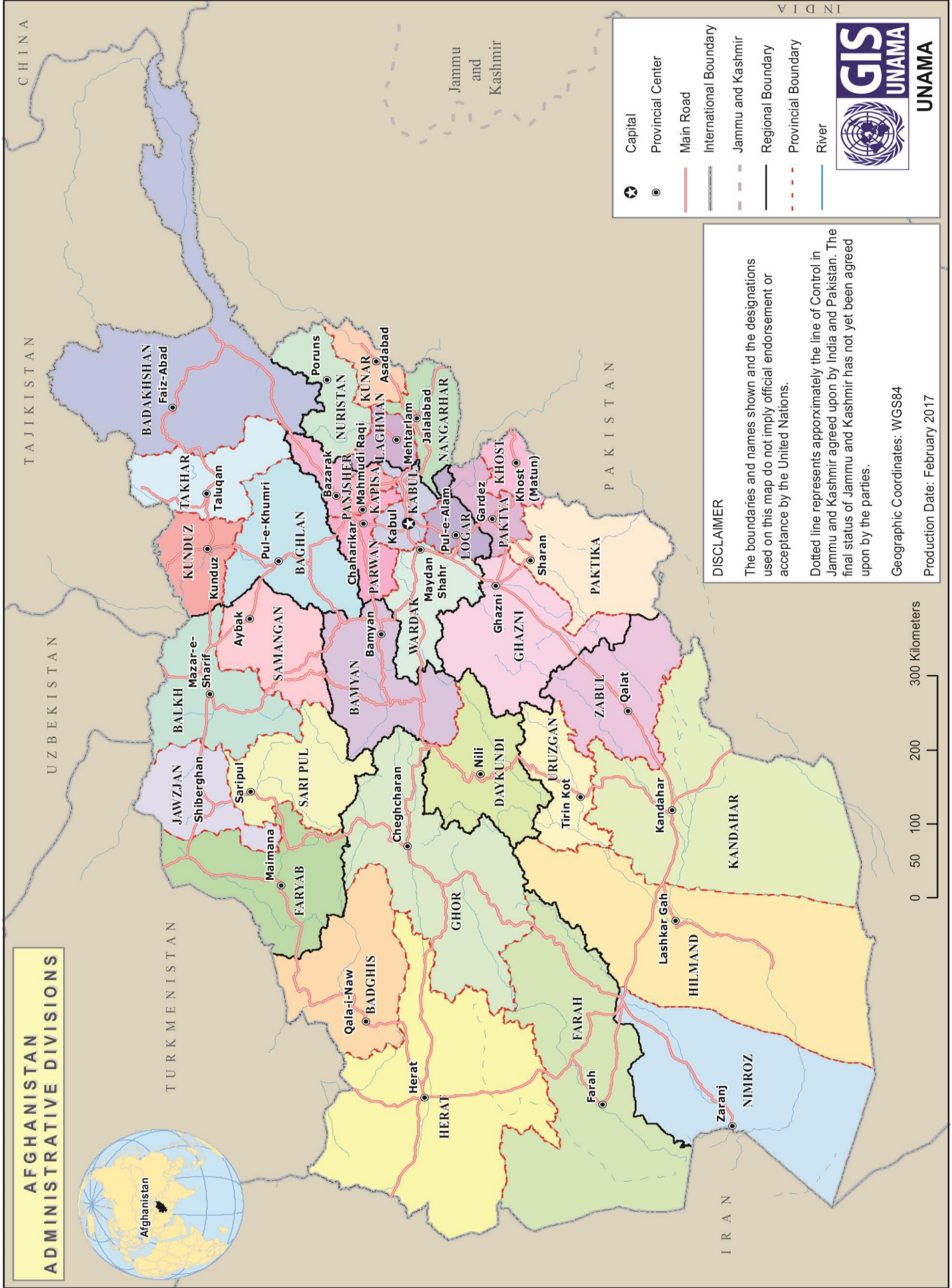
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FEBRUARY 2019  
KABUL, AFGHANISTAN

# AFGHANISTAN ADMINISTRATIVE DIVISIONS



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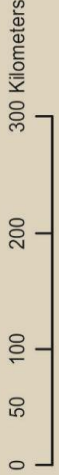
- Capital (Star symbol)
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- Main Road (Red line)
- International Boundary (Dashed line)
- Jammu and Kashmir (Dotted line)
- Regional Boundary (Black line)
- Provincial Boundary (Red dashed line)
- River (Blue line)

**DISCLAIMER**

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Dotted line represents approximately the line of Control in Jammu and Kashmir agreed upon by India and Pakistan. The final status of Jammu and Kashmir has not yet been agreed upon by the parties.

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A group of journalists and first responders are caught in a downtown Kabul suicide attack on 30 April 2018. Nine journalists were killed, including one woman, and six other journalists were injured when a suicide attacker posing as journalist -bearing fake press identification and carrying a camera- detonated his explosive device. The attacker had waited for first-responders and the media to arrive at the scene of an earlier blast, which was caused by a suicide attacker on a motorbike at a National Directorate of Security check post. *Daesh*/ISKP claimed responsibility for both attacks, which resulted in a total of 63 civilian casualties (21 deaths and 42 injured), including four children.

**“This is the UN’s tenth annual report documenting the plight of civilians in the Afghan conflict – more than 32,000 civilians killed and around 60,000 injured in a decade. It is time to put an end to this human misery and tragedy. The best way to halt the killings and maiming of civilians is to stop the fighting. That is why there is all the more need now to use all our efforts to bring about peace. I urge all parties to seize every opportunity to do so.”**

Tadamichi Yamamoto, United Nations Special Representative of the Secretary-General for Afghanistan, Kabul, February 2019

**“The conflict in Afghanistan continues to kill far too many civilians and has caused long-lasting suffering, both physical and psychological, to countless others. The fact that the number of children killed this year is the highest on record, is particularly shocking. In addition to the lives lost, the dire security situation is preventing many Afghans from enjoying their economic, social and cultural rights, with thousands of children already handicapped for life because of attacks on schools and medical facilities. I call on all parties to the conflict to fully respect international humanitarian and international human rights law to protect the lives of all civilians.”**

Michelle Bachelet, United Nations High Commissioner for Human Rights, Geneva, February 2019

## **Mandate**

The 2018 Annual Report on the Protection of Civilians in Armed Conflict in Afghanistan was prepared by the Human Rights Service of the United Nations Assistance Mission in Afghanistan (UNAMA) and covers the period from 1 January to 31 December 2018.

The UNAMA Human Rights Service prepared this report pursuant to the UNAMA mandate under United Nations Security Council Resolution 2405 (2018) “to monitor the situation of civilians, to coordinate efforts to ensure their protection, [...] to promote accountability, and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights.”

Security Council resolution 2405 (2018) recognizes the importance of on-going monitoring and reporting to the Security Council on the situation of civilians in the armed conflict, particularly on civilian casualties.

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

This report is jointly published by UNAMA and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

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## **Methodology**

Since 2009, UNAMA has been systematically documenting civilian casualties attributed to parties to the conflict in Afghanistan using a consistent methodology, which has allowed for year-on-year trend analysis and reporting. The work of UNAMA on protection of civilians is grounded in principles of international human rights law and international humanitarian law, and its methodology is based on best practices and the advice and guidance of OHCHR.

Existence of civilian casualties does not mean a violation has been committed, although high numbers of casualties may be indicative of violations or reflect patterns of harm.

## **Verification and the standard of proof**

For the purposes of its protection of civilians reports, UNAMA only includes verified civilian casualties.<sup>1</sup> Civilian casualties are recorded as ‘verified’ where, based on the totality of the information it has reviewed, UNAMA has determined that there is ‘clear and convincing’ evidence that civilians have been killed or injured. In order to meet this standard, UNAMA requires at least three different and independent types of sources, i.e. victim, witness, medical practitioner, local authorities, confirmation by a party to the conflict, community leader or other sources. Wherever possible, information is obtained from the primary accounts of victims and/or witnesses of the incident and through on-site fact-finding. These forms of fact-finding are not always possible, primarily due to security-related constraints affecting access. In such instances, UNAMA relies on a range of techniques to gain information through reliable networks using as wide a range of sources and information as possible, all of which are evaluated for credibility and reliability. These techniques include examination of digital evidence gathered at the scene of incidents such as still and video images as well as audio recordings; visits to hospitals and medical facilities; reports of the United Nations Department of Safety and Security and other United Nations entities; accounts by secondary sources; information gathered by non-governmental organizations (NGOs) and other third parties; and the parties to the conflict themselves. UNAMA proactively consults sources of different genders, as well as individuals belonging to minority racial, religious and ethnic groups, and marginalized sectors of society, to ensure a variety of opinions and reduce risk of any particular bias.

Where UNAMA is not satisfied with the quantity or quality of information concerning civilian casualties, it will not consider it as verified. This report does not include unverified incidents. UNAMA shares information about incidents with parties to the conflict to ensure accuracy in its reporting, to assist the parties to take preventative and mitigating measures, and to promote accountability, including providing compensation to victims.

## **Protection of sources**

When documenting incidents of civilian casualties, UNAMA takes care to protect vulnerable sources from any possible repercussions of providing information, including by meeting in safe locations, conducting interviews with women in accordance with prevailing social norms, and halting fact-finding where it may endanger sources.

## **Attribution of responsibility**

As multiple parties are engaged in the conflict, UNAMA makes every effort to identify as precisely as possible the party responsible for a particular civilian casualty. However, this may not always be possible due to challenges associated with the operating environment. For instance, primary sources may not be able to clearly identify responsible parties or distinguish between diverse military actors and armed group members in each case, and there may not always be a claim of responsibility. UNAMA attributes responsibility for each civilian casualty to either Pro-Government Forces or Anti-Government Elements, jointly to both groups, or as “perpetrator-undetermined”. In cases of ground engagements between Pro-Government Forces and Anti-

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<sup>1</sup> UNAMA also documents and verifies incidents that result in civilian property damage.



Government Elements in which a civilian casualty cannot be attributed to one party, UNAMA jointly attributes responsibility to both groups and records them as “Pro-Government Forces and Anti-Government Elements.” Where deaths are caused by explosive remnants of war that cannot be conclusively attributed to a party or parties or may be left behind from previous conflicts, cases are categorized as “perpetrator-undetermined”.

### **Determination of the civilian status of victims**

In some incidents, the civilian status of the reported victims cannot be conclusively established or is disputed. UNAMA defines civilians as persons who are not members of the armed forces or of an organized armed group. It does not document casualties where the civilian directly participated in hostilities at the time of death or injury, nor does it document the death or injury of individuals protected from attack who are not civilians under international humanitarian law, such as persons *hors de combat* or the medical and religious personnel of the armed forces.<sup>2</sup> UNAMA does not presume fighting-age males are either civilians or fighters. Rather, such claims are assessed and documented based upon the facts available in relation to each casualty. Where insufficient information is available, such casualties will not be included in the statistical reporting.

UNAMA does not claim that the statistics presented in this report are complete and acknowledges possible under-reporting of civilian casualties given limitations inherent in the operating environment.

### **Cooperation with the Afghanistan Independent Human Rights Commission**

UNAMA coordinates and cooperates with the Afghanistan Independent Human Rights Commission (AIHRC), particularly with its Special Investigations Team, in conducting fact-finding on incidents and in analyzing overall trends and patterns. UNAMA and AIHRC occasionally conduct joint monitoring missions.

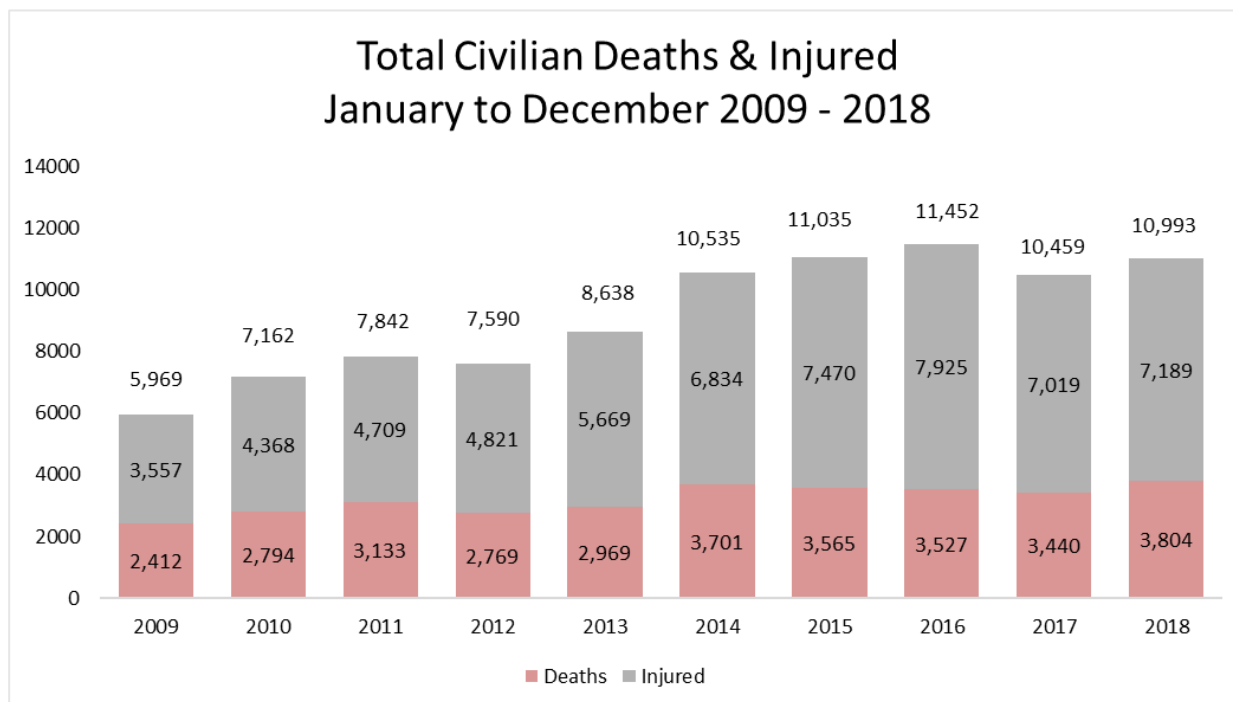
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<sup>2</sup> For more information, see *Annex I: Legal Framework* and *Annex III: Glossary* for the definition of civilians and ‘civilian casualties’.

## Executive Summary

The armed conflict in Afghanistan continued to harm civilians at unacceptably high levels in 2018, with overall civilian deaths, including child deaths, reaching record high levels. UNAMA documented 10,993 civilian casualties (3,804 deaths and 7,189 injured) as a result of the armed conflict, representing a five per cent increase in overall civilian casualties and an 11 per cent increase in civilian deaths as compared to 2017.<sup>3</sup> There were significant increases in civilian casualties from suicide attacks<sup>4</sup> by Anti-Government Elements, mainly *Daesh*/Islamic State Khorasan Province (ISKP). This, in addition to increases in harm to civilians from aerial operations and search operations, more than offset the continued decrease in civilian casualties from ground fighting. Suicide attacks and aerial operations each caused the most civilian casualties ever recorded by UNAMA for those tactic types.

Anti-Government Elements continued to cause the majority of civilian casualties in Afghanistan in 2018. Anti-Government Elements' use of improvised explosive devices (IEDs) in both suicide and non-suicide attacks remained the leading cause of civilian casualties in 2018, accounting for 42 per cent of the total. Civilian casualties from all IED tactics increased by 11 per cent, which was driven by the 22 per cent increase from suicide IEDs, reaching record high levels.<sup>5</sup> Suicide IEDs caused almost 26 per cent of all civilian casualties, while non-suicide IEDs caused more than 16 per cent, resulting in a combined total of 4,627 civilian casualties (1,361 deaths and 3,266 injured) from suicide and non-suicide IEDs. Of particular concern is the indiscriminate and unlawful use of IEDs such as suicide and pressure-plate devices in civilian populated areas as well as the increased deliberate targeting of civilians using IEDs. Kabul remained the province most affected by IEDs



<sup>3</sup> Since it began systematically recording civilian casualties in 2009, UNAMA has documented 91,675 civilian casualties (32,114 killed and 59,561 injured). In 2017, UNAMA verified 10,459 civilian casualties (3440 deaths and 7019 injured).

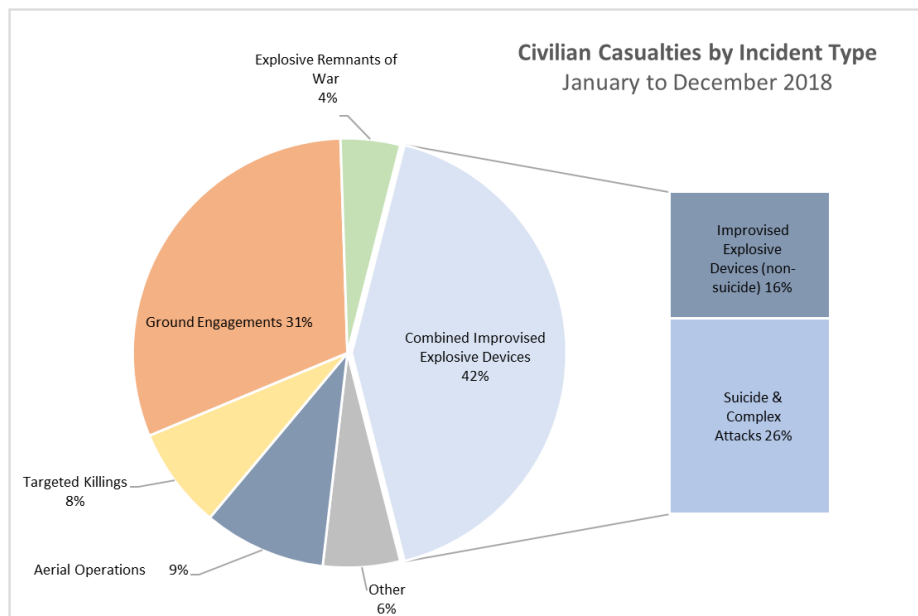
<sup>4</sup> UNAMA uses the term 'suicide IEDs' or 'suicide attacks' to include all attacks where the perpetrator used an IED, typically body-borne or vehicle-borne, intended to result in his or her death upon detonation. This also includes 'complex attacks'. See *Annex III: Glossary*.

<sup>5</sup> The number of non-suicide IED civilian casualties decreased in 2018, by two per cent compared with 2017.

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(mainly suicide), while civilian casualties from IEDs in Nangarhar province increased four-fold (mostly from non-suicide devices), reaching nearly the same level as Kabul for the first time.<sup>6</sup>

Ground engagements, mainly between Pro-Government Forces and Anti-Government Elements,<sup>7</sup> remained the second leading cause of civilian casualties, accounting for 31 per cent, or 3,382 civilian casualties (814 deaths and 2,568 injured). This represents a three per cent decrease, continuing the trend from 2017 when UNAMA documented a more significant reduction.<sup>8</sup> The continued decrease in ground engagement



casualties was driven by reductions in civilian casualties caused by Pro-Government Forces, while levels attributed to Anti-Government Elements remained on par with 2017. UNAMA notes that many factors contributed to the continued decrease in civilian casualties from ground engagements, including the shift in ground fighting towards more sparsely populated areas, warnings provided to civilians where fighting occurred, and the continued implementation of policies to better protect the population.<sup>9</sup>

Of grave concern, the number of casualties from attacks deliberately targeting civilians by Anti-Government Elements – mostly from suicide and complex attacks – increased by 48 per cent as compared to 2017, rising to 4,125 civilian casualties (1,404 deaths and 2,721 injured) in 2018.<sup>10</sup>

Civilian casualties from attacks deliberately targeting civilians by *Daesh*/ISKP more than doubled from 843 in 2017 to 1,871 in 2018, mainly from suicide and complex attacks directed at civilians, including deliberate sectarian-motivated attacks against the minority Shi'a Muslim population.

<sup>6</sup> In 2018, UNAMA documented: 1,866 civilian casualties (596 deaths and 1,270 injured) in Kabul province. Of these, suicide and non-suicide IEDs comprised 98 per cent, or 1,815 civilian casualties (576 deaths and 1,239 injured) compared with 1,769 civilian casualties (461 deaths and 1,308 injured) in Kabul from suicide and non-suicide IEDs in 2017. In Nangarhar province, UNAMA documented 1,815 civilian casualties (681 deaths and 1,134 injured) in 2018. Of these, suicide and non-suicide IED casualties comprised 65 per cent, or 1,166 civilian casualties (314 deaths and 852 injured), compared with 269 civilian casualties (74 deaths and 195 injured) from these tactics in Nangarhar in 2017.

<sup>7</sup> UNAMA also recorded 50 civilian casualties from ground engagements between Anti-Government Elements, mainly from fighting between Taliban and *Daesh*/ISKP.

<sup>8</sup> In 2017, UNAMA documented 3,485 civilian casualties (824 deaths and 2,661 injured) from ground engagements. This amounted to a 23 per cent reduction in the number of such civilian casualties compared with 2016.

<sup>9</sup> See *Chapter V: Ground Engagements: Civilians Caught in the Crossfire* and *Chapter VI: Civilian Casualty Mitigation Policies and Mechanisms, including Accountability Efforts*.

<sup>10</sup> This figure does not include attacks targeting Afghan National Police by Anti-Government Elements, which caused an additional 669 civilian casualties (195 deaths and 474 injured), because the police targeted may not have benefited from protection based on civilian status depending on their activities at the time of attack, which could render them directly participating in hostilities (in which cases civilian casualties counted include only the others impacted who were not participating in hostilities). UNAMA also did not include attacks by Anti-Government Elements aimed at unknown targets, which caused 162 civilian casualties (42 deaths and 120 injured).

The number of civilian casualties from deliberate targeting of civilians by Taliban nearly doubled from 916 civilian casualties in 2017 to 1,751 in 2018. The increase largely resulted from the suicide ambulance attack in Kabul on 27 January, marking the single deadliest incident UNAMA has ever recorded, and from election-related attacks on 20 October (polling day), when UNAMA recorded the highest number of civilian casualties in any day in 2018.

UNAMA documented a reduction in civilian casualties resulting from targeted killings of individuals, mainly from shooting, by Anti-Government Elements.<sup>11</sup> However, UNAMA remains particularly concerned with the continued targeting of civilians including religious leaders and tribal elders by Anti-Government Elements.

UNAMA monitoring of election-related incidents in the months leading up to the parliamentary elections and on polling days revealed an organized campaign of violence by Anti-Government Elements, mainly Taliban, to undermine the elections and deny Afghan citizens their right to safely and freely participate in the electoral processes. This consisted of numerous attacks directed at civilian objects and in civilian-populated areas, and a disturbing pattern of abductions, threats, intimidation and harassment. Beginning on 14 April with the opening of the voter registration period to the end of 2018, UNAMA verified 1,007 election-related civilian casualties (226 deaths and 781 injured)<sup>12</sup> along with election-related abductions of 310 civilians. Taliban caused approximately half of all election-related civilian casualties in 2018.<sup>13</sup>

In 2018, UNAMA documented a significant rise in civilian casualties from aerial operations by Pro-Government Forces, marking a 61 per cent increase in overall civilian casualties from this tactic type compared to 2017 and an 82 per cent increase in deaths. Airstrikes comprised nine per cent of all civilian casualties and caused the highest levels of civilian harm since UNAMA began systematic documentation in 2009. UNAMA notes with concern that the increase in civilian casualties from aerial operations in 2018 was largely driven by international military forces' operations, which caused more civilian casualties than operations by the Afghan Air Force. UNAMA is particularly concerned that aerial operations by international military forces conducted in support of Afghan forces, mainly National Directorate of Security (NDS) Special Forces, during search operations, have also caused significantly more civilian casualties (including extremely high numbers of deaths) in 2018.

In contrast to the overall increase in civilian casualties, women and child casualties decreased in 2018, although they remained at extremely high levels. While the 3,062 child casualties (927 deaths and 2,135 injured) recorded in 2018 marked a slight decrease overall compared to 2017, child deaths reached record high levels in 2018,<sup>14</sup> mainly due to the significant increase in child deaths from aerial attacks, which more than doubled, as well as from suicide attacks. Children accounted for 28 per cent of all civilian casualties in 2018. Women comprised 10 per cent of conflict-related civilian casualties in 2018.<sup>15</sup> UNAMA documented 1,152 women casualties (350 deaths and 802 injured), a reduction of six per cent as compared to 2017, resulting mainly from a decrease in women casualties from ground engagements.

UNAMA continued to receive reports of recruitment and use of children by Anti-Government Elements, Afghan national security forces and pro-Government armed groups. Anti-Government Elements continued to recruit and use children for combat roles, and while progress has been made within the Afghan national security forces concerning formal recruitment of children, the use of children remained a problem, including for sexual

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<sup>11</sup> See *Annex III: Glossary* for the definition of targeted killings.

<sup>12</sup> Approximately half of these civilian casualties occurred on polling days on 20 and 21 October.

<sup>13</sup> UNAMA attributed 189 election-related incidents that caused 508 civilian casualties (102 deaths and 406 injured) to Taliban, seven election-related incidents of suicide and non-suicide IED attacks that caused 338 civilian casualties (94 deaths and 244 injured) to *Daesh*/ISKP. For further details, see the subsection on *Attacks perpetrated in relation to the parliamentary elections* in the section III.b.ii below on *Attacks deliberately targeting civilians and civilian objects*.

<sup>14</sup> In 2017, UNAMA documented 3,179 child casualties (861 deaths and 2,318 injured). In 2018, UNAMA documented 927 child deaths in 2018, matching the same record high levels documented in 2016.

<sup>15</sup> Women casualty figures include all women age 18 and above; girls under the age of 18 are counted among child casualties.

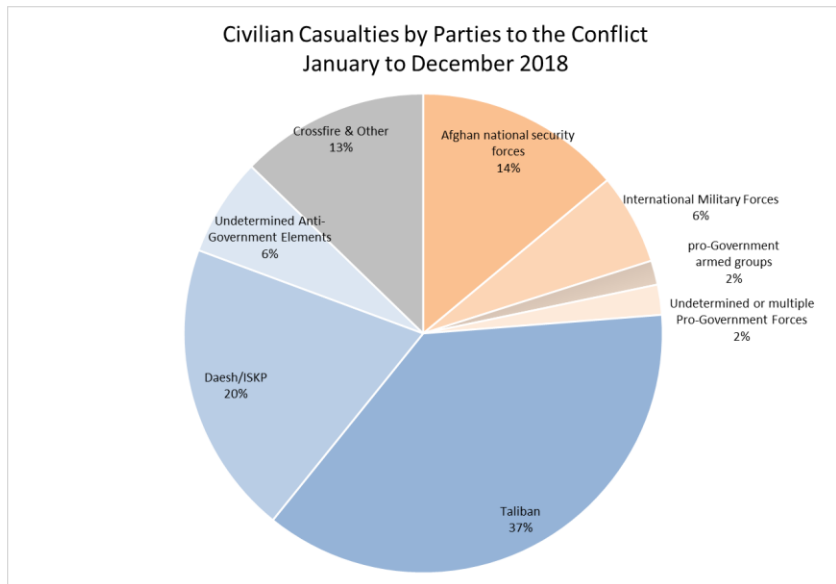
purposes. While the revised Penal Code, which entered into force in February 2018, explicitly criminalizes the practice of *bacha bazi*,<sup>16</sup> accountability for such crimes remains a significant challenge.

Throughout 2018, UNAMA documented a rise in attacks and threats affecting education – three times as many incidents as in 2017 – mainly due to the Taliban attacking voter registration and polling centres located in schools through the parliamentary elections. UNAMA is also concerned with an emerging trend in 2018 of attacks and threats by Anti-Government Elements, particularly by *Daesh*/ISKP against education facilities, carried out in reaction to military operations by Afghan and international military forces.<sup>17</sup> UNAMA is further concerned with the continued attacks against health care documented in 2018, mainly by Anti-Government Elements, noting the impact that this has on large numbers of civilians.

**Attribution of Civilian Casualties**

UNAMA attributed the majority of civilian casualties – 63 per cent – to Anti-Government Elements, with 37 per cent attributed to Taliban, 20 per cent to *Daesh*/ISKP, and six per cent to undetermined and other Anti-Government Elements.

Pro-Government Forces caused 24 per cent of civilian casualties in 2018 (14 per cent by Afghan national security forces, six per cent by international military forces, two per cent by pro-Government armed groups and two per cent by undetermined or multiple Pro-Government Forces).



Cross-fire during ground engagements between Anti-Government Elements and Pro-Government Forces that could not be attributed to a specific party caused 10 per cent of civilian casualties. Shelling from Pakistan into Afghanistan caused nearly one per cent of civilian casualties. The remaining two percent of civilian casualties, mainly caused by explosive remnants of war, could not be attributed to any party.

**Anti-Government Elements**

In 2018, UNAMA attributed 6,980 civilian casualties (2,243 deaths and 4,737 injured) to Anti-Government Elements, a three per cent increase compared with 2017.<sup>18</sup> The increase came mainly from the indiscriminate use of suicide and other IED tactics in civilian areas and the deliberate targeting of civilians with these devices, mainly by *Daesh*/ISKP, as well as the use of indirect fire systems such as mortars, grenades and rockets in and from civilian-populated areas during ground engagements. Anti-Government Elements, mainly Taliban, caused fewer civilian casualties from targeted killings and from shooting during ground engagements.

<sup>16</sup> See *Annex III: Glossary*.

<sup>17</sup> See section II.c below on the *Impact of the Armed Conflict on Education*.

<sup>18</sup> In 2017, UNAMA attributed 6,768 civilian casualties (2,303 deaths and 4,465 injured) to Anti-Government Elements.

UNAMA attributed 4,072 civilian casualties (1,348 deaths and 2,724 injured) to Taliban, a seven per cent decrease compared with 2017, comprising 37 per cent of all civilian casualties.<sup>19</sup> UNAMA attributed 2,181 civilian casualties (681 deaths and 1,500 injured) to *Daesh*/ISKP, an increase of 118 per cent compared to 2017, comprising 20 per cent of all civilian casualties.<sup>20</sup> UNAMA attributed 678 civilian casualties (196 deaths and 482 injured) to undetermined Anti-Government Elements.<sup>21</sup>

The leading cause of civilian casualties by Anti-Government Elements continued to be suicide and complex attacks, which resulted in 2,809 civilian casualties (886 deaths and 1,923 injured), a 22 per cent increase compared to 2017 and the highest numbers of civilian deaths and injuries from suicide tactics in a single year since UNAMA began systematic documentation of civilian casualties in 2009. Non-suicide IEDs caused 1,818 civilian casualties (475 deaths and 1,343 injured), approximately the same as in 2017. Anti-Government Elements caused 1,394 civilian casualties (291 deaths and 1,103 injured) from ground engagements, approximately the same as in 2017.

UNAMA acknowledges that the Taliban has stated that it has undertaken measures to better protect civilians but notes continued concern with Taliban use of indirect weapons systems and IEDs targeting civilians and civilian objects, as well as its use of the weapons against Pro-Government Forces in civilian areas, which had indiscriminate effects.

### **Pro-Government Forces**

UNAMA documented 2,612 civilian casualties (1,185 deaths and 1,427 injured) attributed to Pro-Government Forces, a 24 per cent increase in civilian casualties as compared to 2017. The increase was mainly driven by a significant increase in civilian casualties resulting from aerial operations by international military forces as well as from search operations conducted by Afghan national security forces and pro-Government armed groups. Aerial operations and ground engagements caused the same number of civilian casualties,<sup>22</sup> and were the two leading causes of civilian casualties attributed to Pro-Government Forces in 2018.

UNAMA attributed 1,535 civilian casualties (606 deaths and 929 injured) to Afghan national security forces, approximately the same number as in 2017. UNAMA attributed 674 civilian casualties (406 deaths and 268 injured) to international military forces, mainly from aerial operations, which is more than the number recorded in 2017. Pro-Government armed groups caused 180 civilian casualties (99 deaths and 81 injured), approximately double the number from 2017.<sup>23</sup>

The increases from aerial and search operations more than offset the decrease in civilian casualties caused by Pro-Government Forces during ground fighting, which reduced by nine per cent compared with 2017, resulting in 1,015 civilian casualties (282 deaths and 733 injured). UNAMA attributed almost all civilian casualties from ground fighting to Afghan National Security Forces and pro-Government armed groups, with two per cent attributed to international military forces.

UNAMA documented 1,015 civilian casualties (536 deaths and 479 injured) from aerial operations.<sup>24</sup> Of these, it attributed 632 civilian casualties (393 deaths and 239 injured) to international military forces, 304 (118 deaths and 186 injured) to the Afghan Air Force, and the remaining 79 civilian casualties to undetermined pro-

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<sup>19</sup> Of the incidents attributed to Taliban, the group publicly claimed responsibility for 153 attacks resulting in 943 civilian casualties (319 deaths and 624 injured).

<sup>20</sup> Of the incidents attributed to *Daesh*/ISKP, the group claimed responsibility for 45 attacks (mostly targeting civilians) causing 1,752 civilian casualties (514 deaths and 1,238 injured).

<sup>21</sup> UNAMA also documented 19 civilian casualties (11 deaths and eight injured) to self-identified *Daesh*/ISKP; one death to Tehrik-i-Taliban Pakistan; and the remaining were jointly attributed to multiple Anti-Government Element groups.

<sup>22</sup> In 2018, aerial operations and ground engagements each caused 1,015 civilian casualties. However, UNAMA notes that the number of civilian deaths caused by aerial operations (536) was almost double the number of those caused by ground engagements (282).

<sup>23</sup> The remaining civilian casualties were attributed to undetermined or multiple Pro-Government Forces.

<sup>24</sup> This is compared to 2017 when UNAMA recorded 631 civilian casualties (295 deaths and 336 injured) resulting from aerial operations by Pro-Government Forces.

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Government forces. Search operations caused 353 civilian casualties (284 deaths and 69 injured) with the majority caused by NDS Special Forces and the Khost Protection Force, both of whom are supported by international military forces.<sup>25</sup>

Pro-Government Forces' efforts to prevent civilian casualties, including continued implementation of policies and efforts to train forces, track and learn from civilian casualty incidents, contributed to the decrease in civilian casualties from ground engagements, while their increased reliance on airstrikes and search operations caused increasing casualties.

### Recommendations

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

#### Anti-Government Elements

- Cease the indiscriminate and disproportionate use of all IEDs, including the use of body-borne IEDs and vehicle-borne IEDs during suicide and complex attacks, particularly when deploying such devices indiscriminately and disproportionately in civilian-populated areas, and immediately stop using illegal pressure-plate IEDs.
- In the context of future electoral processes, refrain from all attacks directed at election-related facilities and threats to election-related personnel and voters. Ensure that schools, health facilities and places of worship that may be used in elections remain protected from attack, and that individuals are able to safely and freely participate in the elections.
- Immediately cease the deliberate targeting of civilians and civilian objects. The deliberate targeting of civilian government administration, human rights defenders, judges, journalists, prosecutors, school teachers, first responders and aid workers – mainly by *Daesh*/ISKP – must cease.
- Cease the use of indirect fire systems (mortars, rockets and grenades) from and to civilian populated areas.
- Ensure that all directives and orders comply with international humanitarian law, particularly the principles of precaution, distinction and proportionality and hold accountable those conducting indiscriminate attacks or attacks deliberately targeting civilians and civilian objects. Apply a definition of 'civilian' that is consistent with international humanitarian law; enforce statements by Taliban leadership that prohibit attacks against civilians and in civilian-populated areas; implement directives ordering Taliban members to prevent and avoid civilian casualties; and publicize Taliban civilian protection policies.
- Continue to take measures to implement directives prohibiting the recruitment and use of children and ensure accountability for those commanders who recruit and use children.
- Cease all attacks and threats against health care facilities and health care workers, including polio vaccinators and campaigners; cease all attacks and threats against schools and education personnel, and ensure that children's access to education is not impeded by military operations.

