



# AFGHANISTAN

PROTECTION OF CIVILIANS IN ARMED CONFLICT  
ANNUAL REPORT 2017



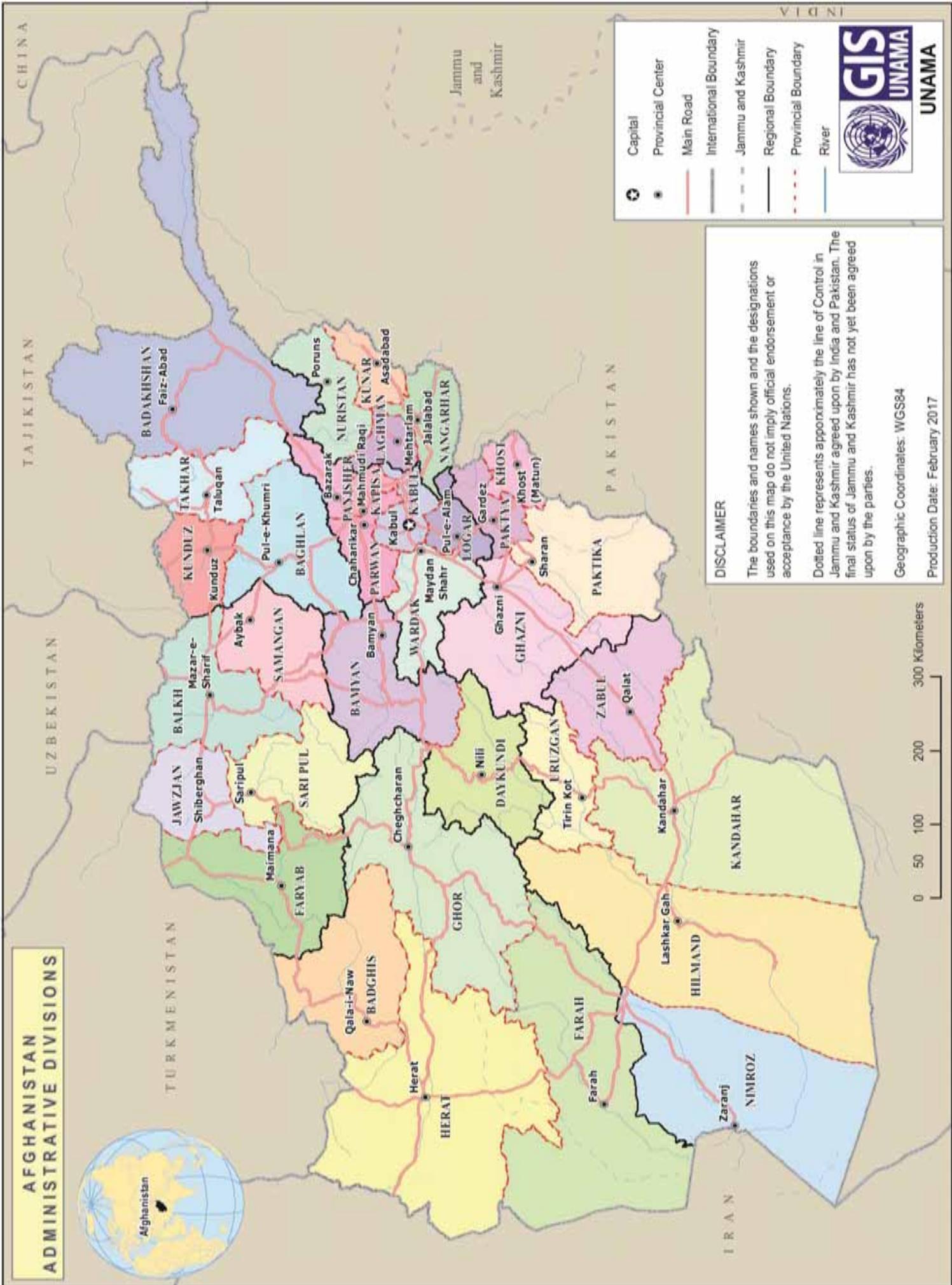
UNITED NATIONS  
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IN AFGHANISTAN



UNITED NATIONS  
HUMAN RIGHTS  
OFFICE OF THE HIGH COMMISSIONER

FEBRUARY 2018  
KABUL, AFGHANISTAN

# AFGHANISTAN ADMINISTRATIVE DIVISIONS



**DISCLAIMER**  
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 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.  
 Geographic Coordinates: WGS84  
 Production Date: February 2017



- Capital
- Provincial Center
- Main Road
- International Boundary
- Jammu and Kashmir
- Regional Boundary
- - - Provincial Boundary
- River

0 50 100 200 300 Kilometers

This report and all Afghanistan Protection of Civilians in Armed Conflict Reports referenced herein are available on the UNAMA website at:

<http://unama.unmissions.org/protection-of-civilians-reports>

Photo on Front Cover: © Omar Sobhani/REUTERS.

The photo depicts a victim of the 25 August complex attack at an Imam Zaman Shi'a Mosque located in Qalae Najarah area of Kabul city being carried from the mosque. An attacker detonated a suicide vest at the mosque during Friday prayers, followed by four more attackers targeting worshippers with automatic gunfire and grenades, killing 35 civilians and injuring 65 others. *Daesh*/ISIL-KP claimed responsibility for the attack.

**“The chilling statistics in this report provide credible data about the war’s impact, but the figures alone cannot capture the appalling human suffering inflicted on ordinary people, especially women and children.”**

Tadamichi Yamamoto, United Nations Special Representative of the Secretary-General for Afghanistan, Kabul, February 2018.

**“Afghan civilians have been killed going about their daily lives – travelling on a bus, praying in a mosque, simply walking past a building that was targeted. The people of Afghanistan, year after year, continue to live in insecurity and fear, while those responsible for ending lives and blighting lives escape punishment. Such attacks are prohibited under international humanitarian law and are likely, in most cases, to constitute war crimes. The perpetrators must be identified and held accountable.”**

Zeid Ra’ad Al Hussein, United Nations High Commissioner for Human Rights, Geneva, February 2018.

## **Mandate**

The 2017 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 2017.

The UNAMA Human Rights Service prepared this report pursuant to the UNAMA mandate under United Nations Security Council Resolution 2344 (2017) “to monitor the situation of civilians, to coordinate efforts to ensure their protection, to monitor places of detention, 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 2344 (2017) 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 and human rights law and the Constitution and laws of Afghanistan.

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

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## Methodology

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

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

For verification of each incident allegedly involving a civilian casualty, UNAMA requires at least three different and independent types of sources, i.e. victim, witness, medical practitioner, local authorities, confirmation by 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 on-site investigations. This form of investigation is 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/or reliability.

When documenting incidents of civilian casualties, UNAMA proactively consults sources of different genders, as well as those belonging to minority racial, religious and ethnic groups, and marginalized sectors of society. In doing so, UNAMA takes care to protect vulnerable sources from any possible repercussions for providing information, including by meeting in safe locations, conducting interviews with women in accordance with prevailing social norms, and halting investigations where it may endanger sources. UNAMA also proactively monitors, documents, and advocates on civilian casualty trends impacting the above-mentioned groups.

Where UNAMA is not satisfied with the quantity or quality of information concerning an incident, it will not consider it as verified. Unverified incidents are not included in this report. In some instances, investigations may take several weeks before conclusions can be drawn, which means that civilian casualty figures documented from an incident may be revised as more information becomes available and is incorporated into the analysis. Where information is unclear, conclusions will not be drawn until and unless more satisfactory evidence is obtained or the case will be closed without conclusion and will not be included in the statistical reporting.

In all cases, UNAMA is guided by the applicable norms of international humanitarian law. 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 civilian 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 *bors de combat* or the medical and religious personnel of the armed forces.<sup>1</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 for the incident

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<sup>1</sup> For more information, see Chapter on Legal Framework and the definition of civilians and 'civilian casualties' in Glossary.

in question. Where insufficient information is available, such casualties will not be included in the statistical reporting.

UNAMA established an electronic database in 2009 to support its analysis and reporting on protection of civilians in armed conflict. The UNAMA Protection of Civilians database is designed to facilitate the systematic, uniform and effective collection and analysis of information, including disaggregation by age, gender, perpetrator, tactic, weapon, and other categories.

As multiple parties are engaged in the conflict, UNAMA makes every effort to identify as precisely as possible the party responsible for a particular civilian casualty. Due to limitations associated with the operating environment, such as the joint or partnered nature of some military operations, the inability of primary sources in many incidents to identify clearly or distinguish between diverse military actors or insurgents, or the absence of any claim of responsibility, this may not always be possible. UNAMA attributes responsibility for each civilian casualty incident to either Pro-Government Forces or Anti-Government Elements, jointly to both groups, or as “perpetrator-undetermined” such as in the case of explosive remnants of war that cannot be conclusively attributed to one party or may be left behind from previous conflicts.

In cases of ground engagements between Pro-Government Forces and Anti-Government Elements in which a civilian casualty cannot be attributed to one party, UNAMA attributes responsibility to both groups and records them in a separate category entitled “Pro-Government Forces and Anti-Government Elements.”

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

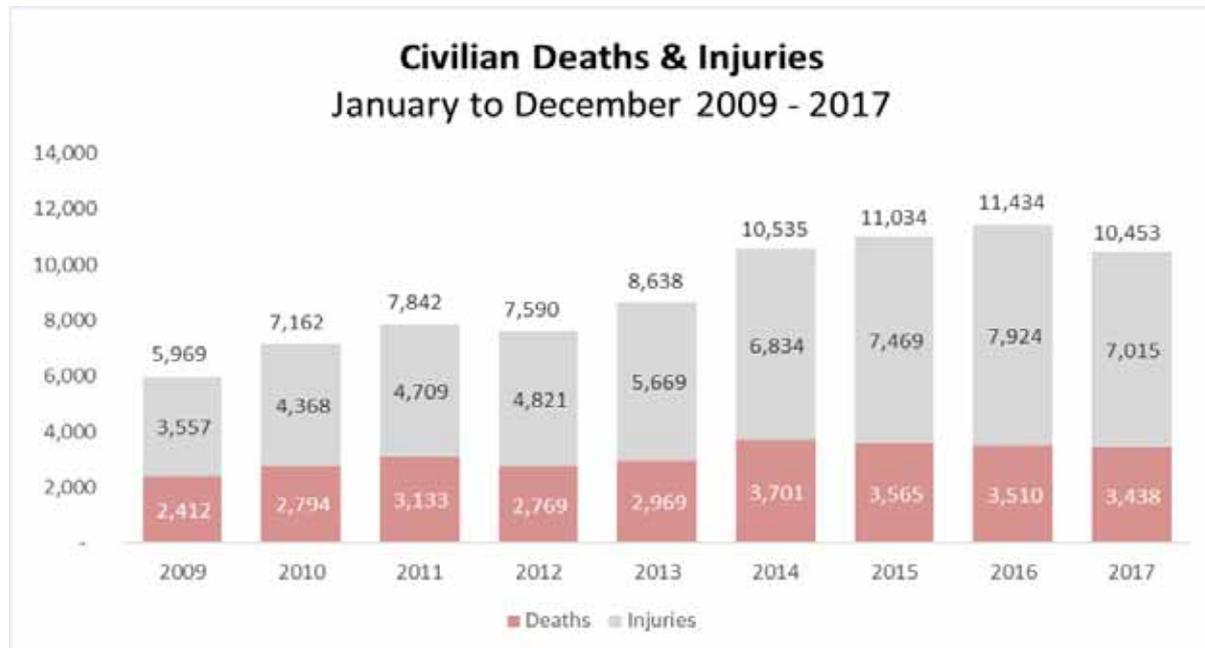
## Executive Summary

*“My mother, my niece and I were on the second floor of the mosque and we had just finished laying out our prayer mats when we heard gunshots. Everyone started to run towards the main doors. They started to fire towards us from downstairs and people started to rush back towards the prayer room and this is when my poor mother was shot and she fell to the ground – at the same time my niece was hit and she also fell to the ground. I was shot in my right arm and I fell as well and I lost a lot of blood. No one came to our aid and a big explosion took place. I was injured with a lot of broken glass in my chest and face. When we were in hospital we kept asking about our mother and our elder brother told us that she was in another hospital. Only after being discharged from hospital did our brother inform us that our mother had been killed that day in the mosque.”<sup>2</sup>*

-- Female victim of 25 August complex attack on a Shi'a mosque in Kabul city that killed 35 civilians and injured 65 others. *Daesh*/ISIL-KP claimed responsibility for the attack.

Civilians continued to suffer the effects of armed conflict in Afghanistan throughout 2017. Between 1 January and 31 December, UNAMA documented 10,453 civilian casualties (3,438 deaths and 7,015 injured),<sup>3</sup> an overall decrease of nine per cent compared to 2016 and the first year-on-year decrease recorded by UNAMA since 2012. While the number of civilian deaths reduced by two per cent from 2016 and the number of civilians injured decreased by 11 per cent, the overall continuation of high numbers of civilian casualties underscores the enormous human cost of the ongoing armed conflict.<sup>4</sup> Between 1 January 2009 and 31 December 2017, the armed conflict in Afghanistan claimed the lives of 28,291 civilians and injured 52,366 others.

The nine per cent decrease in civilian casualties in 2017 mainly resulted from less harm to civilians caused by ground fighting compared to 2016, while civilian casualties from suicide and complex attacks continued to rise.<sup>5</sup> Such attacks caused 22 per cent of all civilian casualties in Afghanistan in 2017,<sup>6</sup> with 16 per cent of all civilian casualties during the year occurring from such attacks in Kabul city. Civilian casualties from suicide and complex attacks countrywide increased by 17 per cent compared to 2016 – as a result, 2017



<sup>2</sup> UNAMA interview with victim, UNAMA offices, Kabul city, 7 September 2017.

<sup>3</sup> In 2017, UNAMA documented 4,310 incidents of conflict related civilian harm, including 3,835 incidents resulting in civilian death and injuries and 475 incidents of other harm including abductions, threats, intimidation or harassment which did not result in the victim requiring medical treatment.

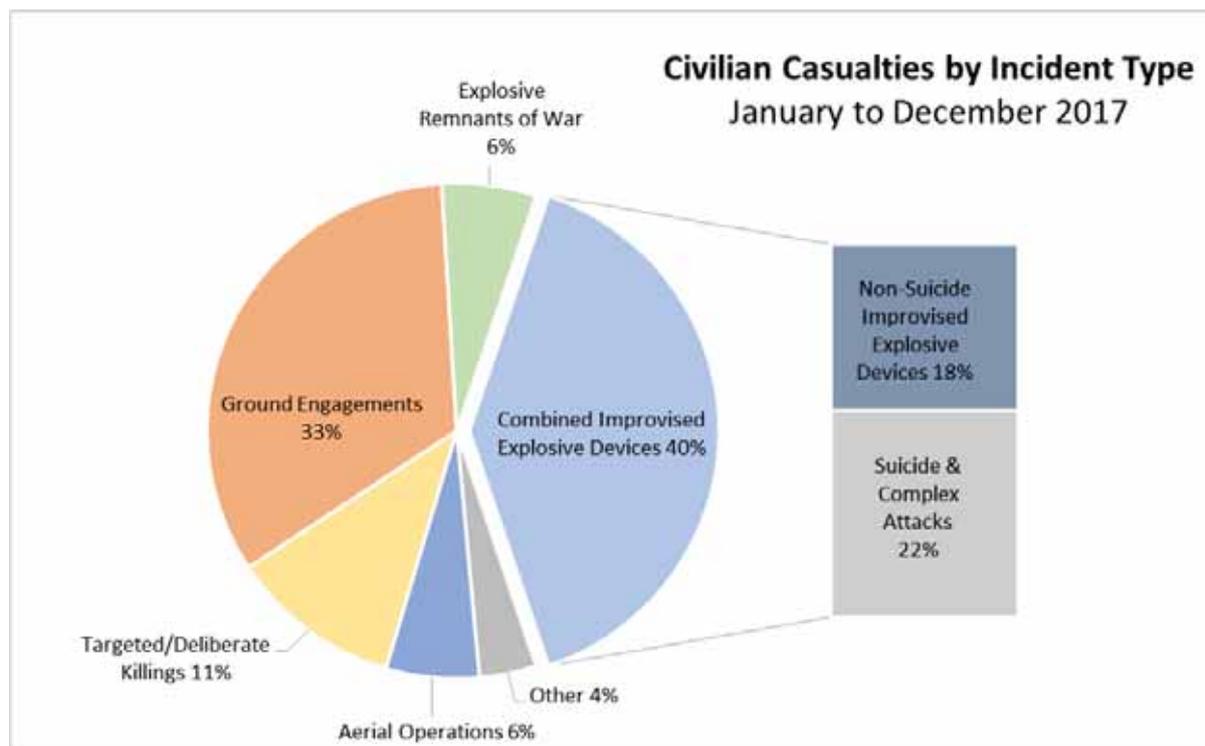
<sup>4</sup> Between 1 January and 31 December 2016, UNAMA documented 11,434 civilian casualties (3,510 deaths and 7,924 injured).

<sup>5</sup> According to UNAMA's definition, a complex attack includes the following elements: two or more attackers, two or more types of weapons, and one of the weapons is a suicide IED – i.e. body-borne suicide IED or vehicle-borne suicide IED.

<sup>6</sup> Suicide and complex attacks caused 2,295 civilian casualties (605 deaths and 1,690 injured) in 2017.

recorded the highest number of civilian casualties from suicide and complex attacks in a single year in Afghanistan since the mission began systematic documentation of civilian casualties in 2009.

The combined use of suicide improvised explosive devices (IEDs) and non-suicide IEDs by Anti-Government Elements accounted for most civilian casualties in 2017 – particularly indiscriminate and unlawful use of IEDs such as suicide bombs and pressure-plate devices in civilian populated areas. Combined IED tactics<sup>7</sup> caused 4,151 civilian casualties (1,229 deaths and 2,922 injured),<sup>8</sup> comprising 40 per cent of all civilian casualties in 2017.<sup>9</sup> The majority of civilian casualties caused by these devices occurred in the context of suicide and complex attacks, followed by pressure-plate IED detonations. Of particular concern, UNAMA recorded a significant increase in sectarian-motivated suicide and complex attacks, as well as the deadliest single suicide attack from a large suicide vehicle-borne IED, on 31 May, in Kabul city centre.<sup>10</sup>



After combined IED tactics, ground engagements caused the second highest number of civilian casualties in 2017. Following record levels of civilian casualties from ground engagements in 2016, UNAMA documented a 19 per cent decrease in civilian casualties from ground fighting between Anti-Government Elements and Pro-Government Forces in 2017, recording 3,484 civilian casualties (823 deaths and 2,661 injured). The decrease in civilian casualties from ground engagements resulted from a reduction in the

<sup>7</sup> “Combined improvised explosive devices (IED) tactics” refers to all switch/trigger types, including pressure-plate, suicide, command detonated (remote/radio activated) and magnetic IEDs. Civilian casualties included in ‘combined IED tactics’ figures exclude only those IEDs used to target individuals, which are counted under the tactic ‘targeted and deliberate killings.’ See footnotes 8, 9 and 144 for additional details.

<sup>8</sup> These figures include civilian casualties resulting from all IED tactics, whether suicide or non-suicide trigger tactics, except for those civilian casualties from targeted killings carried out with an IED device (which are counted in targeted killings civilian casualties). See footnotes 7, 9, and 144 on combined IED tactics).

<sup>9</sup> Between 2009 and 2016, the annual and midyear reports of UNAMA on the Protection of Civilians in Armed Conflict counted civilian casualties resulting from suicide and complex attack separately from non-suicide IED devices, i.e. those caused by pressure-plate, magnetic, and remote-detonated triggers. Given that suicide and complex attacks involve IED tactics (see footnote 5), and the characteristics of the attacks are similar - typically of an indiscriminate nature as a result of the use of improvised bombs, the effects of which cannot be completely controlled and are detonated in areas populated by civilians - UNAMA has counted them together in this report. While some civilian casualties arising from complex attacks are caused by shooting or the use of other weapons during attacks, the majority of civilian casualties in the complex attacks documented by UNAMA in 2017 occurred from the use of suicide-triggered IEDs.

<sup>10</sup> This attack killed 92 civilians and injured a further 491. See UNAMA Protection of Civilians Midyear Report 2017 for details.

number of civilians killed and injured from the use of indirect fire – mainly from mortars – by both Pro-Government Forces and Anti-Government Elements.<sup>11</sup>

UNAMA documented a disturbing increase in attacks against places of worship, religious leaders and worshippers, recording 499 civilian casualties (202 deaths and 297 injured) during 38 attacks in 2017. This amounted to three times as many attacks as in 2016, double the number of deaths and 30 per cent more total civilian casualties. The mission is also deeply concerned by the significant increase in sectarian-motivated attacks targeting Shi'a Muslim congregations, mostly perpetrated by *Daesh*/ISIL-KP. UNAMA issued a special report in November 2017 detailing its findings related to this concerning trend.

UNAMA acknowledges the significant measures undertaken by the Afghan national security forces<sup>12</sup> to improve the protection of civilians in 2017, especially during ground fighting and related operations. This included the adoption of a National Policy for Civilian Casualty Mitigation and Prevention and related training for security forces, together with the adoption of practical measures on the battlefield, including relocation of security bases from civilian areas, and increased constraints on the use of mortars and other indirect fire weapons during ground fighting in civilian-populated areas.

Additional factors contributing to the reduction of civilian casualties included ongoing civilian displacement (especially in areas of relatively unchanging frontlines), lack of major attacks against provincial centres and relative reduction in attacks against district centres by Anti-Government Elements compared to 2016, related changes in ground fighting tactics, especially in some of the most affected civilian-populated areas, and warning civilians of forthcoming operations by both sides where possible. However, more must be done to protect civilians as, irrespective of the decreases in civilian casualties, ground fighting continued to have an extreme detrimental impact on the lives of Afghans, taking mothers, fathers and children away from their families, and displacing nearly half a million civilians in 2017.<sup>13</sup> The conflict also destroyed homes and livelihoods and impeded access to health, education, and services. UNAMA also continued to record a strong correlation between the use of weapons such as mortars, rockets and grenades during ground fighting and civilian casualties from unexploded ordnance, with children accounting for most casualties.