#### Government of Afghanistan

- Immediately disband and disarm all illegal armed groups and militias, including the Khost Protection Force, or formally incorporate members into the Afghan national security forces following a robust vetting procedure; increase transparency and accountability concerning operations of National

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<sup>25</sup> This is compared to 2017 when UNAMA recorded 92 civilian casualties (63 deaths and 29 injured) from search operations by Pro-Government Forces.

Directorate of Security Special Forces, which appear to fall outside of the official Governmental chain of command and to be coordinated with international military actors; and investigate all allegations of human rights abuses and international humanitarian law violations with a view to ensuring accountability.

- Cease the use of indirect fire systems (mortars, rockets and grenades) from and to civilian populated areas; continue to develop and improve tactical directives, rules of engagement and other procedures in relation to the use of armed aircraft.
- Increase efforts to protect religious leaders, as well as the Shi'a Muslim religious minority population from sectarian-motivated attacks, including enhancement of existing protection and security measures, strengthening preventative mechanisms, and ensuring better coordination and communication with affected communities.
- Continue to strengthen the capacity of the Afghan national security forces to command, control and effectively conduct counter-IED operations and IED-disposal, including IED exploitation, and ensure that the Government dedicates all necessary resources to ensure the full implementation of the national counter-IED strategy.
- Enhance mitigation measures for any upcoming elections to further reduce the potential risk of harm to civilians, particularly children, considering the widespread use of schools and, to a lesser extent, of health facilities and mosques as election-related sites.
- Strengthen age assessment and vetting procedures, and expand the functions of the Child Protection Units in the Afghan National Police to incorporate pro-active monitoring at check posts to prevent and stop incidents of use of children in combat and non-combat roles by members of the Afghan national security forces; enforce the provisions in the revised Penal Code concerning *bacha bazi* and ensure accountability for crimes of sexual violence against children.
- Ensure that careful battle damage assessments are conducted, where possible given the operational environment, to provide an effective feedback mechanism to military forces on the impact of past operations and to help inform future operational planning; continue to conduct post-operation reviews and investigations, and ensure transparency, following allegations of civilian casualties with a view to identifying broader patterns of harm, improving operational practice and promoting accountability, and ensuring adequate, effective, and prompt reparations be provided for harm suffered.

### **International Military Forces**

- Thoroughly review and strengthen current tactical protocols to prevent civilian casualties, particularly in the context of strikes carried out in support of Afghan and/or international military forces on the ground who come under attack, and strikes carried out on structures in any context.
- Continue to conduct post-operation reviews and investigations, and ensure transparency, following allegations of civilian casualties from aerial operations and search operations, with a view to identifying broader patterns of harm, improving operational practice and promoting accountability, and ensuring adequate, effective, and prompt reparations are provided for harm suffered.
- Continue to support the Government of Afghanistan in implementing the National Policy on Civilian Casualty Prevention through the continued provision of training, resources and related support to the Afghan national security forces at the policy, operational and tactical levels, in particular to put in place mitigation measures to prevent harm to civilians from indirect fire weapons and armed aircraft.
- Strengthen efforts to review incidents of civilian casualties with Afghan counterparts where they result from partnered operations; provide further training and assistance to Afghan national security forces in conducting effective battle damage assessments; and increase engagements with affected communities, including through their Afghan partners, on incidents in which civilian casualties have occurred.



## I. Political and Security Dynamics Affecting Civilian Protection

In 2018, the civilian population, particularly women and children, continued to bear the brunt of the armed conflict in Afghanistan, suffering loss of life and limb, forced displacement,<sup>26</sup> threats and intimidation, and lack of access to essential services, such as education and health care. Foreshadowing trends seen throughout the year, 2018 began with a spike in civilian harm caused by a series of airstrikes by international military forces in early January in Nangarhar and Jawzjan provinces, followed by several suicide attacks by Anti-Government Elements later in the month, including the deadliest single attack since UNAMA began systematic documentation in 2009, on 27 January, in Kabul city.

The Afghan Air Force, with support from Resolute Support, continued to expand its fleet and gained the capacity to conduct aerial combat operations at night in December 2018. At the start of its ‘Al Kandaq’ operation in the spring of 2018, Taliban refrained from what had become usual rhetoric of announcing plans to take over major cities, instead emphasizing plans to target foreign military forces and their Afghan Government supporters. International military forces publicly stated that their focus would be to support major military bases and civilian population centres, as opposed to other less populated areas.<sup>27</sup> Following a relaxation in the rules of engagement for United States forces in Afghanistan, which removed certain “proximity” requirements for airstrikes, and additional deployments to the country near the end of 2017,<sup>28</sup> airstrikes continued to increase throughout 2018, with United States forces releasing almost 70 percent more weapons than the previous year.<sup>29</sup>

While the overall number of armed clashes between Pro-Government Forces and Anti-Government Elements decreased slightly across Afghanistan, fighting intensified in some parts of the country, particularly in the east, southeast and areas within the south.<sup>30</sup> Taliban made territorial gains in sparsely populated areas, and advanced their positions in areas that had not seen fighting in years. They temporarily gained control of strategic check posts, including along major roadways leading to Kabul city, further restricting freedom of movement for residents and hampering movement of goods and people between major cities. The pressure on the population and non-governmental community to pay illegal taxes to the Taliban reached higher levels than in recent years as Taliban leadership ordered local groups to become more reliant on local sources of revenue and as the movement attempted to assert its presence across larger areas of the country.<sup>31</sup>

Following overlapping Government and Taliban ceasefires during Eid-ul-Fitr in June, a large-scale Taliban attack against Ghazni city in August appeared calculated to rule out the possibility of a second Eid-al-Adha ceasefire. It resulted in protracted fighting for more than a week and caused hundreds of civilian casualties, mainly from ground fighting and airstrikes, while witnesses also reported intentional damage to civilian property. Security concerns in the southeast remained high throughout the end of the year, with the Taliban continuing to maintain pressure on Government forces surrounding Ghazni city, while large-scale Taliban attacks in the Hazara-dominated western areas of Ghazni Province led to protracted fighting and large-scale displacement into November.

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<sup>26</sup> The United Nations Office of Coordination of Humanitarian Affairs recorded almost 360,000 individuals displaced by the conflict in 2018. UNAMA notes that many individuals were displaced multiple times as areas shifted between the control of the Government versus Anti-Government Elements. For more information on conflict-induced displacement, see: <https://www.humanitarianresponse.info/en/operations/afghanistan/idps>.

<sup>27</sup> See <https://www.nytimes.com/2018/07/28/world/asia/trump-afghanistan-strategy-retreat.html>.

<sup>28</sup> See section IV.b.i below on *Aerial Operations* for more details.

<sup>29</sup> In 2018, the United States forces in Afghanistan released 7,362 weapons as compared to 4,361 weapons in 2017. See <https://www.afcent.af.mil/About/Airpower-Summaries/>.

<sup>30</sup> According to data provided by the United Nations Department of Safety and Security in Afghanistan.

<sup>31</sup> UNAMA also notes reports near the end of 2018 of extortion against commercial transport by Afghan national security forces.

Parliamentary elections significantly impacted the political and security environments from the start of voter registration in April until polling days in October. Taliban and *Daesh*/ISKP attacks against voter registration sites resulted in hundreds of civilian casualties and impacted the right to education for children who were unable or too afraid to attend classes for long periods due to insecurity. Following the assassination of the Chief of Police of Kandahar province in an attack claimed by Taliban on 18 October, elections in Kandahar were postponed until 27 October. Elections were held as scheduled on 20 October across the rest of the country,<sup>32</sup> and on 21 October in a limited number of districts due to technical difficulties encountered the previous day. While many citizens were able to cast their vote, many others faced threats, intimidation, abductions and violence, mainly from Taliban who attempted to prevent participation in the elections. The first day of polling was marked by the highest number of civilian casualties (mainly injuries) recorded on any single day in 2018, which contributed significantly to the civilian casualties from indirect fire systems over the year.<sup>33</sup>

One of the most promising moments of 2018 was the mutual ceasefires observed by the Taliban and Government Forces during Eid-ul-Fitr in June, during which almost no civilian casualties attributed to these groups were recorded.<sup>34</sup> Diplomatic efforts towards peace intensified throughout 2018, with the appointment of a United States Special Representative for Afghanistan Reconciliation in September<sup>35</sup> and the official announcement of formal meetings between United States and Taliban representatives, as well as the offers from the Government of Afghanistan to talk to the Taliban without preconditions. In November, Russia hosted a meeting on the Afghan peace process, the third meeting in the “Moscow Format” consultations, attended by 11 countries and a delegation from the Taliban political office. It provided the opportunity to explore elements of the Taliban’s thinking and for the Taliban to hear views on Afghan support for human rights and women’s rights that could provide the starting point for a wider dialogue. Encouragingly, as 2018 ended, efforts towards formal peace negotiations continued notwithstanding complicated regional and internal dynamics.

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<sup>32</sup> With the exception of Ghazni province, where an earlier decision to indefinitely suspend elections was taken due to the prevailing security situation.

<sup>33</sup> See UNAMA Special Report on 2018 Elections Violence, available at: <https://unama.unmissions.org/protection-of-civilians-reports>.

<sup>34</sup> Only one pressure-plate IED incident attributed to Taliban was recorded during the ceasefire, and it was believed to have been planted before. No civilian casualties attributed to Pro-Government Forces were recorded during this period. However, *Daesh*/ISKP conducted two large attacks in Nangarhar against Taliban and civilian gatherings on 16 and 17 June, resulting in 181 civilian casualties (48 deaths and 133 injured).

<sup>35</sup> See: <https://www.state.gov/r/pa/ei/biog/287479.htm>.

## II. Impact of the Armed Conflict on Civilians

### a. Women and Armed conflict

*"I had a happy life with my husband and five children, we had three sons and two daughters. In 2015 my husband and three sons were on the way to his shop when an IED detonated and killed them. From that day, life has been miserable, as I was only 25 years old and had to work to provide for my two surviving daughters. I started work as a cleaner in houses just to get 50 AFS per day, but that was not sufficient. Recently, I was taking my daughter to the doctor, and on the way our car struck an IED. That day I lost my two daughters and I was injured seriously, I'm praying for my death, asking why I am still alive. I have lost my whole family and I have no more hope to live. In our society life without a male in the household is very difficult."<sup>36</sup>*

-- 28 year-old woman, victim of a pressure-plate IED in Uruzgan province.

Women continue to suffer inordinately from the armed conflict. In 2018, women comprised 10 per cent of conflict-related civilian casualties in 2018, down from 12 per cent in 2017. UNAMA documented 1,152 women casualties from the armed conflict (350 deaths and 802 injured), which represents a six percent decrease from 2017. An eight per cent decrease in women casualties from ground engagements contributed to this overall trend.

#### Leading Causes of Women Casualties:

**Ground Engagements (50 per cent):** 576 women casualties (132 deaths and 444 injured)

**Suicide and Complex Attacks (16 per cent):** 185 women casualties (52 deaths and 133 injured)

**Aerial Operations (13 per cent):** 156 women casualties (84 deaths and 72 injured)

**IEDs (non-suicide) (12 per cent):** 137 women casualties (43 deaths and 94 injured)

Similar to 2017, Anti-Government Elements caused 583 women casualties (161 deaths and 422 injured), constituting 51 per cent of total number of women casualties; Pro-Government Forces caused 394 women casualties (147 deaths and 247 injured), representing 34 per cent of casualties among women. Cross-fire from ground engagements that could not be attributed to a specific party to the conflict caused 165 women casualties (41 deaths and 124 injured).<sup>37</sup>

Despite the overall decrease in women casualties, UNAMA noted a 33 per cent increase in women casualties attributed to *Daesh*/ISKP, which mainly resulted from suicide and complex attacks. UNAMA documented 131 women casualties (37 deaths and 94 injured) from 14 suicide and complex attacks attributed to *Daesh*/ISKP, an increase of 27 per cent in women casualties from such incidents.

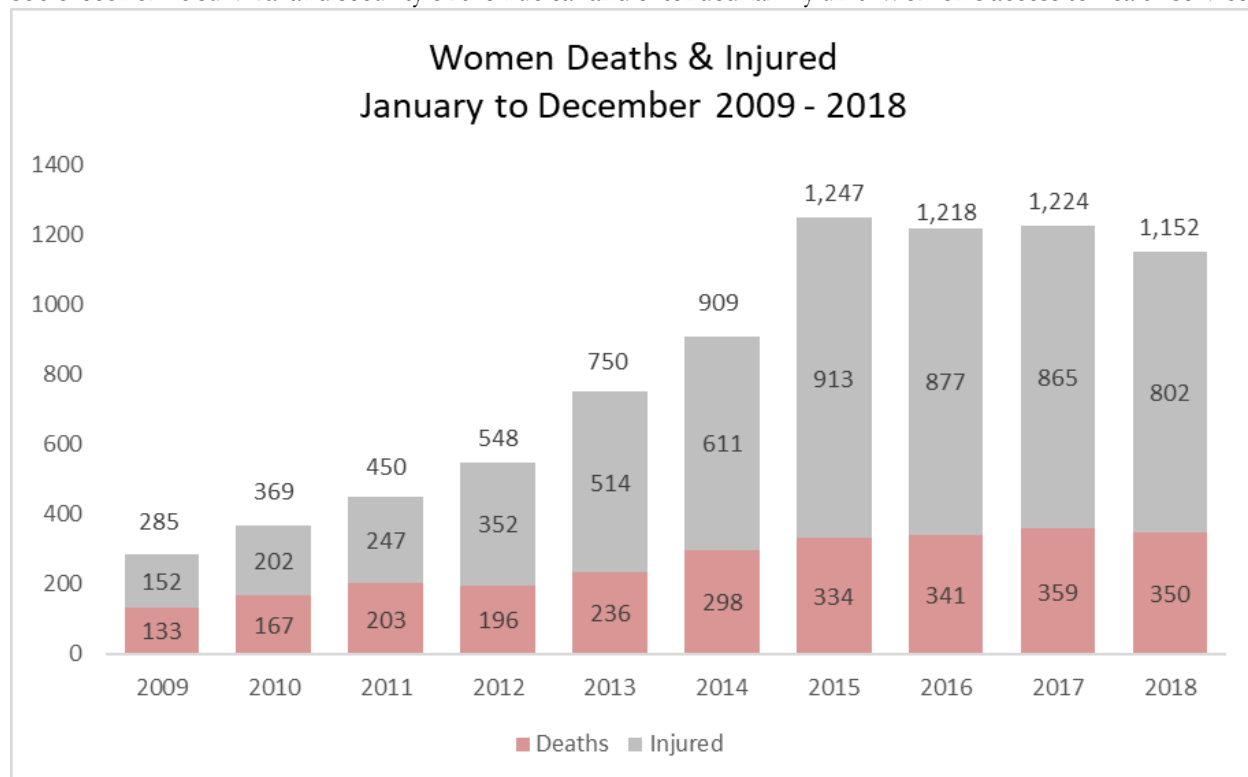
UNAMA documented four incidents of Anti-Government Elements carrying out illegal punishments against civilians, according to their own parallel justice system, resulting in five women casualties (one death and four injured). For instance, on 7 October in Darzab district, Jawzjan province, two women were lashed by Taliban on the accusation that they had committed 'immoral activities', such as speaking to men to whom they were not related over the telephone and being outside of their homes without a male relative to act as a mahram.<sup>38</sup> Before lashing the women, the Taliban reportedly announced to bystanders that the punishment was based on Sharia law and a Taliban court decision to set an example for others.

<sup>36</sup> UNAMA interview with the victim at a hospital in Kandahar city, 2018 (exact date withheld).

<sup>37</sup> An additional 10 women casualties (one death and nine injured) were caused by cross-border shelling from Pakistan and from undetermined Pro-Government Forces.

<sup>38</sup> See *Annex III: Glossary*.

Beyond the direct impact of the armed conflict on women, they are also disproportionately affected by the broader effects of the armed conflict, which exacerbates their vulnerability to marginalization, poverty, discrimination and violence. Women suffer harm from the loss of male family members, who are critical to the socio-economic survival and security of the nuclear and extended family unit. Women’s access to health services



is severely impeded in locations of active hostilities as service providers either flee the fighting or cannot provide services due to ongoing insecurity. UNAMA noted that incidents of armed attacks, ground fighting and IED detonations contributed to a heightened sense of fear amongst women for their physical safety and that of their family. Women, thus, remained within their homes and villages with their families or were forced to flee with their families. UNAMA reiterates that it is imperative for the Government of Afghanistan to fully fund and implement the National Action Plan on United Nations Security Council Resolution 1325 on Women, Peace and Security, to protect women and girls from violence – in law, policy and practice.

### b. Children and Armed Conflict

The armed conflict continued to have a severe impact on children, who accounted for 28 per cent of all civilian casualties in 2018. Between 1 January and 31 December, UNAMA recorded 3,062 child casualties (927 deaths and 2,135 injured). While this represents a slight decrease compared to 2017, child deaths reached record high levels in 2018.<sup>39</sup> Boys comprised 71 per cent of child casualties and girls 27 per cent.<sup>40</sup> The slight decrease in child casualties is attributed mainly to a decrease in casualties from ground engagements and explosive remnants of war, continuing a trend observed in 2017. However, UNAMA notes that child casualties remained unacceptably high and is concerned about the number of child casualties from airstrikes, which has been increasing every year since 2014.

<sup>39</sup> Child deaths compared since UNAMA began systematic documentation in 2009. In 2018, UNAMA documented 927 child deaths, matching the same record high levels documented in 2016, which UNAMA documented 926 child deaths.

<sup>40</sup> In 2018, UNAMA documented 2,182 boy casualties and 831 girl casualties. It was unable to verify the gender of 49 child casualties.

While Anti-Government Elements continued to cause the majority of child casualties in 2018, UNAMA documented an increase in child casualties attributed to Pro-Government Forces. Anti-Government Elements caused 1,343 child casualties (324 deaths and 1,019 injured), comprising 44 per cent of all child casualties in 2018 and a three per cent decrease compared to 2017. Pro-Government Forces caused 1,051 child casualties (414 deaths and 637 injured), comprising 34 per cent of overall child casualties and an increase of 15 per cent from 2017. UNAMA jointly attributed 470 child casualties (124 deaths and 346 injured) to Anti-Government Elements and Pro-Government Forces, equivalent to 15 per cent of all casualties among children.<sup>41</sup> Of these, 273 child casualties (62 deaths and 211 injured) resulted from the firing of weapons during ground engagements where the perpetrator could not be identified, with the remainder caused by explosive remnants of war attributed jointly to the parties from recent fighting.

**Leading Causes of Child Casualties:**

**Ground Engagements (39 per cent):** 1,192 child casualties (276 deaths and 916 injured)

**IEDs (non-suicide) (17 per cent):** 517 child casualties (129 deaths and 388 injured)

**Aerial Operations (16 per cent):** 492 child casualties (236 deaths and 256 injured)

**Explosive Remnants of War (14 per cent):** 426 child casualties (136 deaths and 290 injured)

The leading cause of child casualties remained ground engagements between Anti-Government Elements and Pro-Government Forces, which caused 39 per cent of child casualties. Ground engagements caused 1,192 child casualties (276 deaths and 916 injured), which represents a 17 per cent decrease from 2017.<sup>42</sup> Most of these incidents were due to the use of indirect weapons such as mortars, rockets and grenades. Non-suicide IED attacks by Anti-Government Elements were the second main cause of casualties among children, with 517 child casualties (129 deaths and 388 injured) recorded in 2018 - a decrease of five per cent compared to 2017.

UNAMA is concerned with the continued rise in child casualties from aerial operations since 2014, including a particularly high spike in 2018.<sup>43</sup> Aerial operations by Pro-Government Forces in 2018 caused 492 child casualties (236 deaths and 256 injured), an 85 per cent increase compared to the previous year and a 107 per cent increase in the number of children killed. More than half (57 per cent) of child casualties from aerial operations in 2018 were attributed to international military forces, 37 per cent to the Afghan Air Force and the remainder to undetermined pro-Government forces.

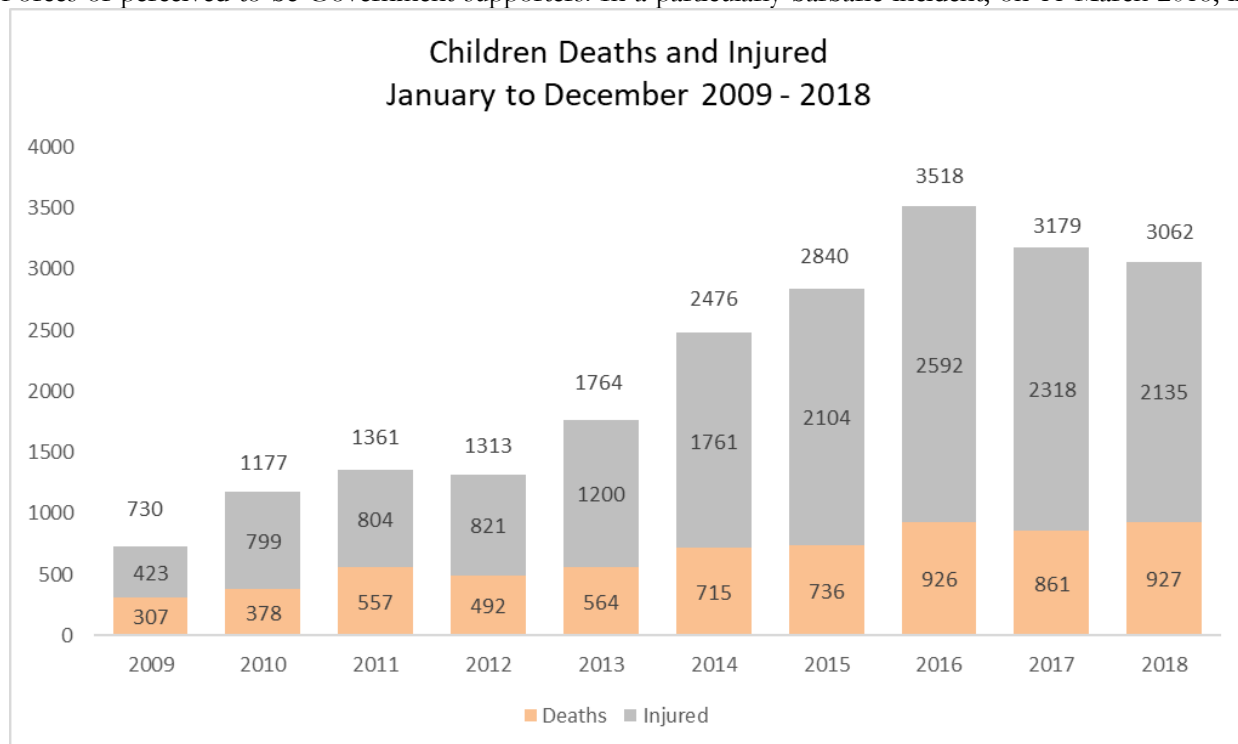
UNAMA documented 275 child casualties (67 deaths and 208 injured) from suicide and complex attacks in 2018, a 33 per cent increase compared to 2017 and a significant increase of 116 per cent in the number of children killed, mostly attributed to attacks by *Daesh*/ISKP. UNAMA attributed 152 such child casualties (40 deaths and 112 injured) to *Daesh*/ISKP, an increase of 158 per cent compared to the previous year. UNAMA attributed 83 such casualties (24 killed and 59 injured) to Taliban, a decrease of 35 per cent compared to 2017.

<sup>41</sup> The majority of the remaining child casualties could not be attributed to a specific perpetrator. Pakistani Military Forces caused 18 child casualties (four deaths and 14 injured).

<sup>42</sup> In 2017, UNAMA documented 1,434 child casualties (325 deaths and 1,109 injured) from ground engagements.

<sup>43</sup> UNAMA recorded the following child casualties from airstrikes: 2009 - 152 (92 deaths and 60 injured); 2010 - 48 (27 deaths and 21 injured); 2011 - 183 (127 deaths and 56 injured); 2012 - 74 (51 deaths and 23 injured); 2013 - 49 (35 deaths and 14 injured); 2014 - 54 (32 deaths and 22 injured); 2015 - 91 (36 deaths and 55 injured); 2016 - 200 (78 deaths and 122 injured); 2017 - 266 (114 deaths and 152 injured).

UNAMA documented 16 incidents in which 42 children were abducted by Anti-Government Elements, mostly Taliban.<sup>44</sup> Anti-Government Elements have primarily abducted boys related to members of Pro-Government Forces or perceived to be Government supporters. In a particularly barbaric incident, on 11 March 2018, in



Darzab district, Jawzjan province, self-identified *Daesh*/ISKP<sup>45</sup> abducted a 13-year-old orphan related to a member of Afghan Local Police and beheaded him after one month. UNAMA also documented the abduction and sexual exploitation of a girl by an Afghan Local Police commander in Baghlan province.<sup>46</sup>

**i. Recruitment and use of children by parties to the armed conflict**

UNAMA continued to receive reports of recruitment and use of children by Anti-Government Elements, Afghan national security forces and pro-Government armed groups. Anti-Government Elements continued to recruit and use children for combat roles, and while progress has been made within the Afghan national security forces concerning formal recruitment of children, the use of children remained a problem.

In 2018, UNAMA documented the recruitment and use of 38 children (37 boys and one girl), the majority in the eastern region. It attributed the recruitment and use of 17 children to Tehrik-i-Taliban Pakistan, five to the Taliban, two to *Daesh*/ISKP, one to undetermined Anti-Government Elements, five to Afghan national security forces (four to the Afghan Local Police and one to the Afghan National Police) and eight to pro-Government armed groups. However, these incidents are believed to be underreported.

Children continue to be recruited by Anti-Government Elements to plant IEDs, transport explosives, assist in intelligence gathering, carry out suicide attacks and participate in hostilities. In a particularly high-profile incident, on 31 July 2018, approximately 250 suspected members of a group of self-identified *Daesh*/ISKP surrendered to the Afghan national security forces in Darzab district of Jawzjan province including 55

<sup>44</sup> Many children were released without harm, often after a few days following intervention by elders. In two incidents, the abducted boys were killed (two deaths in total).

<sup>45</sup> See *Annex II: Main Parties to the Conflict* and section III.a.ii of this report for further details on this group.

<sup>46</sup> Certain details about these incidents have been removed to protect the victims.

individuals who were determined as juveniles and four as children who had not completed the age of 12. The children were arrested alongside the other members of this group and were held in National Directorate of Security detention for a prolonged period of time without access to a lawyer before being transferred to the Juvenile Rehabilitation Centre.<sup>47</sup>

UNAMA commends the progress made by the Government of Afghanistan to prevent recruitment of children through the establishment by the Ministry of Interior of Child Protection Units in all 34 provinces. This has prevented 364 underage applicants from joining the Afghan National Police in 2018.<sup>48</sup> However, use of children remains a problem, particularly amongst the Afghan Local Police and to a lesser extent the Afghan National Police. UNAMA continued to receive reports of children being used as guards, in combat positions, or to serve food or tea at check posts. In some instances, these children are subjected to sexual exploitation and violence. UNAMA encourages the Government to continue to strengthen its age assessment and vetting procedures, and to expand the functions of the Child Protection Units in the Afghan National Police to incorporate proactive monitoring at check posts.

UNAMA notes the absence of sufficient response mechanisms for addressing the needs of children formerly associated with armed forces or groups, those released from detention, and those screened out by the police and armed forces during the recruitment process due to their age, as these children remain vulnerable to further recruitment and use. While recognizing the challenges in addressing these issues, UNAMA encourages the Government of Afghanistan, with the support of the international community, to explore ways in which to increase children's access to psychosocial support, health care, education, vocational training and income generating schemes, and to support their reintegration into families and communities.

## **ii. Conflict-related sexual violence against children**

Conflict-related sexual violence against children is a serious yet under-addressed concern in Afghanistan. Children have been victims of sexual violence by parties to the conflict, subjected to harassment, exploitation and rape. In 2018, UNAMA documented four incidents of sexual violence against children, three by the Afghan National Police and one by the Afghan Local Police. These figures, however, do not reflect the extent of the problem given that such cases are believed to be widely underreported and, when reported, difficult to verify due to extreme sensitivities and concerns for victim protection.

The incidents verified by UNAMA included cases of *bacha bazi*, a harmful practice whereby boys are exploited by wealthy or powerful men for entertainment, particularly dancing and sexual activities. For example, in Takhar province, for about a year a boy was passed from the hands of one commander to another, including members of the Afghan National Police, and used for the purpose of *bacha bazi*. In February 2018, arrest warrants for suspected perpetrators were issued. However, as of the time of writing, no one had been arrested.

While the revised Penal Code, which entered into force in February 2018, explicitly criminalizes the practice of *bacha bazi*, accountability for such crimes remains a significant challenge. Due to the involvement of powerful men and cultural sensitivities, impunity for these violations is widespread and victims face stigma and exclusion from society. UNAMA encourages the Government to enforce the revised Penal Code and ensure the accountability of perpetrators of *bacha bazi*, prevent sexual violence against children by parties to the conflict through training of Afghan national security forces and awareness raising, and provide adequate support and assistance to victims.

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<sup>47</sup> While UNAMA has been unable to verify whether these juveniles were recruited and/or used by *Daesh*/ISKP prior to their arrest due to the sensitivity of such issues, the circumstances of the incident raise serious concern that at least some of these children may have been.

<sup>48</sup> According to figures provided by UNICEF.

### c. Impact of the Armed Conflict on Education

The armed conflict took a heavy toll on education in 2018. Between 1 January and 31 December, UNAMA recorded 191 incidents affecting education, including attacks targeting or incidentally damaging schools; the killing, injury and abduction of education personnel; and threats against education facilities and personnel. This is almost three times the number of incidents documented in 2017. This increase is attributed mainly to attacks by Anti-Government Elements on schools used as voter registration centres and polling centres for the 2018 parliamentary elections held in October.

In 2018, UNAMA documented 92 election-related incidents affecting education, mostly attributed to Taliban.<sup>49</sup> Attacks by Anti-Government Elements against voter registration centres and polling centres, many of which were based in schools,<sup>50</sup> during the months leading up to the elections<sup>51</sup> and the voting days themselves, impacted children's safety and access to education over a protracted period. While these attacks were not intended to target or disrupt education services, targeting these sites led to child casualties, damage to schools, school closures and/or reduced attendance, impacting children's safety and their right to education.

The Government cancelled classes for all students in Government-run schools a few days before and on the days of polling, which reduced the risk of children being harmed as a result of direct attacks against schools used as polling centres. However, school buildings suffered damage as a result of direct and incidental attacks, affecting children's access to education.

Apart from election-related attacks affecting education, UNAMA is also concerned with an emerging trend in 2018 of attacks and threats by Anti-Government Elements against education facilities, particularly by *Daesh*/ISKP, as a form of reaction to pro-government forces' military operations, which led to widespread school closures and civilian casualties. *Daesh*/ISKP expressly declared its intention to target schools, particularly girls' schools, through a communique and radio broadcasts issued on 3 June 2018.<sup>52</sup> Alleging that aerial operations by international and Afghan national security forces of residential areas in Deh Balah district, Nangarhar province over the previous three days had killed approximately one hundred women and children, the group warned that all girls' schools in Nangarhar province would be targets for attack thereafter.<sup>53</sup> The group followed through on this threat throughout the remainder of 2018 conducting 34 such attacks and causing 64 civilian casualties (25 deaths and 39 injured), including nine children. This included three complex attacks that caused a combined 46 civilian casualties (17 killed, 29 injured): an attack on the Provincial Education Department in Jalalabad city on 11 June 2018; an attack on the Jalalabad city Education Department on 11 July 2018; and an attack on a Community Nursing and Midwifery Education Institute on 28 July 2018. The group's campaign also included the placement of IEDs around the proximity of schools to either cause casualties among students and education personnel, or to terrify the community and prevent the education of children. UNAMA verified 25 such incidents from June to December 2018. *Daesh*/ISKP attacks on education facilities in the east of the country during the second half of the year significantly impeded children's access to education.

UNAMA also documented 10 incidents of Taliban threatening, closing, burning or targeting schools with rockets, mortars or IEDs in response to military operations or certain actions taken by the Government. For instance, in May 2018, the Taliban closed 28 schools in Takhar province following the arrest of their shadow education director. In the beginning of July 2018, in response to joint military operations by Afghan national security forces and international military forces in Logar province, Taliban closed for two weeks 34 boys'

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<sup>49</sup> This number does not reflect the total number of attacks against polling centres based in schools, but only those that affected education, such as attacks that caused damage to school buildings or resulted in the temporary cessation of education.

<sup>50</sup> Of the approximately 5,000 polling centres, which also served as voter-registration sites, over 50 per cent were located in schools.

<sup>51</sup> The voter registration period began on 14 April 2018 and extended through to July 2018.

<sup>52</sup> Copy of letters disseminated in Nangarhar province on file in UNAMA Protection of Civilians Database.

<sup>53</sup> During this three-day period, in Deh Balah district of Nangarhar province, UNAMA verified 17 civilian casualties (seven killed, 10 injured) from aerial operations by pro-Government forces.



schools and five girls' schools out of the 64 schools in Mohammad Agha district, and burned two mixed gender primary schools in Pul-e-Alam district of Logar province. Similarly, on 21 March 2018, following a decision by the Department of Education to pay the salaries of teachers by bank transfer instead of cash payments – a measure that would reduce the Taliban's ability to extract 'taxes' from teachers – Taliban issued a directive ordering the closure of 342 schools throughout Kunduz province. Seven months later, Taliban abducted 125 education personnel, including school teachers, principals and district education officials in Ghazni province because they were receiving their salaries via bank accounts.

UNAMA documented five incidents of attacks against mixed or girls' high schools by Taliban in 2018, all of which occurred in the Western region (Farah and Herat provinces). This included the burning of schools and the detonation of IEDs inside the facilities. In one incident on 5 April, Taliban shot and killed the headmaster of a girls' high school in Herat province. UNAMA also verified three incidents of threats by Taliban against girls' schools in Logar, Badghis and Badakhshan provinces. For example, on 26 August, in Baraki Barak district, Logar province, Taliban gathered girls' school principals and ordered that female teachers of grades one to 12 and girls studying in grades seven to 12 should no longer attend school. These threats led to the suspension of classes for girls above grade six in the district and the replacement of female teachers for younger girls with male teachers.