In 2017, women casualties continued at levels comparable to 2016: contrary to the overall decrease in civilian casualties, total women casualties increased by less than one per cent, and women deaths increased by five per cent. Ground engagements remained the leading cause of harm to women, despite UNAMA documenting a decrease of 11 per cent in women casualties from ground fighting. The next leading cause, suicide and complex attacks, caused more than double the number of women casualties in 2017 than in 2016.

In line with the overall reduction in civilian casualties in 2017, child casualties decreased by 10 per cent compared to 2016.<sup>14</sup> UNAMA documented 3,179 child casualties (861 deaths and 2,318 injured) in 2017, mainly from ground engagements. Children also suffered heavily from explosive remnants of war and IEDs. Contrary to overall trends, children increasingly suffered from pressure-plate IEDs, emphasizing the extreme harm posed by these indiscriminate, victim-activated devices. UNAMA recorded decreases in child casualties from ground engagements and explosive remnants of war, and an increase in child casualties from aerial operations, in line with overall trends for these incident types.

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<sup>11</sup> In 2017, UNAMA documented 849 civilian casualties (200 deaths and 649 injured) from the use of mortars, rockets and grenades during ground engagements by Pro-Government Forces. Civilian casualties attributed to Pro-Government Forces during ground engagements in 2017 were attributed to Afghan National Defence and Security Forces (see next footnote) and pro-Government armed groups, with none attributed to international military forces. The 849 civilian casualties marked a 41 per cent decrease compared to 2016 when UNAMA recorded 1,449 civilian casualties (379 deaths and 1,070 injured). For Anti-Government Elements, in 2017 UNAMA recorded 597 civilian casualties (112 deaths and 485 injured) from the same tactic, compared with 884 civilian casualties (170 deaths and 714 injured) in 2016 – a 32 per cent decrease.

<sup>12</sup> Includes all Afghan National Defence and Security Forces; an umbrella term that includes ANBP, ALP, ANA, AAF, ANCP, ANP, the Afghan Special Forces, and the National Directorate of Security.

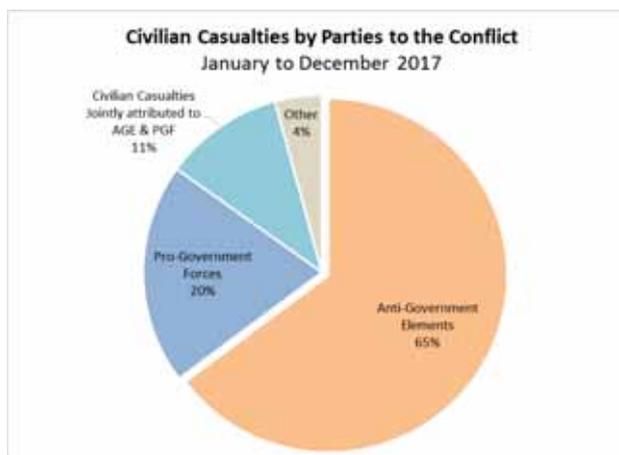
<sup>13</sup> Between 1 January and 31 December 2017, 445,335 people fled their homes due to conflict in Afghanistan. Source: Afghanistan: OCHA Weekly Field Report (25 – 31 December 2017).

<sup>14</sup> In 2016, UNAMA documented a total of 1,434 child casualties (325 deaths and 1,109 injured).

In 2017, civilian casualties decreased in 22 of Afghanistan's 34 provinces. In the remaining 12 provinces, increased suicide and IED attacks in civilian-populated areas by Anti-Government Elements were the main cause for the increase in casualties, though a few also increased from ground fighting.<sup>15</sup> UNAMA continued to document the highest levels of civilian casualties in Kabul province, mainly from indiscriminate attacks in Kabul city. Of the 1,831 civilian casualties (479 deaths and 1,352 injured) documented in Kabul province, 88 per cent resulted from suicide and complex attacks carried out by Anti-Government Elements in Kabul city.<sup>16</sup> After Kabul, the highest numbers of civilian casualties were recorded in Helmand, Nangarhar, Kandahar, Faryab, Uruzgan, Herat, Paktya, Kunduz, and Laghman provinces.<sup>17</sup>

### **Attribution of Civilian Casualties**

In 2017, UNAMA attributed the majority of civilian casualties – 65 per cent – to Anti-Government Elements, with 42 per cent attributed to Taliban,<sup>18</sup> 10 per cent to *Daesh*/Islamic State Khorasan Province (ISIL-KP),<sup>19</sup> and 13 per cent to undetermined and other Anti-Government Elements.<sup>20</sup> Pro-Government Forces caused 20 per cent of civilian casualties in 2017 (16 per cent by Afghan national security forces, two per cent by international military forces, one per cent each by pro-Government armed groups and undetermined pro-Government forces).



Unattributed cross-fire during ground engagements between Anti-Government Elements and Pro-Government Forces caused 11 per cent of civilian casualties, three per cent arose from the detonation of unattributed explosive remnants of war, and shelling from Pakistan into Afghanistan caused approximately one per cent of all casualties.

### **Anti-Government Elements**

In 2017, Anti-Government Elements caused 6,768 civilian casualties (2,303 deaths and 4,465 injured), a three per cent decrease compared to 2016.<sup>21</sup> This decrease is mainly explained by fewer civilian casualties caused by Anti-Government Elements using indirect fire such as mortars, rockets and grenades during ground engagements, and fewer civilian injuries from targeted killings and non-suicide IEDs, particularly remote-detonated IEDs. UNAMA documented a rise in civilian casualties caused by Anti-Government Elements (particularly *Daesh*/ISIL-KP) during suicide and complex attacks as well as an increase in incidental civilian deaths and injuries from bullets fired by Anti-Government Elements during ground engagements, particularly during ground attacks against police check posts.

<sup>15</sup> UNAMA documented increases in civilian casualties in Farah, Faryab, Herat, Helmand, Kabul, Khost, Laghman, Nangarhar, Nuristan, Paktya, Sari Pul, and Zabul provinces. Suicide and complex attacks and other types of incidents involving IEDs mainly drove the increases in Kabul, Paktya, Herat, Helmand, Khost, and Nangarhar, while Farah, Faryab, Laghman, Nuristan, and Zabul recorded minor increases from civilian casualties from ground engagements. Khost, Paktya, and Sari Pul also marked increases in targeted killings.

<sup>16</sup> Kabul city recorded 1,612 civilian casualties (440 deaths and 1,172 injured) from suicide and complex attacks in 2017.

<sup>17</sup> See annexed table of civilian casualty figures by province.

<sup>18</sup> Taliban also includes the Haqqani Network. See Taliban's response to the UNAMA Protection of Civilians Annual Report 2016 (included as Annex 6 of the report) stating that the "Haqqani Network is not a separate group, but a member of the Islamic Emirate and there is no differences between the Emirate and the Haqqani Network."

<sup>19</sup> Civilian casualties attributed to *Daesh*/ISIL-KP are those caused by groups whose leaders have formally pledged an oath to and/or groups which otherwise have clearly identifiable, strong formal links to the ISIL-KP groups mainly operating in and around Nangarhar province since 2015. UNAMA attributes civilian deaths and injuries from "self-identified *Daesh*/ISIL-KP fighters" separately, referring to "self-identified *Daesh*/ISIL-KP fighters" where Anti-Government Elements identify or claim to be "*Daesh*" but there is no factual information supporting a formal link to *Daesh*/ISIL-KP in Nangarhar province or the broader Islamic State organization.

<sup>20</sup> This includes 27 civilian casualties (24 deaths and three injured) attributed to Self-Identified *Daesh*/ISIL-KP. See Ibid.

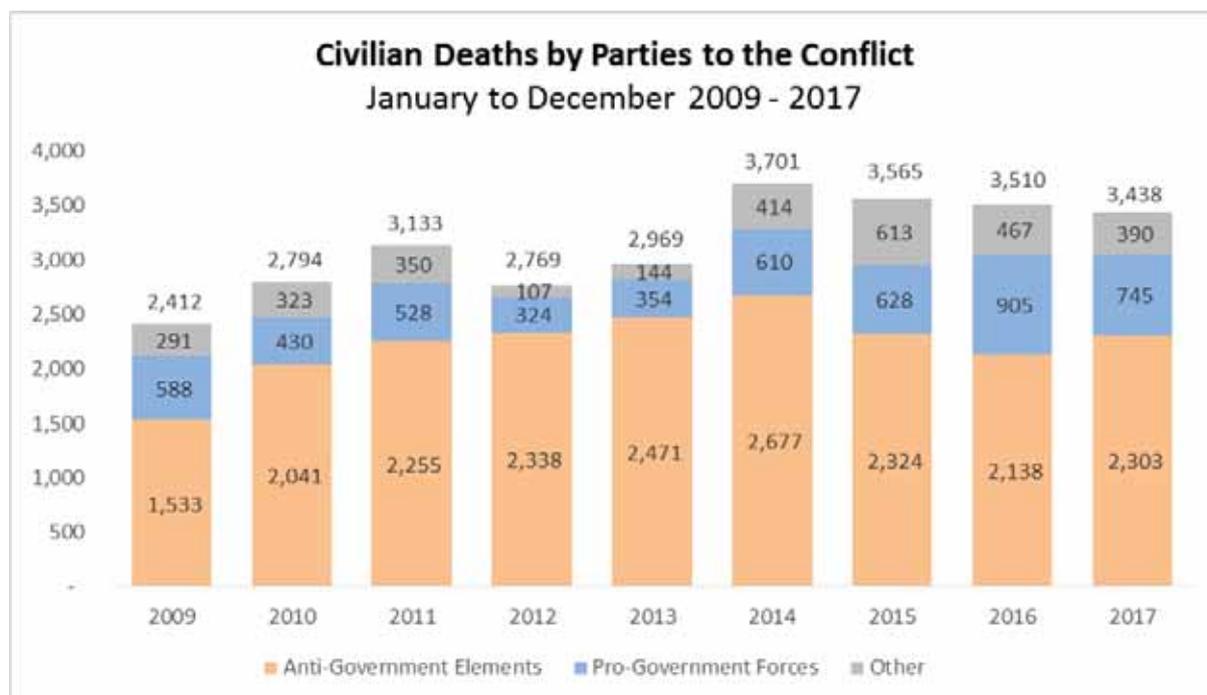
<sup>21</sup> In 2016, UNAMA attributed 7,003 civilian casualties (2,138 deaths and 4,865 injured) to Anti-Government Elements.

UNAMA attributed 4,385 civilian (1,574 deaths and 2,811 injured) to Taliban, a 12 per cent decrease from 2016, comprising 42 per cent of all civilian casualties in 2017. Of these incidents, the group publically claimed responsibility for 179 attacks that resulted in 1,166 civilian casualties (345 deaths and 821 injured).<sup>22</sup> UNAMA attributed 1,000 civilian casualties (399 deaths and 601 injured) – 10 per cent of total civilian casualties – to *Daesh*/ISIL-KP, an 11 per cent increase from 2016.<sup>23</sup> The group claimed responsibility for 24 attacks (mostly targeting civilians) that caused 823 civilian casualties (300 deaths and 523 injured). UNAMA attributed a further 1,389 civilian casualties (330 deaths and 1,059 injured) to unidentified and other Anti-Government Elements.<sup>24</sup>

**Pro-Government Forces**

UNAMA attributed 2,108 civilian casualties (745 deaths and 1,363 injured) to Pro-Government Forces in 2017, a 23 per cent decrease compared to last year.<sup>25</sup> This decrease was mainly linked to the significant reduction in civilian casualties from indirect weapons such as mortars during ground engagements.

As in 2016, more than half of the civilian casualties caused by Pro-Government Forces in 2017 occurred incidentally during ground fighting with Anti-Government Elements. Following ground engagements, aerial operations remained the second leading cause of civilian casualties attributed to Pro-Government Forces. UNAMA documented 631 civilian casualties (295 deaths and 336 injured) from aerial operations, a seven per cent increase compared to 2016, including an 18 per cent increase in deaths.<sup>26</sup> The Afghan Air Force caused 309 civilian casualties (99 deaths and 210 injured), while airstrikes by the international military



<sup>22</sup> Taliban claimed responsibility for the following incidents in 2017: 88 targeted killings, 27 suicide and complex attacks, 22 non-suicide IEDs, 31 ground engagement incidents resulting in civilian casualties, eight parallel justice structure punishments, and three kidnapping/abductions.

<sup>23</sup> These figures include civilian casualties arising from attacks for which *Daesh*/ISIL-KP affiliates publicly claimed responsibility as well as unclaimed civilian casualties attributed to *Daesh*/ISIL-KP in Nangarhar and Kabul provinces.

<sup>24</sup> This includes 27 civilian casualties (24 deaths and three injured) and the abduction of 41 civilians by groups self-identifying as *Daesh*/ISIL-KP in Jawzjan, Sari Pul, and Ghor provinces, which are not included in the *Daesh*/ISIL-KP, or unidentified anti-government element figures. UNAMA notes it is frequently unable to accurately attribute civilian casualties from suicide and complex attacks to specific Anti-Government Elements without a claim of responsibility given the complexity of the actors involved in such attacks – including “terror cells” situated in Kabul – and UNAMA’s limitations with respect to intelligence gathering. For this reason, UNAMA has not attributed any attacks during 2017 directly to the Taliban-affiliated Haqqani network, including such attacks in those attributed to Taliban. Unclaimed attacks are attributed to undetermined Anti-Government Elements.

<sup>25</sup> The majority of civilian casualties attributed to Pro-Government Forces in 2017 came from Afghan national security forces. In 2016, UNAMA attributed 2,731 civilian casualties (905 deaths and 1,826 injured) to Pro-Government Forces.

<sup>26</sup> In 2016, UNAMA documented 590 civilian casualties (250 deaths and 340 injured) from aerial operations.

forces caused 246 civilian casualties (154 deaths and 92 injured). UNAMA also documented 76 civilian casualties (42 deaths and 34 injured) from air strikes carried out by undetermined Pro-Government Forces.<sup>27</sup>

Efforts and actions taken by the Government of Afghanistan and Pro-Government security forces in 2017 towards the improvement of protection for civilians must be commended. As discussed in further detail in chapter IV on Pro-Government Forces, this included the adoption of a national policy to prevent civilian casualties and – prior to its formal approval – efforts towards improving civilian casualty tracking and investigation, including the start of relevant training for the Afghan national security forces.

## **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 and human rights law:

### **Anti-Government Elements**

In compliance with obligations under international humanitarian law:

- 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, in areas frequented by civilians, and immediately stop using pressure-plate IEDs.
- Immediately cease the deliberate targeting of civilians and civilian objects, including Government officials carrying out civilian functions, human rights defenders, judges and prosecutors and aid-workers. Targeted attacks against religious scholars, mullahs and places of worship and culture, mainly perpetrated by *Daesh*/IS-KP, must immediately cease.
- Cease the practice of firing mortars, rockets and grenades from and into civilian-populated areas.
- Apply a definition of civilian in accordance 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 make public Taliban civilian protection policies.
- Take measures to implement directives prohibiting the recruitment of children and ensure accountability for those commanders who recruit and use children.
- Ensure that all directives and orders comply with international humanitarian law; hold accountable those conducting indiscriminate attacks and any member who targets, kills, injures or abducts civilians; ensure that schools, hospitals, clinics and other protected sites under international humanitarian law are not used for military purposes; and refrain from any acts that impede individuals' rights to access to the highest attainable standards of education and healthcare.

### **Government of Afghanistan**

- Cease the indirect (without line of sight) use of mortars, rockets, grenades and other weapons, and aerial attacks in civilian-populated areas; develop and implement clear tactical directives, rules of engagement and other procedures in relation to the use of explosive weapons and armed aircraft.
- Finalize and implement action plans for the recently endorsed National Policy on Civilian Casualty Prevention and Mitigation, including concrete objectives and additional measures to prevent civilian casualties; and ensure full investigation of all incidents of conflict-related harm to civilians.
- Immediately disband and disarm all illegal armed groups and militias, and ensure accountability for human rights abuses caused by these groups. Efforts by the Government to regularize members of any armed group into the Afghan national security forces must follow transparent and lawful

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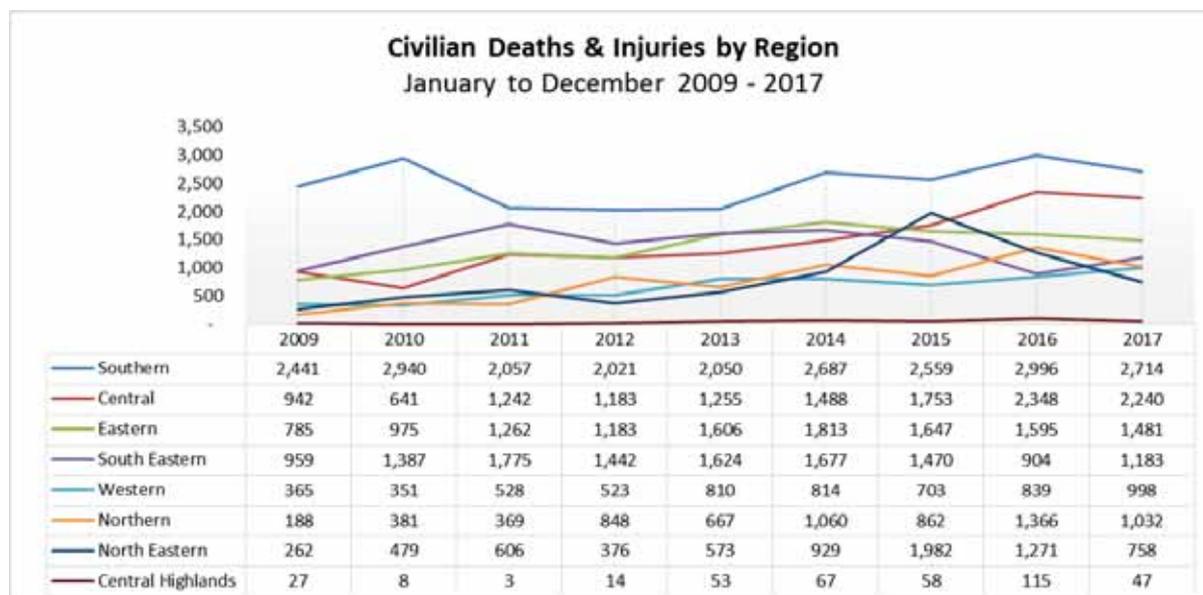
<sup>27</sup> Only Pro-Government Forces conduct aerial operations in Afghanistan.

vetting and recruitment procedures, and incorporate recruits into lawful command, control and accountability structures, with mechanisms ensuring civilian protection.

- Adopt an action plan to meet its obligations under Protocol V to the 1980 Convention on Certain Conventional Weapons and allocate sufficient resources for implementation.
- Continue to strengthen the capacity of the Afghan national security forces to command, control and effectively conduct counter-IED operations and IED-disposal, including exploitation; dedicate all necessary resources to ensure the full implementation of the national counter-IED strategy.
- Investigate all allegations of violations of international humanitarian law and international human rights law; prosecute and punish those found responsible, as required under Afghan and international law; and, ensure the right to effective remedy, without discrimination on any ground, including gender or ethnicity.
- Ensure respect for medical facilities, medical personnel and medical transport as neutral facilities and actors; respect education facilities and personnel; and ensure that all people in Afghanistan have access to the highest attainable standards of healthcare and education.

### **International Military Forces**

- Continue reviewing and strengthening pre-engagement targeting protocols to prevent civilian casualties. 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 improving operational practice and promoting accountability, and ensuring compensation for victims and survivors.
- 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 levels and tactical levels, in particular to put in place mitigation measures to prevent harm to civilians from indirect fire weapons and armed aircraft.
- Continue to support the Afghan national security forces in the command, control and effective conduct of counter-IED operations and IED-disposal, including IED exploitation.
- Continue to support the Afghan national security forces to strengthen their capacity to mark, clear, and destroy explosive remnants of war in compliance with Afghanistan's obligations under international humanitarian law and pursuant to Protocol V to the 1980 Convention on Certain Conventional Weapons.



## I. Human Rights Protections in Conflict-Affected Areas

### A. Women and Armed Conflict

*"Taliban and Daesh were fighting with each other. We were at home when suddenly my sister shouted for help because her young daughter was shot and killed by a falling bullet. So my daughter and I were rushing to go to my sister's home when a group of Taliban entered and asked us to show them 'Daesh people'. I told them there is no Daesh at our home but they didn't listen, so they shot me and my daughter in our legs. Due to heavy crossfire outside we were not taken to the hospital until the next day."*<sup>28</sup>

-- Woman intentionally shot and injured with her teenage daughter by Taliban [location withheld] on 23 October 2017.

The armed conflict in Afghanistan continued to kill and maim women at levels similar to 2016. In 2017, UNAMA documented 1,224 women casualties (359 deaths and 865 injured), an increase of less than one per cent,<sup>29</sup> reversing the trend of decrease in women casualties observed in 2016. Women deaths increased by five per cent compared to 2016,<sup>30</sup> and women again comprised 12 per cent of conflict-related civilian casualties in 2017.