#### d. Impact of the Armed Conflict on Health Care

UNAMA verified 62 incidents affecting health care in 2018, including direct attacks or threats of attacks against health care facilities and personnel and incidental damage to health care facilities. UNAMA attributed 46 incidents to Anti-Government Elements, including 30 incidents to Taliban, 11 to *Daesh*/ISKP, three incidents to self-identified *Daesh*/ISKP and two to undetermined armed groups. Pro-Government forces were responsible for 16 incidents in total.<sup>54</sup>

Of particular concern, Anti-Government Elements hindered vaccination campaigns, especially for polio. UNAMA documented nine incidents in 2018 in which Anti-Government Elements threatened health care personnel to stop vaccination campaigns, including for polio. Six of these incidents took place in the eastern region (Kunar and Nangarhar provinces), two in Jawzjan province (north) and one in Farah province (west). Five incidents were attributed to *Daesh*/ISKP, two to self-identified *Daesh*/ISKP and two to Taliban.

The above figures however might not represent the extent of the problem. According to the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF), 21 new cases of polio were reported in 2018, fifteen of which occurred in the southern region and six in the eastern region. Both organizations reported that vaccination campaigns faced extreme challenges of inaccessibility in the southern region, where an estimated 840,000 children could not be vaccinated due to a ban on house-to-house vaccination imposed since May. While access was gained for site-to-site vaccination near the end of 2018, this approach is not adequate to interrupt polio transmission.

Clinics were also affected by election-related violence although to a much lesser extent than schools. Some voter registration sites and polling centres were located in health clinics, exposing them to risk of attack. The use of indirect-fire systems in and from civilian populated areas during elections also caused damage to civilian buildings, including clinics.

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<sup>54</sup> Five incidents were attributed to ANDSF (one to ANP, two to ANA, one to NDS and one jointly to ANP and NDS), two to pro-Government armed groups, one to undetermined pro-Government forces, one jointly to ANDSF and Taliban, four to international military forces and three jointly to ANDSF and international military forces.

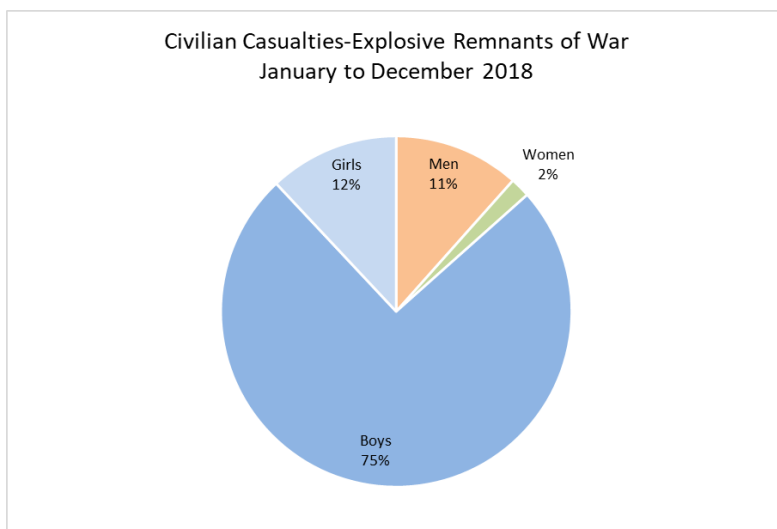
### e. Explosive Remnants of War

*“On Friday afternoon, my neighbour brought a mortar shell from the top of the hill, which was smooth and long. Many children gathered to see it. When my neighbour hit the mortar shell with a stone, it exploded with a terrible sound and I became unconscious. I don’t remember anything after that. I found myself in the hospital when I became conscious.”<sup>55</sup>*

-- Eight-year-old girl victim of an unexploded ordnance detonation that killed nine children and wounded five others in Shirin Tagab district, Faryab province, on 21 September 2018. She lost her leg in the incident.

Between 1 January and 31 December 2018, UNAMA documented 492 civilian casualties (150 deaths and 342 injured) due to explosive remnants of war, a 23 per cent decrease compared to 2017. In line with the trend observed in 2017, this decrease may be attributed to factors such as the clearance of explosive remnants of war from the battlefield, together with ongoing education programmes and the marking of suspect hazard areas.

Children continued to be disproportionately harmed by explosive remnants of war. In 2018, they accounted for 87 per cent of all civilian casualties from explosive remnants of war, with 426 child casualties (136 deaths and 290 injured) recorded by UNAMA including 367 boys. Children who survive encounters with explosive remnants of war live with lasting detrimental impact on their quality of life due to loss of limbs or eye-sight, other serious injuries, and psychological trauma.



UNAMA documented many cases in which children were killed or injured because they touched explosive remnants of war they found, played with the device or even carried it home. For example, on 21 September, in Shirin Tagab district, Faryab province, a group of children grazing animals found unexploded ordnance, took it to the village and hit it with stones until it exploded, killing nine children and injuring five others. Two of the children had their legs amputated. UNAMA stresses the importance of educating children and raising their awareness about the dangers of explosive remnants of war, reaching out to those living in remote areas.

More than half of the civilian casualties from explosive remnants of war in 2018 were attributed to parties from recent fighting (mainly jointly attributed to Pro-Government Forces and Anti-Government Elements). UNAMA reiterates the extreme risk posed to displaced families returning to areas where heavy fighting took place. Unless concrete actions are taken to assess, mark and clear unexploded ordnance from conflict-affected areas, the killing and maiming of civilians will continue.

The parties to the conflict have the obligation to mark and clear, remove or destroy explosive remnants of war, and to take all feasible precautions to protect civilians from their risks and effects. Ongoing efforts in mine risk awareness remain crucial to protecting the population. UNAMA welcomes the continued steps taken by the Government towards upholding its commitments pursuant to Protocol V of the Convention on Certain Conventional Weapons concerning explosive remnants of war, which came into effect on 9 February 2018. It recalls that the international military has a responsibility to help ensure the Government meets Protocol V obligations and encourages the international community to continue to provide support however possible.

<sup>55</sup> UNAMA interview with the victim at hospital, Faryab province, 23 September 2018.

### III. Anti-Government Elements

#### a. Overview

Anti-Government Elements continued to cause almost two-thirds of civilian casualties in 2018, with increasing harm as a result of attacks deliberately targeting civilians and the indiscriminate use of IEDs. The use of suicide and non-suicide IEDs by Anti-Government Elements was the leading cause of civilian casualties, accounting for 42 per cent of the total civilian casualties throughout the country. Civilians continued to live in fear of being killed or maimed as a result of Anti-Government Elements' increasing reliance on suicide IED attacks. Civilians from all walks of life were affected, including journalists, first responders, teachers, religious leaders, elections workers and others.

Responsible party (attributed by UNAMA) <sup>56</sup>	Civilians killed	Civilians injured	Total civilian casualties	Percent of overall civilian casualties
Taliban	1,348	2,724	4,072	37 per cent
<i>Daesh</i> /ISKP	681	1,500	2,181	20 per cent
AGE undetermined	196	482	678	6 per cent
Other/multiple	18	31	49	Less than 1 per cent

Between 1 January and 31 December 2018, UNAMA documented 6,980 civilian casualties (2,243 deaths and 4,737 injured) caused by Anti-Government Elements, representing similar levels to 2017.<sup>57</sup> Decreases in civilian casualties resulting from targeted killings<sup>58</sup> by Anti-Government Elements were offset by the significant rise in such casualties from suicide IED attacks, particularly those attributed to *Daesh*/ISKP, which more than doubled. Violence during the voter registration and campaigning period leading up to the parliamentary elections and on the election days also contributed to the increase in civilian casualties.

Civilian casualties verified by UNAMA from incidents publicly claimed by Taliban	943 (319 deaths and 624 injured)
Civilian casualties verified by UNAMA from incidents attributed to Taliban that were not publicly claimed	3,129 (1,029 deaths and 2,100 injured)
Civilian casualties verified by UNAMA from incidents publicly claimed by <i>Daesh</i> /ISKP	1,752 (514 deaths and 1,238 injured)
Civilian casualties verified by UNAMA from incidents attributed to <i>Daesh</i> /ISKP that were not publicly claimed	429 (167 deaths and 262 injured)

#### i. Taliban

In 2018, UNAMA attributed 4,072 civilian casualties (1,348 deaths and 2,724 injured) to Taliban. This represents a seven per cent decrease in the number of civilian casualties attributed to the group compared to

<sup>56</sup> UNAMA attributes incidents to a particular Anti-Government Element group when the group claims responsibility, or when responsibility for an incident is not claimed, if the analysis of all evidence available leads to the conclusion that the group is responsible. Mainly related to incidents involving suicide and non-suicide IEDs, the analysis includes review of any information available in the public domain as well as information provided by Government and other sources, some of which is provided confidentially and retained in the UNAMA protection of civilians database. Where UNAMA attributes civilian casualties to 'undetermined Anti-Government Elements', it also undertakes analysis to ensure that the incident had a conflict nexus, as UNAMA reporting does not include casualties from the use of IEDs and other weapons by criminal groups who are not a part of the armed conflict.

<sup>57</sup> In 2017, UNAMA attributed 6,768 civilian casualties (2,303 deaths and 4,465 injured) to Anti-Government Elements. The total figures for civilian casualties attributed to Anti-Government Elements does not include incidents in which civilian casualties were jointly attributed to both Anti-Government Elements and Pro-Government Forces during ground engagements. Please see Chapter IV of this report, *Ground Engagements: Civilians Caught in the Cross-Fire*.

<sup>58</sup> UNAMA documents as 'targeted killings' civilian casualties arising directly and collaterally from conflict-related attacks targeting individuals, whether civilian or combatant, not in the physical custody of Anti-Government Elements. See *Annex III: Glossary* for details.

2017, mainly driven by the 23 percent decrease in civilian casualties from targeted killings.<sup>59</sup> However, election-related violence carried out by the Taliban, as well as incidents of election-related threats, intimidation and harassment of election-related personnel, candidates and potential voters had a significant negative impact on civilians. UNAMA attributed 37 per cent of the total civilian casualties resulting from the armed conflict in Afghanistan in 2018 to Taliban, representing a five percentage point decrease from the 42 per cent attributed to the group 2017.

Taliban also staged two major assaults on provincial centres in 2018: a one-day assault on Farah city in May 2018, and protracted attacks on Ghazni city in August 2018. The five days of fighting in Ghazni city resulted in a high number of civilian casualties (*see* detailed summary below for details). Ghazni was the third major provincial capital to face a large-scale assault since the fall of the Taliban in 2001, following the takeover of Kunduz in 2015 and 2016, and the attack against Farah city in 2018. However, the attack on Ghazni city was particularly significant because of its strategic importance, located on the main highway from Kabul to Kandahar.

In addition, in late October 2018, fighting between Taliban and a Hazara former Afghan Local Police commander, against whom there is an outstanding arrest warrant, led to displacement of many Hazara families in Khas Uruzgan district of Uruzgan province.<sup>60</sup> Shortly after, Taliban began offensive operations in the nearby Malestan and Jaghuri districts of Ghazni province.

In both Malestan and Jaghuri districts, hostilities ended by 19 November after large-scale operations by Pro-Government Forces. Following initial reports of high numbers of civilian casualties, UNAMA verified 26 civilian casualties (20 deaths and 6 injured) in Jaghuri district and 11 (four deaths and seven injured) in Malestan district, all caused by the Taliban during the period of the offensive. Civilian casualties included those who had resisted against the Taliban using their homes, those perceived as pro-Government by the Taliban, and those who were escaping from the areas under attack. UNAMA determined that dozens of additional persons reported by sources as potential civilian casualties had likely lost civilian status due to direct participation in hostilities.<sup>61</sup>

UNAMA also documented Taliban setting fire to an ambulance and abducting medical clinic staff, and recorded damage to at least two mosques and 40 civilian homes.<sup>62</sup> In both districts, schools remained closed during the fighting, resulting in postponement of national examinations. Taliban reacted to concerns of ethnic motivations for the offensives in a public statement issued on 7 November, stating it was actively targeting the Afghan national security forces, Government officials and persons taking up arms, but not civilians based on “specific race, ethnicity or sect.”<sup>63</sup>

#### **Taliban Offensive in Ghazni City, 10-14 August 2018**

*“After five days, when the fighting stopped, we were returning to our home in Pashtunabad, but found the area in a complete chaos. Everywhere there were dead bodies on the street. Everybody was in a hurry to get their loved ones to the hospital...We also saw the destruction that Taliban had created by killing animals and setting cars on fire. We*

<sup>59</sup> This is mainly a reduction in civilian casualties from targeted killings where civilians are not the main target but collaterally impacted. However, it also includes a minor decrease in civilian casualties from intentional targeting of civilians, for which UNAMA recorded 465 civilian casualties (312 deaths and 153 injured) in 2018, marking a ten per cent reduction from 517 (368 deaths and 149 injured) in 2017.

<sup>60</sup> UNAMA received reports that the fighting started as a result of the former Afghan Local Police commander leading a group refusing to comply with increased Taliban taxation, while others indicated that it began over a family dispute.

<sup>61</sup> For more information, please see *Annex I: Legal Framework* and *Annex III: Glossary*, including the definitions of civilian and civilian casualties.

<sup>62</sup> UNAMA verified that in Jaghuri, at least 10 houses, 24 cars, and 33 motorbikes were damaged, while in Malestan, two mosques, 30 houses and five shops were damaged during the fighting.

<sup>63</sup> Statement on Jaghuri district from Taliban website, 7 November 2018, retrieved from: <http://www.alemarah-english.org/?p=37269>;

*tried to check who was injured and killed, but it was impossible...I have heard that families received the corpses of their loved ones back only 21 days after the fighting.”*

-- Representative of a civil society organization and local resident in Ghazni city.

On 10 August, Taliban launched an offensive on Ghazni city, targeting Afghan national security forces at check posts, buildings, and Government offices, and taking control of most of the city centre until Afghan national security forces, with the support of international military forces, were able to regain control after several days of fighting.

The fighting that took place over this period caused significant harm to the civilian population. UNAMA interviewed more than 300 people by phone and in person, verifying 262 civilian casualties (79 deaths and 183 injured) in total. However, due to security concerns, UNAMA was unable to reach Ghazni City to verify additional reports of civilian casualties, which may have resulted in under-reporting of civilian casualties. According to the Office of the Presidential, the Government paid compensation to victims and their relatives in relation to 97 deaths and 160 injured.

The majority of civilian casualties were caused by indirect weapons, mainly mortars and rockets, causing 130 civilian casualties (26 deaths and 104 injured) and small arms fire, which caused 36 civilian casualties (13 deaths, 23 injured) during ground engagements. UNAMA has received many reports of Taliban using houses and mosques as places from which to carry out fighting. In addition, Taliban allegedly used lists containing names and addresses of Government and Afghan national security forces employees to target them and their family members. There were targeted killings of the brother of an Afghan National Police commander, a district prosecutor and a parliamentary candidate. UNAMA also documented seven separate airstrikes by Pro-Government Forces that caused 81 civilian casualties (32 killed, 49 injured). Most notably, one airstrike in the Pashtun Abad area of Ghazni city killed 16 civilians, including seven children.<sup>64</sup>

In addition to causing a high number of civilian casualties, the offensive triggered a daunting humanitarian situation. Early on in the fighting, Taliban disabled telecommunication networks and electrical power throughout the city, which caused severe water shortages as water pumps could not function. The hospitals in Ghazni city were not able to attend to the high number of wounded persons, causing many to seek medical treatment in Kabul, risking a dangerous two to three hours journey. The fighting also caused significant damage to civilian infrastructure. Taliban burned down large parts of the bazaar area, causing many people to lose their livelihoods, and intentionally damaged two media corporations. The Provincial Independent Electoral Commission building was also set ablaze, contributing to an indefinite delay in Wolesi Jirga elections, depriving citizens of their right to participate in the electoral process.

## ii. **Daesh/Islamic State Khorasan Province (ISKP)**

*“It was the second day of Eid, and many people were gathered to say welcome to the Taliban. I saw six Taliban who had come to the area and the local people gathered to embrace them. At this time, 300-400 people had gathered in the Ghazi Amanullah Khan stadium. I tried to reach them, to say hello and welcome them. Before reaching them, I heard a big explosion and fell unconscious. After a few minutes, I found out that I was injured in my eye, my leg, and other body parts. I was bleeding. I saw many people who were killed or wounded. I saw many dead bodies in the area.... This was a very bad incident in my life and I will never forget it.”<sup>65</sup>*

--Victim of a body-borne IED attack on 16 June 2018, on a celebratory gathering to mark Eid al-Fitr and a three-day ceasefire between the Government and the Taliban, Rodat district, Nangarhar province. Thirty male civilians were killed, including five boys, and 67 civilians were wounded, including 19 boys. *Daesh/ISKP* claimed responsibility for the attack.

*Daesh/ISKP* increased the frequency and intensity of its attacks throughout 2018, particularly in the eastern region. From 1 January to 31 December 2018, UNAMA attributed 138 incidents countrywide resulting in 2,181

<sup>64</sup> These incidents are currently under review by Resolute Support.

<sup>65</sup> UNAMA telephone interview with the victim, Nangarhar province, 20 June 2018.

civilian casualties (681 deaths and 1,500 injured) to *Daesh*/ISKP, which represents a 118 per cent increase from 2017.<sup>66</sup> The vast majority of these incidents – 102 – occurred across numerous districts in Nangarhar province, causing 991 civilian casualties, while 20 incidents took place in Kabul province (all in Kabul city) resulting in 1,027 civilian casualties, and reflecting a high level of civilian harm caused by each attack in the densely populated city.<sup>67</sup> Attacks by *Daesh*/ISKP comprised 20 per cent of the total civilian casualties in 2018, more than double the number of casualties attributed to the group in 2017.

The significant increase in civilian casualties attributed to *Daesh*/ISKP was mainly due to the increase in suicide and complex attacks, nearly all of which were carried out against civilians or in civilian-populated areas. Suicide and complex attacks accounted for 87 per cent of all civilian casualties attributed to *Daesh*/ISKP in 2018. UNAMA is also gravely concerned about the continuing sectarian-motivated attacks by *Daesh*/ISKP.<sup>68</sup> Moreover, as described above, the deliberate campaign of the group to target schools, particularly girls' schools, also had a severe impact on education.<sup>69</sup>

## **b. Tactics and Incident Types Causing Most Harm to Civilians**

### **i. Improvised Explosive Devices (suicide and non-suicide)**

*"I am 14-year-old and grade nine student. After school time, I would regularly go to the Maiwand Gym. On 5 September, around 6:00pm, while I was working out in the gym with other fellows, I heard sounds of two to three small arms fire, followed by a scary explosion. I saw dust and black smoke everywhere in the gym. When I tried to run towards the exit, I fell on the ground. I realized that I got injured in my leg and back; I was bleeding. Some projectiles had hit my leg and back and caused severe injuries. I tried to get up, but I fell again. Finally, I managed to stand up on one leg. Then, I walked out of the gym jumping on my one leg. One could not imagine how I had felt at that time when I had to cross several dead bodies and limbs lying on the ground and that I was in severe pain with my one leg gone! I was admitted at the hospital for a week. Later, I realized that the suicide attack killed several of my friends who were wrestling champions in our circle. The attacker slaughtered them in a matter of a fraction of a second. I would like to ask to those who perpetrated the attack "what were the crimes my friends and I had committed, making us of your target?" We had been simply the practicing sportsmen...Now, I have lost my education. I cannot go to school due to the severe injuries to my leg."<sup>70</sup>*

-A 14-year-old school boy who was injured in the suicide attack and a car bomb against the Maiwand sports' club in Qalai Nazir area of Kabul city on 5 September 2018. The attack killed 30 civilians and injured 106 civilians.

Anti-Government Elements' use of IEDs in both suicide and non-suicide attacks reached extreme levels and remained the leading cause of civilian casualties in 2018, accounting for 42 per cent of the total. In 2018, UNAMA documented 4,627 civilian casualties (1,361 deaths and 3,266 injured) resulting from suicide and non-suicide IEDs combined.<sup>71</sup>

The use of IEDs in suicide and complex attacks is frequently designed to deliberately target concentrations of civilians to maximize the harmful impact on them, creating fear and causing maximum social disruption and

<sup>66</sup> UNAMA additionally attributed 19 civilian casualties (11 deaths and eight injured) to groups self-identified as *Daesh*/ISKP in 2018, mainly in Jawzjan province. UNAMA attributed civilian deaths and injuries to "self-identified *Daesh*/ISKP fighters" where Anti-Government Elements identified or claimed to be "*Daesh*", but there was no factual information supporting a formal link to *Daesh*/ISKP in Nangarhar province or the broader Islamic State organization. In 2017, such 'self-identified' groups caused civilian casualties in Jawzjan, Sari Pul, and Ghor provinces. In 2018, UNAMA recorded all civilian casualties attributed to self-identified *Daesh*/ISKP in Jawzjan province (with the exception of one death recorded in Sari Pul province), noting stronger links between this group which may lead to the conclusion that it has become a part of the wider Islamic State organization. However, a battle between Taliban and the group in July 2018 resulted in the relative disbandment of the group and arrest of most fighters by the Government of Afghanistan. After 1 August, UNAMA recorded three civilian casualties attributed to self-identified *Daesh*/ISKP, all from leftover pressure plate IEDs.

<sup>67</sup> On average, UNAMA documented 10 civilian casualties per incident in all of Nangarhar province versus 50 civilian casualties per incident in Kabul city alone. The remaining incidents attributed to *Daesh*/ISKP occurred in other provinces.

<sup>68</sup> See in section III.b.ii below the subsection on *Deliberate Sectarian Attacks Targeting the Shi'a Muslim Religious Minority by Daesh/ISKP*.

<sup>69</sup> See section II.c above on the *Impact of the Armed Conflict on Education*.

<sup>70</sup> UNAMA telephone interview with the witness in hospital, Kabul city, 6 September 2018.

<sup>71</sup> See UNAMA Special Report on this topic, available at: <https://unama.unmissions.org/protection-of-civilians-reports>.

damage to critical infrastructure. Anti-Government Elements have also used non-suicide IED tactics, such as victim-activated pressure-plate IEDs, along roads, placing civilians at extreme risk as the effects of such devices cannot be directed towards military targets.

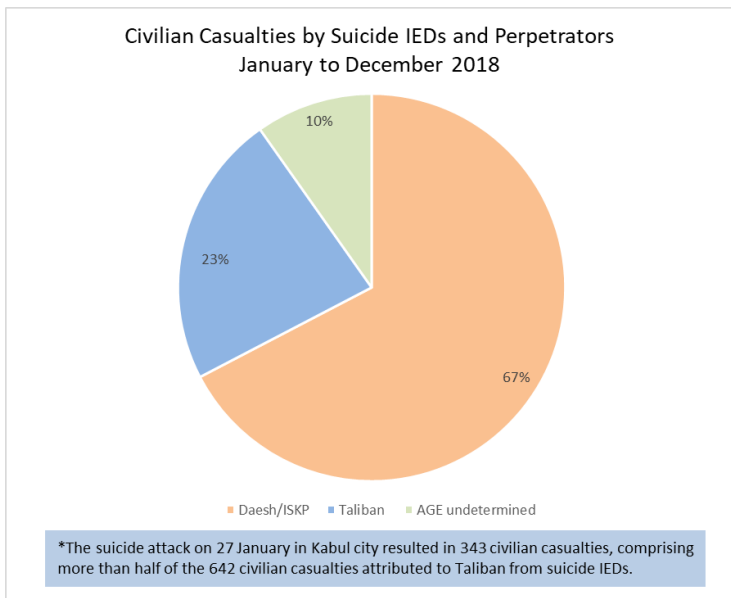
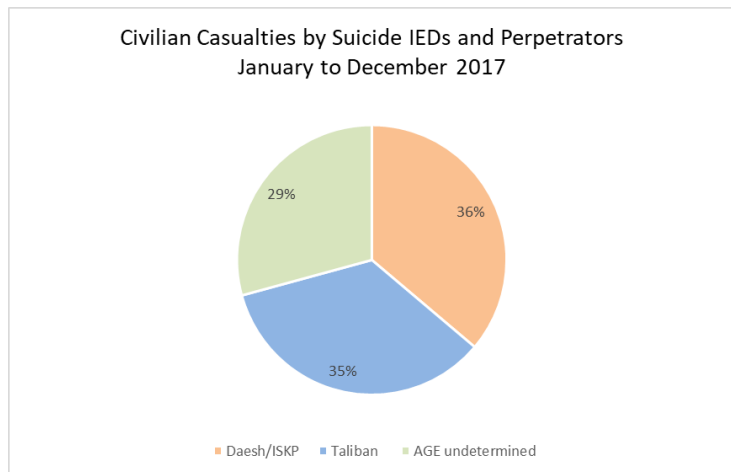
While international humanitarian law does not prohibit the use of IEDs by parties to the conflict, their use often violates the rules of distinction, proportionality and precautions in attack, particularly suicide and complex attacks and pressure-plate IEDs. Indiscriminate and disproportionate IED attacks are serious violations of international humanitarian law that may amount to war crimes. UNAMA reiterates its call on Anti-Government Elements to end the indiscriminate and disproportionate use of all IEDs in areas frequented by civilians, to immediately stop the use of pressure-plate IEDs, and to immediately cease the deliberate targeting of civilians and civilian objects.<sup>72</sup>

**Suicide and complex attacks**

Throughout 2018, Anti-Government Elements increased their reliance on suicide and complex attacks and shifted their intended targets more and more towards the civilian population, in direct violation of international humanitarian law.

Following the trend initially observed in 2017, suicide and complex attacks remained the leading cause of civilian casualties attributed to Anti-Government Elements and the second leading cause of any single tactic or incident type, after ground engagements. Suicide and complex attacks caused 2,809 civilian casualties (886 deaths and 1,923 injured) in 2018, representing a 22 per cent increase as compared to 2017. This is the highest number of civilian casualties from such attacks in a single year since UNAMA began systematic documentation in 2009, and almost double the number from 2014 when overall civilian casualty levels were at their highest.<sup>73</sup>

Anti-Government Elements carried out 65 suicide and complex attacks in Afghanistan 2018. UNAMA attributed 21 of these attacks to Taliban, which caused 642 civilian casualties (216 deaths and 426 injured). Taliban claimed responsibility for 15 of these attacks, from which UNAMA verified 542 civilian casualties (189 deaths and 353 injured). UNAMA attributed 36 suicide and complex attacks to *Daesh*/ISKP, which caused 1,892 civilian casualties (557 deaths



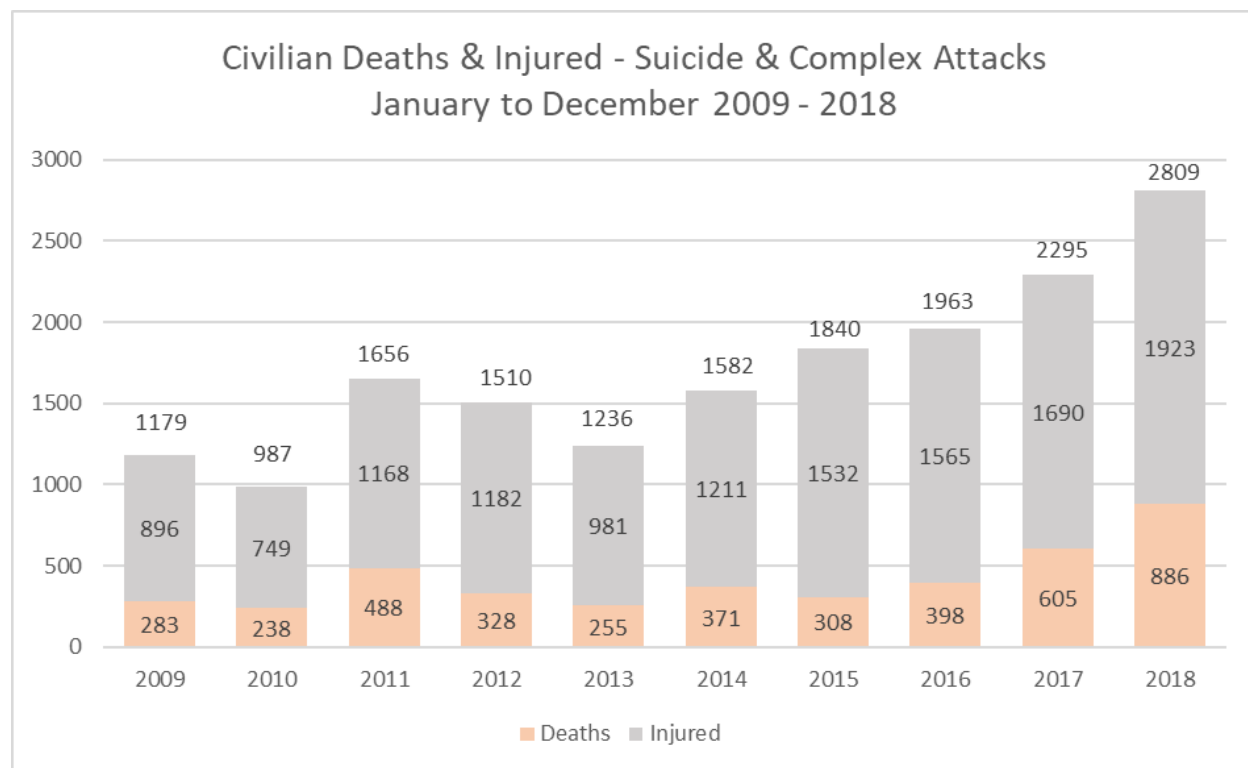
<sup>72</sup> See section III.b.ii below on *Attacks deliberately targeting civilians and civilian objects*.

<sup>73</sup> In 2014, UNAMA documented 1,582 civilian casualties (371 deaths and 1211 injured) from suicide and complex attacks.

and 1335 injured).<sup>74</sup> The group claimed responsibility for 33 of these attacks, representing 1,631 civilian casualties (481 deaths and 1150 injured). Seven of the attacks claimed by *Daesh*/ISKP caused 100 or more civilian casualties each, compared to three such attacks in 2017.

UNAMA continued to document the disproportionate and extreme harm to residents of Kabul city from suicide and complex attacks. Out of 65 suicide and complex attacks across the country in 2018, 28 incidents occurred in Kabul city causing 1,686 civilian casualties (554 deaths and 1,132 injuries), a five per cent increase in the number of casualties from 2017. The attacks perpetrated in Kabul mainly targeted civilians, including the civilian Government administration, places of worship, education facilities, election-related sites and other ‘soft’ targets. For instance, in the evening of 20 November, a suicide attacker detonated a device at a religious gathering of approximately 2,000 religious scholars, madrassa students and others at a wedding hall and hotel in Kabul city, causing 147 civilian casualties (61 deaths and 86 injured), including 17 children. There was no security presence in and around the wedding hall as the organizer had not informed the Afghan national security forces about the event. Taliban condemned the attack in a statement issued by their spokesperson on the Taliban’s “Voice of Jihad” website, stating that what were purported to be Taliban claims on social media were fake.<sup>75</sup>

On 30 April, a suicide attack targeting the National Directorate of Security counterterrorism department in Kabul city caused 63 civilian casualties. After an initial suicide body-borne IED detonated against the security post of the compound impacting dozens of civilian passersby, a second suicide body-borne IED was detonated once civilian first responders and journalists reached the scene, resulting in the death of 21 civilians (including nine journalists, two women and a child) and the injury of 42 (including six journalists, four women and three boys) in total. *Daesh*/ISKP claimed responsibility for the attack.



<sup>74</sup> UNAMA attributed the eight remaining suicide and complex attacks to undetermined Anti-Government Elements, representing 275 civilian casualties (113 deaths and 162 injured).

<sup>75</sup> Taliban denial and condemnation of the attack available at: <http://alemarah-dari.com/?p=99017>, last accessed 23 January 2019.



The number of suicide and complex attacks as well as the harm they caused to civilians drastically increased in Nangarhar province due to the heightened activities of *Daesh*/ISKP. In 2018, UNAMA documented 17 suicide and complex attacks attributed to *Daesh*/ISKP in Nangarhar, which caused 738 civilian casualties (222 deaths and 516 injuries). UNAMA also documented five Taliban suicide attacks in Helmand province, which caused 121 civilian casualties (28 deaths and 93 injuries), and an egregious attack on 3 August, in Gardez district, Paktya province. On that day, two attackers in burqas detonated their suicide vests inside a Shi'a Muslim mosque during Friday prayers. UNAMA documented 33 civilians killed (23 adult males and 10 boys) and 94 civilians injured (90 adult males and four boys). On 5 August, *Daesh*/ISKP claimed responsibility for the attack, which was the first time the group publicly claimed activities in Paktya province.

### Non-suicide IED attacks

*"I was in the hospital, and it was around noon time. Suddenly I heard a loud explosion. I ran outside towards the place where it occurred. The scene where the explosion happened was so horrible that I cannot describe it. I saw two women and a child laying on the ground - The body of one of the women was dismembered, and the other was seriously injured - a small boy who was held by one of the females was also wounded and laying on the ground. From what people were saying I understood that the victims struck an IED while on their way to our hospital to visit their relatives injured in Taliban attack earlier that day. The injured woman and child were in critical condition and were immediately referred to the hospital."*<sup>76</sup>

--Witness of IED attack in Daikundi province on 16 October. The attack killed one woman and injured another together with a child.

UNAMA documented a slight decrease of two per cent in civilian casualties caused by non-suicide IEDs in 2018. From 1 January to 31 December, UNAMA documented 1,818 civilian casualties (475 deaths and 1,343 injured) from non-suicide IED devices, continuing the trend of reductions in non-suicide IED casualties seen over the last few years. Non-suicide IEDs accounted for 17 per cent of overall civilian casualties, the third leading cause of any single tactic or incident type in 2018, after ground engagements and suicide and complex attacks. UNAMA attributed 72 per cent of non-suicide IED attacks to Taliban, 10 per cent to *Daesh*/ISKP and 18 per cent to undetermined Anti-Government Elements.

Civilian casualties from victim-activated pressure-plate IEDs decreased by 26 per cent in 2018, causing 753 civilian casualties (269 deaths and 484 injured). UNAMA also recorded an eight per cent decrease in civilian casualties from remote-controlled IEDs that caused 505 civilian casualties (96 killed and 409 injured), and a 91 per cent increase in magnetic IEDs that caused 262 civilian casualties (34 deaths and 228 injured).<sup>77</sup> UNAMA continued to document disproportionate harm to civilians from pressure-plate IEDs in the southern region where Anti-Government Elements continued to use such devices as a means to hold territory. Half of the civilian casualties from pressure-plate IEDs, 318 civilian casualties, were recorded in the Southern provinces of Helmand, Kandahar, Uruzgan and Zabul. UNAMA also documented an increase in civilian casualties from these devices in the North. For example, on 8 August in Sholgara district of Balkh province, a pressure-plate IED planted by the Taliban to target Afghan national security forces detonated against a civilian vehicle, killing eight civilians including four children and wounding six others, including four children.

Taliban claimed responsibility for 21 incidents of non-suicide IED attacks from which UNAMA verified 88 civilian casualties (16 deaths and 72 injured). Of these, eight incidents, involving 33 civilian casualties (five deaths and 28 injured), were election-related. For instance, on 20 October, the first day of voting, Taliban placed two remote-controlled IEDs in a school used as a polling centre in Mihtarlam city of Laghman province. The

<sup>76</sup> UNAMA telephone interview with witness, Daikundi province, 16 October 2018.

<sup>77</sup> Other/unidentified trigger type non-suicide IEDs caused the remaining 298 civilian casualties (76 deaths and 222 injured) in 2018. In addition, UNAMA separately recorded 91 civilian casualties (32 deaths and 59 injured) from the use of IEDs by Anti-Government Elements in 'targeted killings' aimed at specific individuals, including civilians and Afghan national security forces. See section III.b.ii below on *Attacks deliberating targeting civilians and civilian objects*.

IEDs were detonated one after the other, injuring 14 civilians, including a teacher and two children. The room in which one of the IEDs was detonated and the gate leading into the school were damaged and the windows of the school shattered. As a result of the incident, fewer voters were reported to have turned up at the polling centre, even though the Afghan national security forces cleared the site after the attack. Taliban claimed responsibility for the incident on Twitter.<sup>78</sup>

ii. Attacks deliberately targeting civilians and civilian objects

*“It was around 16h00 on Friday, 26 October when I heard several shots fired when I was in the bazaar. I became curious to know what was happening. I looked back at the direction of my house and noticed people were gathering. I approached the people and saw [the victim] who was the Director of the District Statistics Department lying dead in blood. People were saying that armed Taliban members on a motorbike shot him dead and then escaped from the area. [The victim] was a Government civil servant and had no prior enmities with anyone. That is enough reason for Taliban. They target anyone associated with the Government.”<sup>79</sup>*

--Witness of an incident of targeted killing in which a civilian man was killed by the Taliban, on 26 October 2018, in Shahrak district, Ghor province

Throughout 2018, UNAMA observed a rising pattern of Anti-Government Elements targeting civilians and civilian objects, which is in direct violation of international humanitarian law.<sup>80</sup> UNAMA reiterates that attacks deliberately targeting civilians and civilian objects – including the civilian government administration, journalists, education personnel and institutions, health personnel and hospitals, religious leaders, and religious minorities – are serious violations of international humanitarian law that may amount to war crimes.<sup>81</sup> Furthermore, when conducted as part of a widespread or systematic attack against a specific civilian population, such as the Shi’a Muslim religious minority, such attacks may also constitute crimes against humanity.<sup>82</sup>

The number of civilian casualties from deliberate targeting of civilians increased by 48 per cent in 2018 as compared to 2017, representing 4,125 civilian casualties (1,404 deaths and 2,721 injured).<sup>83</sup> Civilian casualties from these incidents attributed to the Taliban increased nearly two-fold while those attributed to *Daesh*/ISKP more than doubled.<sup>84</sup>

UNAMA documented a rise in civilian casualties resulting from the targeting of the civilian government administration;<sup>85</sup> aid workers and staff working for NGOs;<sup>86</sup> and a significant spike in civilian casualties from

<sup>78</sup> All tweets by Taliban issued on polling days are on file with the UNAMA Human Rights Service. The tweet related to this attack, from the official Taliban account @Zabihulla4, stated: “Polling station shut down in Mehtarlam city peripheries Laghman, all workers flee, sham process fails. #ډښمن ته درانه تلفات اوبښتي. ډښمن ته درانه تلفات اوبښتي. ډښمن ته درانه تلفات اوبښتي.”

<sup>79</sup> UNAMA telephone interview with witness, Ghor province, 31 October 2018.

<sup>80</sup> See *Annex I: Legal Framework*.

<sup>81</sup> Common Article 3; Additional Protocol II, Articles 4(2), 13(2); Rome Statute, Articles 8(2)(c) and 8(2)(e)(i); ICRC Customary International Humanitarian Law Study, Rules 1, 6, 89, 156.

<sup>82</sup> For example, crimes against humanity as defined in Article 7 of the Rome Statute include, *inter alia*, acts of murder; extermination; or persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds; and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

<sup>83</sup> This figure does not include attacks targeting Afghan National Police by Anti-Government Elements, which caused an additional 669 civilian casualties (195 deaths and 474 injured), because the police targeted may not have benefited from protection based on civilian status depending on their activities at the time of attack, which could render them directly participating in hostilities (in which cases civilian casualties counted include only the others impacted who were not participating in hostilities). UNAMA also did not include attacks by Anti-Government Elements aimed at unknown targets, which caused 162 civilian casualties (42 deaths and 120 injured).

<sup>84</sup> In 2018, UNAMA documented 1,751 civilian casualties (667 deaths and 1,084 injured) from all attacks by Taliban targeting civilians, compared with 916 (535 deaths and 381 injured) in 2017. It documented 1,871 civilian casualties (566 deaths and 1,305 injured) from all attacks by *Daesh*/ISKP targeting civilians compared with 843 (333 deaths and 510 injured) in 2017.

<sup>85</sup> UNAMA documented 910 civilian casualties (298 deaths and 612 injured) from attacks targeting civilian Government administration in 2018, compared with 309 (111 deaths and 198 injured) in 2017.

<sup>86</sup> UNAMA documented four attacks targeting aid and NGOs resulting in 38 civilian casualties (10 deaths and 28 injured) in 2018, up from 11 civilian casualties (eight deaths and three injured) in 2017.

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attacks against education-related personnel and locations during the electoral period.<sup>87</sup> With parliamentary elections occurring in 2018, UNAMA also documented a disturbing number of attacks against election-related workers, candidates and voters, as well as attacks against voter registration and polling centres located in schools.<sup>88</sup> These attacks raise particular concern because of the immediate and long-term negative impact on children's right to education.<sup>89</sup>

The majority of the civilian casualties from attacks against civilians – 58 per cent (2,407) – were caused by suicide and complex attacks.<sup>90</sup> For instance, on 27 January 2018, outside of a Ministry of Interior administrative compound in Kabul city, a suicide attacker detonated a vehicle-borne IED in a van painted to look like an ambulance,<sup>91</sup> killing 114 civilians, including one woman, and injuring 229, including 11 women and 10 children.<sup>92</sup> The compound was located on a street where a maternity hospital, the high peace council and several embassy and private residences were situated. The powerful blast caused extensive damage to buildings in the area. The hospital building was severely impacted and patients inside suffered further injuries. Taliban claimed responsibility for the attack.<sup>93</sup> It was the single deadliest incident recorded by UNAMA since it began systematic documentation in 2009.

In addition to suicide attacks and the use of non-suicide IEDs to deliberately target civilians or civilian objects, Anti-Government Elements also carried out 'targeted killings' of civilians,<sup>94</sup> mainly by shooting. In 2018, UNAMA documented 295 such incidents that caused 589 civilian casualties (395 deaths and 194 injured), representing a 17 per cent decrease in targeted killings of civilians from 2017. The civilians targeted were individuals perceived as supporting or otherwise connected to the Government or pro-Government armed groups, whether through current or former employment or family ties. Attacks against tribal elders also remained of concern, as, despite a decrease in the number of such incidents from 59 in 2017 to 30 in 2018, the number of civilians killed and injured decreased only slightly to 34 deaths and 31 injured.<sup>95</sup> UNAMA also took note of the alarming number of killings targeting religious scholars and leaders, with 13 documented incidents resulting in 15 deaths and 20 injured, including, for example, the shooting by gunmen on a motorbike of an outspoken critic of the armed conflict, the deputy head of the Kabul Ulema Shura, on 24 November.

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<sup>87</sup> UNAMA documented 189 civilian casualties (71 deaths and 118 injured) in 2018 during attacks targeting education, compared with 14 (eight deaths and six injured) in 2017.

<sup>88</sup> UNAMA did not record any civilian casualties from election-related targets in 2017, as there had not been an election since 2014. Please see below for more information on the parliamentary elections.

<sup>89</sup> See section II.b above on *Children and Armed Conflict*.

<sup>90</sup> For further details, see UNAMA Special Report: Increasing Harm from the Deliberate and Indiscriminate Use of Improvised Explosive Devices, released in October 2018, available at: <https://unama.unmissions.org/protection-of-civilians-reports>.

<sup>91</sup> UNAMA notes that in 2011, Taliban acknowledged responsibility for using an ambulance in an attack, responding to strong condemnation at the time with a promise to investigate the incident and assurance that this would not occur again. See <http://www.irinnews.org/news/2011/04/12/taliban-rue-ambulance-attack>.

<sup>92</sup> International humanitarian law and international criminal law prohibit attacks in which perpetrators feign civilian or other protected status in order to carry them out: ICRC Customary International Humanitarian Law Study, Rule 65. Rome Statute, Articles 8(2)(b)(vii) and (xi) and 8(2)(e)(ix) criminalize various forms of perfidy.

<sup>93</sup> Taliban claimed responsibility for the attack on their English, Dari and Pashto websites, as well as on Twitter. For example, see <http://alemarahenglish.com/?p=25043>, last accessed 27 January 2019.

<sup>94</sup> See *Annex III: Glossary* for a definition of 'targeted killings'. UNAMA also recorded an additional 162 civilian casualties (100 deaths and 62 injured) which occurred collaterally as a result of Anti-Government Elements carrying out targeted killings against Pro-Government Forces or other Anti-Government Elements, mainly by shooting and IEDs.

<sup>95</sup> In 2016, UNAMA documented 48 incidents of killings targeting tribal elders resulting in 80 civilian casualties (56 deaths and 24 injured).

### Taliban attack on the Intercontinental Hotel in Kabul, resulting in 39 civilian casualties<sup>96</sup>

At approximately 20h15 on 20 January, a group of five men wearing Afghan-style clothing armed with AK-47s, pistols and grenades, initiated an attack on the Intercontinental Hotel in Kabul city. The hotel was hosting approximately 200 civilian guests, staff and visitors when the attack began. The assault lasted the entire evening, until all attackers were killed just before noon the next day.

The attack was initiated simultaneously from separate locations outside the hotel entrance and inside the restaurant, which was then occupied by at least 25-30 persons. Two of the attackers opened fire on guests and staff after waiting at a table in the restaurant for some time, initially firing indiscriminately and shooting at anyone who tried to escape, then appearing to shift their focus to foreigners. Witnesses inside the restaurant at the time stated that the attackers made an effort to separate foreigners from Afghans. The attackers then proceeded to move systematically through the hotel floor by floor where they targeted individual rooms, mainly of foreign nationals, including commercial airline pilots. The attackers shot at guests and staff, threw grenades, and set fire to various locations throughout the hotel, including stairways and exits. UNAMA observed evidence that individuals were targeted and executed, including multiple victims shot in their bathtubs and bedrooms. Several of the rooms were completely destroyed by fire, corresponding with victim's accounts that attackers seemed intent on targeting individuals they believed to be in these rooms.

UNAMA verified the death of 24 civilians, including women, and 15 civilians injured, including at least one child. Fifteen foreign nationals were among the victims.

Taliban claimed responsibility for the attack via Twitter.<sup>97</sup> According to the Attorney General's Office, on 4 February 2019, 21 individuals were sentenced for crimes related to this attack. Eight of them were sentenced to between 20 and 30 years of imprisonment while 13 members of the security company for the hotel were sentenced to between two and five years of imprisonment for negligence.

### Attacks perpetrated in relation to the parliamentary elections

*"Our house is close to a school of Eshkamish District of Takhar Province, where there was a polling center. On the first day of elections, Taliban fired a mortar from a mountain targeting the polling center, but it hit our house. My mother was injured and taken to hospital. My 10 years old brother was killed. Two of my sisters were also killed. They were 8 and 6 years old. My 13 years old sister was injured and taken to Takhar hospital. My whole family has been devastated. We have not yet told my mother that they died."*<sup>98</sup>

--Statement from the relative of one of the victims concerning a Taliban attack in Eshkamish District, Takhar Province, on 20 October 2018. Five civilians (three girls, a boy and a woman) were killed; and two (a girl and a woman) were injured.

UNAMA is particularly concerned with the unprecedented levels of harm caused to civilians through elections-related violence perpetrated mainly by the Taliban, including by direct targeting of civilians and civilian objects. Beginning with voter registration on 14 April and through the end of 2018, UNAMA verified 1,007 election-related civilian casualties (226 deaths and 781 injured) along with 310 election-related abductions. While UNAMA attributed to *Daesh*/ISKP seven election-related incidents of suicide and non-suicide IED attacks that caused 338 civilian casualties (94 deaths and 244 injured), the vast majority of election-related incidents and more than half of the civilian casualties were attributed to Taliban.<sup>99</sup> More than half of the election-related

<sup>96</sup> See <https://unama.unmissions.org/unama-condemns-taliban-attack-civilians-intercontinental-hotel>.

<sup>97</sup> Taliban posted claims of responsibility on Twitter, available at <https://twitter.com/ZabihullaM4/status/954998076112064512>, last accessed 23 January 2019, and on their website <http://shahamat1.com/?p=106970> (website changed, but claim on file in UNAMA human rights protection of civilians database).

<sup>98</sup> UNAMA interview with witness in hospital, Takhar province, 23 October 2018.

<sup>99</sup> UNAMA also documented 15 incidents of targeted killings and non-suicide IEDs that caused 126 civilian casualties (27 deaths and 99 injured) to undetermined Anti-Government Elements. The remaining casualties were unable to be attributed to a specific party during election-related ground engagements.

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civilian casualties occurred during parliamentary election polling days on 20-21 October, with 20 October recording the highest civilian casualty toll of any day in 2018.<sup>100</sup>

UNAMA monitoring revealed a well-orchestrated, coordinated campaign of violence and intimidation by the Taliban against the civilian population in an attempt to disrupt the electoral process. It documented 189 attacks by Taliban resulting in 508 civilian casualties (102 deaths and 406 injured), with 318 civilian casualties attributed to the group occurring on the first day of voting, on 20 October. This included 76 attacks for which the group claimed responsibility from which UNAMA verified 113 civilian casualties (eight deaths and 105 injured).<sup>101</sup> This was the highest level of civilian harm on any election day compared to the four previous elections held in Afghanistan since UNAMA began systematic documentation of civilian casualties in 2009. The majority of the Taliban's attacks involved the use of indirect-fire systems such as rockets, grenades and mortars, as well as IEDs, all of which have indiscriminate effects, and small arms fire. Indirect mortar, grenade, and rocket fire aimed in the direction of polling centres and other civilian areas accounted for approximately 38 per cent of the total election-related civilian casualties across the three days of polling.

All 310 election-related abductions documented by UNAMA were attributed to Taliban as were 116 out of 126 incidents of threats, intimidation and harassment.

UNAMA reiterates its concern about the use of indirect fire systems in and from civilian-populated areas, which was major cause of civilian casualties attributed to the Taliban during the Parliamentary elections in October.<sup>102</sup> Furthermore, the use of indiscriminate explosive devices in civilian populated areas are almost certain to cause immense suffering to civilians, and may thus amount to war crimes.

UNAMA emphasizes that election-related personnel, political candidates, voters, and persons working for the Government are civilians and are entitled to protection under international law unless they are members of the armed forces or directly participating in hostilities. UNAMA urges the Taliban to apply a definition of 'civilian' that complies with international humanitarian law. It reiterates that deliberate acts of violence against civilians and civilian objects are strictly forbidden under international humanitarian law and constitute war crimes.<sup>103</sup>

### Attacks Targeting Places of Worship, Religious Leaders and Worshippers

In 2018, UNAMA continued to document the same high levels of civilian casualties as in 2017 as a result of attacks targeting places of worship, religious leaders and worshippers,<sup>104</sup> with 22 attacks recorded causing 453 civilian casualties (156 deaths and 297 injured),<sup>105</sup> all attributed to Anti-Government Elements.

The majority of casualties were caused by suicide attacks, which killed 136 civilians and injured 266 more, representing a 118 per cent increase in casualties compared to 2017. The vast majority of attacks were perpetrated by *Daesh*/ISKP. For example, on 4 June, in Kabul, an attacker detonated a body-borne suicide device outside the entrance to a Loya Jirga tent where 2,000 religious scholars from around the country were concluding an event at which a joint fatwa was issued against the conflict waged by Anti-Government Elements. The attacker was disguised in a uniform of the Presidential Protection Service, which allowed him to gain access

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<sup>100</sup> Parliamentary elections were held in all provinces on 20-21 October except Ghazni and Kandahar. Ghazni elections were postponed indefinitely while Kandahar held elections on 27 October. UNAMA did not document any election-related casualties in Kandahar on polling day.

<sup>101</sup> All tweets by Taliban issued on polling days from the official Taliban account @Zabihulla\_4 are on file with UNAMA human rights.

<sup>102</sup> See *Chapter IV: Civilian Casualties from Indirect Fire Systems during Ground Engagements*.

<sup>103</sup> For more information on election-related violence, please see two special reports by UNAMA on this topic issued in May and November 2018, available online at: <https://unama.unmissions.org/protection-of-civilians-reports>.

<sup>104</sup> This does not include attacks incidentally affecting mosques/places of worship or attacks on mosques/places of worship if used by a party to the conflict in fighting.

<sup>105</sup> In 2017, UNAMA documented 38 attacks against people and places of worship, resulting in 499 civilian casualties (202 deaths and 297 injured), which constituted a 24 per cent increase in total civilian casualties and three times as many attacks as in 2016.

to the area where security forces were guarding the venue. Seven civilian men were killed in the incident, including two religious scholars, and 20 were injured, including six religious scholars. *Daesh*/ISKP claimed responsibility for the attack, specifically stating that clerics affiliated with the Government were killed and injured.<sup>106</sup>

In addition to suicide attacks, UNAMA documented 35 civilian casualties (15 deaths and 20 injured) from targeted killings of religious leaders and worshippers.<sup>107</sup> For instance, on 29 April in Aybak district, Samangan province, Taliban deliberately opened fire against a civilian man attending a wedding party. The victim was a mullah known for preaching against the Taliban. He and a woman were killed and two women were injured.

### **Deliberate Sectarian Attacks Targeting the Shi'a Muslim Religious Minority by *Daesh*/ISKP**

UNAMA continued to document high levels of sectarian-motivated violence by *Daesh*/ISKP against the Shi'a Muslim religious minority population, most of whom also belong to the Hazara ethnic group. UNAMA remains gravely concerned about the safety and security of this religious minority population, and about the extent to which these attacks are impeding their freedoms of religion and movement and quality of life.

From 1 January to 31 December 2018, UNAMA documented 19 incidents of sectarian-motivated violence against Shi'a Muslims resulting in 747 civilian casualties (223 deaths and 524 injured). This represents a 34 per cent increase in civilian casualties from such attacks as compared to 2017, continuing the trend of extreme harm to civilians from this community initially documented by UNAMA in 2016.<sup>108</sup> Seven of the 19 incidents were claimed by and attributed to *Daesh*/ISKP, amounting to 711 civilian casualties (212 deaths and 499 injuries). For example, on 21 March, a suicide attacker detonated a body borne IED in the vicinity of Karte Sakhi shrine where Shi'a Muslims had gathered to celebrate Nowruz. The attack killed 35 civilians, including four children, and injured 65, including six children. *Daesh*/ISKP claimed responsibility for the attack, explicitly citing a sectarian motive. It was the second attack deliberately targeting Shi'a Muslims in Kabul that week.

While the majority of sectarian-motivated attacks against Shi'a Muslims in 2017 occurred in places of worship, UNAMA documented only two such attacks in 2018, resulting in 138 civilian casualties (35 deaths and 103 injured). The majority of attacks against Shi'a Muslims in 2018 occurred in other civilian areas, including in Shi'a Muslim majority or ethnic Hazara neighbourhoods. For instance, in Kabul city, on the morning of 22 April, a suicide attacker detonated a body-borne IED outside the entrance of a *tazkera* (national identification card) distribution centre in a Hazara populated area where a large crowd of local residents were gathered to collect their *tazkiras* as the first step of the voter registration process. As a result, 60 civilians were killed, including 23 women and 11 children, and another 138 were injured, including 65 women and 17 children. *Daesh*/ISKP claimed responsibility for the attack explicitly citing a sectarian motive.<sup>109</sup> On 15 August, in another egregious incident, in Dasht-i-Barchi, a Shi'a Muslim majority area of Kabul, a suicide attacker detonated explosives inside a classroom of an educational centre. As a result, 40 civilians were killed, including at least 14 females, some of whom may have been under 18, and 67 were injured, including at least five children and 14 women. Attacks on Shi'a Muslims infringe their right to freedom of religion, and the wide scope of these attacks beyond places of worship – at education centres, sports clubs, celebratory events and other social gatherings – directly impede their ability to carry out normal lives.

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<sup>106</sup> Islamic State claimed responsibility via the Amaq news agency, available at: <https://ent.siteintelgroup.com/Statements/amaq-reports-is-responsibility-for-suicide-bombing-on-gathering-of-scholars-in-kabul.html>, last accessed on 23 January 2019.

<sup>107</sup> This includes one incident, on 29 April, in which three other civilians were killed and injured by the targeted killing of a religious leader in Aybak district of Samangan province.

<sup>108</sup> In 2017, UNAMA recorded 557 civilian casualties (211 deaths and 346 injuries) resulting from 22 sectarian-motivated attacks. For details, see UNAMA Protection of Civilians Annual Report 2017 pp. 41-42; See also November 2017 UNAMA Special Report on Attacks against Places of Worship, Religious Leaders and Worshippers.

<sup>109</sup> Islamic State claimed responsibility via the Amaq news agency, available at <https://ent.siteintelgroup.com/Statements/is-khorasan-province-claims-100-casualties-in-suicide-bombing-at-voter-registration-center-in-kabul.html>, last accessed on 23 January 2019.

In addition to the international legal prohibition of attacks against civilians and civilian objects, international humanitarian law and international criminal law prohibit and criminalize attacks directed at places of worship, which constitute cultural property.<sup>110</sup>

The mission reiterates the obligation of the Government to ensure the security and safety of minorities, including religious and ethnic minorities, at all times, including during their religious observances. The Government must also protect the right of all persons, including those belonging to minorities, to peacefully assemble to manifest their religion or belief in teaching, practice, worship and observance and to conduct observances of their religion or belief and worship in public.<sup>111</sup> The Government is also obliged to ensure that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law and that such law is enforced.<sup>112</sup>

### iii. Conflict-related abductions of civilians

Anti-Government Elements continued to abduct civilians across Afghanistan in 2018 as a means of intimidating and exerting control over the population. From 1 January to 31 December, UNAMA documented 271 incidents of conflict-related abductions<sup>113</sup> affecting 1,857 civilians and resulting in the death of 53 and the injury of 33. All incidents were carried out by Anti-Government Elements, with the exception of one incident by a pro-Government armed group affecting 12 individuals, and three abductions by Afghan Local Police.<sup>114</sup> While the number of civilian casualties from conflict-related abductions remained at similar levels to 2017, the number of civilians abducted increased by 85 per cent, returning to levels seen in 2016. This increase was driven by election-related incidents, with Taliban abducting candidates, election-related personnel, voters and would-be voters in the months leading up to the elections and around election days. For instance, between 17 and 19 October in Burka district, Baghlan province, Taliban abducted 47 teachers, including the head of the District Education Department, and held them in a madrassa to prevent them from serving as election workers on 20 October. Taliban abducted election staff at or near to their homes in areas under their control and invited others from Government-controlled areas to a meeting, where they subsequently abducted them. All abductees were released safely on 23 and 24 October after polling in that province had taken place.

UNAMA also documented incidents in which Anti-Government Elements abducted civilians due to actual or suspected ties to the Government, often for the purpose of attempting to exchange them for Taliban prisoners held by the Government, and, particularly in the northern, northeastern and eastern regions, for failure to pay illegal taxes. For instance, on 3 August in Mohmand Dara district, Nangarhar province, Taliban abducted 10 truck drivers for failing to pay taxes to them. They were taken to a neighbouring district and released four days later through mediation by elders. On 30 July, on the Gardez-Kabul road in Paktya province, Taliban abducted 22 civilian men at an illegal check post as they attempted to pass in three vehicles en route to Kabul. When Afghan national security forces arrived to rescue the abductees, a firefight broke out and six civilians managed to escape. Taliban took the remaining 16 to an unknown location. According to sources, they wanted to exchange the civilians for the release of some of their members from Government detention facilities. All abductees were released 10 days later, through mediation by elders.

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<sup>110</sup> ICRC Customary International Humanitarian Law Study, Rule 38. Rome Statute, Article 8(2)(e)(iv) criminalizes in non-international armed conflict “intentionally directing attacks against buildings dedicated to religion [...] historic monuments [...] provided they are not military objectives”. See also Additional Protocol II, Article 16; International Convention on Civil and Political Rights, Article 18. See also Afghanistan’s Revised Penal Code (2018), Articles 337-340 related to war crimes and Articles 336, 342 and 343 related to crimes against humanity.

<sup>111</sup> Universal Declaration of Human Rights (1948); International Covenant on Civil and Political Rights (1966), Articles 2, 18, 27. See also United Nations Human Rights Committee, General Comment 22 on Article 18 (1993). See also International Court of Justice, Advisory Opinion on Legal Consequences of Construction of the Wall in Occupied Palestinian Territories, 9 July 2004, para. 106.

<sup>112</sup> International Covenant on Civil and Political Rights, Article 20.

<sup>113</sup> See *Annex III: Glossary* for a definition of ‘abduction’.

<sup>114</sup> UNAMA documents abductions by Afghan Local Police as they do not legally have the power to make arrests under Afghan law.

UNAMA attributed to Taliban 240 abduction incidents resulting in the abduction of 1,732 civilians and 80 civilian casualties (49 deaths and 31 injured). Of these, Taliban claimed responsibility for 13 of these incidents involving the abduction of 298 civilians. UNAMA attributed to *Daesh*/ISKP 18 incidents resulting in the abduction of 91 civilians and three civilian casualties (two deaths and one injured).

Anti-Government Elements released many individuals without harm after payment of ransom or intervention by elders, often after a few days. However, UNAMA recorded 62 incidents in which abducted civilians were either killed or injured, including in the context of rescue attempts or deliberate killings. On 3 May, in Batikot district, Nangarhar province, on the main Jalalabad-Torkham road, Taliban disguised in Afghan National Army uniforms stopped a vehicle driven by staff of a major bank at an illegal Taliban check post and abducted three civilian men. As the men attempted to resist, Taliban opened fire, killing two and injuring another.

UNAMA also noted continued abductions by illegal armed groups and criminal gangs, particularly in large cities such as Kabul, which are under-reported. While UNAMA does not systematically document abductions that are not carried out by parties to the conflict, it regularly received reports of such incidents, including those targeting NGO workers and United Nations staff members. On 24 May, the United Nations in Afghanistan welcomed the release in Kabul of a colleague and her child, who had been held hostage by unknown assailants for over four months, and condemned the murder of another colleague who was abducted during the same incident.<sup>115</sup>

Conflict-related abductions deprive Afghans of their fundamental rights to personal liberty and to be free from arbitrary detention. Abductions carried out by Taliban, and threats thereof, on major roads and highways serve to restrict freedom of movement and exacerbate a climate of fear.

#### **iv. Illegal punishments carried out against civilians**

In 2018, UNAMA documented 16 incidents of Anti-Government Elements carrying out illegal punishments against civilians. Anti-Government Elements continued to adjudicate criminal and civil cases according to parallel judicial structures, particularly in areas under their control where civilians had very limited access to legal judicial mechanisms. Such illegal punishments included executions, amputations and beatings, for perceived offences, including allegations of spying, supporting the Government, being a member of the Afghan national security forces, and engaging in ‘moral transgressions’. UNAMA attributed 13 such incidents resulting in 21 civilian casualties (14 deaths and seven injured) to Taliban and three to *Daesh*/ISKP, which caused eight deaths.

For instance, on 28 July, in Dara-i-Pech district, Kunar province, *Daesh*/ISKP killed four men for allegedly spying for pro-Government forces. The victims had been abducted and held in captivity for two months. *Daesh*/ISKP claimed responsibility for the execution of the men and published photos on the Amaq news website.<sup>116</sup> On 28 February in Yamgan district, Badakhshan, Taliban shot and killed a man and woman accused of adultery. The woman was killed at her home and the man in a nearby garden.

Punishments carried out by Anti-Government Elements are criminal acts pursuant to the laws of Afghanistan and amount to human rights abuses. Moreover, severe punishments such as executions can constitute serious violations of international humanitarian law and amount to war crimes. UNAMA urges Anti-Government Elements to immediately cease running parallel justice structures, which have no basis under Afghan law, and stop imposing punishments on civilians. UNAMA reiterates that the Government bears the ultimate responsibility to protect fundamental human rights in Afghanistan and must prioritize the suppression of all such illegal procedures.

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<sup>115</sup> <https://unama.unmissions.org/statement-united-nations-afghanistan-abducted-personnel-kabul>.

<sup>116</sup> UNAMA recorded the claim of responsibility broadcast on Al-Bayan FM radio. The broadcast is on file with UNAMA human rights.



**v. Use of homes and other civilian objects for military purposes**

UNAMA has consistently documented incidents in which Anti-Government Elements used residential homes and other civilian objects for military purposes, including sites from which they plan operations and launch attacks, and places in which they take shelter during engagements with Pro-Government Forces.<sup>117</sup>

Intermingling with the civilian population during military engagements as well as the use of residential homes for military purposes puts civilians at risk of attack by the Afghan national security forces and international military forces.<sup>118</sup> For example, on 23 January in Shirin Tagab district of Faryab province, the Taliban attacked an Afghan National Army check post and positions using small arms fire and grenades, taking cover behind homes. The Afghan National Army responded, hitting a house with a mortar, and causing injury to a woman. On 27 November in Garm Ser district, Helmand province, Taliban members escaping an airstrike in the area on motorcycles arrived in a nearby village and knocked on the doors of civilian homes, seeking shelter. When two civilians opened the door, they were targeted by Afghan national security forces in a helicopter, resulting in the deaths of Taliban members and two male civilians. UNAMA verified numerous incidents in which Taliban entered homes during the offensive on Ghazni city in August to use them as fighting positions; however, UNAMA received reports of Taliban telling occupants to leave in some cases.

UNAMA reminds the parties to the conflict of the obligation to respect the principle of distinction during preparation for and in the conduct of combat, which requires parties to clearly distinguish between civilians and combatants, and civilian objects and military objectives. Inherent in this obligation is the prohibition against the use of civilians to render military objectives immune from attack or to impede military operations. It must be emphasized that the failure by one party to the conflict to respect these principles does not absolve an opposing party from its obligations under international law concerning principles of distinction, precaution and proportionality.<sup>119</sup>

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<sup>117</sup> 2014 Mid-Year POC report, p10; 2018 3<sup>rd</sup> Quarter report; <https://unama.unmissions.org/unama-calls-anti-government-elements-cease-attacks-civilian-areas>; <https://unama.unmissions.org/unama-condemns-taliban-attack-kabul> (2016).

<sup>118</sup> UNAMA also notes incidents in which Anti-Government Elements have been targeted inside their homes at night while with their family members, which contributed to an increase in casualties of women and children. See section IV.b.i. below on *Aerial Operations*.

<sup>119</sup> See the section IV.b.i below on *Aerial Operations*.

## IV. Pro-Government Forces

### a. Overview

UNAMA documented a 24 per cent increase in civilian casualties attributed to Pro-Government Forces in 2018 as compared to 2017, which was mainly due to a significant increase in civilian casualties resulting from aerial operations by international military forces as well as from search operations conducted by Afghan national security forces and pro-Government armed groups. Between 1 January and 31 December 2018, UNAMA documented 2,612 civilian casualties (1,185 deaths and 1,427 injured) from operations conducted by Pro-Government Forces. Civilian casualties attributed to Pro-Government Forces accounted for 24 per cent of all civilian casualties in 2018, up from 20 per cent in 2017.

The majority of civilian casualties attributed to Pro-Government Forces were caused by ground engagements and aerial operations (39 per cent each), followed by search operations (14 per cent).<sup>120</sup>

Pro-Government forces caused 1,015 civilian casualties (282 deaths and 733 injured) during ground engagements, representing a nine per cent reduction from 2017 and the second consecutive year in which UNAMA has documented a decrease. UNAMA documented a 44 per cent reduction in civilian casualties caused during ground operations by shooting from Pro-Government Forces, which was the main factor contributing to the overall reduction in civilian casualties from ground engagements. Harm to civilians from the use of indirect weapons by Pro-Government Forces remained at the same levels as 2017 with 854 civilian casualties (211 deaths and 643 injured).<sup>121</sup>

Aerial operations by Pro-Government Forces caused the same number of civilian casualties as ground engagements although proportionally more deaths with 1,015 civilian casualties (536 deaths and 479 injured). Civilian casualties from aerial operations increased by 61 per cent as compared to 2017, with the majority caused by international military forces.

Search operations were the third leading cause of civilian casualties by Pro-Government Forces, with 353 civilian casualties (284 deaths and 69 injured) in 2018, representing a 185 per cent increase from 2017.<sup>122</sup> UNAMA is particularly concerned by the sharp rise in harm to civilians caused by these operations. The majority of the search operations were carried out by National Directorate of Security Special Forces units and the Khost Protection Force, which appear to operate outside of official Afghan chains of command, often in partnership with international military forces. The significantly high number of deaths resulting from such operations also raises concern about whether force is being employed indiscriminately.

Responsible Party (Attributed by UNAMA)	Civilians killed	Civilians Injured	Total Civilian Casualties	Per cent of overall civilian casualties
Afghan national security forces	606	929	1535	14 per cent
Pro-government armed groups	99	81	180	2 per cent
International military forces	406	268	674	6 per cent
Undetermined Pro-Government Forces / multiple Pro-Government Forces	74	149	223	2 per cent

<sup>120</sup> The remaining civilian casualties attributed to Pro-Government Forces occurred outside the context of ground engagements, mainly incidents of killing and injuring of civilians (either known to be civilian or mistaken for Anti-Government Elements).

<sup>121</sup> In 2017, use of indirect weapons by Pro-Government Forces during ground engagements caused 849 civilian casualties (200 deaths and 649 injured). See also *Chapter IV* on *Ground Engagements: Civilians Caught in the Cross-Fire*

<sup>122</sup> In 2017, UNAMA documented 124 civilian casualties (80 deaths and 44 injured) from search operations by Pro-Government Forces.

i. Afghan national security forces

Afghan national security forces caused 1,535 civilian casualties (606 deaths and 929 injured) in 2018, approximately the same number as in 2017.<sup>123</sup> They continued to be responsible for nearly all civilian casualties attributed to Pro-Government Forces resulting from ground engagements, which decreased by nine per cent. However, this was offset by civilian casualties from airstrikes by the Afghan Air Force, which remained at the same high levels as in 2017 with 304 civilian casualties (118 deaths and 186 injured),<sup>124</sup> and a significant increase in casualties from search operations, by 197 per cent, with 273 civilian casualties (222 deaths and 51 injured).<sup>125</sup>

UNAMA is particularly concerned at the high proportion of civilian deaths (versus injuries) – 81 per cent – from search operations by Afghan national security forces, primarily resulting from incidents attributed to NDS Special Forces.<sup>126</sup> UNAMA also notes that some of these operations involved close air support, including airstrikes conducted in support of Afghan forces on the ground, which increased the overall civilian casualties resulting from these operations.