#### Leading Causes of Women Casualties:

**Ground Engagements:** 628 women casualties (141 deaths and 487 injured) – 51 per cent of women casualties

**Suicide & Complex Attacks:** 227 women casualties (57 deaths and 170 injured) – 19 percent of women casualties

**Improvised Explosive Devices (non-suicide):** 134 women casualties (59 deaths and 75 injured) – 11 per cent of women casualties

**Aerial Operations:** 127 women casualties (47 deaths and 80 injured) – 10 per cent of women casualties

Anti-Government Elements caused an increasing number of women casualties, with 629 casualties (198 deaths and 431 injured), a 13 per cent increase compared to 2016, causing 51 per cent of total women casualties in 2017.<sup>31</sup> Pro-Government forces and crossfire caused less women casualties than in 2016. Pro-Government forces caused 390 women casualties (105 deaths and 285 injured),<sup>32</sup> a 19 per cent decrease from 2016, accounting for 32 per cent of total women casualties in 2017. Unattributed crossfire between Pro-Government Forces and Anti-Government Elements during ground fighting caused 184 women casualties (50 deaths and 134 injured), an 18 per cent increase from 2016, comprising 15 per cent of total women casualties.<sup>33</sup>

Ground engagements remained the leading cause of women casualties, though UNAMA recorded a decrease of 11 per cent in such casualties from 2016, mostly due to a 34 per cent decrease in women casualties attributed to Pro-Government Forces during ground engagements.<sup>34</sup> UNAMA also recorded a reduction in women killed and injured by non-suicide IEDs (including pressure-plate IEDs).<sup>35</sup>

<sup>28</sup> UNAMA telephone interview with victim, [location withheld], 26 October 2017.

<sup>29</sup> UNAMA uses the terminology "women casualties" to refer to conflict-related casualties among adult women only who are deemed civilians in accordance with international humanitarian law. Between 1 January and 31 December 2016, UNAMA documented 1,218 women casualties (341 deaths and 877 injured).

<sup>30</sup> UNAMA's 2016 Annual Report on Protection of Civilians recorded a reduction in women civilian casualties, while during the first half of 2017 UNAMA recorded an increase compared to the same period in 2016. See 2017 Mid-Year Report on Protection of Civilians, p. 11; 2016 Annual Report, p. 17.

<sup>31</sup> In 2016, UNAMA recorded 555 women casualties (152 deaths and 403 injured) attributed to Anti-Government Elements.

<sup>32</sup> Afghan national security forces and pro-Government armed groups combined caused 358 women casualties (86 deaths and 268 injured); international military forces caused 32 women casualties (19 deaths and 17 injured).

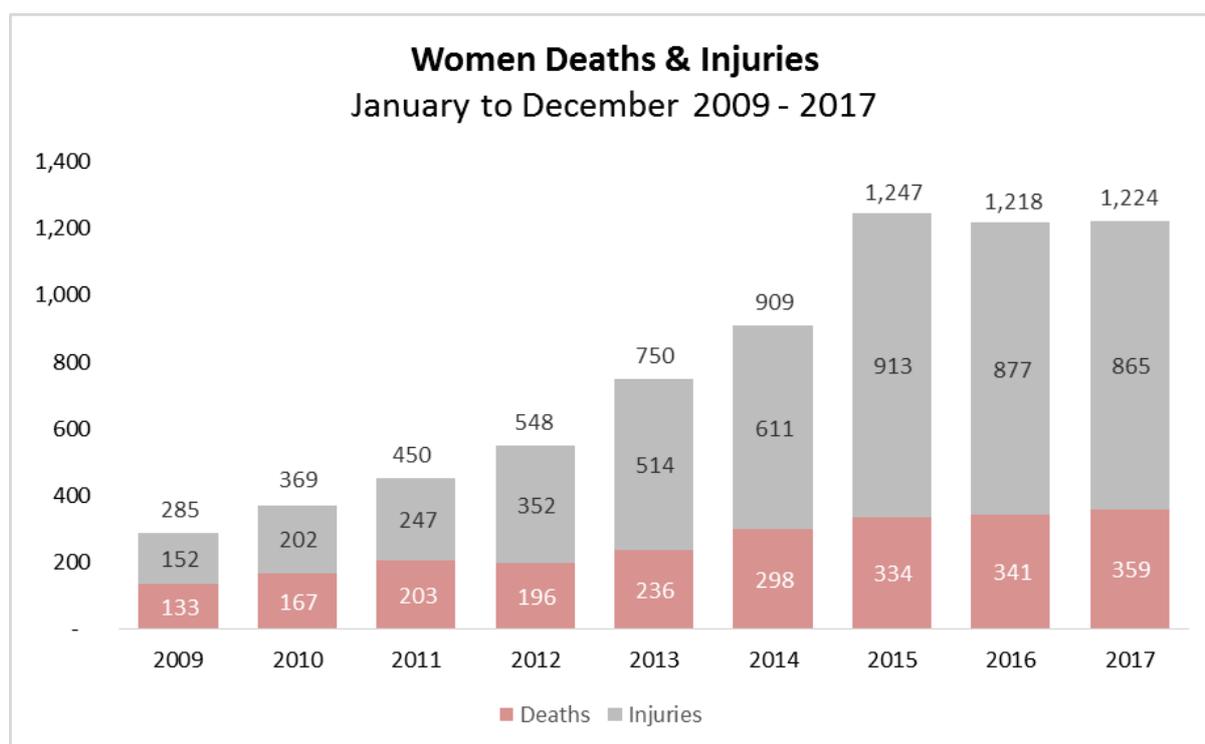
<sup>33</sup> In 2017, UNAMA attributed seven women casualties (four deaths and three injured) to the Pakistan Military Forces and 14 (two deaths and 12 injured) to undetermined actors, mostly from Explosive Remnants of War. In 2016, UNAMA attributed 156 women casualties (39 deaths and 117 injured) to crossfire during ground fighting.

<sup>34</sup> UNAMA documented 628 women casualties (141 deaths and 487 injured) from ground engagements in 2017, compared to 704 women casualties (173 deaths and 531 injured) from such incidents in 2016. In 2017, Pro-Government Forces caused 234 women casualties (46 deaths and 188 injured) during ground engagements, compared with 354 women casualties (101 deaths and 253 injured) by Pro-Government Forces during ground engagements in 2016.

<sup>35</sup> Women casualties from all non-suicide improvised explosive devices (in 2017, 134 women casualties – 59 deaths and 75 injured) decreased by 11 per cent compared to 2016 when UNAMA documented 151 women casualties (66 deaths and 85

Suicide and complex attacks in civilian populated areas increasingly killed and maimed women, with more than double the number of women casualties resulting from such incidents in 2017.<sup>36</sup> Women casualties from aerial operations also increased, with airstrikes causing 22 per cent more women casualties in 2017 than in 2016.<sup>37</sup>

Women increasingly suffered due to the rise in suicide and complex attacks targeting places of worship, some of which included deliberate attempts to target female sections of mosques. For example, on 25 August, gunmen opened fire on worshippers in a mosque in Kabul city, killing 13 women and a girl, and injuring 22 women and a girl praying on the second floor of the mosque. The attack caused 100 civilian casualties (35 deaths and 65 injured). On 20 October, a suicide attack targeting a Shi'a mosque in Kabul city killed six women and injured four women when the attacker lobbed a grenade into the women's section of the mosque before detonating his suicide vest in the second row of worshippers in the male section. The attack killed a total of 69 civilians and injured 60. *Daesh*/ISIL-KP claimed responsibility for both attacks. For additional details on this incident, see section on Suicide and Complex Attacks.



UNAMA documented 58 women casualties (36 deaths and 22 injured) from incidents of targeted and deliberate killings, including 34 casualties (27 deaths and seven injured) resulting from attacks deliberately targeting women. Anti-Government Elements intentionally targeted women for reasons such as accusations of providing support to the Government, committing 'immoral acts', and serving as police officers. For example, on 28 July, in Nawa-e-Barakzai district, Helmand province, Taliban shot a woman in her home, accusing her of "supporting the Government" by providing water to the Afghan National Security Forces

injured). UNAMA documented 94 women casualties (45 deaths and 49 injured) from pressure-plate IEDs in 2017 compared to 100 (54 deaths and 46 injured) in 2016.

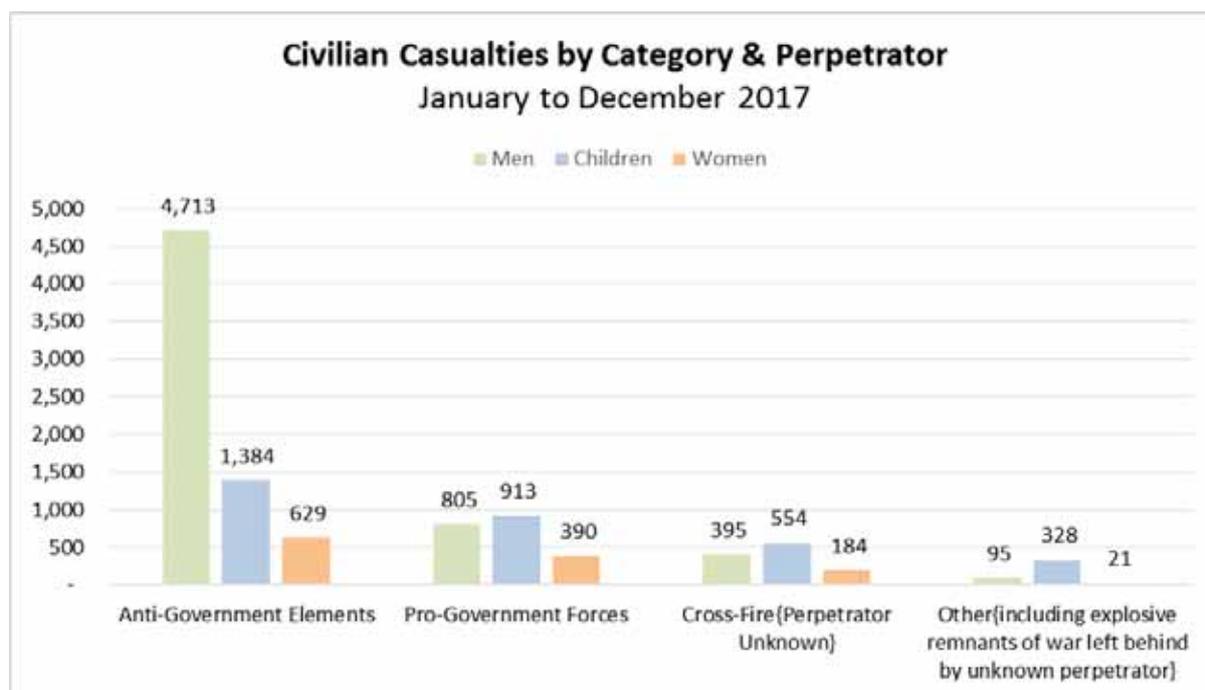
<sup>36</sup> Women casualties caused by suicide and complex attacks (in 2017, 227 women casualties – 57 deaths and 170 injured) increased by 129 per cent compared to 2016 when UNAMA documented 99 women casualties (10 deaths and 89 injured).

<sup>37</sup> In 2017, UNAMA documented 127 women casualties (47 deaths and 80 injured) resulting from aerial operations, compared with 104 women casualties (33 deaths and 71 injured) in 2016. The remainder of women casualties in 2017 occurred as a result of incidents of targeted and deliberate killings (58 women casualties (36 deaths and 22 injured)); explosive remnants of war (23 women casualties (six deaths and 17 injured)); punishments by parallel justice structures (four women deaths); incidents of abduction (three women casualties (two deaths and one injured)); search operations (13 women casualties (five deaths and eight injured)); threat/intimidation/harassment (four women injured); other (one woman injured); escalation of force/force protection (one woman killed); and intentional damage to civilian property (one woman killed).

after they re-captured the district centre from Taliban several weeks earlier. In another incident, on 21 August in Faryab province, Taliban shot and killed a 25 year-old woman after she travelled in a shared taxi without a *mahram*.<sup>38</sup> Sources reported that the Taliban had severely beaten the driver of the vehicle. On 6 September, Taliban in Shindand district, Herat province, shot dead a woman they accused of committing adultery. The remaining women casualties from targeted and deliberate killings by Anti-Government Elements resulted from incidents targeting men perceived to be members of the Pro-Government Forces or other Anti-Government Elements. For example, in Faryab province, Taliban killed a husband and wife displaced from a nearby village on the basis that the man was formerly a member of a Pro-Government Militia. UNAMA also documented two incidents where Pro-Government Forces (one ANA and one ALP) shot their wives.<sup>39</sup>

Anti-Government Elements continued to impose parallel justice structures and related punishments against women accused of committing “immoral” acts. In 2017, UNAMA documented four instances of such punishments, which led to the killing of four women. In 2016, UNAMA had recorded 10 such incidents that resulted in 10 women casualties (five deaths and five injured).<sup>40</sup> In Badakhshan on 21 August, for example, Taliban executed a man and a woman after the couple could not provide proof of their marriage. On 19 July, in Uruzgan province, Taliban publicly executed a man and a woman found together in the same room alone, stating that no hearing or evidence was necessary to prove the charges of adultery. These figures may reflect under-reporting from areas under Anti-Government Element control (for more information, see Parallel Justice Structures section).

UNAMA documented one incident of conflict-related sexual violence involving women in 2017. Please see UNAMA Protection of Civilians Midyear Report 2017 for additional details on this incident.



<sup>38</sup> An allowable escort for a woman or girl when she travels outside the home, i.e. husband, brother, or other male immediate family member.

<sup>39</sup> Occurring in Logar province, an ANA soldier shot his wife and another man after finding them ‘in bed’ together; in Takhar, an ALP member shot his wife and mother-in-law, killing his wife and injuring his mother-in-law as a result of unknown circumstances. Another ALP, the uncle of the woman killed, shot and killed the woman’s killer while he recovered in hospital.

<sup>40</sup> The term “parallel justice structure punishments” refers to the deliberate killing and/or injuring of a person as punishment by Anti-Government Elements that results from the trial, conviction, and execution or punishment of a person suspected of a crime, as defined by Taliban or other Anti-Government Elements.

## B. Children and Armed Conflict

*“It was noon time, after taking lunch, my younger sister and I took the dishes to wash them in our garden. Suddenly, I felt something like a hot metal hitting my stomach. I do not remember what happened next. When I regained consciousness, I found myself in a bed in a hospital with my family around me. Our home is near the mountains, where fighting between Taliban and the police takes place. We cannot sleep day and night due to the frightening sounds of firing.”<sup>41</sup>*

-- 11-year-old girl injured by a bullet during a ground engagement in Arghandab district, Zabul province on 22 September 2017.

### Leading Causes of Child Casualties:

**Ground Engagements:** 1,434 child casualties (325 deaths and 1,109 injured) – 45 per cent of child casualties

**Improvised Explosive Devices (non-suicide):** 545 child casualties (160 deaths and 385 injured) – 17 per cent of child casualties

**Unexploded Ordnance:** 518 child casualties (142 deaths and 376 injured) – 16 per cent of child casualties

**Aerial Operations:** 266 child casualties (114 deaths and 152 injured) – eight per cent of child casualties

Throughout 2017, conflict-related violence continued to kill and injure children. Whilst noting an overall decrease in the number of victims, children casualties accounted for 30 per cent of all civilian casualties. UNAMA recorded 3,179 child casualties (861 deaths and 2,318 injured), an overall 10 per cent decrease compared to 2016, with decreases in both fatalities and injuries.<sup>42</sup> As in 2016, boys comprised 71 per cent of the casualties among children, and girls made up 29 per cent.<sup>43</sup> UNAMA attributed 44 per cent of child casualties to Anti-Government Elements, who were responsible for 1,384 child casualties (330 deaths and 1,054 injured), a five per cent decrease compared to 2016.<sup>44</sup> Pro-Government Forces caused 913 child casualties (313 deaths and 600 injured), and were responsible for 29 per cent of all child casualties, marking a 19 per cent decrease from the previous year.<sup>45</sup> Cross-fire during fighting between Anti-Government Elements and Pro-

Government Forces where the perpetrator could not be identified resulted in 17 per cent of child casualties. Nine per cent of child casualties, mostly from explosive remnants of war, could not be attributed, and cross-border shelling from Pakistan caused the remaining approximately one per cent of casualties among children.

Despite a decrease of 19 per cent compared with 2016,<sup>46</sup> the leading cause of child casualties remained ground engagements between Anti-Government Elements and Pro-Government Forces, accounting for nearly half of the cases. Of the casualties caused by ground engagements, those due to the use of indirect weapons - such as mortars, rockets and grenades - decreased by 30 per cent, with 887 casualties (194 deaths and 693 injured). UNAMA documented 534 child casualties (126 deaths and 408 injured) caused by shooting during ground engagements, an increase of 32 per cent compared to 2016.<sup>47</sup> Both numbers reflect the overall trends concerning civilian casualties from ground engagements in 2017.<sup>48</sup>

<sup>41</sup> UNAMA interview with victim, Kandahar city, 22 September 2017.

<sup>42</sup> Most of the reduction may be attributed to fewer child casualties from ground engagements and explosive remnants of war. See section on explosive remnants of war for further analysis of the latter type of incident). In 2016 UNAMA documented 3,516 total child casualties (924 deaths and 2,592 injured).

<sup>43</sup> In 2017, UNAMA recorded 2,246 casualties among boys (601 deaths and 1,645 injured) and 913 among girls (251 deaths and 662 injured), compared with 2,466 casualties among boys (669 deaths and 1,797 injured) and 1,024 among girls (239 deaths and 785 injured) in 2016.

<sup>44</sup> This reverses the trend observed at mid-year of a 28 per cent increase. In 2016, UNAMA attributed 1,450 child casualties (355 deaths and 1,095 injured) to Anti-Government Elements.

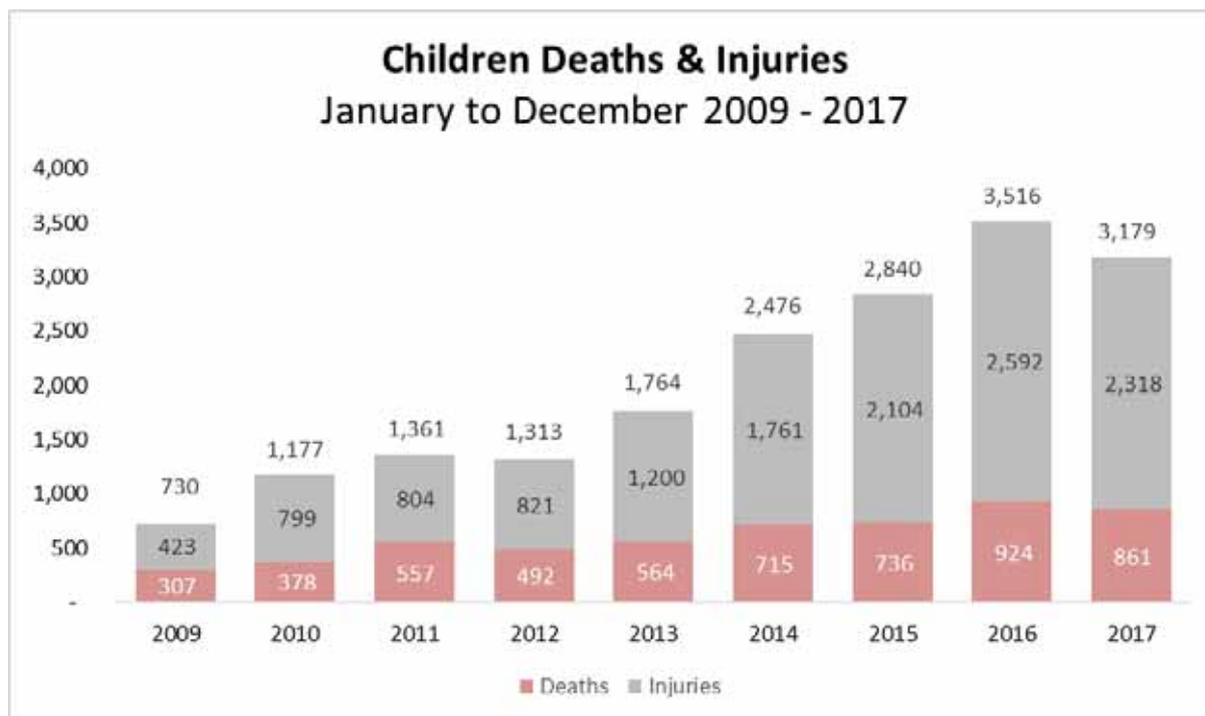
<sup>45</sup> In 2016, UNAMA attributed 1,128 child casualties (336 deaths and 792 injured) to Pro-Government Forces.

<sup>46</sup> In 2017, ground engagements caused 1,434 child casualties (325 deaths and 1,109 injured). In 2016, ground engagements caused 1,764 child casualties (390 deaths and 1,374 injured). Afghan national security forces, pro-Government armed groups, and Anti-Government Elements caused all ground engagement child casualties, with none attributed to international military forces.

<sup>47</sup> In 2016, UNAMA recorded 1,269 child casualties (293 deaths and 976 injured) from use of indirect fire such as mortars, rockets, and/or grenades during ground fighting, and 405 child casualties (76 deaths and 329 injured) from shooting during ground engagements.

<sup>48</sup> See Chapter on Ground Engagements for further analysis.

Of concern, aerial operations caused substantially more deaths and injuries among children in 2017, with casualties from airstrikes increasing by 33 per cent compared to 2016. UNAMA documented 266 child casualties (114 deaths and 152 injured) generated by such incidents in 2017. In one case, on 30 August, an airstrike by international military forces targeting Taliban fighters who were firing heavy weaponry, killed 10 children and injured six others in Pul-e-Alam District, Logar Province (see section on Aerial Operations for additional details). Equally concerning, child casualties in the context of search operations conducted by Pro-Government Forces, including the Afghan Local Police, the Afghan National Army, the National Directorate of Security, and joint operations between the Afghan national security forces and international military, more than tripled compared to 2016, causing 43 child casualties (29 deaths and 14 injured).<sup>49</sup> For instance, on 18 September, during a search operation targeting Anti-Government Elements in Khakrez district, Kandahar province, stray bullets fired by the National Directorate of Security Special Forces killed five boys who were hiding in a garden during the operation.