Responsible party (attributed by UNAMA)	Civilians killed	Civilians injured	Total civilian casualties
Afghan Local Police	14	24	38
Afghan National Police	35	70	105
Afghan National Army (including Air Force)	267	646	913
NDS Special Forces	234	60	294
Other ANSF	56	129	185

**Airstrikes by the Afghan Air Force in Dasht-e-Archi district, Kunduz Province on 2 April 2018<sup>127</sup>**

On 2 April 2018, at approximately 12h30, Afghan Air Force helicopters conducted aerial operations in Dasht-e-Archi district, Kunduz province, releasing multiple rockets and firing heavy machineguns during an open-air ‘dastar bandi’ religious ceremony next to a madrassa where hundreds of men and boys were gathered.

According to the Government, the airstrikes targeted senior Taliban leaders present in the area, including members of the Quetta Shura, as well as members of a Taliban ‘Red Unit’, who had allegedly gathered to launch an operation against Kunduz city. After serious allegations of civilian casualties were raised, the Government acknowledged civilian casualties and the President established a commission to look into the incident. The Governor of Kunduz also established a provincial-level investigative committee. In collaboration with the Afghan Independent Human Rights Commission, UNAMA carried out its own fact-finding into the incident, including interviews with over 90 individuals, three large community consultations, and a site visit to Laghmani village on 23 April.

In May 2018, UNAMA released a Special Report on this incident with preliminary findings and has since verified 95 civilian casualties (30 killed and 65 injured), including 79 children. The findings indicate that the ceremony was widely publicized and known, and the crowd that gathered was primarily civilian, involving many children under the age of 10. Even if senior Taliban members were present – which UNAMA was not

<sup>123</sup> In 2017, Afghan national security forces caused 1523 civilian casualties (471 deaths and 1052 injured).

<sup>124</sup> In 2017, UNAMA documented 309 civilian casualties (99 deaths and 210 injured) from aerial operations by the Afghan Air Force.

<sup>125</sup> In 2017, UNAMA documented 92 civilian casualties (63 deaths and 29 injured) from search operations by Afghan national security forces.

<sup>126</sup> See also similar concerns raised in relation to the Khost Protection Force below in section IV.a.iii on *Pro-Government Armed Groups*.

<sup>127</sup> This incident was the subject of a UNAMA Special Report issued in May 2018, available online at: <https://unama.unmissions.org/protection-of-civilians-reports>.

in a position to independently verify – the use of imprecise weapons against a civilian ceremony and the high proportion of children amongst the civilian casualties raise serious concerns as to whether the Government respected the rules of precaution and proportionality. In its Special Report, UNAMA observed that it was reasonably foreseeable that an attack on a religious ceremony using imprecise weapons would have had lethal indiscriminate effects and would cause high numbers of civilian casualties.

On 16 May 2018, President Ghani apologized to the families of the victims of the airstrike and extended his sympathies to elders from the area.<sup>128</sup> UNAMA welcomes this important step in providing reparation to victims for the harm suffered and it urges the Government to release the findings of the Presidential commission's report, address logistical issues and challenges that have been raised by the community concerned about the payment of compensation, and ensure the accountability of those responsible along the chain of command.

## **ii. International military forces**

In 2018, international military forces were responsible for 674 civilian casualties (406 deaths and 268 injured).<sup>129</sup> Of the total civilian casualties attributed to international military forces, 94 per cent resulted from aerial operations.

Between 1 January and 31 December 2018, UNAMA documented 632 civilian casualties (393 deaths and 239 injured) from 107 aerial operations carried out by international military forces, which is more than double the number of incidents and civilian casualties recorded in 2017.<sup>130</sup> This drove the significant rise in overall civilian casualties from aerial operations as the number of civilian casualties attributed to the Afghan Air Force decreased in 2018.

As noted, UNAMA is particularly concerned about the continuing high levels of civilian deaths from aerial operations, particularly from strikes on structures and strikes conducted in support of Afghan operations on the ground during search operations.<sup>131</sup>

## **iii. Pro-Government armed groups**

In 2018, pro-Government armed groups in Afghanistan caused 180 civilian casualties (99 deaths and 81 injured) in 53 incidents, and were responsible for 12 conflict-related abductions. This represents a 94 per cent increase in civilian casualties by pro-Government armed groups from 2017, nearly returning to levels observed in 2016.<sup>132</sup> Civilian casualties by pro-Government armed groups mainly occurred during ground engagements (43 per cent) and search operations (28 per cent), with the latter becoming an area of major concern. UNAMA is particularly concerned at the increase in incidents where pro-Government armed groups deliberately targeted civilians during search operations, often leading to intentional killings, which made up an increasing amount (21 per cent) of the civilian casualties caused by these groups in 2018. The majority of these casualties were caused by the Khost Protection Force in Khost, Paktya, and Paktika provinces (see below for details). The remaining civilian casualties by pro-Government armed groups mainly occurred in Faryab and Takhar provinces.

Pro-Government armed groups continued to operate with impunity, conducting search operations, deliberately killing civilians, including over personal disputes, and engaging in armed clashes with Anti-Government

<sup>128</sup> <https://president.gov.af/ps/news/3293291>.

<sup>129</sup> By comparison, in 2017, international military forces were responsible for 255 civilian casualties (156 deaths and 99 injured).

<sup>130</sup> In 2017, UNAMA documented 50 incidents of international military forces aerial operations that resulted in 246 civilian casualties (154 deaths and 92 injured).

<sup>131</sup> See section IV.b.i. on *Aerial Operations* below.

<sup>132</sup> In 2016, UNAMA attributed 185 civilian casualties (52 deaths and 133 injured) to pro-Government armed groups.

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Elements and with other illegal armed groups. UNAMA documented 11 incidents where pro-Government armed groups perpetrated deliberate killings against civilians, resulting in 27 civilian casualties (20 deaths and seven injured). For example, on 24 April in Faryab province, the commander of a pro-Government armed group abducted and beat a 75 year-old man to death after his son (a Taliban member) was accused of killing a tribal elder and relative of the commander.

Pro-Government armed groups operate without a legal basis under Afghan law and outside of structures designed to ensure chain of command and accountability mechanisms are in place for violations of the law, including international humanitarian law and international human rights law. UNAMA calls on the Government, which has the primary responsibility to protect the human rights of all Afghans, including their rights to life, liberty and security, to disband all pro-Government armed groups. Moreover, the Government has a responsibility to investigate all allegations of human rights abuses and violations of international humanitarian law by pro-Government armed groups and to take appropriate action under the Afghan Penal Code with respect to those identified as alleged perpetrators, including senior levels.

### Khost Protection Force

*"We were still asleep when the Khost Protection Force broke the main door of our family house and ordered that everyone should come out from their rooms as fast as possible. When we came outside, they tied us up, including me and all of my ten sons. They did not ask us anything, but all of a sudden they just shot one of my sons in front of me. After the killing of my son, they left our home and killed two other innocent villagers as well. My son was a 9th grade student at a nearby high school. He was a very intelligent boy and got the first position each year in class."<sup>133</sup>*

-- Father of a son who was killed in a Khost Protection Force search operation in Sabari district, Khost province.

UNAMA is deeply concerned about continuing reports of the Khost Protection Force carrying out human rights abuses, intentionally killing civilians, illegally detaining individuals, and intentionally damaging and burning civilian property during search operations and night raids. The Khost Protection Force is a pro-Government paramilitary group that has carried out specialized operations in the southeast of Afghanistan since at least 2007. It functions outside of the regular military command and control structures, does not exist in the official Government *tashkil*, and its operations are often not coordinated with local authorities or the National Directorate of Security. However, UNAMA understands that a commander of the Khost Protection Force participates in the weekly security meetings in Khost province, chaired by the Provincial Governor, alongside Afghan national security forces, which suggests some degree of information-sharing and tacit consent by the Government of its operations. UNAMA has repeatedly raised concerns about the actions of the Khost Protection Force, including regarding allegations of civilian casualties and abuses of the rights to life and physical security and other human rights abuses, to the National Directorate of Security and the National Security Council. No entity within the Afghan national security forces or civilian Government administration has been willing or able to discuss incidents involving the Khost Protection Force in detail or address issues of accountability.

In 2018, UNAMA documented 22 incidents involving 107 civilian casualties (70 deaths and 37 injured) as a result of Khost Protection Force operations. Some of the victims were intentionally targeted or incidentally harmed during search operations, as well as during ground engagements. This represents a drastically significant increase from 2017, when UNAMA attributed five civilian casualties (three deaths and two injured) to the Khost Protection Force, and marks the highest level of civilian harm perpetrated by this group since UNAMA began systematic documentation of conflict-related civilian casualties in 2009.

In previous years, UNAMA documented incidents involving the Khost Protection Force exclusively in Khost Province. In 2018, however, UNAMA notes a geographic expansion in the Khost Protection Forces' operations, with 14 incidents in Khost province, four incidents in Paktika province, and four incidents in Paktya

<sup>133</sup> UNAMA telephone interview with victim's relative, Khost province, 31 May 2018.

province that caused civilian casualties. UNAMA has begun documenting incidents involving the Khost Protection Force in districts where it had not previously been seen, such as Zurmat district of Paktya province.

The vast majority of civilian deaths attributed to the Khost Protection Force were caused by intentional shooting, mostly in the context of search operations. For instance, on 4 March in Nader Shah Kot district, Khost Province, a group of approximately 20 Khost Protection Force personnel conducted a search operation in a family house and shot and killed two civilian men (brothers) and one of their wives. They also set fire to a vehicle in front of the house and to the family home where a three-year old girl was burnt alive. The Khost Protection Force took three male relatives to its base and released them later that day after hundreds of residents in the area protested.

UNAMA also received multiple reports of members of the Khost Protection Force intentionally damaging civilian property, including setting fire to homes and vehicles, and illegally detaining civilians, often for days, for questioning. In some instances, individuals were released whereas in other cases they were handed over to the National Directorate of Security after some days. For instance, on 5 March in Khost City, Khost Protection Forces conducted a search operation in a madrassa, including the accommodation area where some of the students were staying. They set fire to at least six motorcycles parked outside and took eight students with them, four of whom were released the next day. The remaining four were transferred to a detention facility run by the National Directorate of Security in Khost City. Their status remained unknown as at 31 December 2018. On 30 December, in Zurmat district of Paktya province, the Khost Protection Force conducted a search operation at the home of a provincial peace council member. According to witnesses, they entered the home and separated the peace council member and his adult male family members from the female family members. The provincial peace council member and five men in his family were shot and killed one by one.<sup>134</sup>

As a pro-Government armed group that operates outside of the *tashkil* of the Afghan National Security Forces, there is no legal basis for the existence of the Khost Protection Force, and the continued widespread impunity for abuses its members enjoy remains of grave concern. The Afghan authorities have not taken the necessary action to hold members of this group accountable with respect to allegations of excessive use of force, intentional killings, and other abuses that severely impact the human rights and the lives of Afghans. UNAMA recalls that the Government has the primary responsibility to protect the rights to life, liberty and security of all people in Afghanistan. UNAMA urges the Government to either formally incorporate the Khost Protection Force into its armed forces, and hold its members accountable for any potential violations of international humanitarian law and abuses of international human rights law, or to disband the group and investigate and prosecute members for acts allegedly contravening Afghanistan's criminal law.<sup>135</sup>

## **b. Tactics and Incident Types Causing the Most Harm to Civilians**

### **i. Aerial operations**

*"On 27 November, from the start of the evening helicopters were circling in the air. At approximately 22h00 a jet arrived. I myself heard the sound and saw it. The jet conducted an airstrike on a civilian house, where my brother's family was present too. We were not able to go right after the incident, but went there early in the morning, at 5h00. I saw that all rooms collapsed, and children and women were under the mud. We started pulling them out from it. Most of them were children who were killed and the majority were burnt. My 8-year-old nephew was injured and we brought him to the hospital. He is badly burnt. At the time of the incident some Taliban were crossing the area and international military forces might have targeted them, but they bombarded the civilian house. The area is totally controlled by the Taliban and we are not allowed to use mobile services."<sup>136</sup>*

--Relative of the victims and a witness of an international military forces' aerial operation in Garm Ser district, Helmand province, on 27 November. The attack killed 23 civilians (including 10 children) and critically injured three more children. The incident was under investigation by international military forces at the time of writing this report.

<sup>134</sup> See section IV.b.iii below on *Intentional Killing of Civilians by Afghan national security forces and the Khost Protection Force*.

<sup>135</sup> See section IV.b.ii below on *Search Operations*.

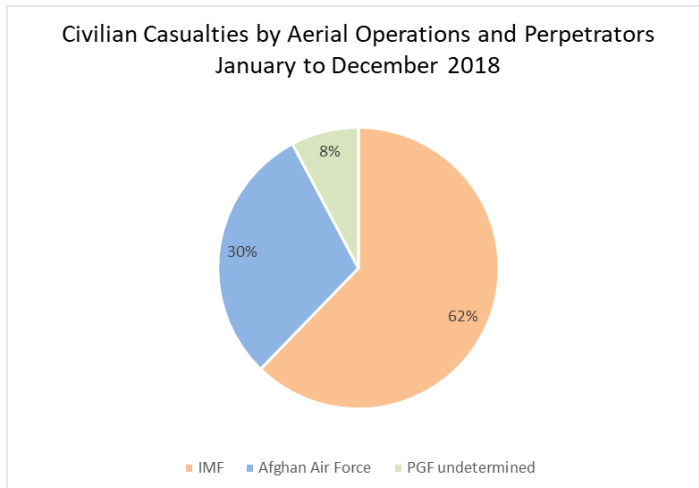
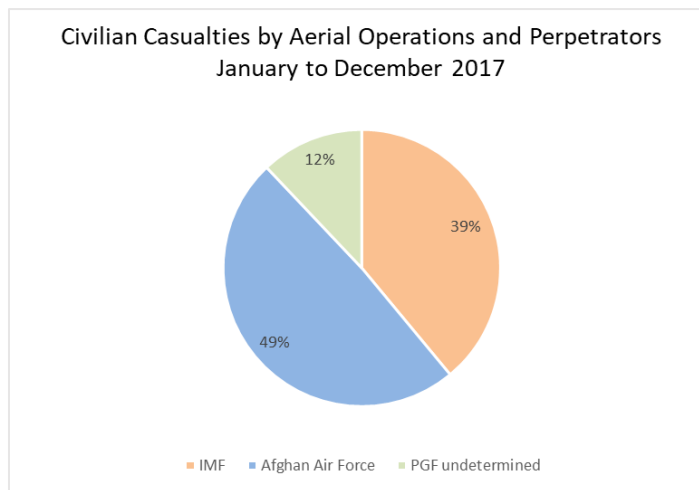
<sup>136</sup> UNAMA interview with victim's relative in the hospital, Helmand province, 28 November 2018.

Throughout 2018, UNAMA documented a steady increase in civilian casualties caused by aerial operations by Pro-Government Forces. This follows from a relaxation of the rules of engagement for airstrikes by United States forces in Afghanistan at the end of 2017,<sup>137</sup> after which there was an increase in the number of aerial weapons released.<sup>138</sup> In 2018, aerial operations caused the same number of civilian casualties as those caused by Pro-Government Forces during ground engagements.<sup>139</sup>

In 2018, UNAMA documented 1,015 civilian casualties (536 deaths and 479 injured) from 173 aerial operations conducted by Pro-Government Forces, a 61 per cent increase in civilian casualties from this tactic from 2017.<sup>140</sup> This is the highest number of civilian casualties from airstrikes in a single year since UNAMA began systematic documentation in 2009 and the fourth year in a row in which civilian casualties from aerial operations increased. UNAMA is particularly concerned by the number of civilian deaths from aerial operations, which has increased by 82 per cent. In 2018, approximately the same number of civilians were killed from airstrikes as in 2014, 2015 and 2016 combined. Women and children continued to comprise almost two-thirds of all civilian casualties from aerial operations, amounting to 648 civilian casualties (320 deaths and 328 injured).

Aerial operations accounted for nine percent of all civilian casualties in Afghanistan in 2018, up from six per cent from 2017. While the Afghan Air Force was responsible for the majority of the civilian casualties from aerial operations in 2016 and 2017, the pattern shifted in 2018 with the majority of victims attributed to operations by international military forces.

Of concern, UNAMA documented an increase in the number of women and child casualties for the fourth year in a row, with an 85 per cent increase in child casualties from aerial operations from 2017. Of the 492 child



<sup>137</sup> See <https://www.nytimes.com/2017/10/06/world/asia/mattis-afghanistan-rules-of-engagement.html>. Prior to the change, the rules of engagement reportedly restricted airstrikes to situations when the intended targets were “proximate” to United States forces or Afghan forces advised by United States forces.

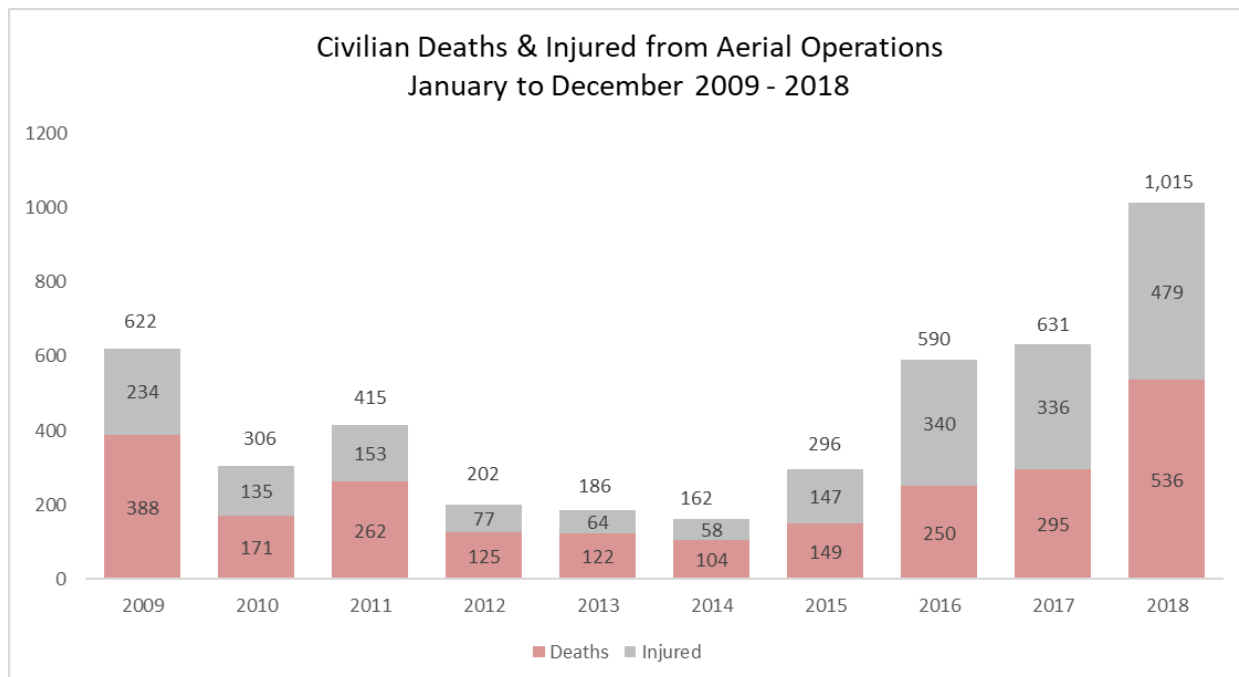
<sup>138</sup> As of 31 December 2018, the United States Air Forces Central Command reported 7,362 weapons released in 2018 as compared to 4,361 weapons released in 2017, which was already a significant increase from the 1,337 weapons released in 2016. These statistics include weapons released in support of both the Resolute Support Mission and Operation Freedom’s Sentinel (see *Annex II: Parties to the Conflict*). See <https://www.afcent.af.mil/About/Airpower-Summaries/>.

<sup>139</sup> In 2018, Pro-Government Forces caused 1,015 civilian casualties (282 deaths and 733 injured) during ground engagements. See *Chapter V* below on *Ground Engagements: Civilians Caught in the Cross-fire*.

<sup>140</sup> In 2017, UNAMA documented 631 civilian casualties (295 deaths and 336 injured) resulting from aerial operations by Pro-Government Forces.

casualties (236 deaths and 256 injured) caused by this tactic, an airstrike incident in Dasht-e-Archi district, Kunduz Province, by the Afghan Air Force in May 2018, caused 79 child casualties alone.<sup>141</sup>

UNAMA documented civilian casualties resulting from pre-planned strikes by both the Afghan Air Force and international military forces, as well as from strikes requested by Pro-Government Forces while carrying out operations on the ground.<sup>142</sup> UNAMA notes the extreme civilian harm caused by aerial operations when Anti-Government Elements use civilian homes for military purposes,<sup>143</sup> as detailed in the example below in Chahar



Dara district, Kunduz province, as well as when Anti-Government Elements have been targeted in their own homes at night, resulting in the killing and injury of their civilian family members and residents in the area, as shown by another example below in Shigal District, Kunar province.

The high level of civilian harm resulting from these aerial operations reflects the risks inherent in conducting strikes in civilian-populated areas, or on homes or other civilian structures. UNAMA has consistently raised concern over the last few years in its protection of civilians reports and in meetings with Afghan national security forces and Resolute Support about the increasing numbers of civilian casualties arising from airstrikes, and the need for continuous review of targeting criteria and pre-engagement precautionary measures, particularly considering the likelihood of civilians being present in the same buildings and locations as Anti-Government Elements.<sup>144</sup> UNAMA is increasingly concerned about civilian casualties resulting from airstrikes conducted in support of international or Afghan partner forces on the ground that may come under attack, when targeting decisions are made with urgency and insufficient information may be readily available concerning the presence of civilians.<sup>145</sup>

<sup>141</sup> See a detailed account of this incident in section IV.a.i above on *Afghan national security forces*.

<sup>142</sup> These refer to strikes against targets assessed by Pro-Government Forces to be Anti-Government Element targets, which resulted in civilian casualties.

<sup>143</sup> See section III.b.v above on *Use of homes and other civilian objects for military purposes*.

<sup>144</sup> See, for example, UNAMA Protection of Civilians Annual Reports 2017 (p. 47); 2016 (p. 9); and 2015 (p.11).

<sup>145</sup> This includes situations in which Afghan forces conduct an offensive operation on the ground, come under attack, and put in a request for air support. See, for example, the incident that occurred on 19 July 2018 in Chahar dara district, Kunduz province as well as the incident that occurred on 13-14 December in Shigal (Shiltan) district, Kunar province, described in this section below.



UNAMA recalls that international humanitarian law requires all parties to the conflict to take all feasible precautions to avoid, and in any event minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>146</sup> This includes the obligation to collect sufficient information to effectively assess the presence of civilians at a particular strike location. This could be done through an analysis of the pattern of civilian life in the area and of the way in which particular structures are being used, as well as the conduct of a thorough, transparent, objective and credible review of all airstrikes that have resulted in civilian casualties with a view to assessing the effectiveness of the precautionary measures put in place.<sup>147</sup> Parties are obligated to respect the principle of proportionality in planning and conducting an aerial operation, and to cancel or suspend an attack if it becomes apparent that it may be expected to cause civilian harm that would be excessive to the concrete and direct military advantage anticipated.<sup>148</sup>

With respect to aerial operations conducted in support of forces engaged in operations on the ground, UNAMA emphasizes that when balancing the military advantage of the operations against the civilian harm that it may be expected to cause, Pro-Government Forces must take into account the likelihood of civilians being present in the area or inside structures from which Anti-Government Elements may be fighting.<sup>149</sup>

Even if one party to the conflict fails to respect international humanitarian law, that does not absolve opposing parties from their international humanitarian law obligations.<sup>150</sup> The principle of proportionality applies regardless of whether aerial strikes are conducted as part of a planned, deliberate operation or whether they are conducted in response to threats on the ground. UNAMA emphasizes that in some cases, even proceeding with the lowest collateral producing weapon may be insufficient to satisfy the principle of proportionality given the extent of civilian harm that would be caused.

#### **Airstrikes on 19 July 2018 in Chahar Dara district, Kunduz province that killed 14 women and children and injured a baby**

*“After the second aerial strike, the three houses were destroyed and the whole village was covered with dust and sand. With the help of one excavator we started looking for dead bodies. First, we found my sister in law. She was still hugging her two children. I tried to separate them, but it was too painful. So, I covered them together in a blanket. Then, we found my sister with her child. She was dead, but my nephew was still alive. Finally, we found my older nephews, all dead.”<sup>151</sup>*

--Relative of the victims

On the morning of 19 July 2018, international military forces carried out airstrikes on a residential compound in Chahar Dara district, Kunduz province, resulting in the death of 14 women and children, all from the same extended family. Only one baby, who was injured in the attack, survived.

The incident took place during a ground operation by Afghan national security forces, including Afghan National Army commandos, who were supported by international military forces on the ground. During the operation, Afghan forces reportedly came under attack and responded with heavy gunfire, followed by mortars, on the compound from which they believed the shooting originated. A member of the family inside the compound reportedly called an Afghan Local Police commander stationed nearby to ask for help getting out of the house, but before anything could be done, an international military forces' jet conducted an airstrike on

<sup>146</sup> See Rule 15, ICRC Customary International Law Study and Article 13, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.

<sup>147</sup> See, for example, International Criminal Tribunal for the Former Yugoslavia, *Kupreskic case*, Judgment, paras. 49, 132, 526.

<sup>148</sup> See Rule 14, ICRC Customary International Law Study.

<sup>149</sup> UNAMA also notes that family members of Anti-Government Elements, who may frequently be co-located inside buildings and residential structures, are considered to be civilian and are protected from attack unless directly participating in hostilities.

<sup>150</sup> See Rule 140, ICRC Customary International Law Study.

<sup>151</sup> UNAMA telephone interview with victims' relative, Kunduz province, 20 July 2018.

the corner of the compound where they were located. A second bomb was then dropped directly on the house, completely destroying the building.

The Afghan National Army commandos were seen by residents in the area at the site, but they left approximately 20 minutes after the airstrikes. Dozens of residents came to the site of the incident to assist in clearing debris in an attempt to find survivors. Fourteen dead bodies of women and children were uncovered in the rubble – some were burned and others were only found in parts. One baby survived.

While Afghan officials initially denied allegations of civilian casualties, a Presidential delegation visited the site and the Provincial Governor in Kunduz tasked the Chahar Dara district governor to gather information about the incident. On 20 July, the Ministry of Defence acknowledged civilian casualties occurred.<sup>152</sup> A United States military spokesperson initially denied any allegations of civilian casualties in the media, publicly claiming all those killed in the attack were legitimate military targets,<sup>153</sup> but then indicated on 25 July that an investigation was underway.<sup>154</sup> The Government of Afghanistan paid compensation to the relative of the victims.

Contrary to the Afghan Government's findings, United States Forces in Afghanistan issued a press release on 10 August, again refuting civilian casualty claims. They stated that after reviewing all reasonably available and relevant information, including the Afghan government's report of the findings, they found "no credible information to corroborate the allegations."<sup>155</sup> Following significant advocacy from UNAMA, Resolute Support reopened its review process of the incident and it proceeded to a formal investigation under United States Army Regulation 15-6, which confirmed 12 civilians were killed and one injured.

## ii. Search operations

UNAMA has documented a significant rise in civilian casualties caused by Afghan National Security Forces and pro-Government armed groups in 2018, particularly by the National Directorate of Security (NDS) Special Forces and the Khost Protection Force. In addition to the loss of civilian lives, these operations also often resulted in extensive property damage, with little recourse available to victims, fueling anti-Government sentiment and sparking protests from the civilian population.

In 2018, UNAMA documented 353 civilian casualties (284 deaths and 69 injured) from search operations, with the majority caused by NDS Special Forces and the Khost Protection Force.<sup>156</sup>

UNAMA documented 64 search operations by Afghan national security forces, which caused a total of 273 civilian casualties (222 deaths and 51 injured).<sup>157</sup> This represents a sharp increase over 2017 when UNAMA documented 92 civilian casualties (63 deaths and 29 injured) resulting from 26 search operations by Afghan national security forces (which already represented a 40 per cent increase from 2016). Search operations by National Directorate of Security Special Forces,<sup>158</sup> either alone or in joint operations with international military

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<sup>152</sup> <http://mod.gov.af/fa/blog/400192> (Dari). Tolo News reported on 19 July that the Ministry of Defence had confirmed that more than 10 civilians had been killed in the operation, see <https://www.tolonews.com/afghanistan/mod-confirms-civilian-deaths-kunduz-operation>.

<sup>153</sup> See <https://www.nytimes.com/2018/07/20/world/asia/afghanistan-us-civilian-casualties.html>.

<sup>154</sup> See <https://rs.nato.int/news-center/press-releases/2018-press-releases/us-forcesafghanistan-investigation-is-underway-after-civilian-casualty-claims.aspx>.

<sup>155</sup> See <https://rs.nato.int/news-center/press-releases/2018-press-releases/us-forcesafghanistan-investigation-is-underway-after-civilian-casualty-claims.aspx> and <https://rs.nato.int/news-center/press-releases/2018-press-releases/us-forcesafghanistan-investigation-refutes-civilian-casualty-claims-in-kunduz.aspx>.

<sup>156</sup> This is compared to 2017 when UNAMA recorded 92 civilian casualties (63 deaths and 29 injured) from search operations by Pro-Government Forces.

<sup>157</sup> On 11 May, during a search operation by National Directorate of Security Special Forces that was supported by international military forces, a civilian was killed by international forces who mistakenly believed he had a weapon. A review by international forces was conducted. All other civilian casualties were attributed to Afghan national security forces.

<sup>158</sup> NDS-01 operates in the Central Region; NDS-02 in the Eastern Region; and NDS-03 in the Southern Region.

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forces,<sup>159</sup> caused the majority of these casualties, with 240 civilian casualties (203 deaths and 37 injured) in 51 incidents. All search operations by the National Directorate of Security Special Forces that caused civilian casualties took place in central, eastern and southern regions. UNAMA also documented 51 civilian casualties (41 deaths, 10 injured) caused during 13 search operations conducted by the Khost Protection Force.<sup>160</sup>

The highest concentration of search operation incidents was carried out by National Directorate of Security Special Forces in the eastern part of the country (NDS-02), where fighting against Taliban and *Daesh*/ISKP intensified. For example, in Sherzad district, Nangarhar province, on 17 September 2018, at approximately 23h30, NDS-02 conducted a search operation with the support of international military forces against suspected Taliban locations. It blew up the gates of residential compounds with explosive materials and entered. A firefight with Taliban members ensued, resulting in the killing of 15 civilians, including five boys between 10 and 14 years old.

On 22 October, in Surkh Rod district, Nangarhar province, NDS-02 with air support from international military forces conducted a night search operation against Taliban that resulted in a ground engagement. As a result, five civilian men were killed by NDS-02 shooting during this incident. Residents from the area protested at the District Administrative Centre, displaying the bodies of the victims.<sup>161</sup>

UNAMA remains extremely concerned with the significant increases in harm to civilians caused by search operations, particularly by National Directorate of Security Special Forces and the Khost Protection Force. The high number of fatalities compared to the number of injured suggests that force was employed indiscriminately. Additionally, UNAMA is concerned about the significant increase in incidents of human abuses, criminality and damage to civilian property by the Khost Protection Force. UNAMA has also received reports of unlawful and arbitrary detention, including following mass arrests, by different National Directorate of Security Special Forces,<sup>162</sup> and the Khost Protection Force. It received credible accounts of detainees having experienced torture or ill-treatment while held in places under the authority of these entities.<sup>163</sup>

UNAMA reiterates its concern that National Directorate of Security Special Forces and the Khost Protection Force appear to act with impunity, depriving Afghan civilians of any available means of recourse. The lack of coordination of their operations with provincial Afghan national security forces or civilian Government authorities has the potential to impede effective operational planning, upset delicate political and security arrangements that may exist informally at the local level, and hamper local authorities' ability to properly investigate incidents when allegations of civilian casualties arise. Rather, National Directorate of Security Special Forces and Khost Protection Force operations appear to be coordinated with international military actors, that is, outside of the normal Governmental chain of command, which raises serious concerns about transparency and accountability for these operations.

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<sup>159</sup> UNAMA documented 19 of these 51 incidents that were supported by international military forces.

<sup>160</sup> UNAMA considers the Khost Protection Force to be a pro-Government armed group. For more information, please see *Annex II: Main Parties to the Conflict*. The remaining civilian casualties from search operations by Pro-Government Forces were attributed as follows: 13 civilian casualties (8 deaths and 5 injured) were attributed jointly to various Pro-Government Forces; five civilian casualties (4 deaths and 1 injured) to international military forces; and 11 civilian casualties (9 killed 2 injured) to undetermined Pro-Government Forces.

<sup>161</sup> See also the incident that occurred in Shiltan district, Kunar province, on 14 December described above in section IV.b.i on *Aerial Operations*.

<sup>162</sup> According to information received from the National Directorate of Security (letter #12855 of 06/09/1397, on file with UNAMA), none of the NDS operational units and special units have detention centers of their own. Upon arrest, NDS special units refer suspects and accused persons to NDS detention centers in the capital and provinces for initial investigations.

<sup>163</sup> UNAMA publishes reports on the treatment of conflict-related detainees on a biannual basis. For more information, see <https://unama.unmissions.org/treatment-conflict-related-detainees-afghan-custody>.

**Search operation by the National Directorate of Security Special Forces in Shigal District (Shiltan), Kunar Province, on 13-14 December 2018, with air support from international military forces, causing dozens of civilian casualties**

On 13 December 2018, in Shigal district (Shiltan), Kunar province, National Directorate of Security Special Forces in that region (NDS-02), accompanied by international military forces, conducted a night search operation against a suspected Taliban location inside a compound in a village under Taliban control. The target of the operation was a senior Taliban commander. After NDS-02 arrived in the village by helicopter, they called for certain people – including the commander – to come out of the building. Taliban then started firing towards NDS-02 from the surrounding houses and compounds, which resulted in a protracted firefight until approximately 04h00 on 14 December. International military forces engaged in aerial attacks in support of NDS-02 forces on the ground, reportedly targeting Taliban inside the compound from which there was firing. Following the airstrikes, NDS-02 forces took four civilian men out of their homes and shot them dead.

UNAMA attributed 31 civilian casualties (13 deaths and 18 injured), including 28 women and children, to international military forces as a result of the airstrike. The victims of the airstrike suffered from blunt trauma wounds as a result of fallen roofs and shrapnel injuries from the blast, UNAMA documented four intentional killings of civilians by NDS-02, which may amount to extrajudicial killings, and two additional civilian casualties caused by NDS-02 shooting under unclear circumstances.

Immediately following the incident, the Provincial Governor assigned a delegation to the district to meet with the families of the victims and tribal elders. Resolute Support initially denied to media that international military forces had carried out airstrikes in Kunar at the time of the incident. The media article was subsequently updated to indicate that while Resolute Support denied civilian deaths, it acknowledged civilians were injured from international military force operations.<sup>164</sup> As of the time of writing, the incident was undergoing review by the Resolute Support Civilian Casualty Credibility Assessment Review Board.