UNAMA recorded 207 child casualties (31 deaths and 176 injured) caused by suicide and complex attacks,<sup>50</sup> an increase of 34 per cent compared to 2016. For example, on 1 August, in Herat city, Anti-Government Elements killed five children and injured four others during a suicide attack targeting a mosque. Non-suicide IEDs caused two per cent fewer child casualties compared to 2016,<sup>51</sup> with 545 casualties (160 deaths and 385 injured) documented by UNAMA in 2017. Child casualties from remote-detonated IEDs decreased, while child casualties from pressure-plate IEDs increased.<sup>52</sup>

UNAMA documented 18 incidents involving the abduction of 42 children (40 boys and two girls) by Anti Government-Elements. For instance, on 2 November, in Bilchiragh district, Faryab province, Taliban abducted four boys, aged between four and 10 years, to force their fathers, both commanders of pro-

<sup>49</sup> In 2017, Pro-Government Forces caused the following child casualties during search operations: NDS: 21 child casualties (12 deaths and nine injured); Afghan National Army (including Special Forces): eight child casualties (seven deaths and one injured); Afghan Local Police and undetermined Pro-Government Forces: one child death each; partnered search operations between international military and Afghan national security forces: 12 child casualties (eight deaths and four injured). In 2016, search operations caused a total of 10 child casualties (six deaths and four injured).

<sup>50</sup> Suicide and complex attacks caused 155 child casualties (16 deaths and 139 injured) in 2016.

<sup>51</sup> This reverses the trend identified in the UNAMA Protection of Civilians Midyear Report 2017. In 2016, UNAMA documented a total of 554 child casualties (167 deaths and 387 injured) from non-suicide IEDs.

<sup>52</sup> UNAMA documented the following child casualties from non-suicide IEDs. Remote-detonated IEDs: 139 child casualties (32 deaths and 107 injured) in 2017, and 207 child casualties (42 deaths and 165 injured) in 2016. Pressure-plate IEDs: 344 child casualties (111 deaths and 233 injured) in 2017, and 292 child casualties (107 deaths and 185 injured) in 2016.

Government armed groups, to withdraw from the area and stop fighting. In addition, UNAMA attributed the abduction of one boy, on 25 March, in Samagan province, to a pro-Government armed group.

### **i. Conflict-related sexual violence**

UNAMA documented four incidents of conflict-related sexual violence perpetrated against children, three by the Afghan national security forces and another by Anti-Government Elements. For example, in Uruzgan province, Afghan National Police recruited a 14-year-old boy and sexually abused him for four months. In June 2017, in Daikundi province, a boy – aged between 14 and 17 years – committed suicide after being recruited and sexually abused by an Afghan national security forces commander.<sup>53</sup> UNAMA notes concern that at the time of this report no arrests have been made in connection with this incident.

While UNAMA documented four incidents of conflict-related sexual violence affecting children, it underscores the likelihood that the actual number of cases is much higher. In 2017, UNAMA received credible and specific reports of 78 boys<sup>54</sup> potentially victims of sexual abuse by parties to the armed conflict.<sup>55</sup> The extreme sensitivities involved, particularly the risks to victims, prevented UNAMA from verifying these specific incidents in accordance with its methodology. In addition, such incidents are likely under-reported as a result of prevailing social norms and stigma associated with being a victim of sexual violence which may result in marginalization or exclusion from society.<sup>56</sup>

UNAMA welcomes the inclusion of a chapter criminalizing the practice of *bacha bazi* in the revised Penal Code.<sup>57</sup> It encourages the Government to ensure the accountability of perpetrators through enforcement of the law, to adopt clear measures to prevent conflict-related sexual violence, including *bacha bazi*,<sup>58</sup> and to provide adequate assistance and protection for victims, including to promote their social acceptance.

### **ii. Conflict-related recruitment and use of children**

Throughout 2017, UNAMA continued to receive reports of recruitment and use of children by Anti-Government Elements and the Afghan security forces.<sup>59</sup> From 1 January to 31 December 2017, it verified the recruitment and use of 83 boys,<sup>60</sup> including 20 in western region, 16 in north eastern region, 14 in southern region, nine in both central highland and south eastern region, eight in eastern region, five in northern region and two in central region. Children are *inter alia* recruited to function as bodyguards, assist in intelligence gathering, plant IEDs, carry out suicide attacks and participate in hostilities. UNAMA attributed the recruitment and use of 40 boys to the Taliban, 19 boys to *Daesh*/ISIL-KP, 23 to Afghan

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<sup>53</sup> While the abuse of the child has been verified, UNAMA received conflicting accounts, including from the alleged perpetrator, as to which Pro-Government Forces group he belonged at the time of the incident. UNAMA continues to work with Afghan National Police and Afghan Local Police to ensure that accountability is undertaken within the appropriate forces.

<sup>54</sup> These figures were verified through the Afghanistan Country Task Force on Monitoring and Reporting (CTFMRM) co-led by UNAMA. It was formed in September 2008 as part of the monitoring and reporting mechanism on the six grave violations against children established by, and listed in, Security Council Resolution 1612 (2005): (i) killing or maiming of children; (ii) recruitment or use of children by armed forces or armed groups; (iii) sexual violence against children; (iv) attacks against schools or hospitals; (v) abduction of children; and (vi) denial of humanitarian access for children.

<sup>55</sup> See also report of Special Inspector General for Afghanistan Reconstruction (SIGAR), "Child Sexual Assault in Afghanistan: Implementation of the Leahy Laws and Reports of Assault by Afghan Security Forces. (U) SIGAR 17-47-IPc/Leahy Law Implementation in Afghanistan. January 18, 2018.

<sup>56</sup> Between mid-October 2016 and July 2017, UNAMA conducted interviews with 660 interlocutors in 80 districts of 33 provinces on the root causes of recruitment and use of children in Afghanistan. During this period, UNAMA received multiple reports of boys forcibly recruited by armed groups and armed forces, or recruited under the false premise of an offer of employment, with subsequent sexual abuse.

<sup>57</sup> Afghanistan 2017 Penal Code, articles 653-667. Published in Official Gazette # 1260, 15 May 2017. The revised Penal Code will enter into force in February 2018 - nine months after publication.

<sup>58</sup> *Bacha bazi* is a practice where boys and intersex children are kept usually by wealthy or powerful men, including military and political leaders, for entertainment, particularly dancing and sexual activities. It is considered a harmful practice and violates a number of human rights, including the prohibition of sexual abuse and exploitation of children, sale of children, human trafficking, forced labor and slavery, recruitment and use of children, and confinement and the right to education.

<sup>59</sup> The figures in this paragraph were documented through the CTFMRM.

<sup>60</sup> This includes one boy used by both Anti-Government Elements and Afghan national security forces, who is therefore listed twice in the paragraph below detailing the recruitment and use by different groups.

National security forces<sup>61</sup> (11 to ANP, nine to Afghan Local Police, and one each to ANBP, National Directorate of Security, and unspecified Afghan national security forces) and two to undetermined Anti-Government Elements. Given the high likelihood of under-reporting, UNAMA notes that this data may not accurately reflect the actual scale of child recruitment and use by parties to the conflict.<sup>62</sup> For example, in 2017 UNAMA received credible but unverified reports of 643 children recruited and used by armed groups.

### **C. Impact of Armed Conflict on Healthcare**

*“I was busy with treatment of patients when I was told by my colleague about a letter issued by the Taliban threatening closure of all health facilities across the district and requesting money allocated for the facilities. It appeared that senior Taliban commanders tried to extort all medical facilities in the district. I and my colleagues decided to close the district hospital where we worked. However, I was forcefully taken out of my house by ANP and ALP and back to the hospital – they promised to protect me and my staff from Taliban attack. Later, I received a call from a Taliban saying that I will be targeted by them since I disobeyed their order. ‘I did not disobey your order, I responded - I have been forced to attend the hospital.’ Yet, they repeated their threat. Nine clinics are closed and people continue facing problems in accessing medical services since the medical staff were sent home and remain there. I and my staff are afraid, because killing a person is quite easy for the Taliban”<sup>63</sup>.*

--Health worker threatened by Taliban [district and province withheld] in September 2017.

In 2017, UNAMA documented 75 incidents targeting and/or impacting healthcare and healthcare workers, that caused 65 civilian casualties (31 deaths and 34 injured) compared to 120 incidents in 2016 that resulted in 23 civilian casualties (10 deaths and 13 injured).<sup>64</sup> Most of the civilian casualties (26 deaths and 22 injured) in 2017 occurred in the context of a complex attack by Anti-Government Elements on the Mohammad Sardar Daud Khan Hospital in Kabul city on 8 March.<sup>65</sup> Threats, intimidation, harassment and abduction of medical personnel comprised the majority of incidents in 2017.

UNAMA recorded the targeted killing or attempted targeted killing of five healthcare professionals (three deaths and two injured) by Anti-Government Elements in 2017. In one case, on 10 October, in Tera Zayi district, Khost province, Anti-Government Elements stopped a healthcare professional from a mobile team while he was riding a motorcycle, opened fire and killed him. Throughout 2017, Anti-Government Elements abducted 22 healthcare workers in 11 incidents, killing one of them. The other healthcare workers were released unharmed, mostly without ransom, and often following the intervention of local elders.

In 2017, Anti-Government Elements continued to target ambulances, and UNAMA recorded five such attacks, all during the first half of the year.<sup>66</sup> For example, on 26 April, in Bagram district, Parwan province, Anti-Government Elements detonated a remote-controlled IED against an ambulance driving to the site of a murder, injuring five civilians, including a forensic doctor, two investigators, and two child bystanders. UNAMA also recorded five incidents of intentional damage to medical facilities by Anti-Government Elements, including one case in Badghis province, on 20 September, where Anti-Government Elements

<sup>61</sup> Includes all Afghan National Defence and Security Forces; an umbrella term that includes ANBP, ALP, ANA, AAF, ANCO, ANP, the Afghan Special Forces, and the National Directorate of Security. See also previous footnote for explanation of double-counting of one boy.

<sup>62</sup> Recruitment and use of children by armed forces and groups refers to “any person below 18 years of age who is [...] recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes.” See Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, accessible at: [https://childrenandarmedconflict.un.org/publications/ParisPrinciples\\_EN.pdf](https://childrenandarmedconflict.un.org/publications/ParisPrinciples_EN.pdf).

<sup>63</sup> UNAMA telephone interview with victim [location withheld], 11 October 2017.

<sup>64</sup> UNAMA notes that the decrease in the number of incidents recorded in 2017 is not indicative of a decrease in the impact on healthcare. It recorded many more individual incidents of threats, intimidation or harassment against healthcare workers in 2016, whereas in 2017 many more health facilities were impacted due to mass closures, which UNAMA recorded as single incidents due to the closures occurring at the same time in the same area.

<sup>65</sup> For details on the incident, see UNAMA Protection of Civilians Midyear Report 2017, p. 18.

<sup>66</sup> UNAMA Protection of Civilians Midyear Report 2017, p. 17.

fired rocket-propelled grenades at a clinic under construction, which resulted in its destruction and caused three civilian casualties (one death and two injured) in a nearby private house.

UNAMA documented the temporary closure of at least 147 health facilities in 2017, following threats issued by Anti-Government Elements, compared to 20 such closures in 2016. These closures ranged from several hours, with partial continuation of services, to several months of complete interruption of services, and negatively affected access to healthcare for numerous people in these areas. Three provinces – Laghman, Uruzgan, and Badghis – accounted for 120 of the 147 closures. Anti-Government Elements ordered the suspension of healthcare operations to meet their demands in all districts of Laghman province, which resulted in the closure of 40 clinics, on 7 June, for several weeks,<sup>67</sup> and of 46 other clinics throughout all districts of Uruzgan province, on 22 September, for two and a half months. In Badghis province, UNAMA attributed to Anti-Government Elements the closure of 34 clinics, the majority of which lasted for two weeks. The forced closure of these health facilities affected a catchment area of close to 1.4 million people. The World Health Organization (WHO) estimated health services to have been unavailable to 738,647 persons that needed them at some point during the period. Women comprised 65 per cent of the estimated affected population.<sup>68</sup>

UNAMA attributed seven incidents impacting healthcare to Pro-Government Forces, four of which concerned entry to medical facilities, including during search operations, and resulting in damage or closure of clinics. In one incident, on 9 December, the National Directorate of Security Special Forces raided a healthcare facility in Maywand district, Kandahar province, and burned down parts of it. UNAMA also recorded two incidents of harassment of medical staff: On 17 May, in Nimroz province, the Afghan National Police assaulted a medical staff for alleged failure to evacuate an injured colleague on time; and on 8 July the Afghan Local Police in Kunduz province searched the provincial medical facility for a Taliban member reportedly treated there, harassing staff after learning he had already been transferred by police. UNAMA also recorded one incident of Afghan Local Police blocking the provision of health supplies to a district in Badakhshan on 25 September.

UNAMA emphasizes that international humanitarian law obliges parties to the conflict to protect the sick and wounded. In addition, medical personnel and facilities (including vehicles, such as ambulances) exclusively engaged in treating the sick and wounded are protected from attacks, based on civilian status.<sup>69</sup> Pursuant to international human rights law, Afghans also have the right to the highest attainable standard of health, which continues to apply during armed conflict.<sup>70</sup>

UNAMA notes that while military use and occupation of health facilities does not necessarily violate international humanitarian law, it is only permissible when required by military necessity.<sup>71</sup>

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<sup>67</sup> The clinics reopened on different dates during July 2017.

<sup>68</sup> Email from WHO to UNAMA, 2 February 2018.

<sup>69</sup> Common Article 3 to the Geneva Conventions of 12 August 1949 (“Common Article 3”); Protocol II Additional to the Geneva Conventions of 12 August 1949, 8 June 1977 (“Additional Protocol II”), Articles 4(2), 7, 13; International Committee of the Red Cross (ICRC), Customary International Humanitarian Law, 2005, Volume I: Rules (“ICRC Customary International Humanitarian Law Study”), accessible at: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_Rules\\_1\\_6\\_and\\_7](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_Rules_1_6_and_7). Medical staff, medical units and medical transports, whether military or civilian, assigned exclusively to medical duties by parties to the conflict are also protected from attack by international humanitarian law. See Common Article 3; Additional Protocol II, Article 9(1); ICRC Customary International Humanitarian Law Study, Rules 25, 28 and 29. See also Rome Statute of the International Criminal Court (“Rome Statute”), Articles 8(2)(c), (e)(i), (e)(ii).

<sup>70</sup> See Universal Declaration of Human Rights (1949), Article 25; International Covenant on Economic, Social, and Cultural Rights (1966), Article 12; United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000). 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>71</sup> See also Additional Protocol II, Article 11(2): “The protection to which medical units and transports are entitled shall not cease unless they are used to commit hostile acts, outside their humanitarian function. Protection may however cease only after a warning has been given setting, whenever appropriate, a reasonable time limit, and after such warning has remained unheeded.” See ICRC Customary International Humanitarian Law Study, Rules 1, 7, 15.

## i. The Impact of Conflict on the Eradication of Polio

Afghanistan is one of the two countries in the world where the wild polio virus is still circulating. In 2017, the United Nations Children's Fund (UNICEF) and WHO recorded 14 polio cases, including nine in areas under the influence of Anti-Government Elements.

Overall, access for vaccinations in 2017 improved compared to 2016. According to WHO, in Kunduz province, 176,000 children previously inaccessible for polio vaccinations in 2016 became fully accessible in March 2017. Inaccessibility remained a concern in eastern region where the programme has not been able to reach an estimated 23,000 children for over three years. Inaccessibility has been variable in the southern region which had approximately 40,000 to 80,000 inaccessible children for most part of the year according to WHO. Five polio cases were declared in that region, in Shah Wali Kot district, Kandahar. However, accessibility improved in the later part of 2017, though it remains fragile. The polio vaccination programme is taken as a neutral programme where all parties to the conflict respect neutrality and no vaccinator or polio worker is specifically targeted according to WHO. More than 60,000 polio workers move from house to house during each vaccination campaign, and WHO and UNICEF reported no attacks in 2017.<sup>72</sup>

## D. Explosive Remnants of War

*"That day, my nephew and niece were in a nearby mountain grazing cattle. I was also nearby the area. Suddenly I heard the sound of an explosion. I went to that place and found my niece was already dead. My nephew was bleeding badly. We then took the body of our niece and my wounded nephew to a local hospital. It has been very difficult for his mother to take care of him. He still has a fragment of shrapnel stuck in his back, which needs to be removed. We are still trying to manage money to take him to Pakistan or India for treatment. We also lost our dear niece. I don't know why government doesn't support families like ours and take action to remove such devices."<sup>73</sup>*

--Relative of a boy severely wounded and a girl killed by unexploded ordnance on 7 July 2017 in Gurbuz district, Khost province.

In 2017, UNAMA documented 639 civilian casualties (164 deaths and 475 injured) as a result of explosive remnants of war,<sup>74</sup> marking a 12 per cent decrease from 2016 and the first year-on-year decrease recorded since UNAMA began documenting civilian casualties in 2009.<sup>75</sup> The decrease may be attributed to correlated reductions in civilian casualties from the use of indirect fire from weapons such as mortars, rockets, and grenades in civilian populated areas, particularly by Pro-Government Forces. Other factors such as the clearance of explosive remnants of war from the battlefield, together with ongoing education programs and the marking of suspect hazard areas also contributed to the 12 per cent decrease. Additionally, changes in conflict dynamics related to ground fighting likely played an important role in reducing civilian casualties from explosive remnants of war.<sup>76</sup> Despite the decrease compared to 2016, levels of civilian casualties from unexploded ordnance remained far above figures recorded in 2015 and before.<sup>77</sup>

Explosive remnants of war continued to disproportionately impact children, who comprised 81 per cent of all casualties in 2017. UNAMA documented 518 child casualties (142 deaths and 376 injured) from explosive remnants of war, including 440 boys.<sup>78</sup> Children who survived encounters with explosive

<sup>72</sup> Email from WHO to UNAMA, 15 January 2018.

<sup>73</sup> UNAMA telephone interview with a witness of the incident and family member of the victims, Khost province, 26 November 2017.

<sup>74</sup> Explosive Remnants of War refer to unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

<sup>75</sup> Between 1 January and 31 December 2016, UNAMA documented 725 civilian casualties (217 deaths and 508 injured) from explosive remnants of war. It also recorded a small decrease in the number of incidents of detonation of explosive remnants of war causing civilian casualties, with 305 incidents in 2017 compared to 327 in 2016.

<sup>76</sup> See chapter on Ground Engagements for additional information on conflict dynamics impacting civilian casualties.

<sup>77</sup> UNAMA recorded 436 civilian casualties in 2015 as a result of explosive remnants of war. See chart in this chapter for details.

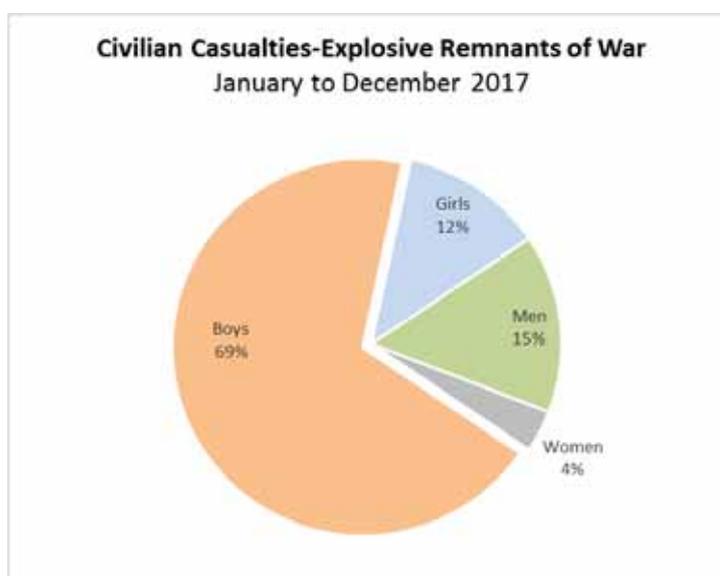
<sup>78</sup> Boys comprised 69 per cent of victims from explosive remnants of war in 2017, with 440 casualties (122 deaths and 318 injured).

remnants of war lost legs, arms and eye-sight, and suffered other serious injuries and psychological trauma, limiting their prospects for a normal life.

In many instances, those children killed and injured by explosive remnants of war had come across the devices while searching for scrap metal to sell and mostly picked up, played with, and/or threw stones at the devices, or brought the device home. For example, on 28 November, in Chora district, Uruzgan province, a mortar injured seven boys aged between seven and 10. One boy carried the device to his home, and two boys hit it with stones to try to separate it into smaller metal pieces, detonating it and injuring themselves and five onlookers. On 24 May, in Badghis province, an unexploded hand grenade injured two boys and two girls when one of the boys put the device in his pocket and it detonated after falling through a hole in the pocket. UNAMA also recorded child casualties from unexploded devices on agricultural land near areas of recent fighting. In Logar province, on 14 October, an unexploded mortar round struck by the sickle while a boy was cutting grass killed the boy who struck it along with two others, and injured a man.