**iii. Intentional killings of civilians by Afghan national security forces<sup>165</sup> and the Khost Protection Force**

UNAMA documented 16 incidents of intentional killing of civilians by Afghan national security forces, all by shooting, resulting in 25 deaths. The majority of these incidents were attributed to Afghan Local Police (seven deaths), followed by Afghan National Police (four deaths), Afghan National Army (two deaths), National Directorate of Security Special Forces (10 deaths) and two deaths jointly attributed to the Afghan National Police and Afghan Local Police. Five civilians were injured in these incidents.

The incidents in which civilians were intentionally killed by Afghan national security forces occurred during or outside of combat operations, as well as during search operations when civilians suspected of involvement with Anti-Government Element groups (support or membership) could have been safely captured and detained.

For instance, in one egregious incident, on 31 May 2018 in Omna district, Paktika Province, a member of the Afghan National Police shot and killed a 12-year-old boy when he refused to carry water to the check post. After the incident, a member of the Afghan Local Police reacted by shooting and killing the two members of

<sup>164</sup> <https://www.reuters.com/article/us-afghanistan-casualties/at-least-20-afghan-civilians-killed-in-airstrike-officials-idUSKBN1OE0LH>.

<sup>165</sup> This does not include people who may have been incidentally killed or injured as a result of targeted killings against legitimate military targets.

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the Afghan National Police involved in the killing, and wounded a third.<sup>166</sup> No one had been held accountable as of the time of writing this report.

In addition, UNAMA documented 12 incidents resulting in 10 civilian deaths from situations in which Afghan national security forces deliberately shot at civilians who they claimed to have mistaken for Anti-Government Elements. Twelve civilians were injured in these incidents.

UNAMA also documented five incidents of intentional killing of civilians by the Khost Protection Force,<sup>167</sup> resulting in the death of 13 civilians. For instance, on 30 December, in Zurmat district, Paktya province, the Khost Protection Force killed six civilians during a night search operation, targeting a member of the Provincial Peace Council and a tribal elder. They exploded the main gate of the house, destroyed two vehicles, and entered the house, where they separated male and female family members. The Khost Protection Force shot and killed the Provincial Peace Committee member, along with five men in his family. Women and children were not harmed. The next day, approximately 100 local residents brought the dead bodies to Gardez City, demonstrating and demanding justice. As of the time of writing, no compensation or acknowledgment of responsibility had been made.

UNAMA reiterates that the killing, by any party to the conflict, of persons taking no active part in hostilities is explicitly prohibited by Common Article 3 at any time and any place, and may amount to a war crime. UNAMA also reiterates that under international human rights law, the unlawful killing of a person constitutes a violation of the right to life. States must investigate the use of lethal force by their agents in the context of law enforcement operations and situations of alleged violations of the right to life committed during armed conflict.<sup>168</sup>

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<sup>166</sup> UNAMA also documented 19 additional incidents of intentional killings by pro-Government armed groups, such as national uprising movements and the Khost Protection Force, resulting in 23 deaths and five incidental injuries. See section IV.a.iii above on *Pro-Government Armed Groups* for more details.

<sup>167</sup> See section IV.a.iii above *Pro-Government Armed Groups* for the subsection on the Khost Protection Force for further details about its relationship to Governmental authorities.

<sup>168</sup> See paras. 9, 10 and 17 of the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted on 24 May 1989 by the Economic and Social Council Resolution 1989/65. See also United Nations Security Council and General Assembly resolutions concerning non-international armed conflict, calling for all parties to respect international human rights law.

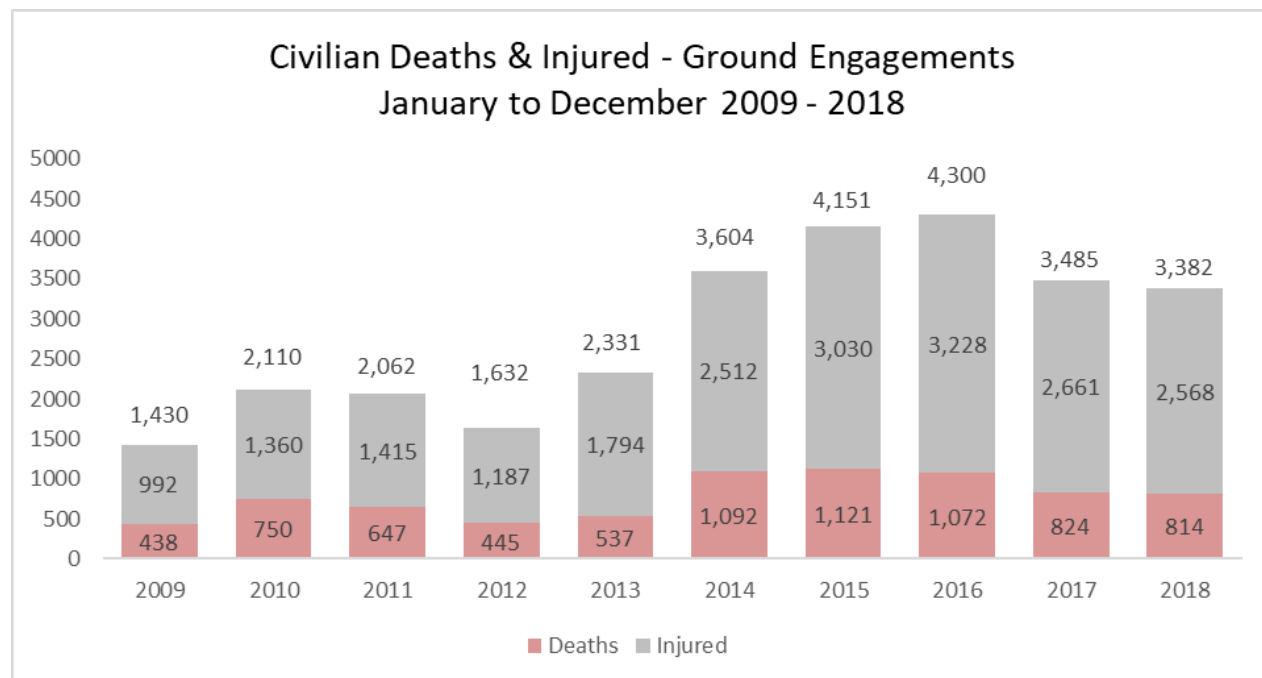
## V. Ground Engagements: Civilians Caught in the Cross-Fire

*“It was just after breakfast time, when Taliban started firing towards the ANA based outside the village. The Taliban were inside the village on the street behind our residence. The Taliban ran away, and ANA fired two mortars. One mortar impacted our house and injured my 20-year-old daughter, while the second mortar landed in a farm and injured an elderly person who was cutting grass. The villagers arrived to see what happened, and we were having a discussion when another mortar fired by ANA impacted my house and injured the 13 people inside. I called the ANA and told them, ‘you are firing mortars into civilian houses!’; but the commander was very serious and told me ‘my friend has been killed by the firing that we received from your village so what should I do just sit and wait?’”<sup>169</sup>*

--Victim of a mortar attack during a ground engagement between the Taliban and ANA in Zabul province on 11 May 2018. The attack injured 15 civilians, including three children. ANA accepted responsibility for the civilian casualties.

### a. Overview

For the second year in a row, UNAMA documented a reduction in civilian casualties from ground engagements between parties to the conflict. Ground engagements caused 3,382 civilian casualties (814 deaths and 2,568 injured) during 2018, amounting to three per cent fewer civilian casualties than in 2017, partly due to a reduction in civilian casualties by Pro-Government Forces. This continues a positive trend initially recorded in 2017, when UNAMA documented a 23 per cent reduction in civilian casualties from ground engagements compared with 2016.<sup>170</sup> The number of ground engagement incidents causing civilian casualties in 2018 reduced by 24 per cent.<sup>171</sup> Yet, ground engagements remained the second leading cause of civilian casualties, responsible for 31 per cent of all civilian casualties.<sup>172</sup>



<sup>169</sup> UNAMA telephone interview with witness, Ghazni province, 14 August 2018.

<sup>170</sup> In 2017, UNAMA documented 3,485 civilian casualties (824 deaths and 2,661 injured) from ground engagements.

<sup>171</sup> In 2018, UNAMA documented 1396 ground engagements incidents that caused civilian casualties as compared to 1846 in 2017.

<sup>172</sup> For the second year in a row, combined IED tactics (including suicide and complex attacks, magnetic, remote-controlled, and pressure-plate IEDs) caused more civilian casualties than ground engagements. In comparison, ground engagements continued to cause more civilian casualties than either suicide IEDs or IEDs with non-suicide trigger types (i.e. magnetic, pressure-plate, and remote-controlled IEDs) alone. The UNAMA Protection of Civilians Annual Report 2016 listed ground engagements as the leading cause of civilian casualties; in that year ground engagements caused more civilian casualties than combined IEDs. Before 2016, combined IEDs had caused more civilian casualties than ground engagements, but UNAMA reports did not count combined IED tactics.

Anti-Government Elements continued to cause most of the civilian casualties from ground engagements in 2018, with 1,394 civilian casualties (291 deaths and 1,103 injured) attributed to these groups, approximately the same as 2017<sup>173</sup> and accounting for 41 per cent of civilian casualties from ground fighting in 2018.<sup>174</sup> Pro-Government Forces were responsible for 30 per cent of civilian casualties from ground engagements (1,015 civilian casualties (282 deaths and 733 injured)), representing a nine per cent reduction in the number of civilian casualties attributed to these forces from this tactic type from 2017.<sup>175</sup> Nearly all civilian casualties caused by Pro-Government Forces during ground engagements in 2018 were attributed to Afghan national security forces and pro-Government armed groups, while international military forces were responsible for two per cent of such civilian casualties. Civilian casualties from crossfire during ground fighting between Pro-Government Forces and Anti-Government Elements for which the perpetrator could not be identified reduced by two per cent to 913 civilian casualties (228 deaths and 685 injured), accounting for 27 per cent of civilian casualties from ground engagements. Cross-border shelling by Pakistan Military Forces caused 60 civilian casualties (13 deaths and 47 injured).

While UNAMA notes that civilian casualties among women and children as a result of ground engagements reduced in 2018 in line with overall trends, it remains concerned that they continued to be disproportionately impacted by such operations, together comprising 52 per cent of all civilian casualties resulting from this type of incident.<sup>176</sup>

UNAMA welcomes the continued overall decrease in civilian casualties from ground fighting. Similar to previous years, factors for sustained reductions in civilian casualties appeared to include relative decreases in attacks by Anti-Government Elements on densely-populated civilian areas, with the exceptions noted in this report, warnings by parties prior to fighting and displacement of civilians from areas regularly impacted by heavy conflict, and actions taken by Afghan national security forces related to the implementation of the National Policy on Civilian Casualty Mitigation and Prevention.<sup>177</sup> However, the Taliban's offensive on Ghazni city, in August, and attacks related to the parliamentary elections, in October, were key factors that prevented further reductions.<sup>178</sup>

Civilian casualties from ground engagements varied by region and province, with the overall minor reduction largely driven by significant decreases in a handful of provinces, offset by a few provinces with significant increases. In 2018, the three provinces in the south - Helmand, Kandahar, and Uruzgan - continued to drive the decrease in overall civilian casualties from ground engagements.<sup>179</sup> This appears to be due to a continuing shift away from traditional ground fighting, and when ground fighting took place, it occurred in less densely

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<sup>173</sup> In 2017, Anti-Government Elements caused 1,368 civilian casualties (306 deaths and 1,062 injured) during ground engagements, mainly due to fighting between these groups and Pro-Government Forces. In 2018, UNAMA also documented 50 civilian casualties from fighting among Anti-Government Element groups, continuing a trend first noted in 2017.

<sup>174</sup> Nearly all civilian casualties caused by Anti-Government Element ground engagements were attributed to Taliban while *Daesh*/ISKP was found responsible for less than two per cent of such incidents.

<sup>175</sup> In 2017, Pro-Government Forces caused 1,121 civilian casualties (275 deaths and 846 injured) during ground engagements.

<sup>176</sup> UNAMA documented 576 women casualties (132 deaths and 444 injured) from ground engagements in 2018 compared with 628 (141 deaths and 487 injured) in 2017, and 1,192 child casualties (276 deaths and 916 injured) compared with 1,434 (325 deaths and 1,109 injured) in 2017.

<sup>177</sup> See *Chapter VI: Civilian Casualty Mitigation Policies and Mechanisms, including Accountability Efforts* below. For full analysis of 2017 trends resulting in the significant reduction in ground engagement civilian casualties, see UNAMA Protection of Civilians Annual Report 2017, pp. 20-21; UNAMA Protection of Civilians Midyear Report 2017, pp. 23-24.

<sup>178</sup> During the month of August 2018 alone, UNAMA recorded 189 civilian casualties (53 deaths and 136 injured) from ground engagements in Ghazni province, compared with 147 civilian casualties in Ghazni from ground fighting in all of 2017. In contrast, the other provincial centre against which Taliban led an offensive in 2018, Farah City, recorded a reduction in civilian casualties from ground engagement civilian casualties.

<sup>179</sup> See UNAMA Protection of Civilians Annual Report 2017, p.21.

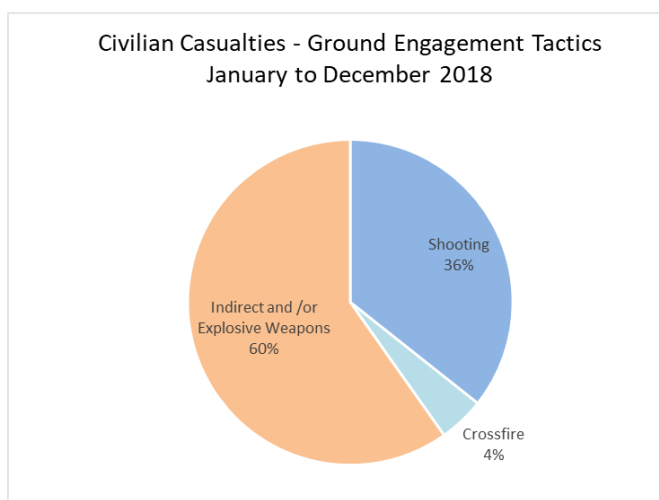
populated areas (e.g. attacks against check posts).<sup>180</sup> UNAMA also documented continued reductions in civilian casualties from ground engagements in Kunduz province and Laghman province, which joined the top five provinces that had a reduction of civilian casualties from such operations in 2018.<sup>181</sup>

In addition to the significant increase in civilian casualties resulting from ground engagements in Ghazni province, mainly due to the Taliban’s attack on Ghazni city in August 2018, UNAMA documented increases in Baghlan, Balkh, Kunar, and Paktya provinces which offset the decreases observed elsewhere.<sup>182</sup>

**b. Civilian Casualties from Indirect Fire Systems during Ground Engagements**

Between 1 January and 31 December 2018, the use of indirect fire systems (including mortars, rockets, and grenades during ground engagements) caused 2,022 civilian casualties (426 deaths and 1,596 injured), leading to a nine percent increase from 2017, and reversing a 29 per cent decrease recorded from 2016 to 2017. This negative trend was mainly driven by a 25 per cent increase in civilian casualties caused by the use of mortar, rocket and grenade fire by Anti-Government Elements. UNAMA continues to express concern over the use of these types of weapons, which can have indiscriminate effects, especially when used in and around civilian populated areas.

From 1 January to 31 December 2018, UNAMA documented 747 civilian casualties (120 deaths and 627 injured) attributed to Anti-Government Elements, representing 37 per cent of overall civilian casualties from indirect weapons.<sup>183</sup> However, Pro-Government Forces continue to be responsible for the majority – 42 per cent – of civilian casualties from indirect weapons, causing 854 civilian casualties (211 deaths and 643 injured), approximately the same number as in 2017.<sup>184</sup> The remaining civilian casualties from indirect fire systems was mostly jointly attributed to Anti-Government Elements and Pro-Government Forces as the specific perpetrator could not be identified (18 per cent), with the final nearly three per cent attributed to Pakistani Military Forces.



The increase in civilian casualties from indirect fire systems in 2018 appeared to be mainly from deliberate attacks on election-related sites, personnel and materials, which resulted in 270 civilian casualties (31 deaths and

<sup>180</sup> UNAMA further reiterates that a lack of access may result in under-reporting of civilian casualty figures, especially in areas that are inaccessible, and as such all figures are considered to be the minimum verified civilian casualties, but not representative of the entirety of casualties caused.

<sup>181</sup> UNAMA recorded the following ground engagement civilian casualties in these provinces in 2018 (compared with 2017 in terms of number of casualties): Helmand 342 civilian casualties, a 27 per cent decrease; Kandahar 105 civilian casualties, a 45 per cent decrease; Kunduz 109 civilian casualties, a 31 per cent decrease; Laghman 123 civilian casualties, a 53 per cent decrease; and Uruzgan 126 civilian casualties, a 62 per cent decrease.

<sup>182</sup> UNAMA recorded the following ground engagement civilian casualties in these provinces in 2018 (compared with 2017 in terms of number of casualties): Balkh 99 civilian casualties, a 296 per cent increase; Ghazni 383 civilian casualties, a 161 per cent increase; Kunar 203 civilian casualties, a 51 per cent increase; Paktya 105 civilian casualties, a 61 per cent increase; and Baghlan 188 civilian casualties, a 42 per cent increase.

<sup>183</sup> UNAMA attributed 717 civilian casualties (117 deaths and 600 injured) to Taliban; nine civilian casualties (two deaths and seven injured) to Daesh/ISKP; 19 civilians injured to undetermined Anti-Government Elements; and two civilian casualties (one death and one injured) jointly attributed to multiple Anti-Government Elements.

<sup>184</sup> UNAMA attributed 836 civilian casualties (206 deaths and 630 injured) to Afghan national security forces; 17 civilian casualties (5 deaths and 12 injured) to international military forces and one injured to undetermined Pro-Government Forces.



239 injured). The vast majority of these casualties – 248 – occurred on polling days in October,<sup>185</sup> with all but 13 attributed to Anti-Government Elements.<sup>186</sup> For example, on 20 October, Taliban fired mortars towards a polling centre located at a school in Ishkamish district of Takhar province. One mortar missed the polling centre, landing on a home approximately one kilometre away, killing three girls, one boy and a woman, and injuring a girl and a woman. Shelling in civilian populated areas outside of elections-related incidents also continued to take its toll. On 6 October, in Waza Zadran district of Paktya province, members of the Khost Protection Force fired a mortar into a crowded bazaar after being forced to abandon their vehicle during fighting with Anti-Government Elements. Mortar from the Khost Protection Force struck civilians who had come to the area to see the abandoned military vehicle, killing eight boys and two men, and injuring 18 boys and seven men.

UNAMA notes that the use of mortars, grenades and rockets in densely populated areas carries a high risk of civilian harm due to the nature of the weapons, which are fired without a direct line of visibility to the target, cannot be accurately guided, and have a wide-area of impact. Furthermore, the use of these weapons during ground engagements also potentially contaminates areas with unexploded ordnance, increasing the risk of further civilian casualties, particularly among children, long after the fighting has subsided.<sup>187</sup>

### **c. Civilian Casualties from Shooting During Ground Engagements**

Departing from the trend observed in 2017, when civilian casualties from shooting increased sharply, UNAMA noted a 23 per cent decrease in civilian casualties caused by shooting during ground engagements in 2018, with 1,206 civilian casualties recorded (351 deaths and 855 injured).

Anti-Government Elements caused the vast majority of such casualties (52 per cent), with 629 civilian casualties (167 deaths and 462 injured) attributed to these groups,<sup>188</sup> while Pro-Government Forces were responsible for 13 per cent or 151 civilian casualties (67 deaths and 84 injured).<sup>189</sup> The remaining 35 per cent of civilian casualties could not be attributed to a specific perpetrator and were therefore jointly attributed to both Anti-Government Elements and Pro-Government Forces.

Following significant increases in civilian casualties from shooting during ground engagements in 2016 and 2017, UNAMA welcomes the decrease recorded in 2018, but notes that it remains high – more than double the number recorded in 2015 and previous years. Civilians continued to be impacted by shooting during ground engagements while travelling on roads, conducting agricultural activities, and engaging in their daily routines. For example, on 10 November in Khak-e-Safid district of Farah province, Taliban attacked Afghan Local Police check posts, resulting in fighting between the groups for several hours. During the course of the fighting, Taliban gunfire caused the death of eight civilians (four boys, one woman and three men) and the injury of eight more (two boys, one woman, and five men) living in the area.

### **d. Cross-Border Shelling**

UNAMA remains concerned about the impact of cross-border shelling on the civilian population. In 2018, it documented 24 incidents of shelling from Pakistan into Afghanistan causing 49 civilian casualties (11 deaths

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<sup>185</sup> On 20 and 21 October 2018, when the majority of the country held elections. No election-related civilian casualties were recorded by UNAMA on 27 October when elections were held in Kandahar province.

<sup>186</sup> UNAMA attributed 13 civilian casualties (two deaths and 11 injured) from election-related attacks jointly to Pro-Government Forces and Anti-Government Elements during battles that ensued from Anti-Government Element attacks on election-related sites.

<sup>187</sup> See section II.e above on *Explosive Remnants of War*.

<sup>188</sup> UNAMA attributed 590 civilian casualties (157 deaths and 433 injured) to Taliban; 10 civilian casualties (4 deaths, 6 injured) to *Daesh*/ISKP; two civilian casualties (one death and one injured) to self-proclaimed *Daesh*/ISKP and four injured to undetermined Anti-Government Elements. The remaining 23 civilian casualties were caused jointly by multiple Anti-Government Elements.

<sup>189</sup> UNAMA attributed 116 civilian casualties (52 deaths and 64 injured) to Afghan national security forces, two civilians injured to international military forces, 14 civilian casualties (seven deaths and seven injured) to pro-Government armed groups and 19 civilian casualties jointly to various Pro-Government Forces (eight deaths and 11 injured).

and 38 injured) at similar levels as in 2017.<sup>190</sup> The weapons fired from Pakistan continued to impact civilians in the border areas, mainly in Kunar, resulting in civilian lives lost, property damaged, and livestock killed. For example, on 22 August in Sirkani district of Kunar province, a mortar fired by Pakistan Military Forces impacted on a residential area, damaging a civilian home, killing a girl and a man and injuring a girl and a boy. On 6 August, in Shigal (Shiltan) district of Kunar province, nine livestock were killed and a home was damaged when more than a dozen mortars fired from Pakistan landed in the area.

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<sup>190</sup> In 2017, UNAMA documented 53 civilian casualties (15 deaths and 38 injured) caused by cross-border shelling. In 2018, UNAMA documented an additional six civilian casualties (one death and five injured) from five incidents involving shooting by Pakistani Military Forces, compared with one such incident in 2017 resulting in 10 civilian casualties (two deaths and eight injured).

## **VI. Civilian Casualty Mitigation Policies and Mechanisms, including Accountability Efforts**

UNAMA acknowledges the efforts taken by the Afghan national security forces, international military forces, and Taliban to protect civilians from harm caused, as outlined below. However, the scale and scope of civilian casualties has continued at extreme levels for years, and it is clear that the best way civilians can effectively be protected from conflict is to end it.

The three-day Eid-ul-Fitr ceasefire from 15 to 17 June 2018 resulted in the first real cessation of hostilities in 17 years. This temporary break in fighting allowed Afghans extraordinary opportunities go into areas controlled by the Taliban that they had been prevented from reaching for years, reconnecting with family members, friends and ancestral homes. It also spared the lives of countless civilians, who continue to considerably suffer from the armed conflict.

The brief ceasefire offered a glimmer of hope to the civilian population at a time when many may have been unable to imagine respite ahead. UNAMA remains hopeful that parties to the conflict in Afghanistan can reach a lasting peaceful settlement.

### **a. Afghan national security forces and international military forces**

As the primary duty bearers for protection of civilians in Afghanistan, the Government and security forces of Afghanistan continued to undertake measures to reduce civilian casualties throughout 2018. Such measures included the ongoing implementation of the National Policy on Civilian Casualty Prevention and Mitigation (formally adopted in October 2017) and working towards meeting the Government's obligations under the 1980 Convention on Certain Conventional Weapons Protocol V (which came into effect in February 2018) to track and mark locations of possible contamination from unexploded ordnance. The Government also revised targeting protocols for aerial attacks and began to implement the inclusion of legal advisers in targeting processes.

International military forces supporting the Afghan national security forces also continued to work with them and revise their policies through the NATO Resolute Support Train, Advise and Assist mission, to synergize and streamline civilian protection measures. According to Resolute Support, its Civilian Casualty Mitigation Team has been supporting the Government and Afghan national security forces through an ongoing "Train the Trainer" program, with the aim of increasing overall awareness in civilian casualty prevention and mitigation, reporting, investigation and victim support through the provision of compensation payments and medical treatment. The Government, with the support of Resolute Support, has established and is maintaining their national level civilian casualty tracking database at the Presidential Information Coordination Centre. The civilian casualty tracking team in the Office of the National Security Council continued to coordinate efforts towards the implementation of the National Policy, including organizing regular meetings of the high-level Civilian Casualty Avoidance and Mitigation Board (CAMB) and following up on action items from CAMB meetings with individual ministries.<sup>191</sup>

UNAMA welcomes the decision by the Attorney General of Afghanistan to establish a dedicated International Crimes Office following the entry into force of the new Penal Code in February 2018, which would be responsible for the investigation and prosecution of crimes against humanity, genocide and war crimes. At the request of the Attorney General, UNAMA has continued to provide technical assistance to the Office as it builds up its capacity.

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<sup>191</sup> The Office of the National Security Council convened CAMB meetings on 10 March, 7 July, and 13 October 2018, and on 15 January 2019.

Regarding civilian casualty mitigation measures taken by international military forces, Resolute Support reported that it reorganized certain processes to review allegations of civilian casualties caused by international military forces. This included allowing legal advisers to conduct independent reviews, which provided an avenue for separate critiques and recommendations to leadership regarding the outcomes and measures to be taken thereafter. It also included incorporating a civilian casualty incident reporting process into its standard operating procedures to provide for a consistent reporting mechanism across Resolute Support. A linguist was added to Resolute Support's civilian casualty mitigation team<sup>192</sup> to allow it to communicate directly with Afghan counterparts and communities on allegations of civilian casualties.

Throughout 2018, UNAMA continued regularly sharing information with Afghan national security forces and international military forces to ensure accuracy in its reporting, to assist the parties to take preventative and mitigating measures, and to promote accountability, including providing compensation to victims. The Ministry of the Interior, the Afghan Local Police, the National Directorate of Security, and international military forces regularly provided UNAMA with feedback on individual civilian casualty incidents and related investigations. The Ministry of Interior indicated to UNAMA that it had investigated all 56 incidents brought up by UNAMA and, in seven of these incidents, it confirmed that 22 civilian casualties (seven deaths and 15 injured) were caused by Afghan National Police, indicating that perpetrators were arrested in five cases. The Afghan Local Police Directorate within the Ministry of the Interior responded to 21 of the 32 incidents involving the Afghan Local Police that were documented by UNAMA, indicating it confirmed it had found five civilian casualties (four deaths and one injured). The Directorate indicated that alleged perpetrators had been arrested with respect to three incidents, and that two Afghan Local Police commanders were removed from duty. The National Directorate of Security indicated it had investigated all cases shared by UNAMA, and confirmed that 35 Special Forces operations had caused 115 civilian casualties (85 deaths and 30 injured). For the remaining cases, National Directorate of Security indicated that it had reviewed the incidents had concluded that no civilian casualties had occurred, or that they had been caused by Anti-Government Elements. It did not report that any accountability measures were taken. The Ministry of Defence did not provide any response concerning the individual cases that UNAMA had brought to its attention, and replied it had not investigated any civilian casualty incidents.<sup>193</sup>

In 2018, Resolute Support informed UNAMA that its Civilian Casualty Credibility Assessment Review Board reviewed 130 incidents in which UNAMA verified civilian casualties attributed to international military forces.<sup>194</sup> Of these, the Board confirmed 85 civilian casualties (47 deaths, 38 injured) in 18 incidents, disputed 120 civilian casualties (59 deaths, 61 injured) in 22 incidents, and disproved 456 civilian casualties (297 deaths, 159 injured) across 90 incidents, according to its standards and methodology, which notably differs from those of UNAMA.<sup>195</sup> Twenty-three incidents involving allegations of civilian casualties progressed to an in-depth investigation under US Army Regulation 15-6, which led to the Board confirming civilian casualties in a number

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<sup>192</sup> While the request was made in 2018, the linguist was not confirmed until early 2019.

<sup>193</sup> In early January 2019, the Ministry of Defence replied to UNAMA's query about the number of cases investigated, stating: "Based on a letter of inquiry by the Operations Department of the Office of the Army Chief of Staff sent to the Military Prosecution and Courts of the Office of Army Chief of Staff on 24/10/1397 inquiring about prosecution of military commanders and personnel whose negligence of duty might have caused civilian casualties during ANA aerial and ground operations, no civilian casualty cases have been reported or investigated during 2018. Since there has been no damages reported, no compensations have been made."

<sup>194</sup> The Board also reviewed and assessed allegations of civilian casualties originating from other sources, including 'self-reports' from the military units involved in the operations and Presidential Palace Reports, which Resolute Support indicated had improved over the course of 2018.

<sup>195</sup> See the *Methodology* section at the beginning of this report. According to US Department of Defense, the Resolute Support Civilian Casualty Management Team relies primarily upon operational reporting from Resolute Support's Train, Advise, and Assist Commands (TAACs), other Coalition force headquarters, and ANDSF reports from the Afghan Presidential Information Command Centre to collect civilian-casualty data. See <https://www.sigar.mil/pdf/quarterlyreports/2018-10-30qr-section3-security.pdf>.

of incidents.<sup>196</sup> According to Resolute Support, out of 36 total incidents of confirmed civilian casualties, condolence payments have been made in relation to 19 incidents and the rest are under review.

UNAMA recognizes and appreciates the continued engagement with Resolute Support on incidents resulting in civilian casualties, and acknowledges heightened efforts made towards the end of 2018 to address specific cases and discuss overall trends. UNAMA encourages international military forces to continue their efforts to review incidents of civilian casualties verified by UNAMA to help identify broader patterns of harm and ensure that this information is considered at the operational level. UNAMA also recommends that Resolute Support strengthen its efforts to review incidents of civilian casualties with its Afghan counterparts where they involve partner operations; provide further training and assistance to Afghan national security forces in conducting effective battle damage assessments; and increase engagements with affected communities through their Afghan partners and Resolute Support's provincial civil advisory teams, where possible, on incidents in which civilian casualties have occurred. Recognizing that after-action reviews are conducted within three days of the completion of military operations when allegations of civilian casualties may not yet be known or verified, UNAMA urges Resolute Support and the Afghan national security forces to establish an enhanced feedback mechanism for reviewing information about civilian casualties to inform future operational planning with a view to preventing civilian casualties.

UNAMA continues to urge all Afghan national security forces to routinely engage with it about incidents causing civilian casualties in order to further transparent dialogue about civilian protection. This includes providing information on investigations into incidents of civilian casualties and follow-up actions, such as the application of lessons learned to policies and directives, accountability efforts where warranted, and the provision of adequate and timely redress to civilians impacted by operations. UNAMA also supports Resolute Support's recommendation to the Government and security forces of Afghanistan to increase the number of legal advisors at corps level to assist with targeting protocols and decisions.<sup>197</sup> As of the time of writing, UNAMA understands that 15 people have been added to the *tashkil* in the operations law section of the Afghan national security forces, which previously consisted of only two persons, and that legal advisors will be recruited, trained, and assigned to various corps at headquarters. UNAMA also understands that Resolute Support is supporting the Afghan national security forces to update its targeting policy and include a legal annex to better highlight the relevant principles of international humanitarian law, including principles of precaution, proportionality and distinction.

UNAMA recalls that the parties to the conflict are required to conduct investigations following allegations of civilian casualties, and to ensure accountability, including prosecution where relevant.<sup>198</sup> Essential to this process is the need to conduct careful battle damage assessments - where possible given the operational environment - to assist in an effective review of all allegations of civilian casualties. UNAMA acknowledges the efforts made by the Afghan national security forces to track, investigate, and acknowledge civilian casualties when they occur, including through public apologies,<sup>199</sup> and the efforts made by the international military forces to strengthen its processes for reviewing allegations of civilian casualties.

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<sup>196</sup> The overall number of civilian casualties confirmed through US Army Regulation 15-6 processes was not disclosed to UNAMA.

<sup>197</sup> This recommendation was presented to the Government of Afghanistan at a CAMB meeting on 13 October 2018.

<sup>198</sup> With respect to the obligation to investigate violations of international humanitarian law that amount to war crimes, see *preamble* to the Rome Statute; ICRC Customary International Humanitarian Law Study Rule 158. While the obligation to investigate allegations of violations of international humanitarian law that do not amount to war crimes is not expressly stated, it can arguably be inferred from the international customary international law obligation to ensure respect for international humanitarian law. See ICRC Customary International Humanitarian Law Study, Rules 139, 144. See *Annex I: Legal Framework* for more information on the international human rights law obligations to investigate.

<sup>199</sup> See *Chapter IV: Pro-Government Forces* above for details on the airstrike incident in Dasht-e-Archi district, Kunduz province, on 2 April 2018.

Where the parties confirm that civilian casualties have occurred as a result of their military operations, regardless of whether or not the operations themselves were deemed to be lawful, those civilian casualties should be acknowledged, documented, and reparations made for harm caused. UNAMA emphasizes that the manner in which civilian casualties are acknowledged and addressed by the parties with the affected communities is essential in helping to prevent fuelling frustration, anger and conflict. The acknowledgement of civilian casualties is essential to provide an effective feedback mechanism to military forces on the impact of past operations, to identify any gaps in information and analyses concerning the presence of civilians prior to a strike, and to help inform future operational planning and decision-making. UNAMA reminds the Afghan national security forces and international military forces of the importance of reparations, including the payment of compensation and acknowledgement of harm caused, when civilian casualties occur, regardless of whether the victims live in areas under Anti-Government Element control.

Recalling the obligations of the Government of Afghanistan under Protocol V to track and mark locations of possible contamination from unexploded ordnance for potential destruction, as well as the obligations of international military forces as a “user who does not exercise control over the territory,” to “provide where feasible, *inter alia*, technical, financial, material or human resources assistance, and ensure that leftover devices are destroyed,” UNAMA reiterates its offer to provide technical assistance to the Government and international military forces. It further re-emphasizes the role of the United Nations Mine Action Service, which is already involved in extensive humanitarian de-mining efforts throughout Afghanistan.

### b. Taliban

UNAMA recalls that Taliban continued to cause the most civilian casualties of any party to the conflict in 2018. Accordingly, UNAMA has continued its dialogue with the Taliban, including on protection of civilians, emphasizing the distinction between civilian and military targets,<sup>200</sup> and the need to take precautions to protect civilians. UNAMA notes that the Taliban committed for 2019 that “IEDs will only be used against military targets” and further noted it has appointed a new, more senior head of their ‘Department for Prevention of Civilian Casualties’.

The Taliban continued to issue public statements on the need for protection of civilians throughout 2018, and further indicated to UNAMA that it had taken additional measures during the year to enhance civilian protection during its operations, including revising rules concerning the use of IEDs, providing protection training for its fighters, and engaging communities on their protection needs.