In 2017, UNAMA continued to record a correlation between provinces most affected by ground fighting and incidents of explosive remnants of war causing civilian casualties, highlighting the importance of marking and clearance of ordnance by parties to the conflict after cessation of active hostilities and as soon as feasible.<sup>79</sup> In addition, UNAMA also observed a failure by parties to the conflict to clear unexploded ordnance from areas under their control, when fighting levels decreased and where displaced populations had returned.<sup>80</sup>

UNAMA welcomes the Government's ratification, on 9 August 2017, of the 1980 Convention on Certain Conventional Weapons including Protocol V concerning explosive remnants of war. The Convention requires parties to mark and clear, remove or destroy explosive remnants of war, and to take all feasible precautions to protect the civilian population from their risks and effects. Obligations stemming from the Convention have come into effect for the Government of Afghanistan on 9 February 2018.<sup>81</sup> Ongoing efforts in the area of mine risk awareness remain crucial to protecting the civilian population from unexploded ordnance. In addition, the Government is obligated by the Convention to track and mark locations of possible contamination from unexploded ordnance for potential destruction. Moreover, after the cessation of active hostilities, international military forces, as a "user who does not exercise control over the territory," are obligated to "provide where feasible, *inter alia*, technical, financial, material or human resources assistance, and ensure that leftover devices are destroyed."<sup>82</sup> In addition to



<sup>79</sup> The 10 provinces with the highest number of incidents of detonation of explosive remnants of war causing civilian casualties in 2017 were also among the 11 provinces with the highest number of incidents of use of indirect weapons (such as mortars, rockets, and grenades) that caused civilian casualties during ground fighting between 1 January 2016 and 31 December 2017. The 10 provinces are the following (alphabetically): Baghlan, Faryab, Ghazni, Helmand, Kandahar, Kunar, Kunduz, Nangarhar, Uruzgan, and Zabul.

<sup>80</sup> Kandahar province, for example, recorded 110 civilian casualties (25 deaths and 85 injured) from unexploded ordnance in 2017, but ranked 11<sup>th</sup> in incidents of civilian casualties from indirect fire weapons during ground fighting between 1 January 2016 and 31 December 2017.

<sup>81</sup> The United Nations Secretary-General recorded Afghanistan's deposit of instruments of ratification on 8 August 2017.

Obligations under the treaty come into effect six months thereafter. For details, see UN Treaty website: <https://treaties.un.org>.

<sup>82</sup> See Convention On Prohibitions or Restrictions On The Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, Protocol on Explosive Remnants of War (Protocol V), Article 3.

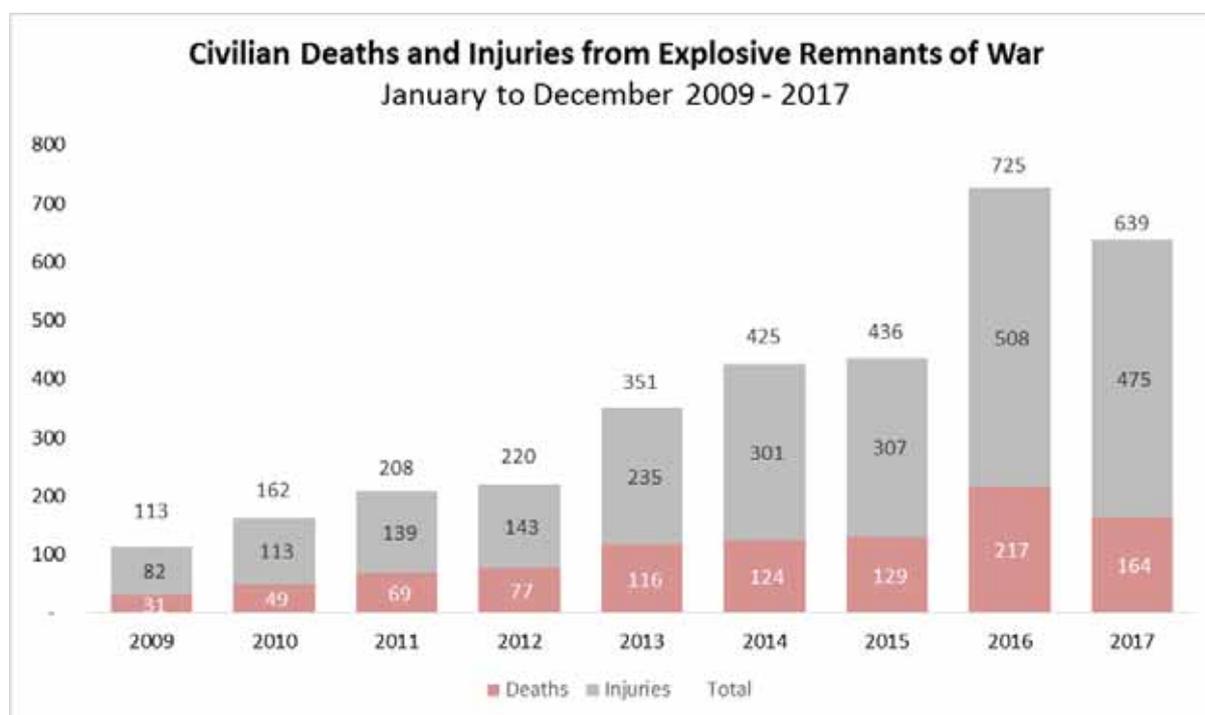
obligations under the Convention, international humanitarian law requires that every effort be made during the conduct of military operations to spare civilian population from harm, and that all necessary precautions must be taken to avoid injury, loss or damage to civilian property.<sup>83</sup>

UNAMA reiterates the extreme risk posed to displaced families returning to areas in which 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.

**i. Attacks against humanitarian de-miners**

In 2017, UNAMA recorded two conflict-related attacks against humanitarian de-miners, which killed three and injured one, both in Nangarhar province. On 12 November, in Kot district, *Daesh*/ISIL-KP detonated two remote-controlled IEDs against humanitarian de-miners working in the area, killing two and injuring another. In addition, on 9 September 2017, in Chaparhar district, *Daesh*/ISIL-KP killed one de-miner after abducting him together with two other civilians. In 2016, UNAMA had recorded five attacks against de-miners that resulted in 19 civilian casualties (nine deaths and 10 injured). Notwithstanding the reduction in such attacks, Anti-Government Elements continued to abduct humanitarian de-miners. UNAMA recorded five incidents in 2017, involving the abduction of 97 de-miners. In one case, on 18 November, in Kakar district, Zabol province, Taliban abducted 35 men working for a de-mining company, reportedly due to the de-miners' failure to notify local Taliban of their movement plans. Taliban released them two days later unharmed. In 2016, UNAMA had recorded 12 incidents of abduction by Anti-Government Elements that involved 110 humanitarian de-miners.

Besides the fact that attacks against civilian humanitarian de-miners are prohibited under international humanitarian law, interference in demining efforts is likely to result in the loss of civilian lives and limbs, in particular among children, who continue to comprise the vast majority of the victims. Non-state actors, particularly Taliban, must allow humanitarian de-miners to access all areas contaminated by all forms of unexploded ordnance without exception. UNAMA encourages Taliban commanders and fighters to provide all support required, including communication of suspected hazard areas, to enable humanitarian de-mining efforts to proceed safely and most efficiently throughout Afghanistan.



<sup>83</sup> Implicit in Common Article 3; Additional Protocol II, Articles 4, 13. See also Additional Protocol I, Article 57 (not applicable to non-international armed conflict but accepted as customary international law – see ICRC Customary International Humanitarian Law Study, Rules 15-22).

## E. Cross-Border Shelling

UNAMA is concerned at the significant increase in civilian casualties caused by shelling from Pakistan into Afghanistan, with 29 incidents recorded in 2017, that caused 71 civilian casualties (23 deaths and 48 injured) – over the triple of incidents and more than four times the number of civilian casualties compared to 2016.<sup>84</sup>

Shelling from Pakistan into Afghanistan impacted civilians mainly in the Nangarhar and Kunar provinces, accounting for 42 civilian casualties (16 deaths and 26 injured) due to 23 incidents. It also caused the displacement of over 650 families and the destruction of more than 25 homes as well as livestock and other property. For example, on 21 September, 37 mortar rounds fired from Pakistan into Nazyan district, Nangarhar province, killed two boys and injured three others, and displaced many families. The increase in civilian casualties from cross-border shelling correlates with the six-fold increase in the number of artillery rounds reportedly fired across the border in 2017 compared to 2016.<sup>85</sup>

Cross-border shelling severely impacted livelihoods. For example, on 4 July, one of the 40 artillery rounds fired from Pakistan into Sirkanay district, Kunar province, damaged a civilian home and killed four cows. Affected communities, including civilians and Government officials from the Nangarhar and Kunar provinces, staged multiple demonstrations in Jalalabad city, Lal Pura district, and Asadabad city, protesting against the impact of cross-border fighting on civilians.

UNAMA also documented civilian casualties caused by shelling in the Spin Boldak area of Kandahar province, and two incidents during the first semester of 2017 (one in Kunar province and one in Khost province) in which Pakistan Military Forces shot dead civilian shepherds near the border, reportedly after mistaking them for Anti-Government Elements.<sup>86</sup> UNAMA also recorded an escalation of force/force protection incident, on 29 September, in Nangarhar province, involving Pakistan Military Forces and resulting in the death of a boy, reported as having psychological problems, who did not obey a stop order at the border between Afghanistan and Pakistan.

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<sup>84</sup> In 2016, UNAMA recorded nine incidents of cross-border shelling from Pakistan into Afghanistan that caused 17 civilian casualties (six killed and 11 injured).

<sup>85</sup> Based upon data provided by the United Nations Department of Safety and Security.

<sup>86</sup> See UNAMA Protection of Civilians Midyear Report 2017, p. 22.

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

In 2017, UNAMA documented 3,484 civilian casualties (823 deaths and 2,661 injured) resulting from 1,845 ground engagements, a 19 per cent decrease in civilian casualties compared to 2016. The number of incidents of ground engagement that resulted in injuries and death of civilians decreased by eight per cent compared to 2016.<sup>87</sup> Civilian casualties from ground engagements, mainly recorded during fighting between Anti-Government Elements and Pro-Government Forces, decreased for the first time since 2012, reversing the trend of record year-on-year increases documented between 2013 and 2016 and bringing civilian casualties from ground engagements below 3,600 for the first time since 2013.

Civilian casualties from ground engagements attributed to both Pro-Government Forces and Anti-Government Elements decreased in 2017, with a significant 37 per cent decrease in civilian casualties caused by the former and a seven per cent decrease in civilian casualties caused by the latter compared to 2016. Notwithstanding, ground engagements remained the second leading cause of civilian casualties, causing 33 per cent of all civilian casualties.<sup>88</sup>

Anti-Government Elements continued to cause most civilian casualties during ground engagements, and were responsible for 39 per cent of all ground engagement civilian casualties (1,368 civilian casualties (306 deaths and 1,062 injured)).<sup>89</sup> Civilian casualties attributed to Pro-Government Forces during ground engagements (1,120 civilian casualties (274 deaths and 846 injured)), accounted for 32 per cent of civilian casualties from ground fighting.<sup>90</sup> For 933 civilian casualties (226 deaths and 707 injured) resulting from cross-fire during fighting between Anti-Government Elements and Pro-Government Forces, the perpetrator could not be identified.<sup>91</sup>

Ground engagements continued to severely impact women and children, who together comprised 59 per cent of all ground engagement civilian casualties, and 70 per cent of those caused by the use of indirect fire from weapons such as mortars, rockets, and grenades. Ground engagements caused 51 per cent of all women civilian casualties and 45 per cent of all child casualties.<sup>92</sup>

UNAMA welcomes the continued decrease in civilian casualties from ground engagements throughout 2017, particularly the reduction in harm caused by the Afghan national security forces. Many factors observed in the first half of 2017 as appearing to contribute to this reduction during ground engagements<sup>93</sup> remained consistent throughout the year, including: decreased large-scale offensive operations in civilian population centres by parties to the conflict, particularly in Helmand, Kunduz and Uruzgan provinces;<sup>94</sup> and, increased targeting of stationary Afghan national security check-posts and convoys by Anti-

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<sup>87</sup> In 2016, UNAMA documented 4,300 civilian casualties (1,072 deaths and 3,228 injured) from 2,008 ground engagement incidents.

<sup>88</sup> 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 caused 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, and previous reports of UNAMA did not count combined IED tactics together, as the practice of counting combined IED tactics together began with the Midyear report 2017.

<sup>89</sup> In 2016, Anti-Government Elements caused 1,472 civilian casualties (309 deaths and 1,163) during ground engagements.

<sup>90</sup> In 2016, Pro-Government Forces caused 1,775 civilian casualties (483 deaths and 1,292 injured) during ground engagements.

<sup>91</sup> In 2017, Pakistan Military Force also caused 63 civilian casualties (17 deaths and 46 injured) during cross-border firing.

<sup>92</sup> Ground engagements caused 628 women casualties (141 deaths and 487 injured) and 1,434 child casualties (325 deaths and 1,109 injured), and indirect fire during ground engagement caused 416 women casualties (94 deaths and 322 injured) and 887 child casualties (194 deaths and 693 injured) in 2017. UNAMA recorded 1,224 total women casualties (359 deaths and 865 injured) and 3,179 total child casualties (861 deaths and 2,318 injured) in 2017.

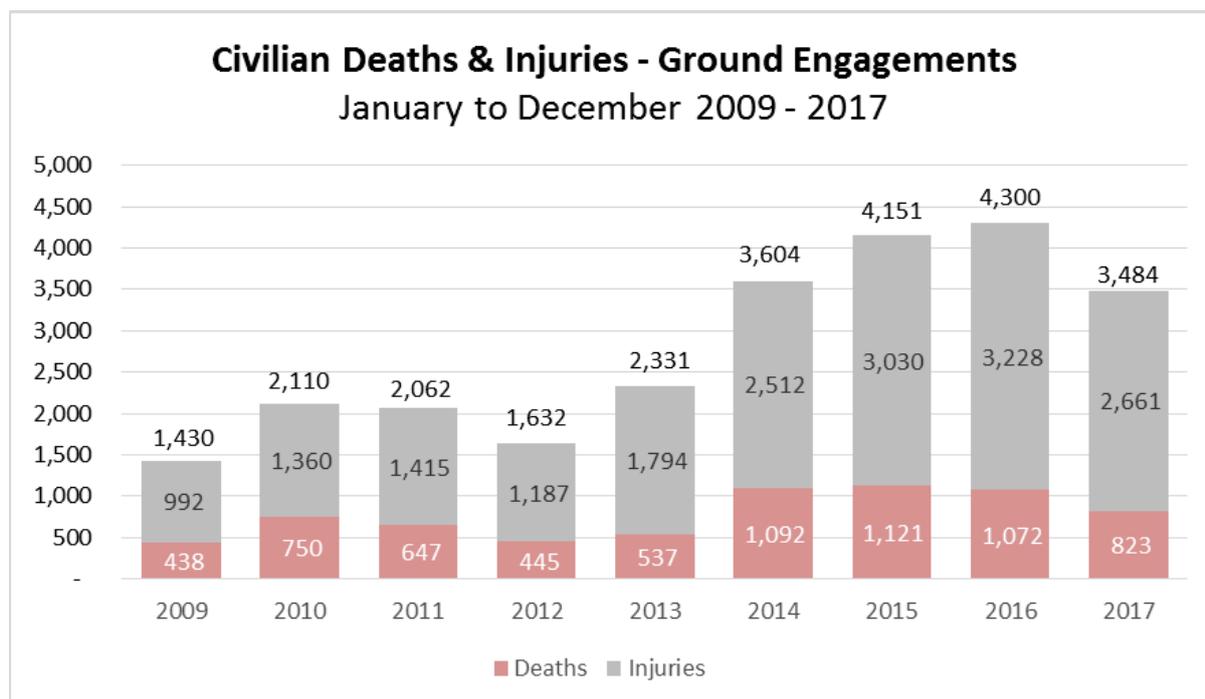
<sup>93</sup> For more information on factors observed during the first six months of 2017, see UNAMA Protection of Civilians Midyear Report 2017, pp. 23-24.

<sup>94</sup> For example, between 1 August and 31 October 2016, UNAMA recorded 123 civilian casualties (31 deaths and 92 injured) in Helmand province as a result of Taliban offensive operations in the province (See UNAMA Protection of Civilians Annual Report 2016, p. 44). UNAMA also documented 73 civilian casualties (26 deaths and 47 injured) between 7 and 15 March 2016 in Dehrawud district, Uruzgan province (See UNAMA Protection of Civilians Midyear Report 2016, p. 37). In April 2016, UNAMA documented 90 civilian casualties (12 deaths and 78 injured) caused by ground engagements during a Taliban offensive to take control of Kunduz city; and another 95 civilian casualties (20 deaths and 75 injured) from a second Taliban offensive from 3-12 October 2016.

Government Elements coupled with relatively fewer large scale attacks against civilian populated district centres, and even fewer against provincial centres. The reduction in civilian casualties from ground operations may also be explained by the continued displacement of civilians from conflict impacted areas.

In addition, sources reported to UNAMA, especially in areas where fighting levels remained relatively consistent, that Afghan national security forces relocated bases away from civilian populated areas, used fewer heavy weapons in areas with civilian populations, and all parties increasingly warned civilians to leave the area as ground engagements began. UNAMA notes that much of this correlates to actions mandated in the National Policy on Civilian Casualty Prevention and Mitigation, officially endorsed by the National Security Council in October 2017, though implemented since early 2017. For details on government policies, see section on Government Policies and Mechanisms for Civilian Casualty Mitigation.

While the levels of fighting were only slightly lower than in 2016, the mission recorded significant decreases in civilian casualties from ground engagements, with five provinces accounting for the majority of the reduction in civilian casualties from ground engagements: Baghlan, Helmand, Kandahar, Kunduz, and Uruzgan.<sup>95</sup> Moreover, while fighting increased in Herat, Kunar, Logar, and Nangarhar, UNAMA recorded fewer civilian casualties from ground engagements in each of these provinces.<sup>96</sup> Reductions in civilian casualties in these provinces mainly resulted from the factors enumerated above, particularly the comparative reduction in large-scale attacks on civilian centres by either party, lack of major offensives by Anti-Government Elements, and civilian displacement from areas of static fighting. In addition, fighting amongst Anti-Government Element groups, particularly in Kunar, played a role as civilians avoided, when possible, areas of regular fighting amongst the groups. UNAMA noted the increased use by Anti-Government Elements of large improvised explosive devices, mainly vehicle-borne, as an alternative to large-scale attacks against district centres. While some of these attacks caused significant numbers of civilian



<sup>95</sup> UNAMA recorded the following civilian casualties from ground engagements in 2017 in these provinces (compared with 2016 in terms of decrease): Baghlan: 131 civilian casualties (33 deaths and 98 injured), a 38 per cent decrease; Helmand: 467 civilian casualties (145 deaths and 322 injured), a seven per cent decrease; Kandahar: 192 civilian casualties (25 deaths and 167 injured), a 25 per cent decrease; Kunduz: 159 civilian casualties (27 deaths and 132 injured), a 54 per cent decrease; Uruzgan: 332 civilian casualties (36 deaths and 296 injured), a 36 per cent decrease.

<sup>96</sup> UNAMA recorded the following civilian casualties from ground engagements in 2017 in these provinces (compared with 2016 in terms of percentage): Herat: 87 civilian casualties (38 deaths and 49 injured), a 58 per cent decrease; Kunar: 134 civilian casualties (33 deaths and 101 injured), a 42 per cent decrease; Logar: 35 civilian casualties (11 deaths and 24 injured), a 66 per cent decrease; and Nangarhar: 227 civilian casualties (53 deaths and 174 injured), a 12 per cent decrease.

casualties, many aimed at military targets located outside of civilian population centres, causing little or no impact to civilians.<sup>97</sup>

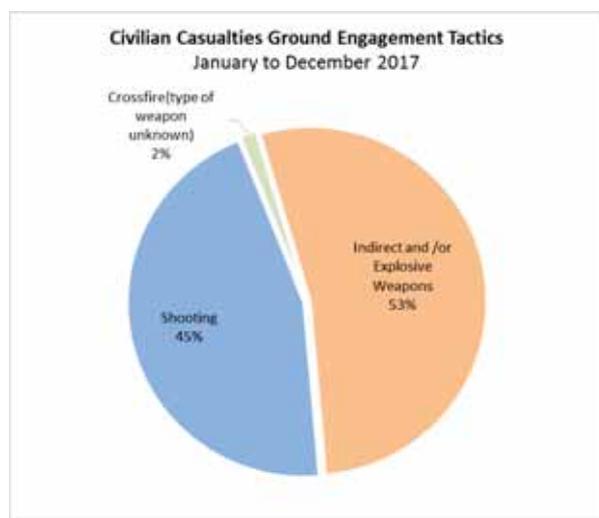
Despite the overall decreases in civilian casualties from ground engagements, several provinces continued to record significant increases in civilian deaths and injuries from ground fighting, most notably Farah, Faryab, and Laghman provinces,<sup>98</sup> predominantly due to increased presence of Anti-Government Elements and an intensification of fighting compared to 2016. The highest number of civilian casualties from ground fighting were documented in Faryab, Helmand, Laghman, Nangarhar, and Uruzgan.<sup>99</sup>

### **A. Civilian Casualties from Indirect Weapons during Ground Engagements**

*“It was late afternoon. I was taking ablution when I suddenly heard some firing. I realized that Taliban had arrived to our village and attacked on the police. The police answered by firing a mortar. When I saw smoke near our house, I immediately started running home. I found our house damaged. Then I saw the dead body of my 10 day old grandchild in the middle of the compound. Three of my other family members were also injured. We rushed to the nearby health facility with the help of my neighbours. It all happened so fast.”<sup>100</sup>*

-- Head of family whose 10-day-old grandchild was killed while three family members, including two children, were injured by a mortar fired by Afghan national security forces during a ground engagement with Taliban in Arghandab district, Zabul province on 6 July 2017.

Consistent with the changes in tactics and conflict dynamics noted above, UNAMA noted a 29 per cent decrease in civilian casualties from the use of indirect weapons such as mortars, rockets, and grenades, during ground engagements as compared to 2016, recording 1,849 civilian casualties (398 deaths and 1,451 injured).<sup>101</sup> This figure accounted for 53 per cent of all ground engagement civilian casualties in 2017. While Pro-Government Forces continued to cause most civilian casualties from the use of indirect weapons, with



849 civilian casualties (200 deaths and 649 injured), this presents a 41 per cent decrease compared to 2016.<sup>102</sup> While civilian casualties attributed to the use of indirect weapons by Anti-Government Element also decreased by 32 per cent, with 597 civilian casualties (112 deaths and 485 injured),<sup>103</sup> Anti-Government Elements continued to fire rockets and mortar rounds into densely populated civilian areas. For example, on 27 September, Anti-Government Elements fired more than 20 rockets towards Hamid Karzai International Airport in Kabul city, later publically stating that the rockets targeted the United States Secretary of Defence visiting Kabul and claiming to have hit the “military section” of the

<sup>97</sup> See section on Suicide and Complex attacks for details.

<sup>98</sup> UNAMA recorded the following civilian casualties from ground engagements in 2017 in these provinces (compared with 2016 in terms of decrease): Faryab: 393 civilian casualties (84 deaths and 309 injured), a 27 per cent increase; Farah: 157 civilian casualties (53 deaths and 104 injured), a 107 per cent increase; and Laghman: 263 civilian casualties (48 deaths and 215 injured), a 42 per cent increase.

<sup>99</sup> See footnotes 95, 96 and 98 for civilian casualty figures in these provinces.

<sup>100</sup> UNAMA telephone interview with the father of the victim, Arghandab district, Zabul province on 6 July 2017.

<sup>101</sup> In 2016, UNAMA recorded 2,622 civilian casualties (629 deaths and 1,993 injured) from the use of indirect weapons such as mortars, rockets, and grenades during ground engagements.

<sup>102</sup> In 2016, UNAMA documented 1,449 civilian casualties (379 deaths and 1,070 injured) from the use of indirect weapons by Pro-Government Forces during ground engagements.

<sup>103</sup> In 2016, UNAMA recorded 884 civilian casualties (170 deaths and 714 injured) from the use of indirect weapons by Anti-Government Elements during ground engagements. Pakistan Military Forces caused 53 civilian casualties (15 deaths and 38 injured) from cross-border firing; and the perpetrators could not be determined for the remaining 350 civilian casualties (71 deaths and 279 injured) caused by the use of these weapons occurred from cross-fire.

airport. Several of the rockets struck civilian structures, including a home in police district nine of Kabul city, killing one woman and injuring two women, two men and two children.<sup>104</sup>

Yet, the use of indirect weapons continued to cause significant numbers of civilian casualties in 2017. Furthermore, as noted in its last several reports, UNAMA continued to observe a correlation between the use of indirect explosive weapons during ground fighting and civilian casualties caused by explosive remnants of war.<sup>105</sup>

UNAMA also recorded that most civilian casualties caused by pro-Government armed groups and Afghan Local Police during ground engagements occurred from the use of indirect weapons. Pro-Government armed groups caused 43 civilian casualties (seven deaths and 36 injured) from indirect weapons while Afghan Local Police caused 26 civilian casualties (three deaths and 23 injured). UNAMA notes with concern that neither actor is authorized to use indirect weapons and both lack training on the proper use of such weaponry, raising serious concerns regarding the harm posed to civilians by the possession and use of these weapons.<sup>106</sup>

## **B. Civilian Casualties from Shooting during Ground Engagements**

*“Today, at around 10:00am, in our village called Baborba, in Surkh Kotal area, while I was leaving my house, Taliban small arms fire injured me. A bullet impacted my leg and I fell down. When my mother saw me injured, she approached me and she too was shot and passed away. At the time of the incident, there was an armed clash on going between ANSF and Taliban. Our house is located on the opposite side of Taliban strongholds and ANA tanks were positioned on the highway. I don't know if Taliban shot me deliberately or assumed I was ANSF.”<sup>107</sup>*

-- Victim of Taliban small arms fire injured on 17 September 2017 in Baghlan province. The incident resulted in one woman killed and one man injured.

In 2017, civilian casualties from shooting during ground engagements increased, in line with an increase of Taliban direct attacks against police checkpoints as previously mentioned in this report. Between 1 January and 31 December 2017, UNAMA documented 1,575 civilian casualties (402 deaths and 1,173 injured) resulting from shooting<sup>108</sup> during ground fighting, a 12 per cent increase compared to 2016.<sup>109</sup> Anti-Government Elements were responsible for nearly half of the civilian casualties by shooting – 754 (187 deaths and 567 injured), an increase of 32 per cent compared with 2016. Pro-Government Forces caused 271 civilian casualties (74 deaths and 197 injured) through shooting during ground fighting, a 12 per cent decrease compared to 2016.<sup>110</sup> Civilian casualties caused by shooting accounted for 45 per cent of civilian casualties from ground engagements.<sup>111</sup>

Shooting during ground fighting caused more child casualties in 2017. UNAMA documented 534 child casualties (126 deaths and 408 injured) resulting from this tactic. Compared to 2016, this represented a 32

<sup>104</sup> Taliban published a claim of responsibility for conducting the mortar strike via Twitter, accessible at: <https://twitter.com/ZabihullaM4/status/912956387478720518>, last accessed 4 January 2018.

<sup>105</sup> See section on Explosive Remnants of War. See also UNAMA Protection of Civilians Midyear Report 2017, pp. 19-21; UNAMA Protection of Civilians Annual Report 2016, pp. 27-31. UNAMA Protection of Civilians Midyear Report on 2016, pp. 27, 42; UNAMA Protection of Civilians Annual Report 2015, p. 25.

<sup>106</sup> Based upon information received from the Afghan Local Police Directorate and NATO advisers, June 2017. See UNAMA Protection of Civilians Midyear Report 2017, p. 27 (footnote 82) for details.

<sup>107</sup> UNAMA interview with the victim at the Provincial Hospital, Pul-e-Khumri city, Baghlan province, 18 September 2017.

<sup>108</sup> UNAMA defines shooting during ground fighting as the use of firearms with bullets as opposed to indirect weapons such as mortar, rockets, and grenades. This includes civilian casualties caused by assault weapons, such as AK-47s, and machine guns.

<sup>109</sup> In 2016, UNAMA recorded 1,408 civilian casualties (356 deaths and 1,052 injured) from shooting during ground engagements.

<sup>110</sup> In 2016, UNAMA attributed 309 civilian casualties (95 deaths and 214 injured) to shooting by Pro-Government Forces during ground engagements, and 754 civilian casualties (187 deaths and 567 injured) to shooting by Anti-Government Elements during ground engagements.

<sup>111</sup> Indirect weapons also caused 53 per cent of such casualties (*see above for figures*). For the remaining two per cent of casualties, the specific weapon could not be identified and cross-border shooting. In 2017, UNAMA documented 50 civilian casualties (17 deaths and 33 injured) from shooting during cross-fire for which the perpetrator could not be identified, and 10 civilian casualties (two deaths and eight injured) caused by cross-border shooting by Pakistan Military Forces.

per cent increase, with nearly double the number of deaths.<sup>112</sup> In one incident, on 22 October in Nawa-e-Barakzai district, Helmand province, bullets fired during a clash between the Afghan National Army and Anti-Government Elements killed a seven year-old boy and injured three boys aged four, five, and seven as well as three women and two men (all from one family) as they were fleeing the fighting in their vehicle. On 14 December, in a village in Pusht Rod district, Farah province, cross-fire between Afghan National Police and Anti-Government Elements killed a six year-old boy, a 15-year-old, and a man, and injured another man.

### **C. Attribution of Civilian Casualties in the context of Ground Engagements**

Pro-Government Forces	Civilian Casualties
Afghan National Army	548 (153 deaths and 395 injured)
Afghan National Police	111 (25 deaths and 86 injured)
Afghan Local Police	42 (10 deaths and 32 injured)
Afghan National Security Forces <sup>113</sup>	183 (43 deaths and 140 injured)
Pro-Government Armed Groups	70 (12 deaths and 58 injured)
Anti-Government Elements	Civilian Casualties
Taliban	1,286 (284 deaths and 1,002 injured)
<i>Daesh</i> /ISIL-KP	23 (10 deaths and 13 injured)
Unidentified AGE <sup>114</sup>	49 (10 deaths and 39 injured)
Undetermined	933 (226 deaths and 707 injured)

Though UNAMA notes that civilians continued to suffer from the effects of ground fighting at unacceptable levels, reports indicate that the reduction in civilian casualties from ground engagements can be attributed to efforts by parties to the conflict – particularly Pro-Government Forces – to continue to examine and improve procedures aimed at preventing civilian casualties. Parties must continue to intensify the examination of situations during ground fighting that resulted in civilian casualties, using them as lessons learned to inform and strengthen efforts to better protect civilians. Allegations of violations of international humanitarian law including (but not limited to) those that may amount to war crimes must be investigated and, as relevant, be followed by prosecution, disciplinary, or administrative action.<sup>115</sup>

UNAMA congratulates the Government on the adoption of its National Policy on Civilian Casualty Prevention and Mitigation and its implementation plan. It encourages the continuation and expansion of robust practical measures to further reduce civilian casualties, particularly from the use of indirect weapons

<sup>112</sup> In 2016, UNAMA recorded 405 child casualties (76 deaths and 329 injured) due to shooting during ground engagements.

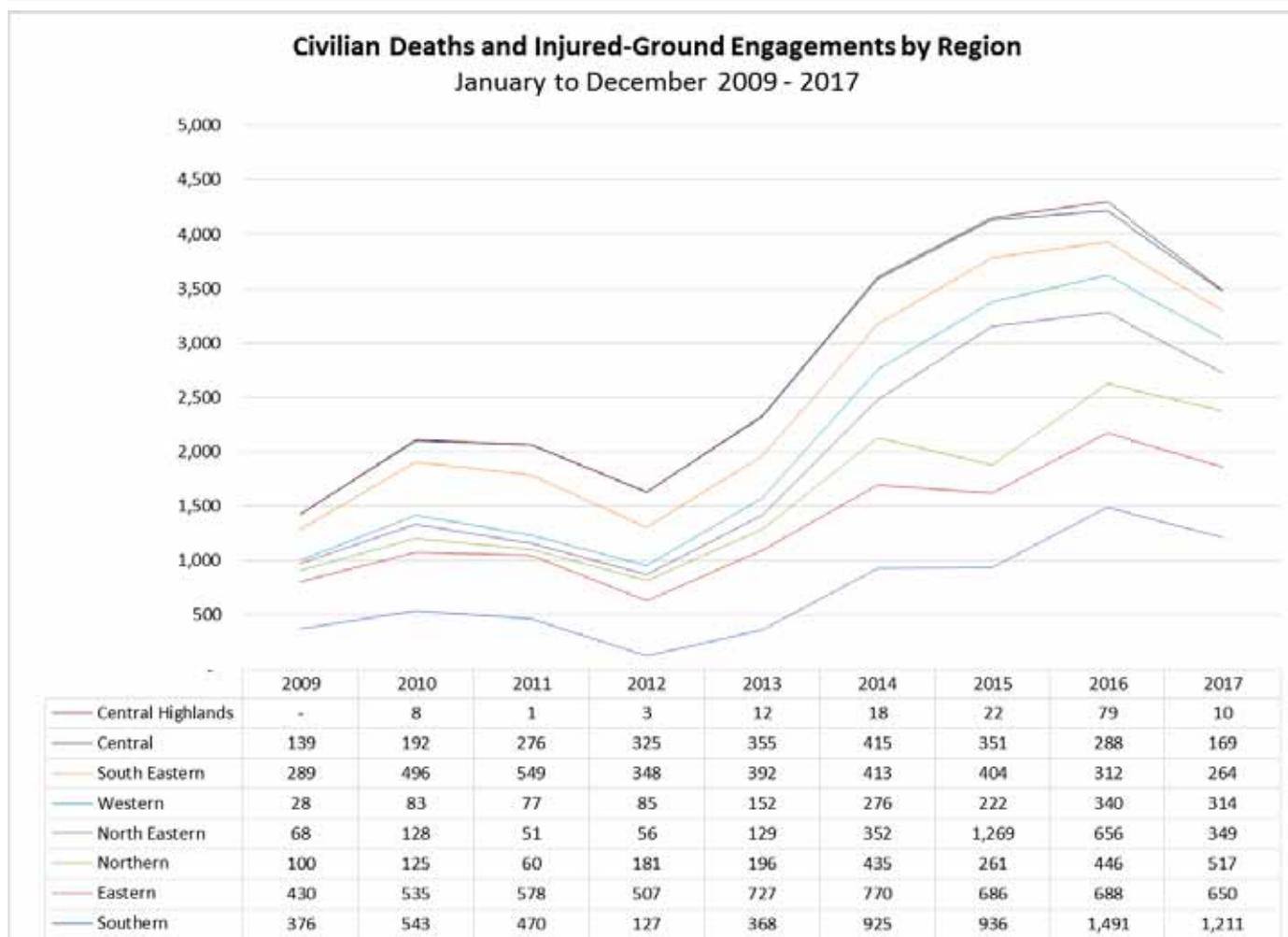
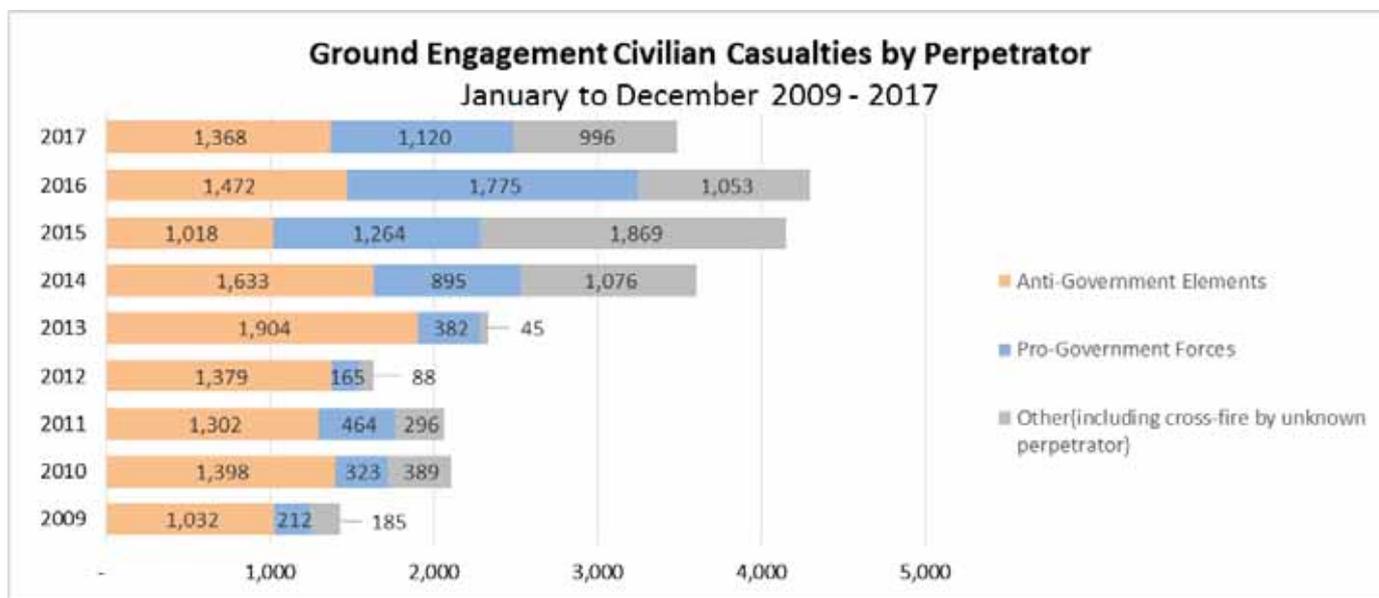
<sup>113</sup> UNAMA attributed civilian casualties from ground engagements to “Afghan National Security Forces” where the specific Afghan national security force actor that caused the civilian casualty could not be identified. In addition, UNAMA attributed 142 civilian casualties (27 deaths and 115 injured) to joint operations involving more than one Pro-Government Force; 22 civilian casualties (three deaths and 19 injured) to the Afghan National Civil Order Police; one civilian death and one injury caused by the Afghan National Border Police; and 19 civilian casualties (five deaths and 14 injured) to the National Directorate of Security during ground engagements. UNAMA attributed 63 civilian casualties (17 deaths and 46 injured) to the Pakistan Military Forces (see section on Cross-Border Engagement above for more details). No civilian casualties during ground engagements were attributed to international military forces in 2017.

<sup>114</sup> UNAMA recorded an additional 10 civilian casualties (two deaths and eight injured) from ground fighting between Taliban and other Anti-Government Element Groups (undetermined Anti-Government Elements, *Daesh*/ISIL-KP groups, or self-identified *Daesh*/ISIL-KP groups).

<sup>115</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 international human rights law obligation to investigate allegations of violations.

by the Afghan national security forces. It also reiterates that the Government must ensure the accountability of all personnel responsible for negligent or intentional harm caused to civilians.

In addition, UNAMA encourages the Government to ensure that Afghan Local Police do not have unregulated and unauthorized access to indirect weapons, including mortar rounds and rockets. Moreover, the Government must hold accountable all members of pro-Government armed groups who use indirect weapons, including the senior members of such groups who order use of such weaponry.



### III. Civilian Casualties Attributed to Anti-Government Elements

Between 1 January and 31 December 2017, UNAMA documented 6,768 civilian casualties (2,303 deaths and 4,465 injured) caused by Anti-Government Elements, a three per cent decrease compared to 2016.<sup>116</sup> Anti-Government Elements caused 65 per cent of civilian casualties, with combined IED tactics, mainly suicide and complex attacks, being the leading cause.

Civilian casualties from incidents publicly claimed by Taliban	1,166 (345 deaths and 821 injured)
Civilian casualties from incidents attributed to Taliban that were not publicly claimed	3,219 (1,229 deaths and 1,990 injured)
Civilian casualties from incidents publicly claimed by <i>Daesh</i> /ISIL-KP	823 (300 deaths and 523 injured)
Civilian casualties from incidents attributed to <i>Daesh</i> /ISIL-KP not publicly claimed	177 (99 deaths and 78 injured)
Civilian casualties attributed to anti-government elements where there was no public claim of responsibility or attribution to a specific group was not possible <sup>117</sup>	1,346 (300 deaths and 1,046 injured)

The decrease in civilian casualties attributed to Anti-Government Elements resulted mainly from a decrease in civilian casualties during ground engagements combined with a reduction in civilian casualties from non-suicide IEDs, particularly remote-detonated devices. The decrease was offset, however, by an increase in civilian casualties from suicide and complex attacks. The number of civilian casualties from targeted and deliberate killings by Anti-Government Elements of both civilians and non-civilians<sup>118</sup> remained similar to that of 2016.

<b>Leading Causes of Anti-Government Element Civilian Casualties:</b>
<b>Suicide &amp; Complex Attacks</b> – 2,295 civilian casualties (605 deaths and 1,690 injured)
<b>Improvised Explosive Devices (non-suicide trigger)</b> – 1,856 civilian casualties (624 deaths and 1,232 injured)
<b>Ground Engagements</b> – 1,368 civilian casualties (306 deaths and 1,062 injured)
<b>Targeted/Deliberate Killings</b> – 1,032 civilian casualties (650 deaths and 382 injured)

Throughout 2017, more civilian casualties arose from the use by Anti-Government Elements of combined IED tactics (mainly suicide and complex attacks)<sup>119</sup> than as a result of ground engagements by all parties. This was a direct manifestation of the tactical deployment of such weapons in attacks either deliberately targeting civilians or of an indiscriminate and/or disproportionate nature against security forces in densely populated areas.

UNAMA attributed 65 per cent of civilian casualties caused by Anti-Government Elements in 2017 to Taliban, totalling 4,385 civilian casualties (1,574 deaths

<sup>116</sup> In 2016, UNAMA attributed 7,003 civilian casualties (2,138 deaths and 4,865 injured) to Anti-Government Elements.

<sup>117</sup> This includes 27 civilian casualties (24 deaths and three injured) attributed to self-identified *Daesh*/ISIL-KP. In addition, UNAMA attributed one civilian death to Tehrik-i-Taliban Pakistan and 36 additional civilian casualties (29 deaths and seven injured) from fighting between Taliban and other Anti-Government Element Groups (undetermined Anti-Government Elements, *Daesh*/ISIL-KP groups, or self-identified *Daesh*/ISIL-KP groups). In 2016: Taliban claimed responsibility for 201 incidents resulting in 1,464 civilian casualties (358 deaths and 1,106 injured); UNAMA attributed 4,962 civilian casualties (1,625 deaths and 3,337 injured) to Taliban (including both claimed and unclaimed attacks); *Daesh*/ISIL-KP claimed responsibility for nine incidents resulting in 747 civilian casualties (166 deaths and 581 injured); UNAMA attributed 37 incidents resulting in 899 civilian casualties (209 deaths and 690 injured) to *Daesh*/ISIL-KP (including claimed and unclaimed attacks); and it attributed 1,024 civilian casualties (266 deaths and 758 injured) to unidentified Anti-Government Elements. In addition, UNAMA attributed 75 civilian casualties (20 deaths and 55 injured) to self-identified *Daesh*/ISIL-KP, four civilian casualties (one killed and three injured) to Haqqani Network, seven civilian injuries to Hez-b-Islami Gulbuddin Hekmatyar, four civilian deaths to Lashkar-e-Taiba, and 12 civilian casualties (eight deaths and four injured) to Tehrik-i-Taliban Pakistan.

<sup>118</sup> UNAMA documents civilian casualties arising directly and collaterally from conflict related incidents, including from attacks targeting individuals, whether civilian or combatant, not in the physical custody of Anti-Government Elements. See glossary for details.