The Taliban website provides contact information for its ‘Department for Prevention of Civilian Casualties’, including a telephone number and email address at which that entity may be reached for members of the public to share complaints. Taliban advised UNAMA that the Department regularly followed up on complaints received and took actions for accountability. It stated that any members found to be involved in child recruitment<sup>201</sup> were held accountable for their actions, including dismissed from their positions, which Taliban believed had resulted in a reduction in child recruitment.<sup>202</sup> The Taliban further emphasized that its military are instructed to “refrain from operations in places where there is [a] risk of civilian casualties,” and further noted that the Department for Prevention of Civilian Casualties has representatives in every province who investigate incidents.<sup>203</sup> Following continued advocacy by UNAMA, Taliban advised in mid-2018 that it had put in place revised rules for the use of certain types of IEDs in order to minimize the impact on civilians.<sup>204</sup> They also

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<sup>200</sup> UNAMA has continued to express concern about the Taliban’s definition of “civilian”. See UNAMA Protection of Civilians Annual Reports 2013 (p. 32) and UNAMA Protection of Civilians Annual Report 2014 (p. 74).

<sup>201</sup> UNAMA notes, however, that the Taliban’s definition of a ‘child’ is not in line with international law. Article 69 of their code of conduct (or *Layha*) provides an order that ‘beardless youth cannot be kept in barracks or military bases’.

<sup>202</sup> UNAMA meeting with Taliban political commission, 28 January 2019.

<sup>203</sup> See <http://alemarahenglish.com/?p=37316>, last accessed 17 February 2019.

<sup>204</sup> UNAMA meeting with Taliban political commission, 31 July 2018.

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reported that its ‘Department for Prevention of Civilian Casualties’ had provided training on civilian protection to all of its members throughout Afghanistan in 2018, and that it had undertaken extensive community outreach to sensitize communities on important protection issues.<sup>205</sup>

Statements on Taliban public websites included regular references to the protection of civilians being “one of the main missions” of the group and emphasized their commitment to “providing them safety in accordance with the sublime principles of Islam.”<sup>206</sup> The Taliban also emphasized the centrality of protection of civilians in public statements relating to peace discussions which took place beginning in 2018, including during remarks delivered by Taliban leadership at the conference in Moscow in November 2018,<sup>207</sup> and statements made following later bilateral peace talks with the United States.<sup>208</sup>

Specifically related to the parliamentary election, Taliban issued a series of public statements in the weeks leading up to election day. On 8 October, through a public statement on its Voice of Jihad website, it instructed “all its Mujahidin to halt this American led process throughout the country by creating severe obstacles for it” and indicated that “[t]hose people who are trying to help in holding this [elections] process successfully by providing security, should be targeted.”<sup>209</sup> Notably, this statement instructed Taliban members to “tak[e] extensive and intensive care of civilian Afghan lives and their properties.” However, a series of statements made on consecutive days from 17 to 19 October by three different Taliban commissions indicated a shift in tone. As described in this report, the group carried out attacks across the country on election days resulting in hundreds of civilian casualties.

UNAMA acknowledges the statements by the Taliban concerning measures taken to better protect civilians, but notes continued concern with the use of indirect weapons systems and IEDs targeting civilians and civilian objects, as well as the indiscriminate use of these weapons in civilian areas. UNAMA urges the Taliban to ensure that its directives and orders comply with international humanitarian law, implement directives that order its members to prevent and avoid civilian casualties, hold accountable those conducting indiscriminate attacks or attacks deliberately targeting civilians and civilian objects, and apply a definition of ‘civilian’ that is consistent with international humanitarian law.

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<sup>205</sup> UNAMA meeting with Taliban political commission, 28 January 2019.

<sup>206</sup> See, e.g. <http://alemarahenglish.com/?p=34439>, last accessed on 17 February 2019.

<sup>207</sup> See transcript on Taliban English website, available at: <http://alemarahenglish.com/?p=37316>, last accessed 17 February 2019.

<sup>208</sup> See statement on Taliban English website, available at <http://alemarahenglish.com/?p=40999>, last accessed 17 February 2019.

<sup>209</sup> Voice of Jihad, “Statement of the Islamic Emirate about the forthcoming bogus elections” (8 October 2018), available at: <http://www.alemarah-english.org/?p=35689>, last accessed 29 October 2018.

## ANNEX I: Legal Framework

The legal framework used for this report includes international human rights law, international humanitarian law, international criminal law and relevant United Nations Security Council resolutions.<sup>210</sup>

### 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 armed forces supporting the Government of Afghanistan (Afghan national security forces supported by international military forces) and non-State armed opposition groups, including the Taliban and ‘*Daesh*’/Islamic State – Khorasan Province. The combined forces of the Government of Afghanistan (including international military forces) are referred to in this report and within Afghanistan as “Pro-Government Forces”, while non-State armed opposition groups are referred to in this report and within Afghanistan as “Anti-Government Elements”. (See Glossary for definition of Pro-Government Forces and Anti-Government Elements).

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

Resolution 1325 (2000) of the Security Council underlined that it is critical for all States to fully apply the relevant norms of international humanitarian law and international human rights law to women and girls, and to take special measures to protect them from gender-based violence during armed conflict.<sup>211</sup>

#### (i) Obligations under International Humanitarian Law

Afghanistan is a party to the four Geneva Conventions of 1949 and the Additional Protocols, including Additional Protocol II of 1977,<sup>212</sup> which addresses the protection of civilians in a non-international armed conflict and prohibits attacks against civilians and objects indispensable to the survival of the civilian population.

Article 3 common to the four Geneva Conventions of 1949 establishes minimum standards that parties, including State and non-State actors, shall respect in non-international armed conflict. Common Article 3 explicitly prohibits violence to life and person, including murder,<sup>213</sup> mutilation, cruel treatment and torture, taking hostages, as well as outrages against personal dignity and extrajudicial executions,<sup>214</sup> at any time and in any place with respect to persons taking no active part in hostilities, including civilians.

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<sup>210</sup> United Nations Security Council Resolution 2405 (2018) “[c]alls for full respect for and protection of all human rights and fundamental freedoms, in accordance with international law, including international humanitarian law, throughout Afghanistan [...]”

<sup>211</sup> S/RES/1325 (2000). See also S/RES/1820 (2008), S/RES/1888 (2009), S/RES/1889 (2009), S/RES/1960 (2010), S/RES/2106 (2013), S/RES/2122 (2013), and S/RES/2242 (2015).

<sup>212</sup> Afghanistan ratified Additional Protocol II 1977 on 10 November 2009. It entered into force on 24 December 2009.

<sup>213</sup> UNAMA records civilian deaths and injuries with a nexus in the on-going armed conflict under different tactic-types, including targeted killing, suicide and complex attacks, and IEDs. In doing so, UNAMA documented alleged acts that amount to the war crimes pursuant to the International Criminal Court Statute and/or customary international law - including the war crime of murder pursuant to Article 8(c)(i) of the ICC Statute - as well as civilian deaths and injuries caused during the conduct of hostilities that may not violate international humanitarian law. UNAMA distinguishes conflict-related civilian deaths and injuries from domestic criminal offences such as murder or assault committed by a private actor outside the context of the armed conflict. Incidents lacking the requisite nexus with the on-going armed conflict are not included in this report.

<sup>214</sup> Common Article 3 of the Geneva Conventions of 12 August 1949 is applicable during conflicts of a non-international character. “In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ‘*bors de combat*’ by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading



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The contents of the four Geneva Conventions of 1949 and several rules similar to those found in their Additional Protocols are also largely part of customary international humanitarian law.<sup>215</sup> The following are amongst the most relevant principles that apply to all the parties in the conduct of hostilities in Afghanistan's non-international armed conflict:

- Distinction: The civilian population as such, as well as individual civilians, shall not be the object of attack and parties to the conflict must at all times distinguish between civilians and combatants.<sup>216</sup>
- Proportionality: "an attack against a military objective which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited."<sup>217</sup>
- Precautions in attack: "[...] civilians shall enjoy general protection against the dangers arising from military operations".<sup>218</sup> "In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects" and all feasible precautions must be taken with the "view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects."<sup>219</sup>

All States contributing to the international military forces in Afghanistan are signatories to the four Geneva Conventions of 1949. While not all troop-contributing States are signatories of Additional Protocol II of 1977, they are still bound by the relevant rules of customary international humanitarian law applicable in non-international armed conflicts.

### (ii) Obligations under International Human Rights Law

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

Afghanistan is a party to numerous international human rights treaties,<sup>220</sup> including the International Covenant on Civil and Political Rights, which obligates the Government to provide basic human rights protections to all persons within the territory or jurisdiction of the State.

While they cannot become parties to international human rights treaties, non-State actors, including armed groups, are not precluded from being subject to human rights obligations under customary international law.

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treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples."

<sup>215</sup> See ICRC Customary International Humanitarian Law Study.

<sup>216</sup> Additional Protocol II, Article 13(2); ICRC Customary International Humanitarian Law Study, Rule 1. See also ICRC Customary International Law Study, Rules 1-24.

<sup>217</sup> ICRC Customary International Humanitarian Law Study, Rule 14.

<sup>218</sup> Additional Protocol II, Article 13(1); ICRC Customary International Humanitarian Law Study, Rule 15.

<sup>219</sup> ICRC Customary International Humanitarian Law Study, Rules 15 to 21.

<sup>220</sup> Afghanistan is a party to the following human rights treaties and conventions: International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of all Forms of Racial Discrimination; Convention on the Elimination of all Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; Convention on the Rights of the Child; Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; and Convention on the Rights of Persons with Disabilities. For ratification dates, see [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN), last accessed 8 December 2017.

Non-state actors are increasingly deemed to be bound by certain international human rights obligations, particularly those actors exercising *de facto* control over some areas, such as the Taliban.<sup>221</sup>

Under international human rights law, States must investigate the use of lethal force by their agents,<sup>222</sup> particularly those involved in law enforcement. This duty, together with potential liability for failure to comply, flows from the obligation to protect the right to life.<sup>223</sup> For State investigations to be effective, they must be prompt, exhaustive, impartial, independent<sup>224</sup> and open to public scrutiny.<sup>225</sup> A State's duty to investigate applies to all law enforcement contexts, including those arising during armed conflict.<sup>226</sup>

### **(iii) Obligations under International Criminal Law**

Afghanistan has the primary responsibility to investigate and prosecute international crimes i.e. war crimes, crimes against humanity, and genocide, allegedly committed within its jurisdiction.<sup>227</sup> Afghanistan became a State party to the Rome Statute of the International Criminal Court (ICC) in 2003. As a consequence, to the extent Afghanistan is unable or unwilling to exercise its jurisdiction over international crimes, the ICC may exercise its jurisdiction over alleged crimes as defined in the Rome Statute allegedly committed in Afghanistan.<sup>228</sup>

The Pre-Trial Chamber of the International Criminal Court is currently considering a request by the Office of the Prosecutor for authorization to commence a criminal investigation into crimes of sufficient gravity within the jurisdiction of the Court alleged to have been committed on the territory of Afghanistan since 2003. In the request, filed on 20 November 2017, the Prosecutor argues that a reasonable basis exists to believe war crimes were perpetrated by "Afghan National Security Forces" and "anti-government armed groups" connected to the on-going non-international armed conflict, as well as to believe that crimes against humanity were perpetrated by anti-government armed groups.<sup>229</sup>

War crimes in non-international armed conflict are defined as serious violations of Common Article 3 and other laws and customs applicable in armed conflict not of an international character. War crimes include – with

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<sup>221</sup> See United Nations Secretary-General, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011, para. 188. See also Report of the International Commission of Inquiry to investigate all Alleged Violations of International Human Rights Law in the Libyan Arab Jamahiriya A/HRC/17/44, 1 June 2011; the Report of the International Commission of Inquiry on the Situation of Human Rights in the Syrian Arab Republic, A/HRC/19/69, para. 106; United Nations Mission in the Republic of South Sudan (UNMISS), Conflict in South Sudan: A Human Rights Report, 8 May 2014, para. 18.

<sup>222</sup> See Paragraphs 9, 10 and 17 of the *United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, adopted on 24 May 1989 by the Economic and Social Council Resolution 1989/65. See also United Nations Security Council and General Assembly resolutions concerning non-international armed conflict, calling for all parties to respect international human rights law.

<sup>223</sup> UNHRC, General Comment No. 31 (2004), § 15; UNHRC, General Comment No. 6 (1982), § 4; ECtHR, *McCann case*, § 169; ECtHR, *Kaya case*, § 86; ECtHR, *Ergi v. Turkey*, Application No. 23818/94, Judgment of 28 July 1998, §§ 82, 86; ECtHR, *Isayeva v. Russia*, Application No. 57950/00, Judgment of 24 February 2005, §§ 208-9, 224-5; IACiHR, *Abella (La Tablada) case*, § 244; IACiHR, *Alejandro case*, § 47; IACiHPR, *Civil Liberties case*, § 22.

<sup>224</sup> IACiHR, *Abella (La Tablada) case*, § 412; ECtHR, *Özkan case*, § 184; ECtHR, *Orhan v. Turkey*, Application No. 25656/94, Judgment of 18 June 2002, § 335; ECtHR, *Isayeva et al. case*, § 210-11; ECtHR, *McCann case*.

<sup>225</sup> ECtHR, *Hugh Jordan v. the United Kingdom*, Application No. 24746/94, Judgment of 4 May 2001, § 108; ECtHR, *Özkan case*, § 187; ECtHR, *Isayeva et al. case* § 213; ECtHR, *Isayeva case*, § 214. See also Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>, last accessed 8 December 2017.

<sup>226</sup> See C. Droegge, "Distinguishing Law Enforcement from Conduct of Hostilities", pp. 57-63, contained in the Report on the Expert Meeting "Incapacitating Chemical Agents", Law Enforcement, Human Rights Law and Policy Perspectives, held in Montreux, Switzerland 24-26 April 2012, at: <http://www.icrc.org/eng/assets/files/publications/icrc-002-4121.pdf>, last accessed 8 December 2017; Nils Melzer, "Conceptual Distinction and Overlaps between Law Enforcement and the Conduct of Hostilities," in *The Handbook of the International Law of Military Operations* (Oxford: Oxford University Press, 2010), pp. 43-44

<sup>227</sup> International Criminal Court Statute, *preamble*; Articles 1, 17. See also ICRC Customary International Law Study, Rule 158.

<sup>228</sup> International Criminal Court Statute, Articles 1, 12-17.

<sup>229</sup> ICC-02/17, Situation in the Islamic Republic of Afghanistan, Office of the Prosecutor Request for authorisation of an investigation pursuant to article 15, 20 November 2017 ("ICC Prosecutor's Request for Authorisation of an Investigation"), pp. 23-24, 30-39, 64, 78.

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respect to those not participating in hostilities – violence to life and person, including murder, and deliberately directing attacks against the civilian population as such, or individual civilians not taking part in hostilities.<sup>230</sup>

States whose military forces are among the international military forces party to the conflict in Afghanistan also have a responsibility to investigate and prosecute alleged crimes that may have been committed by their nationals in Afghanistan.<sup>231</sup> On 20 November 2017, the International Criminal Court Prosecutor submitted that information available provides a reasonable basis to believe that actions of international military forces during the interrogation of conflict-related detainees in the context of the non-international armed conflict in Afghanistan form admissible international criminal cases that would arise from an investigation of the situation, should one be authorized.<sup>232</sup>

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<sup>230</sup> International Criminal Court Statute, Article 8(2)(c),(e); ICRC Customary International Humanitarian Law, Rule 156.

<sup>231</sup> Irrespective of whether States are parties to the ICC statute, they all have obligations under customary law to investigate serious violations of international human rights and international humanitarian law when they are operating on the territory of Afghanistan. See ICRC Customary International Law Study, Rules 144, 157, 158.

<sup>232</sup> International Criminal Court Prosecutor's Request for Authorisation of an Investigation, pp. 88-125.

## ANNEX II: Main Parties to the Conflict

### Pro-Government Forces

These forces include, but are not limited to Afghan National Security Forces (Afghan Border Force, Afghan Local Police, Afghan National Army, Afghan Territorial Army, Afghan National Police, NDS) and other pro-Government local defence forces, and also include international military forces and other foreign intelligence and security forces.

#### Afghan National Security Forces

The Afghan National Security Forces are composed of all Government security forces, including the Afghan National Army (and its subsidiaries the Afghan Air Force and Afghan Territorial Forces), Afghan Special Forces, National Directorate of Security (Afghanistan's State intelligence service), Afghan Local Police, Afghan National Police, Afghan National Civil Order Force and Afghan Border Force.

Under the responsibility of the Ministry of the Interior, the Afghan National Police is the primary law enforcement agency and, in some instances, takes part in hostilities. The Afghan Local Police was created in 2010 to provide a community-based policing capability as a part of counter-insurgency efforts. Though nominally reporting through the Afghan National Police and Ministry of Interior, due to its combat-related functions, Afghan Local Police are considered a *de facto* part of the armed forces. Following the implementation of security sector reforms under the framework of the 2017 Afghan National Defense and Security Forces Roadmap, the former Afghan Border Police and the Afghan National Civil Order Police were transferred from the Ministry of Interior to the Ministry of Defense in 2018.

#### International military forces

On 1 January 2015, the North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) mission in Afghanistan transitioned to its non-combat successor, the Resolute Support Mission, following the handover of security responsibility to Afghan National Defense and Security forces in December 2014. Unlike ISAF, which was authorized by the United Nations Security Council, the legal basis for Resolute Support is provided by a Status of Forces Agreement, signed in Kabul on 30 September 2014 and ratified by the Afghan Parliament on 27 November 2014. United Nations Security Council resolution 2189 (2014) welcomed the bilateral agreement between Afghanistan and NATO to establish Resolute Support. Resolute Support is primarily a non-combat mission to train, assist and advise Afghan National Defense and Security Forces. It currently consists of approximately 16,000 troops from 39 NATO countries and allies organized in five regional Train, Advise, Assist Commands, with the United States, Germany, Italy, and Turkey leading each – Capital (Turkey), North (Germany), East (United States), South (United States), and West (Italy).

US troops currently comprise the vast majority of international military stationed in Afghanistan, with approximately 14,000 US troops supporting the Resolute Support Mission and Operation Freedom's Sentinel, which replaced Operation Enduring Freedom on 1 January 2015. US troops engaged in Operation Freedom's Sentinel focus on counter-terrorism operations under the Afghanistan-United States 2014 Bilateral Security Agreement. The Commander of Resolute Support also serves as the commander of the United States Forces in Afghanistan, although the chains of command remain separate.

#### Pro-Government armed groups

Pro-Government armed groups are organized non-State armed actors engaged in conflict against armed opposition groups. These groups are distinct from Government Forces and lack legal basis under the laws of Afghanistan. They include the National Uprising Movements, a community-based defense initiative in Afghanistan, and the Khost Protection Force.

## Anti-Government Elements

They include those who identify as ‘Taliban’ as well as individuals and non-State organized armed groups taking a direct part in hostilities and assuming a variety of labels including the Haqqani Network, Islamic Movement of Uzbekistan, Islamic Jihad Union, Lashkari Tayyiba, Jaysh Muhammed, groups identifying themselves as Islamic State/‘*Daesh*’ and other militia and armed groups pursuing political, ideological or economic objectives including armed criminal groups directly engaged in hostile acts on behalf of a party to the conflict

### Taliban

With the withdrawal of ISAF in 2014, the Taliban has incrementally increased its territorial control and continued to launch large-scale assaults, primarily targeting Afghan National Defense and Security positions, although at an increasingly heavy cost from pro-Government forces airstrikes. The Taliban established shadow administrative structures in most provinces. The death of the group’s leader, Mullah Omar, made public in August 2015, created internal controversy. These tensions and divisions have become less publicised following the death of Mullah Omar’s immediate successor, Mullah Mansour, in May 2016, and the appointment of Mullah Haibatullah Akhunzada. From the second half of 2018, the Taliban and the US have engaged in direct talks to seek a political settlement.

The Haqqani Network has assumed an increasingly influential role in the Taliban’s military operations. It is currently led by Sirajuddin Haqqani, one of Taliban leader Mullah Haibatullah Akhunzada’s two deputies. The Taliban claim that the Haqqani Network is under the umbrella of the Taliban movement and that Sirajuddin Haqqani is a Taliban deputy leader. The Haqqani Network in the past claimed attacks while maintaining a degree of independence. The Haqqani Network is believed to be responsible for complex attacks on both Government and international targets in heavily populated areas of Kabul. Since 2017, UNAMA has attributed attacks believed to be committed by the Haqqani Network to the Taliban as the distinction could no longer be reliably established.

### *Daesh*/ISKP

The Islamic State in Iraq and Levant – Khorasan Province (ISKP) was formally established in January 2015, following the progressive and partial realignment of some dissident factions or fighters from the Taliban, the Islamic Movement of Uzbekistan and the Tehrik-e-Taliban Pakistan. *Daesh*/ISKP is present in the east of Afghanistan, with an estimated 3,000 fighters currently active, primarily in Nangarhar and Kunar provinces. Its expansion has been constrained by Afghan National Defense and Security Forces/international military forces operations (including airstrikes), local militia mobilization and, separately, Taliban offensives. As its territorial expansion became compromised, *Daesh*/ISKP has increasingly relied on asymmetric tactics, including suicide and complex attacks deliberately targeting civilians (including most prominently the Shia Hazara community) in Kabul, Herat and Jalalabad cities. A self-identified *Daesh*/ISKP enclave in southern districts of Jawzjan province in the north of Afghanistan fell to repeated Taliban assaults in August 2018. The Taliban and *Daesh*/ISKP have distinct identities and have been competing over resources and power.

Several other non-State armed groups continue to operate in Afghanistan, including militia elements linked to political parties and leaders of former mujahideen jihadi factions and may operate in opposition to or in support of the Afghan National Defense and Security Forces. Such armed groups are frequently cited for human rights violations and regularly clash with each other, Taliban and Afghan National Defense and Security Forces while competing for territorial control. In some districts, particularly in northern parts of Afghanistan, such armed groups outnumber both the Afghan National Defense Security Forces and the Taliban.

### **Other Anti-Government Element Groups**

In September 2016, the Government of Afghanistan and Hezb-e Islami, led by Gulbuddin Hekmatyar, signed a peace agreement envisaging UN Security Council sanctions delisting, prisoners' releases, the integration of combatants into the Afghan National Afghan Defense and Security Forces and land allocations to returnees in light of the cessation of the Hezb-e Islami insurgency. Hekmatyar returned to Kabul in May 2017. Slow progress in integrating Hezb-e Islami has raised concerns about some groups' continued involvement in armed conflict.

Al-Qaeda is believed to maintain a limited presence in eastern Afghanistan, especially Kunar and Nuristan provinces, and to continue to have links to anti-Government groups operating throughout Afghanistan. Most recent reporting in mid-2018 suggested that Al-Qaeda operatives have recently increased from 100-120 individuals, based on mid-2017 estimates, to an estimated 250-400.

### ANNEX III: Glossary<sup>233</sup>

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

**Abduction:** UNAMA documents only conflict-related abductions, which involve the forcible taking and holding of a civilian or civilians by a party to the conflict in order to compel the victim or a third party to take or refrain from taking action. It also includes abduction with the intent to murder the individual or individuals, and abductions carried out by persons taking direct part in hostilities. This includes election-related abductions by a party to the conflict.

**Aerial operations/attack or airstrike:** Firing ordnance from aircraft, including close air support from fixed-wing aircraft, and close combat attack from rotary-wing aircraft, and attacks using remotely piloted aircraft.

**Afghanistan National Security Forces:** An umbrella term that includes Afghan Border Force, Afghan Local Police, Afghan National Army, Afghan Air Force, Afghan National Police, Afghan National Civil Order Force, Afghan Special Forces, Afghan Territorial Army (also referred to as the Afghan National Arm – Territorial Force), and the National Directorate of Security.

**Armed forces:** UNAMA considers the Afghan National Army and Afghan Air Force to be the armed forces of Afghanistan. UNAMA also considers the Afghan Local Police, National Directorate of Security, counter-terrorism police, Afghan Border Force, Afghan National Civil Order Force and Ministry of Interior (MOI) Special forces (including Afghan National Police Quick Reaction Force) to be part of the armed forces on account of the functions they perform. UNAMA does not consider the ANP to be incorporated into the armed forces of Afghanistan with the exception of the specific forces mentioned above.

**Afghan Border Force:** Formerly the Afghan Border Police. The majority of the Afghan Border Police transferred from the Ministry of the Interior to the Ministry of Defence in December 2017 and was renamed as the Afghan Border Force. These forces report to the ANA corps.

**Afghan National Civil Order Force:** Formerly the Afghan National Civil Order Police. The majority of the Afghan National Civil Order Police transferred from the Ministry of the Interior to the Ministry of Defence in March 2018. These forces report to the ANA corps.

**Anti-Government Elements (AGEs):** All individuals and armed groups involved in armed conflict with, or armed opposition against, the Government of Afghanistan and/or international military forces. See *Annex II: Main Parties to the Conflict* for further details.

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

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<sup>233</sup> Definitions contained in this Glossary are only for the purposes of this report.

such are clearly not under State control).<sup>234</sup> Some armed groups operate in a manner generally aligned with the Government, although not under their control, and are referred to as pro-Government armed groups.

‘Anti-Government Elements’ described in this report are considered as non-State armed groups but distinguished on the basis of their armed opposition against the Government of Afghanistan.

***Bacha bazi***: Bacha bazi is a harmful practice whereby boys are used by men for entertainment. The boys are made to dance in parties, often dressed in female clothes and subjected to sexual violence.

**Civilian**: For the purposes of this report and the application of the principle of distinction under international humanitarian law, civilians are any persons who are not members of military/paramilitary forces or members of organized armed groups with continuous combat function and are protected against direct attacks unless and for such time as they directly participate in hostilities. Civilians participating directly in hostilities are not counted as ‘civilian casualties’ in this report. Members of law enforcement agencies lose their protection as civilians when they function as part of the armed forces or directly participate in hostilities. For members of police units that do not have continuous combat functions, the use of force in self-defence is not considered to result in a loss of protection as a civilian. In Afghanistan, UNAMA considers as civilian police personnel who are carrying out law enforcement functions and who are not directly participating in hostilities or involved in counter-insurgency operations.

**Civilian Casualties**: Killed or injured civilians. UNAMA documents civilian casualties resulting from conflict-related violence, including casualties caused by explosive remnants of war. It does not document casualties where the civilian(s) was (were) directly participating in hostilities at the time of death or injury, nor does it document the death or injury of individuals protected from attack under international humanitarian law who are not considered to be civilians, such as persons *hors de combat* or the medical and religious personnel of the armed forces.<sup>235</sup>

UNAMA considers civilians ‘injured’ when they require medical treatment for physical injury – through admission to health care facilities or by receiving medical assistance from medically-trained personnel. Injuries do not include shock or non-physical effects or consequences of incidents, such as psychological trauma.

**Children**: The Convention on the Rights of the Child, ratified by Afghanistan in 1994, defines a “child” as any person under the age of 18 (0-17 inclusive). The Rome Statute of the International Criminal Court, ratified by Afghanistan in 2003, establishes as a war crime the conscription or enlisting of children under the age of 15 years into State armed forces or non-State armed groups and using children to participate actively in hostilities (see Articles 8(2)(b) (vi) and 8(2) (e) (vii)).

**Complex attack**: A deliberate and coordinated attack which includes a suicide device (i.e., body-borne IEDs or suicide vehicle-borne IEDs), more than one attacker and more than one type of device (i.e., body-borne IEDs and mortars). All three elements must be present for an attack to be considered complex.

***Daesh***: The word *Daesh* is an acronym from Islamic State of Iraq and the Levant (*al-Dawla al-Islamiya al-Iraq al-Sham*).

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

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<sup>234</sup> *United Nations Humanitarian Negotiations with Armed Groups: A Manual for Practitioners*, Gerard McHugh and Manuel Bessler, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), New York, January 2006. See Section 2.3 on *Characteristics of Armed Groups*.

<sup>235</sup> See also ICRC ‘Interpretive Guidance on the Notion of Direct Participation in the Hostilities under International Humanitarian Law’, ICRC, Geneva, 2009.



**Explosive weapons:** Explosive weapons are not explicitly defined by international law. Explosive weapons generally consist of a casing with a high-explosive filling and whose destructive effects result mainly from the blast wave and fragmentation produced by detonation. Mortars, artillery shells, aircraft bombs, rocket and missile warheads, and many improvised explosive devices (IEDs) fall under this term. Certain types of explosive weapons may be categorized as **light weapons** (e.g. hand-held under-barrel and mounted grenade launchers, portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres of less than 100 mm). Many explosive weapons, such as aircraft bombs, rockets systems, artillery and larger mortars are categorized as **heavy weapons**.<sup>236</sup>

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

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

*Command-Operated IEDs* – Radio or remote controlled IEDs (RC-IEDs) operated from a distance that can enable operators to detonate a pre-placed device at the precise time a target moves into the target area.<sup>237</sup> RC-IEDs include user-detonated IEDs, such as roadside IEDs, and objects and animals rigged with IED devices, such as vehicles, bicycles, motorcycles and donkeys. Magnetic-IEDs are IEDs attached by a magnetic or other device and are a sub-category of command-operated IEDs; UNAMA records these devices separately due to the common delivery method in Afghanistan, *i.e.*, placement on vehicles of targeted individuals.

*Victim-Operated IEDs* – A victim-operated IED detonates when a person or vehicle triggers the initiator or switch which could be a pressure plate (PP-IED) or pressure release mechanism, trip wire or another device, resulting in an explosion.<sup>238</sup>

*Other IEDs* – This category includes command-wired IEDs and timed-IEDs<sup>239</sup> and IEDs where the trigger/switch type for detonation could not be determined.

*Suicide IEDs* – Separately from data on IEDs, UNAMA documents civilian casualties resulting from complex and suicide attacks. Suicide IEDs are generally either Body-Borne IEDs (BB-IEDs) or Suicide Vehicle-Borne IEDs (SVB-IEDs). Body-Borne IEDs refer to situations where a suicide bomber wears an explosive vest or belt while Suicide Vehicle-Borne IEDs is defined as the detonation of a vehicle rigged with explosives by a driver or passenger inside the vehicle, or the detonation of a BB-IED by the driver or a passenger while inside the vehicle.

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

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<sup>236</sup> Borrie, J. and Brehm, M., 'Enhancing civilian protection from use of explosive weapons in populated areas: building a policy and research agenda', in *International Review of the Red Cross*, Volume 93, Number 883.

<sup>237</sup> Small Arms Survey, *Improvised Explosive Devices*, Chapter 10 'Infernal Machines,' pp. 220-221.

<sup>238</sup> *Ibid.*

<sup>239</sup> Since 2009, UNAMA has recorded very few incidents from these switch types.

**Incidents:** Events with a nexus to the armed conflict resulting in civilian casualties, civilian abductions, or damage to civilian property, as well as threats/intimidation/harassment related to the armed conflict and the military use of medical and health care facilities by parties to the conflict.

**Indirect fire systems:** Weapons systems, such as artillery and mortar rounds, that do not require a line of sight between the weapon and its target.

**International military forces (IMF):** “international military forces” include all foreign troops forming part of the NATO-led Resolute Support Mission as well as US Forces-Afghanistan who, in addition to participating in the Resolute Support Mission, are also engaged in counterterrorism operations as part of Operation Freedom’s Sentinel. The term also encompasses Special Operations Forces and other foreign intelligence and security forces.

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

**Mullah:** In Afghanistan, this term is used to describe a religious man who has been educated or trained in Islamic traditions and jurisprudence.

**NATO:** North Atlantic Treaty Organization. Members of NATO are the main troop-contributing States to the Resolute Support Mission (see Resolute Support Mission and *Annex II: Main Parties to the Conflict* for details).

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

**Non-suicide IEDs:** Any improvised explosive device other than a suicide IED i.e. those caused by pressure-plate, magnetic, and remote-detonated triggers.

**OHCHR:** The United Nations Office of the High Commissioner for Human Rights.

**Operation Freedom’s Sentinel:** United States forces in Afghanistan who support the Resolute Support Mission and also carry out counter-terrorism operations under the Afghanistan-United States 2014 Bilateral Security Agreement. See *Annex II: Main Parties to the Conflict* for details.

**Pro-Government armed groups (or pro-Government militia, PGM):** The term “pro-Government armed group” refers to an organized armed non-State actor engaged in conflict and distinct from Government Forces, rebels and criminal groups. Pro-Government armed groups do not include the Afghan Local Police, which fall under the command and control of the Ministry of Interior. These armed groups have no legal basis under the laws of Afghanistan. Armed groups have the capacity to employ arms in the use of force to achieve political, ideological or other objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. In some cases, armed groups receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to, the following groups: “national uprising movements”<sup>240</sup>, local militias (ethnically, clan or otherwise based), and civil defence forces and paramilitary groups (when such groups are clearly not under State control).

**Pro-Government Forces (PGF):** Afghan National Security Forces and other forces and groups that act in military or paramilitary counter-insurgency operations and are directly or indirectly under the control of the Government of Afghanistan. See *Annex II: Main Parties to the Conflict*.

**Resolute Support:** On 1 January 2015, the North Atlantic Treaty Organization (NATO) transitioned from its predecessor, the International Security Assistance Force (ISAF) mission in Afghanistan, to its Resolute Support

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<sup>240</sup> See UNAMA Protection of Civilians in Armed Conflict Annual Report 2014 for definitions and details of engagement of members of national uprising movements in the conflict, available at: <https://unama.unmissions.org/protection-of-civilians-reports>.

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mission to train, assist and advise Afghan national security forces. See *Annex II: Main Parties to the Conflict* for details.

**Search operations:** Search operations are a military tactic used in Afghanistan by Pro-Government Forces to capture or kill persons they believe to be Anti-Government Element targets, usually involving entering and searching homes or other civilian structures, and often carried out at night.

**Small arms:** Weapons designed for individual use. They include, *inter alia*, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns.<sup>241</sup>

**Suicide attack (Suicide IED attack):** UNAMA uses the term ‘suicide IEDs’ or ‘suicide attacks’ to include all attacks where the perpetrator used an IED, typically body-borne or vehicle-borne, intended to result in his or her death upon detonation. This also includes ‘complex attacks’ (see definition above).

**Targeted killing:** For the purposes of this report, ‘targeted killing’ is defined as intentional use of lethal force by Pro-Government Forces or Anti-Government Elements against a specific individual who is not in the perpetrator’s physical custody.<sup>242</sup> These incidents often involve a degree of pre-meditation. UNAMA documents civilian casualties arising directly and collaterally from such attacks.

**Tashkil** Dari word meaning “structure” that refers to the official staffing table and equipment allocations authorized by the Government of Afghanistan for a particular Government entity, including security forces and civilian Government.

**UNAMA:** United Nations Assistance Mission in Afghanistan.

**UXO:** Unexploded Ordnance.

**War Crimes:** War crimes are serious violations of treaty or customary international humanitarian law.

War crimes in non-international armed conflict are defined as serious violations of Common Article 3 of the Geneva Conventions and other laws and customs applicable in armed conflict not of an international character. War crimes include *inter alia* – with respect to those not, or no longer, participating in hostilities – violence to life and person, including murder, and intentionally directing attacks against the civilian population as such, or individual civilians.<sup>243</sup>

See *Annex I: Legal Framework* for more details.