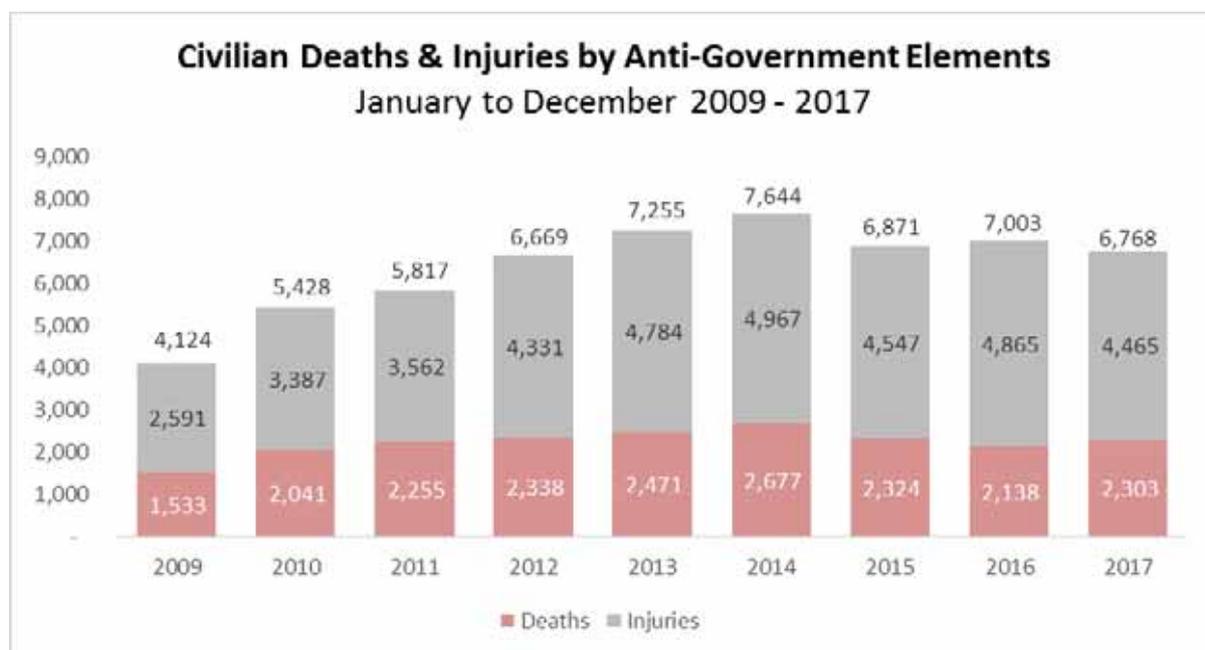
<sup>119</sup> See footnote 6 for definition of complex attacks.

and 2,811 injured). This marked a 12 per cent decrease in civilian casualties attributed to Taliban compared to 2016. However, under-reporting from Taliban-controlled areas is likely due to lack of access and the consequent inability for UNAMA to attribute some Taliban-perpetrated attacks resulting in civilian casualties to unidentified Anti-Government Elements.<sup>120</sup> UNAMA attributed 1,000 civilian casualties (399 deaths and 601 injured) - 15 per cent arising from Anti-Government Element actions to *Daesh*/ ISIL-KP, predominantly in Kabul and Nangarhar provinces, but also increasingly in Herat province. Civilian casualties attributed to *Daesh*/ISIL-KP increased by 11 per cent compared to 2016.

Increases in civilian casualties from both suicide and non-suicide IED tactics drove the 11 per cent (111 civilian casualties) increase attributed to *Daesh*/ISIL-KP compared to 2016. In contrast, civilian casualties attributed to Taliban decreased by 12 per cent (577 civilian casualties), from 2016. The decrease in Taliban attributed civilian casualties in 2017 was mainly driven by a 40 per cent decrease from remote-detonated IEDs (193 less civilian casualties) and a 22 per cent decrease from suicide and complex attacks (224 less civilian casualties) compared with 2016.

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

UNAMA documented a disturbing increase in attacks against places of worship, religious leaders and worshippers, particularly attacks targeting Shi'a Muslim congregations. In 2017, 37 attacks against places and people of worship resulted in 499 civilian casualties (202 deaths and 297 injured), with Anti-Government Elements responsible for all but one of the attacks. This marked a 32 per cent increase in overall civilian casualties from such attacks, double the number of deaths, and three times as many attacks as in 2016.<sup>121</sup> UNAMA continued to document incidents of: attacks against places of worship and persons exercising their right to religious worship, observance, and practice; and targeted killings, abductions, and intimidation of religious scholars and religious leaders, mainly by Anti-Government Elements. In 2017, in addition to direct attacks against religious leaders and mosques, parties to the conflict increasingly targeted individuals perceived as military targets whilst worshipping inside mosques and at other religious sites. Alarmed at this disturbing increase which began in 2016 and continued throughout 2017, UNAMA issued a special report on Attacks against Places of Worship, Religious Leaders, and Worshippers on 7 November 2017,<sup>122</sup> which is referenced throughout this chapter.



<sup>120</sup> See footnote 24 on attribution of responsibility for suicide and complex attacks.

<sup>121</sup> In 2016, UNAMA recorded 12 incidents of attacks against places and people of worship resulting in 377 civilian casualties (86 deaths and 291 injured).

<sup>122</sup> Available at: <http://unama.unmissions.org/protection-of-civilians-reports>.

## A. Tactics and Incident Types Causing Most Harm to Civilians

### i. Suicide and Complex Attacks

*"We were 16 passengers in a mini bus, all civilians. Five women and one 7-year-old girl were also among us. Around 16:00 we reached the place where an explosion had already occurred. As our bus arrived at the site of the incident, security personnel were there, assisting the transportation of those who were injured and killed. At this time the second explosion took place. It was a very heavy explosion. Our bus was picked up into the air and then hit to the ground, crashing into another mini bus full of civilians. I saw that five women, the bus driver, the assistant driver and an old man were injured. I was also injured. The civilians in the bus next to ours were also injured. There were voices crying and pieces of glass, sharp metal and dust spread all over. It was a very bad and sad incident. The Muslim can't do such action. Most of the casualties were civilians. I saw a policeman who was injured but in his injured condition he was assisting in the transportation of injured children, women and men to ambulance. The incident was very tragic. I can't forget it."*<sup>123</sup>

-- Victim of a suicide attack outside the Parliament Administration building, which killed 34 civilians, including a child, and injured 75 others in Kabul city on 10 January.<sup>124</sup> Taliban claimed responsibility for the attack, which employed a suicide body-borne improvised explosive device and vehicle-borne improvised explosive device.<sup>125</sup>

In 2017, civilian casualties from suicide and complex attacks comprised 22 per cent of all civilian casualties, and the second leading cause of any single tactic or incident type, after ground engagements. UNAMA documents 57 suicide and complex attacks<sup>126</sup> that caused 2,295 civilian casualties (605 deaths and 1,690 injured). This represents a 17 per cent increase from 2016 and the highest number of civilian casualties from such attacks in a single year since UNAMA began documenting civilian casualties in 2009.<sup>127</sup> Following a trend first observed in the first six months of 2017, suicide and complex attacks remained the leading cause of civilian casualties attributed to Anti-Government Elements.<sup>128</sup>

UNAMA notes that 1,520 civilian casualties (428 deaths and 1,092 injured) from suicide and complex attacks came from those targeting civilians or civilian objects, mostly attributed to undetermined Anti-Government Elements and *Daesh/ISIL-KP*.<sup>129</sup> This included attacks against civilian

#### Significant Suicide and Complex Attacks in Kabul city

**28 December:** Body-borne IED detonated inside Tabyan cultural centre: 119 civilian casualties (42 deaths and 77 injured). *Daesh/ISIL-KP* claimed responsibility.

**20 October:** Body-borne IED detonated against Imam Zaman Shi'a Mosque in Dasht-e-Barchi area: 129 civilian casualties (69 deaths and 60 injured). *Daesh/ISIL-KP* claimed responsibility.

**25 August:** Body-borne IED detonated against Imam Zaman Shi'a Mosque in Khair Khana area: 100 civilian casualties (35 deaths and 65 injured). *Daesh/ISIL-KP* claimed responsibility.

**24 July:** Vehicle-borne IED detonated against government employee shuttle-bus: 92 civilian casualties (35 deaths and 57 injured). Taliban claimed responsibility.

**31 May:** Vehicle-borne IED in a truck detonated in central Kabul city during rush-hour: 583 civilian casualties (92 deaths and 491 injured). Deadliest attack recorded by UNAMA since 2001. No claim of responsibility.

**8 March:** Complex attack on a military hospital in Kabul city: 48 civilian casualties (26 deaths and 22 injured). *Daesh/ISIL-KP* claimed responsibility (see Midyear Report 2017 for more details on this attack).

**10 January:** Body and vehicle-borne IEDs detonated outside of the Parliament Administration building at the end of the work day: 109 civilian casualties (34 deaths and 75 injured). Taliban claimed responsibility.

<sup>123</sup> UNAMA interview with victim, Kabul city, 11 January 2017.

<sup>124</sup> Often referred to as a 'double-tap' attack, in such cases an initial explosion is followed a short time later by another blast, targeting rescuers and other first responders.

<sup>125</sup> Taliban claimed responsibility on its English website, available at: <http://alemarah-english.com/?p=9570>, last accessed 2 February 2018. Taliban claim the target of attack to have been NDS.

<sup>126</sup> See footnote 5 for definition of complex attacks.

<sup>127</sup> UNAMA documented 1,963 civilian casualties (398 deaths and 1,565 injured) from suicide and complex attacks in 2016.

<sup>128</sup> Previously improvised explosive devices without suicide-triggers caused the highest number of civilian casualties attributed to Anti-Government Elements.

<sup>129</sup> This figure includes 583 civilian casualties caused by the explosion of the waste-tanker bomb, on 31 May, in Kabul city. The target was never clearly identified, and no group claimed responsibility for this attack. Regardless of whether it was intended for military target, the use of any amount of explosives in the middle of a civilian population centre such as Kabul can never be justified.

government premises and employees, places of worship,<sup>130</sup> health facilities and judiciary buildings and officials. UNAMA also notes that sectarian-motivated suicide and complex attacks against civilian targets, including places of worship, continued to cause extreme harm, mainly in Kabul. Nearly all these attacks were claimed by *Daesh*/ISIL-KP. For the first time, UNAMA also recorded attacks claimed by the group outside of Nangarhar or Kabul, in Herat province (see section on *Daesh*/ISIL-KP and Sectarian Violence).

Anti-Government Elements claimed responsibility for 46 suicide and complex attacks that caused 15 per cent of all civilian casualties in 2017.<sup>131</sup> Civilian casualties from suicide and complex attacks claimed by Taliban decreased by 22 per cent compared to 2016, while those resulting from such attacks claimed by *Daesh*/ISIL-KP increased by 18 per cent compared to 2016.<sup>132</sup> Of the suicide and complex attacks for which there was no claim of responsibility, UNAMA attributed four to the Taliban<sup>133</sup> and two to *Daesh*/ISIL-KP.<sup>134</sup> 671 civilian casualties (104 deaths and 567 injured) were caused during five unclaimed suicide attacks attributed to unidentified Anti-Government Elements, including the explosion of a waste-tanker bomb in central Kabul, on 31 May, which caused at least 583 civilian casualties (92 deaths and 491 injured).<sup>135</sup>

Suicide and complex attacks continued to disproportionately affect civilians in Kabul city, which recorded 1,612 civilian casualties (440 deaths and 1,172 injured) – 17 per cent more than in 2016, and 70 per cent of all civilian casualties from these tactics in 2017.<sup>136</sup> The 31 May attack alone caused more than one third of all civilian casualties in Kabul city in 2017.

After Kabul, suicide and complex attacks most affected Paktya and Helmand provinces. In Paktya province, UNAMA documented four suicide and complex attacks resulting in 255 civilian casualties (51 deaths and 204 injured) compared to none in 2016. All but 10 of these casualties were caused by two attacks claimed by the Taliban, targeting the provincial headquarters of the Afghan National Police in Gardez city.<sup>137</sup> The Taliban additionally claimed responsibility for a mass shooting targeting Afghan national security forces while they collected their salaries in New Kabul bank, on 20 May, in Gardez city. Eight civilians were killed and 34 injured in this attack.<sup>138</sup> In Helmand, three of the seven suicide and complex attacks causing civilian casualties targeted the New Kabul bank in Lashkar Gah city as Afghan national security forces collected salaries. This incident resulted in 112 civilian casualties (32 deaths and 80 injured), all claimed by Taliban.<sup>139</sup> The three attacks on Kabul Bank in Helmand province involved suicide vehicle-borne IEDs while the attack on the Kabul Bank branch in Gardez city involved indiscriminate shooting and the use of grenades. The other two attacks in Helmand targeted Afghan national security forces - one convoy in Nawa-e-

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<sup>130</sup> On 7 November 2017, UNAMA issued a Special Report on Attacks against Places of Worship, Religious Leaders and Worshipers, noting concerns with the sharp rise in such attacks in 2016 and 2017. The report is available on UNAMA's website, along with other protection of civilians reports at: <https://unama.unmissions.org/protection-of-civilians-reports>.

<sup>131</sup> Taliban claimed responsibility for 27 suicide and complex attacks that caused 771 civilian casualties (189 deaths and 582 injured) – seven per cent of all civilian casualties. *Daesh*/ISIL-KP claimed responsibility for 19 suicide and complex attacks resulting in 782 civilian casualties (287 deaths and 495 injured) - seven per cent of all civilian casualties.

<sup>132</sup> In 2016, *Daesh*/ISIL-KP claimed responsibility for five attacks that caused 661 civilian casualties (143 deaths and 518 injured). Taliban claimed responsibility for 19 attacks that led to 983 civilian casualties (182 deaths and 801 injured) in 2016.

<sup>133</sup> The four attacks caused 23 civilian casualties (four deaths and 19 injured).

<sup>134</sup> The two attacks caused 48 civilian casualties (21 deaths and 27 injured).

<sup>135</sup> NDS blamed the Taliban Haqqani Network for the 31 May attack, citing evidence of direct Pakistani Inter-Services Intelligence (ISI) aid. Taliban condemned the attack and denied involvement on 31 May, and again on 1 and 12 June. On 13 June, Taliban deputy leader Sirajuddin Haqqani released an audio statement on the Taliban's Dari website denying responsibility. *Daesh*/ISIL-KP denied issuing an alleged claim of responsibility which had originally been attributed to it, accusing Taliban of circulating the fabricated *Daesh*/ISIL-KP claim. See Midyear Report 2017, Chapter on Suicide and Complex attacks (pp.34-35) for additional details on this attack and its impact.

<sup>136</sup> In 2016, Kabul city recorded 1,381 civilian casualties (262 deaths and 1,119 injured) from suicide and complex attacks.

<sup>137</sup> UNAMA considers Uniformed Police of the Afghan National Police to be civilians unless directly participating in hostilities. Taliban published claims of responsibility on its English website, accessible at: <http://alemarah-english.com/?p=16355> and <https://alemarah-english.com/?p=21197>, both last accessed 21 December 2017.

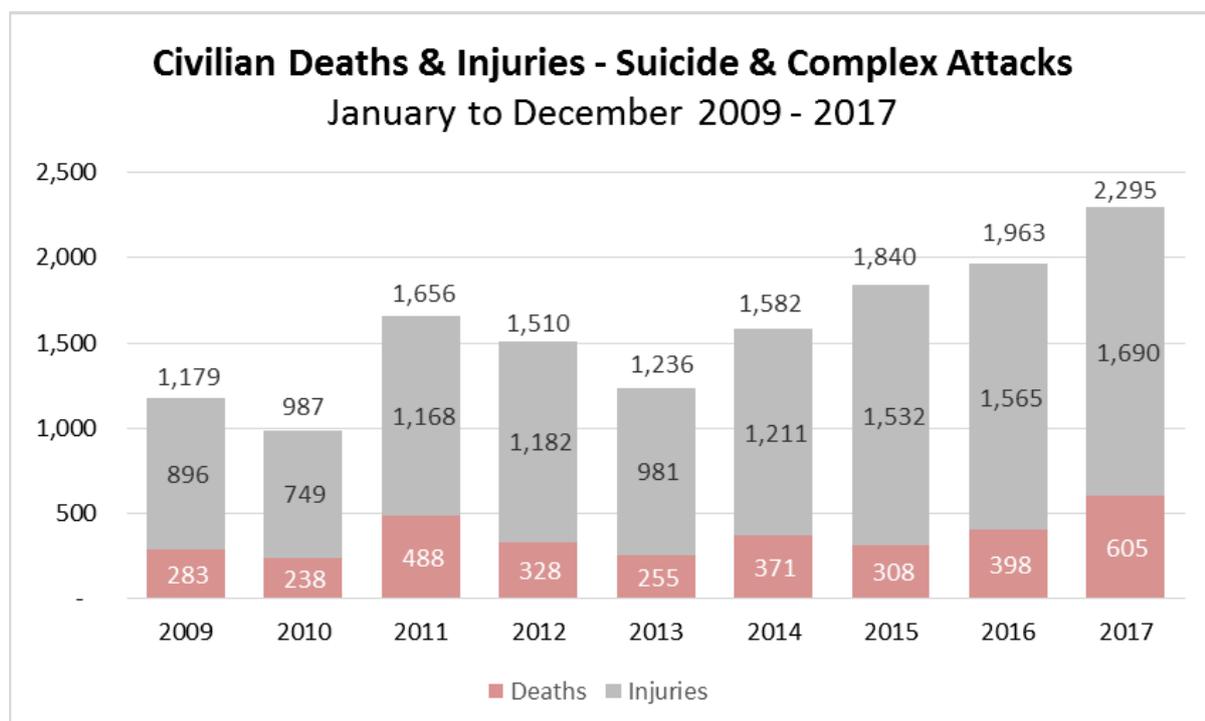
<sup>138</sup> The civilian casualties from this incident are not counted in UNAMA's suicide and complex attack figures for 2017 as the attack did not involve a suicide IED. Taliban published a claim of responsibility on its English Website, available at: <http://alemarah-english.com/?p=14943>, last accessed 21 December 2017.

<sup>139</sup> UNAMA does not document non-civilian casualties i.e. ANA soldiers and relies on reports received by the relevant authorities, which often vary. While the identities and status of the non-civilians killed in the attack is not known, the number of casualties compared to civilians raises concerns regarding proportionality.

Barakzai district and one check-post in Nahr-e-Seraj district. They caused six civilian casualties (the death of one civilian man and injuries to five children).<sup>140</sup>

UNAMA remains extremely concerned by the continued increase in civilian casualties from suicide and complex attacks. The impact of such indiscriminate or targeted attacks, typically occurring in urban and civilian-populated areas, disproportionately affects the civilian population.

UNAMA reiterates that attacks directed at the civilian population, as well as the indiscriminate use of suicide IED tactics are serious violations of international humanitarian law that may amount to war crimes.<sup>141</sup> It once again reminds Anti-Government Elements that international humanitarian law prohibits attacks which may cause incidental loss of civilian life, injury to civilians or damage to civilian objects, or a combination thereof, which would be excessive with respect to the concrete and direct military advantage anticipated.<sup>142</sup> UNAMA urges Anti-Government Elements to immediately cease the use of IEDs, including during suicide and complex attacks, in all areas with a civilian presence.



<sup>140</sup> The Taliban published claims of responsibility for this attack on its websites or twitter for all five of the Helmand incidents, accessible at: <http://alemarah-english.com/?p=10544>, <http://alemarah-english.com/?p=12224>, <http://shahamat.info/?p=88129>, <https://twitter.com/ZabihullaM4/status/900254200243904514>, and <http://alemarah-english.com/?p=19204>, all last accessed on 21 December 2017.

<sup>141</sup> War crimes include the commission of the acts prohibited by Common Article 3(1) against those not taking part in hostilities, including violence to life and person; the acts prohibited by Additional Protocol II, Article 4(2); and attacks intentionally directed at civilians or civilian objects. See Rome Statute, Articles 8(2)(c), 8(2)(e)(i); ICRC Customary International Humanitarian Law Study, Rule 156. While, the Rome Statute does not expressly criminalize indiscriminate and disproportionate attacks in non-international armed conflicts, such attacks may give rise to inferences of a direct attack against civilians in some circumstances. See, for example, Prosecutor v. *Stanislav Galić*, Case No. IT-98-29-A, Appeal Judgement, 30 November 2006, paras. 132, 133. See also ICRC Customary International Humanitarian Law Study, Rule 156; Rome Statute, Articles 8(2)(c), 8(2)(e)(i); *Prosecutor v. Dusko Tadić*, IT-94-1, Appeals Chamber Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, paras. 120-127.

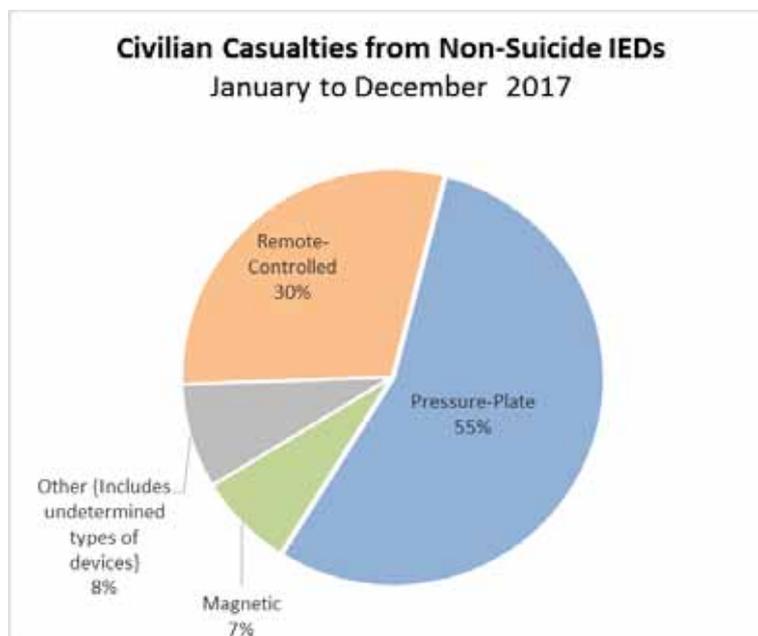
<sup>142</sup> Implicit in Common Article 3; Additional Protocol II, Articles 4, 13. See also Additional Protocol I, Articles 51, 85(3)(b) (not applicable to non-international armed conflict but accepted as customary international law see ICRC Customary International Humanitarian Law Study, Rules 1, 14, 15, 154).