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<sup>241</sup> International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, Adopted by the United Nations General Assembly on 8 December 2005, A/CONF.192/15, accessible at: [http://www.un.org/events/smallarms2006/pdf/international\\_instrument.pdf](http://www.un.org/events/smallarms2006/pdf/international_instrument.pdf).

<sup>242</sup> Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal provided that relevant provisions of IHL and human rights law are respected. *See* United Nations General Assembly, Human Rights Council 14th Session, Agenda item 3, Report of the Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions, Philip Alston. Addendum, ‘Study on Targeted Killings’. A/HRC/14/24/Add.6. 10 May 2010. In UNAMA, for database recording purposes, the category of targeted killings also includes some cases of killings where the victim was briefly in the perpetrator’s custody at the time of the killing but the custody did not amount to an abduction, i.e. the person identified to be killed is stopped by armed individuals, their identity is confirmed, and then the attackers kill the person, commonly at illegal checkpoints,

<sup>243</sup> ICC Statute, Article 8(2)(c),(e); ICRC Customary International Humanitarian Law, Rule 156.

## **ANNEX IV: Provincial Breakdown of Civilian Casualties**

The table on the following page is organized in order of the province with the highest number of civilian casualties to the lowest for the period of 1 January to 31 December 2018. It contains the total number of civilian casualties documented in each of Afghanistan's 34 provinces during this period, the top three causes of civilian casualties in each province, and the percentage increase or decrease compared to 2017.

Province	Leading tactic or cause	Second highest tactic	Third highest tactic	Total civilian casualties	Compared to 2017
Kabul	Suicide/Complex Attacks	IEDs (non-suicide)	Targeted Killings	1866 (596 deaths and 1270 injuries)	+2%
Nangarhar	Suicide/Complex Attacks	IED (non-suicide)	Ground Engagements	1815(681 deaths and 1134 injuries)	+111%
Helmand	Ground Engagements	IED (non-suicide)	Suicide/Complex Attacks	880 (281 deaths and 599 injuries)	-11%
Ghazni	Ground Engagements	Aerial attacks	Targeted/Deliberate Killings	653 (253 deaths and 400 injuries)	+84%
Faryab	Ground Engagements	Aerial operations	UXO/landmines	646 (230 deaths and 416 injuries)	+1%
Kandahar	IEDs (non-suicide)	Ground Engagements	Search operations	537(204 deaths and 333 injuries)	-25%
Paktya	Suicide/Complex Attacks	Ground Engagements	Aerial attacks	428 (152 deaths and 276 injuries)	-13%
Kunar	Ground Engagements	Aerial attacks	IED (non-suicide)	397 (128 deaths and 269 injuries)	+77%
Kunduz	Ground Engagements	Aerial attacks	IEDs (non-suicide)	337 (105 deaths and 232 injuries)	-11%
Zabul	Ground Engagements	IEDs (non-suicide)	UXO/landmines	293(57 deaths and 236 injuries)	-12%
Farah	Ground Engagements	IEDs (non-suicide)	Targeted Killings	275 (122 death and 153 injuries)	-19%
Laghman	Ground Engagements	Targeted Killings	UXO/landmines	271 (93 deaths and 178 injuries)	-23%
Baghlan	Ground Engagements	IEDs (non-suicide)	Targeted Killings	261 (68 deaths and injuries 193)	+17%
Herat	IEDs (non-suicide)	Ground Engagements	Targeted Killings	259 (95 deaths and 164 injuries)	-48%
Balkh	Ground Engagements	IEDs (non-suicide)	Targeted Killings	227 (85 deaths and 142 injuries)	+76%
Wardak	Ground Engagements	Suicide attacks	IED (non-suicide)	224 (88 deaths and 136 injuries)	+170%
Jawzjan	Ground Engagements	Aerial attacks	IEDs (non-suicide)	183 (61 deaths and 122 injuries)	+55%
Khost	IEDs (non-suicide)	Targeted Killings	Search	175 (84 deaths and 91 injuries)	-3%
Uruzgan	Ground Engagements	IEDs (non-suicide)	Aerial attacks	173(46 deaths 127 injuries)	-70%
Paktika	IEDs (non-suicide)	Targeted Killings	Ground Engagements	150 (67 deaths and 83 injuries)	-6%
Logar	Ground Engagements	Targeted Killings	Complex attacks	143 (68 death and 75 injuries)	-3%
Kapisa	Ground Engagements	Aerial attacks	IED (non-suicide)	139 (39 deaths and 100 injuries)	+38%
Takhar	Ground Engagements	IEDs (non-suicide)	Threat/Intimidation/Harassment	113 (26 deaths and 87)	+15%
Sar-e-Pul	Ground Engagements	UXO/landmines	IEDs (non-suicide)	101 (22 deaths and 79 injuries)	-6%
Nimroz	Ground Engagements	UXO/landmine	Aerial attacks	82(18deaths and 64 injuries)	-17%
Badghis	Ground Engagements	UXO/landmine	IEDs (non-suicide)	79 (21 deaths and 58 injuries)	-40%
Ghor	Targeted/Deliberate Killings	Ground Engagements	IEDs (non-suicide)	64 (28 deaths and 36 injuries)	+94%
Badakhshan	Ground Engagements	Kidnapping/abduction	Targeted Killings	63 (18 deaths and 45 injuries)	-3%
Samangan	IEDs (non-suicide)	Targeted/Deliberate Killings	Ground Engagements	46(19 deaths and 27 injuries)	+21%
Parwan	Ground Engagement	Suicide/Complex attacks	Ground Engagements	41 (20 deaths and 21 injuries)	-47%
Daikundi	Ground Engagement	Kidnapping/abduction	IEDs (non-suicide)	41 (19 deaths and 22 injuries)	-5%
Nuristan	Ground Engagements	Targeted/Deliberate Killings	Aerial attacks	25 (9 deaths and 15 injuries)	+41%
Bamyan	UXO/landmines	Ground Engagements	Threat/Intimidation/Harassment	7 (1 death and 6 injuries)	+75%
Panjshir	N/A	N/A	N/A	0	0

## ANNEX V: Attacks Claimed by Taliban: Breakdown by Target Type

Between 1 January and 31 December 2018, the Taliban publicly claimed responsibility for 153 attacks that resulted in civilian casualties. Of the 153 attacks claimed by the Taliban, 61 targeted Pro-Government Forces while 92 deliberately targeted civilians.

The following table provides a breakdown by target type of the 153 attacks that resulted in 943 civilian casualties (319 deaths and 624 injured):

<b>Attacks directed at Afghan national security forces, international military forces and pro-Government armed groups</b>	
Afghan National Police	26
Afghan national security forces	11
Afghan National Army	10
National Directorate of Security	3
Afghan Local Police	7
International military forces	2
Afghan Border Police	2
Total attacks against security/military forces resulting in civilian casualties and claimed by Taliban on website or twitter:	<b>61</b>
<b>Attacks directed at civilians and civilian objectives</b>	
Other civilian target	14
Civilian Government Administration	17
Tribal Elders	5
Judges, prosecutors and judicial staff	1
Contractors / Labourers	4
Election related	50
Former Anti-Government Element Re-integrees (APRP)	1
Total attacks claimed by Taliban directed at civilians or civilian locations which resulted in civilian casualties:	<b>92</b>
<b>Total attacks claimed by Taliban which resulted in civilian casualties:</b>	<b>153</b>

## ANNEX VI: Table of Taliban Allegations of “War Crimes”

Between 1 January and 31 December 2018, the Taliban accused Pro-Government Forces of causing civilian casualties. These allegations appeared in the Taliban’s public statements or reports. The following table is a summary of the results of fact-finding by UNAMA of 356 incidents in which the Taliban alleged “war crimes” were carried out by Pro-Government Forces. UNAMA emphasizes that its verification of civilian casualties alleged in these incidents does not necessarily indicate war crimes have been committed, as defined under international law.

TOTAL allegations	Documentation by UNAMA	Civilian Casualties Verified by UNAMA	Attribution by UNAMA
356	204 incidents were documented by UNAMA prior to publication of the Taliban’s statements/reports	In 50 incidents, UNAMA verified the same number of civilian deaths and injured	46 to Pro-Government Forces Four jointly attributed to Pro-Government Forces and Anti-Government Elements Six to Anti-Government Elements
		In six incidents, UNAMA verified the same overall number of civilian casualties, but different numbers of civilian deaths and injured	
		In 76 incidents, UNAMA verified a lower number of civilian casualties	63 to Pro-Government Forces 9 jointly attributed to Pro-Government Forces and Anti-Government Elements 4 to Anti-Government Elements
		In 25 incidents, UNAMA verified a higher number of civilian casualties	22 to Pro-Government Forces 3 jointly attributed to Pro-Government Forces and Anti-Government Elements
		7 incidents were not related the armed conflict	
	In 40 incidents, UNAMA did not verify any civilian casualties		
	80 incidents of alleged civilian casualties were documented by UNAMA after publication of the Taliban’s statements/reports	In 21 incidents, UNAMA verified the same number of civilian deaths and injured	16 to Pro-Government Forces 4 jointly attributed to Pro-Government Forces and Anti-Government Elements 3 to Anti-Government Elements
		In two incidents, UNAMA verified the same overall number of civilian casualties, but different numbers of civilian deaths and injured	
		26 cases had a lower number of casualties	23 to Pro-Government Forces 3 jointly attributed to Pro-Government Forces and Anti-Government Elements
		In nine incidents, UNAMA verified a higher number of civilian casualties	9 to Pro-Government Forces
In 22 incidents, UNAMA did not verify any civilian casualties			
72 incidents alleged civilian casualties not be verified by UNAMA			

## ANNEX VII: Response by the Government of the Islamic Republic of Afghanistan on the 2018 Annual Report on Protection of Civilians in Armed Conflict

جمهوری اسلامی افغانستان  
دفتر شورای امنیت ملی



د افغانستان اسلامي جمهوریت  
د ملي امنیت د شورا دفتر

**Islamic Republic of Afghanistan**  
**Office of the National Security Council**

February 23, 2019

### **Re: Statement on UNAMA's Protection of Civilians in Armed Conflict Annual Report 2018**

The Government of the Islamic Republic of Afghanistan appreciates the United Nations Assistant Mission in Afghanistan (UNAMA) for sharing the draft of its 2018 report on Protection of Civilians in Armed Conflict.

Anti-government armed forces, Taliban, terrorist groups, and their affiliates are responsible for civilian casualties in Afghanistan. While the Islamic Republic of Afghanistan uses caution and certain measures to protect civilians, Taliban and terrorist groups use civilians as shield and cover as tactics of their fighting that have caused massive casualties. These groups even intentionally target civilians in order to create terror in the society. While civilian casualty caused by anti-government armed forces have indeed risen, the total figures for civilian casualties attributed to pro-government forces that we compiled for 2018 are significantly lower than what your report suggests. Anti-government armed forces use tactics to attribute civilian casualties to pro-government forces. For instance, they leave their casualties unarmed in the vicinity of the battlefield.

Prevention and mitigation of harm to civilian population is a constitutional and ethical duty of the Government of the Islamic Republic of Afghanistan and remains a top priority under our National Policy on Prevention and Mitigation of Civilian Harm that is endorsed by the National Security Council. Our defense and security forces are paying the utmost attention in planning the operations in such a way to avoid civilian casualties. In numerous occasions, credible operations have been halted or canceled because of the risk to civilian lives.

We want to reiterate once more that the Government of the Islamic Republic of Afghanistan is fully committed to the protection of civilian population as its paramount duty, and encourages and welcomes any and all efforts that would support us in this cause.



## ANNEX VIII: NATO Resolute Support Response to the 2018 Afghanistan Annual Report on Protection of Civilians in Armed Conflict

NON SENSITIVE INFORMATION RELEASABLE TO PUBLIC



HEADQUARTERS  
Resolute Support  
Kabul, Afghanistan



February 19, 2019

### **RE: Resolute Support Official Response to the United Nations Assistance Mission in Afghanistan 2018 Annual Report on the Protection of Civilians in Armed Conflict**

The NATO Resolute Support (RS) Mission appreciates the opportunity to review and respond to the United Nations Assistance Mission in Afghanistan (UNAMA) 2018 Annual Report on the Protection of Civilians in Armed Conflict (the 2018 Report).

RS recognizes UNAMA's important efforts in investigating and reporting civilian casualty (CIVCAS) incidents within Afghanistan pursuant to UNAMA's mandate under United Nations Security Council Resolution 2405 (2018). RS appreciates UNAMA's recognition of the United Nations Security Council Resolution 2189 (2014), which recognizes the bilateral agreement between Afghanistan and NATO to establish the RS mission.

RS appreciates UNAMA's recognition of the work being done by the International Military Forces (IMF) to minimize CIVCAS and ensure thorough and transparent inquiry into any alleged incidents of CIVCAS arising from or connected with Coalition operations. We shall continue our comprehensive efforts to avoid CIVCAS and to thoroughly investigate all CIVCAS allegations.

All RS military operations within Afghanistan are conducted in compliance with international law obligations and all feasible precautions are taken to limit the likelihood of CIVCAS. Whenever RS receives an allegation of CIVCAS caused or potentially caused by IMF, it is considered as a 'serious' allegation (regardless of whether the allegation originated from an IMF unit or an organization external to RS). All CIVCAS allegations are then subject to an inquiry and formal review process in order to ascertain the veracity of the claim.

Pursuant to the RS CIVCAS review process, each CIVCAS allegation will be considered 'confirmed' by RS if, after the consideration of all relevant and credible information reasonably available, it is determined that it is more likely than not that a civilian was killed or injured as a result of Coalition operations. In instances where a CIVCAS allegation may contain insufficient detail to allow RS to make a confirmed determination regarding its veracity, but where there remains a possibility of CIVCAS, it will be considered 'disputed' by RS. If CIVCAS did not occur as a result of or is not attributable to Coalition operations, it will be considered 'disproved' by RS.

NON SENSITIVE INFORMATION RELEASABLE TO PUBLIC

NON SENSITIVE INFORMATION RELEASABLE TO PUBLIC

As part of the RS CIVCAS review process, each CIVCAS allegation is legally reviewed to ensure that all possible lines of inquiry have been considered, all the findings are supported by the evidence and international law, and all the recommendations support the findings. In all cases, should further evidence come to light, any closed or disputed CIVCAS allegations will be reopened and subject to further review and inquiry. Importantly, RS representatives regularly meet with UNAMA representatives to discuss the results of any CIVCAS allegations reported by UNAMA.

Based on the detailed operational records, RS identified 117 confirmed CIVCAS (62 deaths and 55 injuries) and 134 disputed CIVCAS (68 deaths and 66 injuries) during 2018. RS acknowledges accountability for these civilian casualties. While noting that this is a low portion of total CIVCAS, RS accepts this figure is too high and will continue to strive to eliminate incidents of future CIVCAS as we work towards achieving a negotiated peace.

RS welcomes the opportunity for further cooperation and information sharing with the UNAMA regarding allegations of CIVCAS. RS remains committed to applying every reasonable effort to avoid CIVCAS.



**Randy A. George**  
Major General (OF-7), U.S. Army  
Deputy Chief of Staff – Operations  
Headquarters, Resolute Support

NON SENSITIVE INFORMATION RELEASABLE TO PUBLIC

## ANNEX IX: Taliban Response to the 2018 Afghanistan Annual Report on Protection of Civilians in Armed Conflict

په افغانستان کې د ملګرو ملتونو د مرستندويه مأموریت د حقوق بشر د څانګې د ۲۰۱۸ میلادي کال د ملکي وګړو د ساتنې د راپور په اړه د افغانستان د اسلامي امارت ځواب

مونږ ستاسو څخه مننه کوو چې خپل کلنی راپور مو تر نشر مخکې زمونږ سره شریک کړ. مونږ ستاسو راپور ولوست او د ډیر غور څخه وروسته مو لاندې کرښې ستاسو د راپور په ځواب کې توري کړي.

تاسې په خپل راپور کې لیکلي چې دافغانستان د شخړې په اړه د یوناما موقف دا دی چې دا یو داخلي وسله واله شخړه ده، البته مونږ دا په کلکه ردو او دا یوه نړیواله وسله واله شخړه بولو. همداراز دا وایو چې د افغانستان شخړه د جینووا کنوانسیون د ۳ مشترکې مادې لاندې نه بلکې د څلورم جینووا کنوانسیون لاندې راځي. امریکایانو د ټولو نړیوالو حقوقو په خلاف په افغانستان باندې حمله کړې ده او دا حقیقت باید د ملګرو ملتونو اداره درک کړي. دوی پرته له دې، لکه څنګه چې د ملګرو ملتونو منشور هدایت کوي، چې سوله ایزو لارو باندې د افغانستان اسلامي امارت سره جوړجاړی وکړي، په افغانستان باندې حمله وکړه او یو ثابت حکومت یې وپرزولو چې په نتیجه کې یې د نړۍ او سیمې امن مختل کړو او ډیر افغانان یې شهیدان، معیوبین، بې کوره او مهاجر کړل. په افغانستان باندې ددوی برید نه د دفاعي برید شرایط پوره کوي او نه د ملګرو ملتونو د حمایت لاندې د اجتماعي برید شرایط.

د ملکي تلفاتو په هکله هم مونږ ستاسې شمیرې ردو. سره له دې چې تاسې په راپور کې یادونه کړې ده، چې د اشغالګرو ځواکونو لخوا په ۲۰۱۸ کې بې سارې بمبارۍ شوي دي او تر نورو ټولو کلونو ډیر تلفات یې اړولي، خو بیا مو هم د ټولو تلفاتو ۷ سلنه اشغالګرو ځواکونو ته منسوب کړي دي، چې دا نه یواځې د افغانستان اسلامي امارت او افغان ولس ته د منلو وړنه دي بلکې څوک چې د افغانستان د حالت په الف باء باندې خبر وي نو هغوی به هم دا راپور په پټو سترګو یو طرفه وبولي او رد به یې کړي. په هلمند، ننگرهار، کنډز، غزني، پکتیا، وردګو، او نورو ډیرو ولایتونو کې د چاپو او هوايي بمبارونو څخه خلک دومره تنګ راغلي چې ډیری خلکو خپل کورونه او کلي پرېښي دي او کوم خلک چې هلته استوګن هم دي هغوی هم تر ډیره پورې د شپې غرونو ته خپلې او یا نورو سیمو کې شپې تیروي. دا خبره مونږ د اسلامي امارت د مجاهدینو نه بلکې د عام ولس خبره کوو، ځکه چې په اکثره بمبارونو او عملیاتونو کې عام ولس ته تلفات اوري.

دا اوس هر چا ته جوته ده چې د کابل اداره او خارجي اشغالګر د جنگ د ادابو څخه یو ادب ته هم ژمن نه دي او هدف یې یواځې د خلکو وژل او ترهول دي، او په دې برخه کې دوی د خلکو د وژلو، شکنجه کولو، خورولو، بندیانولو، لوټلو، تښتولو او د بل هیڅ کوم غیر انساني عمل څخه دریغ نه کوي. د کابل د ادارې او اشغالګرو ځواکونو وحشت اوس د جنګي جرمونو د دائرې څخه وراوښتي دي او د ټولوژني په دائره کې راځي، ځکه چې بالفعل دوی د خلکو ټولوژنه او ډلوژنه شروع کړې ده. ددې پر ځای چې د ملګرو ملتونو د حقوق بشر اړوند اداره ددغه ټولوژني مخه ونیسي او ددوی کرغېړنو کړنو ته دواقعیت مطابق انعکاس ورکړي، ملګري ملتونه ددوی په کړنو باندې پرده اچوي او په شکل د اشکالو باندې ددوی د تلفاتو د کم ښودلو هڅه کوي. برعکس، په دې برخه کې د اسلامي امارت د منتجو هڅو سره سره دوی په امارت باندې د ملکي تلفاتو د یوې غوښتنې برخې پرې اچوي او د اشغالګرو او ګوډاګیو ځواکونو تلفات پکې تر سیوري لاندې راولي.

له بل پلوه بیا د افغانستان اسلامي امارت لپاره د ملکي خلکو خونديتوب تر نورو شیانو لومړیتوب لري او سربیره پر دې چې ددې لپاره یې ځانګړی کمیسیون ټاکلی او په هر ولایت او ولسوالۍ کې نماینده لري، اوس یې د خپلو ملګرو د لا زیات پوهاوي لپاره ټولو ولایاتو او ولسوالیو ته د هیاتانو د لیرلو لړۍ پیل کړې ده چې وخت په وخت ولایاتو ته ځي او د ملکي تلفاتو په تعداد، عوامل، او دا چې د چا لخوا شوي او څنګه یې باید مخنیوی وشي، کار کوي. نه یواځې دا، بلکې که چیرته د کوم مجاهد نه په دې برخه کې غفلت شوی وي، هغې سره قانوني چلند کیږي، او متاثرینو سره مرسته هم کیږي. خو ډیر کله د اسلامي امارت لخوا د ملکي تلفاتو هڅې د امارت د مسؤلینو د شهادت سبب هم کیږي. دملکي تلفاتو دکمیسیون هغه مسؤلین، چې په خپلو سیمو کې دعامل ولس درغ اورېدلو لپاره ګرځي، دمجاهدینو پوهاوی کوي ترڅو ملکي وګړو ته تلفات وانه روي، په دې برخه کې ستریاوې ګالي: نه باید داشغالګرو او ګوډاګی ادارې دټوپکيانو لخوا په نښه شي بلکه دداسې کسانو دکرو ورو باید قدرونه وشي خو د دې پر عکس اشغالګرو او ګوډاګیانو تر بل هرچا د دې ادارې کسان په نښه کړي او تر اوسه یې یو عمومي مرستیال، الحاج ملا عبد المنان، یو ولایتي رئیس او دیارلس تنه دولسوالیو مدیران په شهادت رسولي، یو تن مدیر یې زخمي کړی او یو تن مدیر یې هم اسیر کړی دی.

دافغانستان اسلامي امارت دملکي تلفاتو دمخنیوي او سمع شکایاتو دکمیسیون لخوا څخه د تېر ۲۰۱۸ کال په اخیر کې دټول کال دملکي تلفاتو بشپړ مستند راپور نشر شوی، چې په هغه کې هر لوري ته منسوب تلفات په ډېر دقت او مستند ډول پسرول شوي دي؛ تاسې لطفاً

هغه راپور هم ولولئ، چې داسلامي امارت دمجاهدينو او مسؤلينو لخوا په دې برخه کې څومره احتياط شوی او داشغالگرو او گوداگۍ ادارې دتوپکمارو لخوا په څومره خرپنده بې پروايي عام ولس ته تلفات او خسارات اوبنتي دي؟!

سره له دې چې د ملگرو ملتونو اداره د مکملې بې طرفې دعوې کوي، خو کوم عبارات او الفاظ چې په ټول راپور کې، خصوصاً د سپارښتنو په برخه کې، د افغانستان اسلامي امارت ته دوی استعمال کړي او کوم چې بې خارجي اشغالگرو ته استعمال کړي په منځ کې يې ډير فرق دی. ځکه نو په کار ده چې دوی په راپور کې د اړخونو ترمنځ بې طرفي وساتي او ځنگه چې امارت ته سپارښتنه کوي چې ځانگړی تکتیک دې ژر تر ژره پرېږدي، همداراز دې امریکایانو ته هم یادونه وکړي چې باید ژر تر ژره په ملکي کورونو چاپې او بمبار ودروي.

که څه هم مونږ دا راپور په کلکه ردوو، خو سره له دې مونږ د یوناما او هرې بشري ادارې له لورې د ملکي تلفاتو په اړه سپارښتنو ته د قدر په سترگه گورو او عملا يې په کار اچوو.

ستاسو د یو شمیر سپارښتنو په اړه مونږ داسې وایو چې:

– د اسلامي امارت مجاهدين د ملکي خلکو د گني گوني او استوگني په ځایونو کې او همداسې په بې توپیره او غیر متناسب توگه چاودیدونکي توکي نه استعمالوي، بلکې دا زموږ اسلامي، افغاني او سیاسي وجیبه ده چې د خلکو د سر او مال حفاظت وکړو. ډیر کړتې داسې شوي چې د ملکي تلفاتو د اندیښني له امله د اسلامي امارت مجاهدينو خپلو عملیاتو ته تغیر ورکړی.

– د ټاکنو پروسه ډیره فاسده او غیر مشروع پروسه وه، په هیڅ صورت د افغان ولس د ارادې تمثیل پکې نه کیدو، او دا د افغان ملت د سر، مال او شتمني سره خیانت دی چې په داسې حالاتو کې دې ټاکنې ترسره شي. همداراز دا د کابل ادارې غلطې ده چې دوی د ټاکنو لپاره مکتبونه، مسجدونه او کلینیکونه استعمالوي، دا شیان باید د سیاسي اهدافو لپاره استعمال نه شي. خو سره له دې د افغانستان اسلامي امارت د ټاکنو په پروسه کې هم خپله ټوله هڅه کړې ده چې ملکي خلکو ته تلفات وانه وړي.

– اسلامي امارت ملکيان او ملکي اهداف نه په نښه کړي، نه په نښه کوي او نه به يې ان شاء الله په راتلونکي کې په نښه کړي.

– د اسلامي امارت مجاهدين د ملکي ځایونو څخه یا د ملکي ځایونو پر لور انداخت نه کوي، بلکې همیشه يې دا هڅه کړې ده چې د ملکيانو د ساحې څخه لرې خپل عملیات تر سره کړي.

– اسلامي امارت بې احتیاطه، بې توپیره او نا متناسب بریدونه نه کوي، او که د امارت د کوم مجاهد لخوا په دې برخه کې غفلت کېږي نو هغه په شرعي توگه محاکمه کېږي. سربیره پر دې اسلامي امارت دهغو ټپیانو بشپړه درملنه هم کوي، چې په جگړو، چاودنو او نورو عملیاتو کې زخمي کېږي، نړیوالې ادارې باید په دې چاره کې دملکي خلکو دژغورنې پر پار داسلامي امارت لاس نیوی او تقدیر وکړي.

– اسلامي امارت د ملکي تلفاتو په اړه خپله پالیسي هر وخت څرگنده کړې ده، اسلامي امارت دا خپله دیني وجیبه بولي او په وار وار د اسلامي امارت د مشرتابه لخوا په دې هکله اعلاميې خپرې شوي دي، حتی د امیر المؤمنین په اختریز پیغام کې پر مجاهدينو باندي غږ شوی چې په کومه سیمه کې چې د ملکي تلفاتو اندیښنه وي، هلته باید د عملیاتو څخه ډډه وکړي.

– اسلامي امارت په خپلو لیکو کې بې زبیري ماشومان نه پرېږدي او په دې هکله امارت د مجاهدينو لیکو ته وخت په وخت پلاوي لیرلي او لیري تر څو دا یقیني کړي چې بې زبیري ماشومان په سنگرونو کې نه وي، که چیرته احبانا په کوم ځای کې د پالیسي خلاف کوم بې زبیری موندل کېږي، نو هغه استخدام کوونکی قومندان به بیا مسؤل گڼل کېږي او ځواب به وایي.

– د اسلامي امارت مجاهدين صحي کار کوونکي، د پولیو د واکسین اړوند کسانو په شمول، مکتبونه، او تعلیمي پرسونل نه په نښه کوي، بلکې تر وسی پورې يې امنیت تأمینوي او خپله ټوله هڅه کوي چې د نظامي عملیاتو له امله، د مکتبونو په شمول، د هیوادوالو دیني او دنیوي کارونه تعطیل نه شي.

مونږ یو وار بیا وایو چې کومې شمېرې چې تاسو په راپور کې د ملکي تلفاتو په برخه کې ذکر کړي، مونږ ته د منلو وړ نه دي او مونږ يې په کلکه ردوو. سربیره پر دې ستاسو څخه په کلکه غوښتنه کوو چې په دې برخه کې خپله بې طرفي وساتئ او خارجي اشغالگر او ددوی داخلي ملگرو ته نور جرأت مه ورکوئ چې په معافیت سره د بشر په ضد جنایت تر سره کړي. همداراز د خارجي اشغالگرو او د هغوی د داخلي ملگرو لخوا چې د بمباریو او چاپو له امله کوم جنایات ترسره کېږي، هغې ته پوره انعکاس ورکړئ، بې له ځنډه يې وغندئ او د مخنیوي لپاره يې خپلې ټولې هڅې په کار واچوئ. په پای کې یوځل بیا په جدیت غوښتنه کوو، چې دیوناما اداره دې اشغالگر او دکابل گوداگۍ اداره وپوهوي ترڅو له ملکي زورونو، کرونو، ریزونو، نیونو او دعام ولس له بمباردولو څخه لاس واخلي، البته په بشپړ ډاډ سره ویلاي شو چې اسلامي امارت دملکي خلکو دساتني په برخه کې خپلو تعهداتو ته ژمن دی.

**Unofficial UNAMA translation:**

**Response to UNAMA Human Rights Service Report on  
Protection of Civilians in Armed Conflict 2018**

We thank you for the sharing the annual report prior to its launching. We read your report and drafted the following lines after due consideration.

In your report, you mentioned that UNAMA considers the conflict in Afghanistan to be a non-international armed conflict - we strongly reject this and recognize this as an international armed conflict. The conflict of Afghanistan comes under the 4<sup>th</sup> Geneva Convention, not common article three of the Geneva Conventions. Against all international norms, the Americans attacked Afghanistan and the United Nations should recognize the fact. Without consideration to the principles of the UN Charter to reach an agreement with the Islamic Emirate of Afghanistan through a peaceful manner, the American attacked Afghanistan and ousted a stable Government and, as a result, disrupted global and regional peace, martyred many Afghans, made them disabled and displaced them, causing them to migrate.

We reject your civilian casualties' figures. You mentioned in the report that invaders' forces significantly increased their aerial attacks and inflicted more casualties than in all previous years. However, you attributed seven percent of all civilian casualties to invader forces, which is neither acceptable to the Islamic Emirate of Afghanistan nor to the Afghan public. Those who are aware of the situation in Afghanistan will blindly call the report one-sided. In Helmand, Nangarhar, Kunduz, Ghazni, Paktya, Wardak and many other provinces, raids and aerial attacks forced people to abandon their residences and move to mountains or other areas to stay overnight there. This is not the voice of the Mujahideen of the Islamic Emirate, but rather the voice of the public because in most bombardment operations civilians suffer more than others.

It is clear to all that the Kabul administration and foreign invaders are not complying with the laws of war and their only aim is to kill and terrorize people. Therefore, they did not spare efforts in terms of killing people, torturing, detaining, looting, abducting and carrying out other inhuman acts. The atrocities of the Kabul administration and invader forces now surpass the limits of war crimes, as they have started massacre and mass killings. Instead of the UN Human Rights Service preventing such massacres and reflecting their dreadful deeds, the UN is covering their acts and attempting in a way to show their minimum casualties. In contrast, despite the tangible efforts by the Islamic Emirate, they have been blamed for the bulk of civilian casualties and the UN is hiding the casualties attributed to the invaders' and puppets' forces underneath the shadow.

By contrast, civilian protection is our top priority. We established a special commission and assigned representatives for each province and district. They have commenced dispatching delegations to visit the provinces and assess civilian casualties, identify the factors and perpetrators and look for ways to prevent civilian casualties. In addition, in situations where a Mujahideen member has been negligent, he is investigated and victims get assistance. Many times such efforts triggered the loss of Islamic Emirate employees. While the civilian casualties prevention committee are travelling to hear public grievances and raise awareness amongst Mujahideen about avoiding civilian casualties and as well hardship, they should not be targeted by invader and puppet administration forces. Their service and efforts should be valued, but instead the invader and puppet targeted the members of this committee more than any other unit and as of now the deputy of the commission, Mullah Abdul Manan, one provincial head and 13 other members of the commission have been killed, one injured and one other have been detained.

The Islamic Emirate of Afghanistan and complaint commission released last year a complete report on civilian casualties at the end of 2018 where civilian casualties were accurately attributed to the parties to the conflict. Please read the report and see how the Islamic Emirate Mujahideen are taking much caution and how the invaders and puppet administration carelessly killed people and inflicted property damage

UNAMA claims full impartiality; however, there is a complete difference in the language addressed to the Islamic Emirate and invaders in the text and terminology of the report, particularly in the recommendations. Impartiality should be kept between the two parties and if recommendations are given for the Islamic Emirate to stop specific tactics, recommendations should also be given for the Americans to stop raids and bombardment on civilian houses.

Although we strongly reject the report, we show respect for the recommendations on civilian protection from UNAMA or any other human rights organization and will implement it practically.

In response to certain recommendations:

- The Islamic Emirate Mujahideen neither use civilian residential areas nor indiscriminate and disproportionate IEDs. However, it is our Islamic, Afghani and political obligation to protect people's lives and property. Many times, the Islamic Emirate changed its operations due to the risk of civilian casualties.
- The election was a corrupt and not a legitimate process, which never represented the will of the Afghan public. It was a betrayal of the Afghan nation to conduct an election in such a situation. In addition, using schools, mosques and clinics for elections is mistake of the Kabul Administration and these objects should not be used for this purpose. However, the Islamic Emirate tried its best to avoid civilian casualties in the election process.
- The Islamic Emirate neither targeted civilians nor civilian objects and God willing will never do so in the future.
- The Islamic Emirate Mujahideen do not fire to or from civilian places, and always tried to conduct operations outside populated areas.
- The Islamic Emirate does not conduct cautiously, indiscriminate and disproportionate attacks. If someone is negligent, then he is prosecuted under Sharia law. In addition, Taliban provides treatment to those who have sustained injuries during conflict, from detonations or other operations. The international organizations should assist and award the Islamic Emirate for its civilians' protection efforts.
- The Islamic Emirate always states its civilian protection policy and considers this a religious obligation and frequently released public statements by its leadership. Ameer-ul-Momeneen called on Mujahideen during Eid message to avoid operations wherever there was a risk of civilian casualties.
- The Islamic Emirate does not allow children without beards to join its units and it sends out delegations to units to monitor and ensure that children are not recruited. In case a hiring commander breaches the policy, he will be held responsible and accountable.
- The Islamic Emirate does not target health workers, polio vaccinators, schools and education personnel, but rather provides them with security to the extent possible and tries its best to not delay their activities, including education and other religious and business-related activities.

Once again, we say that the civilian casualties' figures mentioned in the report are not acceptable to us and we strongly reject them. In addition, we strictly demand that you maintain your impartiality and do not encourage the foreign invaders and their internal patronages to perpetrate crimes against humanity with impunity. As well, the crimes resulting from bombardments and raids committed by foreign invaders and internal alliances should be fully reflected, promptly condemned and all preventive efforts taken. At the end we strongly demand the invaders and puppet Kabul administration refrain from causing civilian suffering, torturing, detaining and bombarding civilians, albeit we assert that the Islamic Emirate is committed to its pledges in terms of civilians' protection.

The Islamic Emirate – Political Office

Date: 15/6/1440 (20/02/2019)