## ii. Improvised Explosive Devices (non-suicide)

*“It was the afternoon time when I together with my friend took our sheep for pasturing outside of our village. We were playing when I stepped on something which resulted in an explosion. As a result, I lost my left foot and eyes of my friend were also seriously harmed due to sand and dust of the explosion. The area where the incident took place is under control of Taliban but very close to the front line of Taliban against ANSF.”<sup>143</sup>*

-- 14 year-old boy, victim of a pressure-plate IED detonation in Imam Saheb district, Kunduz province, on 24 September 2017

Between 1 January and 31 December 2017, UNAMA documented 1,856 civilian casualties (624 deaths and 1,232 injured) resulting from the detonation of non-suicide improvised explosive devices (IED),<sup>144</sup> continuing some decrease recorded in 2015 and 2016. Civilian casualties from IED detonations decreased by 14 per cent compared to 2016, predominantly due to a significant decrease in civilian casualties from remote-controlled IEDs, together with a minor reduction in civilian casualties due to pressure-plate IEDs.<sup>145</sup> Yet, the level of civilian casualties from non-suicide IEDs remained unacceptably high, accounting for 18 per cent of all civilian casualties, and representing the third leading cause of civilian casualties overall in 2017.



The Taliban claimed responsibility for 22 incidents of non-suicide IED detonation that caused 80 civilian casualties (17 deaths and 63 injured), including 12 remotely detonated IEDs, seven pressure-plate IEDs, and three magnetic IEDs. For example, on 24 December, in Marja district, Helmand province, a pressure-plate IED killed six civilians, including a woman and a girl, and injured two men, a boy, and a woman when their vehicle struck the device emplaced on a main road and intended for Afghan national security forces. Taliban claimed the IED blast hit the convoy of Afghan national security forces.<sup>146</sup>

### a. Pressure-Plate Improvised Explosive Devices

UNAMA recorded 1,019 civilian casualties (438 deaths and 581 injured) from pressure-plate IEDs in 2017. While this marked an eight per cent decrease compared to 2016,<sup>147</sup> the number of civilian casualties from

<sup>143</sup> UNAMA interview with victim, Kunduz city, 26 September 2017.

<sup>144</sup> This chapter addresses IED tactics aimed at general targets as opposed to IEDs used to carry out targeted killings. In total, UNAMA documented 4,151 civilian casualties (1,229 deaths and 2,922 injured) from combined IED tactics in 2017 (i.e. both suicide and non-suicide IED tactics aimed at general targets, but excluding IEDs used to carry out targeted or deliberate killings against specific individuals), a less than one per cent increase compared to 2016 when UNAMA documented 4,121 civilian casualties (1,100 deaths and 3,021 injured). UNAMA documented 180 civilian casualties (46 deaths and 134 injured) from IEDs used during targeted killings in 2017 (not included in the figures detailed in this section or combined IED tactic figures, instead detailed in the Anti-Government Element Targeted and Deliberate Killings section).

<sup>145</sup> In 2016, UNAMA documented 2,158 civilian casualties (702 deaths and 1,456 injured) from non-suicide IEDs.

<sup>146</sup> Taliban claimed responsibility on its English website, available at: <http://alemarah-english.com/?p=23775>, last accessed on 9 January 2018.

<sup>147</sup> In 2016, UNAMA documented 1,102 civilian casualties (475 deaths and 627 injured) from pressure-plate IEDs.

these victim-activated devices remained alarmingly high, accounting for 55 per cent of all non-suicide IED civilian casualties and for 10 per cent of the overall number of civilian casualties.<sup>148</sup>

Moreover, child casualties from these devices increased by 18 per cent, with 344 casualties (111 deaths and 233 injured) recorded in 2017. The number of casualties among women due to pressure-plate IEDs remained similar to 2016, with 94 victims (45 deaths and 49 injured).<sup>149</sup>

Pressure-plate IEDs disproportionately impacted civilians in the south of Afghanistan, where Anti-Government Elements continued to fight to hold on territory. They typically placed the devices along roads mainly used by Afghan national security forces, but also frequented by civilians. Approximately half of all civilian casualties from pressure-plate IEDs – 505 – occurred in Helmand, Kandahar and Uruzgan provinces.<sup>150</sup> For example, on 28 November, in Arghistan district, Kandahar province, a powerful pressure-plate IED killed eight civilians, including three women and a two-year old boy, and injured a boy and a man when the family's 4x4 vehicle hit the device on the main road leading to their village. The Taliban had placed this device on that road to restrict the movement of the Afghan national security forces who had recently re-taken the village. On 3 July, a Taliban pressure-plate IED, placed on a road in a contested area of Kandahar province, struck a car carrying 17 civilians returning home after visiting a shrine in Khakrez district. Five of them were killed, including two girls and a woman, and 10 were injured (seven girls and three women).

Though typically used by Anti-Government Elements to target Afghan national security forces, victim-activated pressure-plate IEDs are inherently indiscriminate as their effects cannot be directed against a specific target; their use may therefore amount to a violation of international humanitarian law.<sup>151</sup>

UNAMA recognizes the progress made by Afghanistan towards its commitments under the Ottawa Mine Ban Treaty 2023 despite the challenges of continued contamination by pressure-plate IEDs.<sup>152</sup> Since 21 December 2017 (and until November 2018), Afghanistan is presiding the Seventeenth Meeting of States Parties to the Mine Ban Treaty.<sup>153</sup>

#### **b. Remote-Controlled Improvised Explosive Devices**

UNAMA documented 549 civilian casualties (129 deaths and 420 injured) from remote-controlled IEDs in 2017, a 32 per cent decrease compared to 2016.<sup>154</sup> Remote-controlled IEDs caused 30 per cent of all non-suicide IED civilian casualties. Anti-Government Elements continued to detonate such devices in civilian-populated areas or against civilian targets throughout 2017. In one case, on 17 September, a remote-controlled IED detonated in an underground section of the Hammam Market, in Khost province, killing four civilians and injuring 14, including two boys. Shop owners selling mobile phones in the area comprised the majority of the victims. No party claimed responsibility for this incident. In another incident, on 10 September, in Nangarhar province, the Taliban targeted a convoy of the Afghan National Border Police with a roadside remote-controlled IED, killing one civilian bystander and injuring four, including a woman, a 12 year-old girl and two boys aged 15 and seven. On 28 August, in Tin Kot city, Uruzgan province, the

<sup>148</sup> In 2017, UNAMA recorded 482 pressure-plate IED detonations that caused civilian casualties in comparison to 557 in 2016.

<sup>149</sup> In 2016, UNAMA documented 292 child casualties (107 deaths and 185 injured) and 100 women casualties (54 deaths and 46 injured) from pressure-plate IED detonations.

<sup>150</sup> Pressure-plate IEDs caused 235 civilian casualties (103 deaths and 132 injured) in Helmand province in 2017, an increase of 40 per cent compared to 2016; in Kandahar, these devices caused 168 civilian casualties (85 deaths and 83 injured), a 36 per cent decrease; pressure-plate IEDs caused 102 civilian casualties (27 deaths and 75 injured) in Uruzgan province, an increase of nine per cent.

<sup>151</sup> See Additional Protocol I, Article 51 (not applicable to non-international armed conflict but accepted as customary international law); Amended Protocol II to the Convention on Certain Conventional Weapons, Article 3(8); and Ottawa Convention on Anti-Personnel Mines, Preamble and Article 1. See also ICRC Customary International Humanitarian Law Study, Rules 11, 12 and 71; and *Prosecutor v. Dusko Tadić*, IT-94-1, Appeals Chamber Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, para. 127.

<sup>152</sup> For more information, see <http://www.mineaction.org/programmes/afghanistan>.

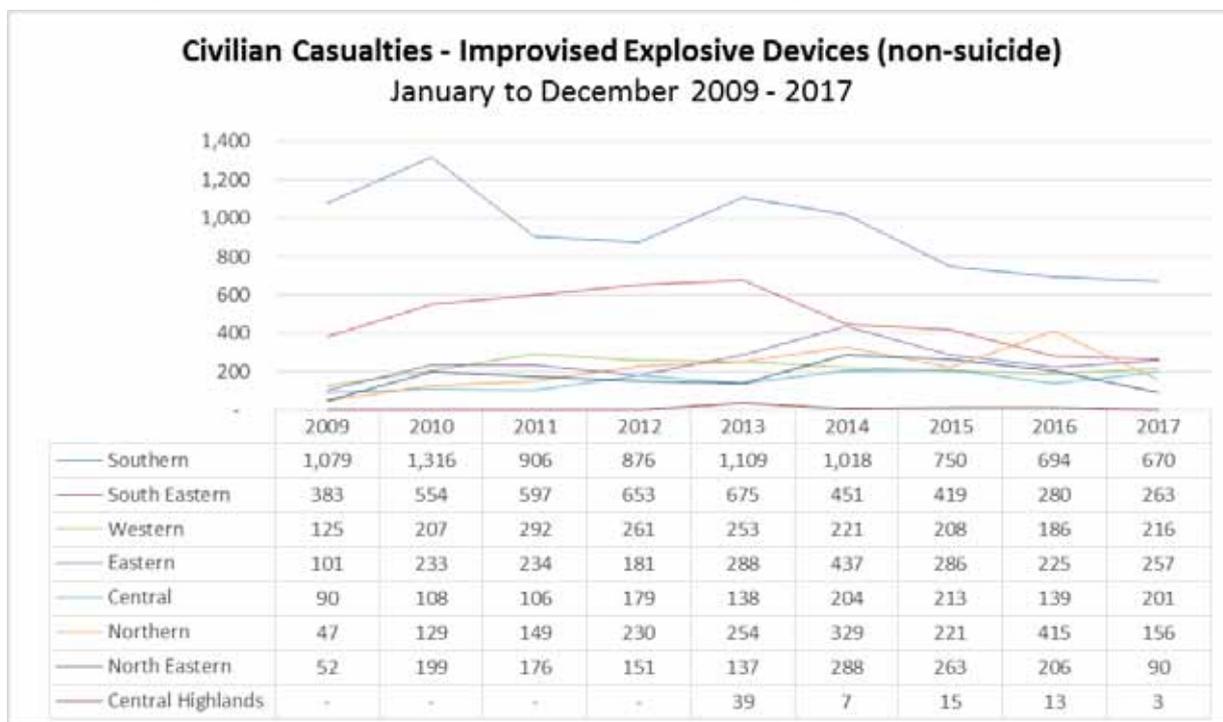
<sup>153</sup> See <https://www.apminebanconvention.org/meetings-of-the-states-parties/17msp/>.

<sup>154</sup> In 2016, UNAMA documented 805 civilian casualties (165 deaths and 640 injured) resulting from remote-controlled IED detonations.

Taliban detonated a remote-controlled IED against a patrol vehicle of the Afghan National Police, injuring two boys aged 12 and 14 and three male civilians, in addition to causing casualties among the police.<sup>155</sup>

**c. Magnetic Improvised Explosive Devices**

Magnetic IEDs caused 137 civilian casualties (14 deaths and 123 injured) in 28 incidents, an increase of 33 per cent compared to 2016.<sup>156</sup> For example, on 28 September, in Kabul city, a magnetic IED attached to a police vehicle - providing extra security to Shia mosques during Ashura - killed four civilians and injured 19, including two boys and a woman. No party claimed responsibility for this attack.



**iii. Targeted and Deliberate Killings by Anti-Government Elements<sup>157</sup>**

*“My father-in-law was an influential tribal elder and also a teacher. In the morning time he was teaching, and in the afternoon, he was always busy in solving community problems and issues. Because of his social work, he was very well respected in the community. His killing has left a gap in the community. People are always remembering him. Community people and family members were shocked when they heard of his killing. No one knows why he was killed. After his killing, his family is suffering a lot as he was the only person earning money through teaching and taking care of his big family. Government has not provided any assistance to his family. Our community have lost a social worker.”<sup>158</sup>*

--Relative of a victim shot and killed inside a school in a targeted attack by the Taliban in Qarabagh district, Ghazni province, on 17 October.

Between 1 January and 31 December 2017, Anti-Government Elements were responsible for 570 targeted killings,<sup>159</sup> that caused 1,032 civilian casualties (650 deaths and 382 injured) and accounted for 10 per cent

<sup>155</sup> Taliban claimed responsibility for both attacks on its English website. Tirin Kot claim available at: <http://alemarah-english.com/?p=19303>; Nangarhar claim available at: <http://alemarah-english.com/?p=19655>. Both last accessed on 9 January 2018.

<sup>156</sup> In 2016, UNAMA documented 103 civilian casualties (13 deaths and 90 injured) due to 36 magnetic IED detonations. UNAMA also recorded four civilians injured from a non-suicide vehicle-borne IED in 2017. The remaining 147 civilian casualties (43 deaths and 104 injured) from non-suicide IEDs in 2017 occurred from other devices or from devices that UNAMA did not have the ability to identify in terms of trigger type.

<sup>157</sup> UNAMA documents civilian casualties arising directly and collaterally from conflict related incidents, including from attacks targeting individuals, whether civilian or combatant, not in the physical custody of Anti-Government Elements. See glossary for details

<sup>158</sup> UNAMA telephone interview with relative of victim, Gardez city, 12 December 2017.

<sup>159</sup> This includes attacks targeting individuals, whether civilian or combatant, not in the physical custody of Anti-Government Elements. UNAMA documents civilian casualties arising directly and collaterally from such attacks. See glossary for details.

of all civilian casualties during the year.<sup>160</sup> The number of such incidents perpetrated by Anti-Government Elements increased from 483 in 2016 to 570 in 2017, and the number of civilians killed in such incidents increased by 13 per cent. The number of civilians injured in such incidents decreased by 30 per cent, resulting in an eight per cent overall decrease in civilian casualties from that tactic compared to 2016.<sup>161</sup> The increase in the number of targeted killings and of consequent civilian fatalities was due to an upsurge of incidents where Anti-Government Elements had shot the intended victim. Shootings accounted for 482 targeted killing incidents, resulting in 754 civilian casualties (563 deaths and 191 injured) - an increase of 21 per cent in the number of such incidents, and of 27 per cent in the number of deaths from such incidents.<sup>162</sup>

Taliban claimed responsibility for 88 incidents of targeted killing that caused 206 civilian casualties (98 deaths and 108 injured) - a 38 per cent increase in civilian casualties compared to 2016.<sup>163</sup> *Daesh*/ISIL-KP claimed responsibility for two incidents, both in Nangarhar province, resulting in the death of two civilians. For one incident, an attack against persons *hors de combat* and civilians in Mirza Olang village, Sari Pul Province from 3-5 August, both Taliban and self-identified *Daesh*/ISIL-KP initially claimed responsibility. The Taliban later informed UNAMA that after investigations, they had determined that the commander responsible for the killings not to be under Taliban command.<sup>164</sup> For additional details, see UNAMA's Special Report on Attacks in Mirza Olang.<sup>165</sup>

Of the 570 incidents documented by UNAMA of targeted killings by Anti-Government Elements, 408 deliberately targeted civilians, and resulted in 713 civilian casualties (496 deaths and 217 injured).<sup>166</sup> These victims 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.<sup>167</sup> Attacks against tribal elders also remained of concern, persisting at levels similar to 2016, with 59 incidents involving the death of 58 civilians and injuries to 31.<sup>168</sup> UNAMA also took note of the alarming number of killings targeting religious scholars and leaders, with 26 documented incidents, compared with eight in 2016 (see UNAMA Special Report on Attacks against Places of Worship, Religious Leaders and Worshipers).<sup>169</sup>

#### **iv. Conflict-Related Abduction of Civilians**

Conflict-related abductions 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 an action. Anti-Government Elements kidnapped civilians based on suspicions that they had connections to or worked for the Government, but also for financial gain, with release predicated on payment of a substantial ransom. Throughout 2017, UNAMA continued to record the abduction of civilians by Anti-Government Elements, documenting 255 incidents involving the abduction of 1,005 civilians and resulting in the death of 76 and injury to 17.<sup>170</sup> This marked a 27 per cent decrease in the number of conflict-related abduction incidents,

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<sup>160</sup> This section examines incidents of targeted killings perpetrated by Anti-Government Elements. For details on the 69 incidents of killings of civilians by Pro-Government Forces outside of the context of ground engagements, search operations, escalation of force incidents, and other formal operations that caused 67 deaths and 58 injuries, see section on Pro-Government Forces.

<sup>161</sup> In 2016, UNAMA recorded 1,121 civilian casualties (577 deaths and 544 injured) from targeted killings by Anti-Government Elements.

<sup>162</sup> In 2016, targeted killings by Anti-Government Elements where the victims were shot accounted for 399 incidents resulting in the death of 444 civilians and injury of 204.

<sup>163</sup> In 2016, UNAMA documented 63 incidents of targeted and deliberate killings claimed by the Taliban that resulted in 149 civilian casualties (73 deaths and 76 injured).

<sup>164</sup> Meeting with Taliban Political Commission, 12 September 2017.

<sup>165</sup> Available at: <https://unama.unmissions.org/protection-of-civilians-reports>.

<sup>166</sup> Deliberate killings targeting Afghan National Police accounted for 104 incidents resulting in 195 civilian casualties (107 deaths and 88 injured). UNAMA did not include these figures in determining the number of incidents of targeted and deliberate killing incidents intentionally targeting civilians or non-civilian targets because incidents targeting Afghan National Police may or may not have occurred while they benefited from civilian protection. The remaining 124 civilian casualties resulting from targeted killings by Anti-Government Elements (47 deaths and 77 injured) occurred during 57 incidents targeting non-civilian targets such as members of the Afghan national security forces or pro-Government armed groups.

<sup>167</sup> Concerning the targeted killings of civilian Government employees, see section on Attacks Deliberately Targeting Civilians.

<sup>168</sup> In 2016, UNAMA documented 47 incidents of targeted and deliberate killings aimed at tribal elders resulting in 80 civilian casualties (56 deaths and 24 injured).

<sup>169</sup> Available at: <https://unama.unmissions.org/protection-of-civilians-reports>.

<sup>170</sup> UNAMA attributed two additional cases involving the abduction of two civilians to pro-Government armed groups in 2017.

but a 29 per cent reduction in the number of civilian casualties in that context. Overall, in 2017 UNAMA documented approximately half the number of civilians abducted compared with 2016.<sup>171</sup> A relative absence of mass abduction incidents in 2017 drove the reduction in the number of civilians abducted by Anti-Government Elements.<sup>172</sup> Despite the significant decreases recorded, the number of civilians abducted, injured, and killed during these incidents remained high throughout 2017.

UNAMA attributed 215 abduction incidents resulting in 75 civilian casualties (61 deaths and 14 injured) and 861 civilians abducted to Taliban in 2017. Of these, Taliban claimed responsibility for eight incidents involving the abduction of 33 civilians. For example, Afghan national security forces raided a compound in Naw Azad district of Helmand province on 19 November, releasing 21 civilian abductees together with 20 ANA members, all held by Taliban, who publicly described those released by Afghan national security forces as “41 civilian criminals”.<sup>173</sup> In another incident, on 28 August, Taliban abducted three men falsely accused of kidnapping a child in Zurmat district, Paktya province. Taliban released the men more than two weeks later following intervention by elders. UNAMA attributed 19 incidents involving the abduction of 84 civilians and causing 13 civilian casualties (10 deaths and three injured) to *Daesh*/ISIL-KP, none of which involved any claim of responsibility.<sup>174</sup>

Victims of abduction by Anti-Government Elements in 2017 continued to comprise a wide range of civilians including Government workers and their family members, off-duty and former Afghan National Police officers, civilians perceived as opposing Anti-Government Element values, relatives of Afghan national security forces, and civilians deemed spies for the Government.

Anti-Government Elements also abducted civilians and held them hostage for the purpose of warning against unacceptable behaviour. On 18 July, Taliban abducted 68 civilians in Shah Wali Kot district, Kandahar province, after clashes with ANP in the area the previous day. Taliban threatened residents of two surrounding villages, warning that the residents must move from the area in order to secure the release of their abducted family members and neighbours. Taliban released 30 of the victims after several days, after which Taliban held the remaining abductees for more than two months before releasing them in two groups – one in mid-September and one at the end of September.

#### **a. Killings of civilian abductees**

While Anti-Government Elements released many abductees after payment of ransom or intervention by elders, they also killed some – especially those deemed spies. Of the 33 civilian abductions claimed by Taliban, they executed three. For example, on 8 November in Sabri district of Khost province, Taliban abducted a civilian man from his home, holding him overnight before killing him the next day. Taliban claimed responsibility, incorrectly stating they killed a police officer. The 76 civilians killed during abduction incidents in 2017 nearly all died as a result of intentional killings with only a handful of deaths occurring during escape attempts.

UNAMA emphasizes that international humanitarian law prohibits the taking of hostages and that it may amount to a war crime.<sup>175</sup> UNAMA calls on Anti-Government Elements, particularly Taliban and *Daesh*/ISIL-KP, to cease taking civilian hostages, regardless of the purpose of the abduction. The mission

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<sup>171</sup> In 2016, UNAMA documented 351 abduction incidents resulting in 131 civilian casualties (85 deaths and 46 injured) and the abduction of 1,902 civilians.

<sup>172</sup> In 2016, UNAMA recorded 859 civilians abducted during 11 mass abduction incidents, including four incidents of abduction of more than 100 civilians: 110 civilians abducted in Faryab on 6 February 2016; 200 civilians abducted in Badakhshan on 22 March 2016; 157 civilians abducted in Kunduz on 31 May 2016; and 100 civilians abducted in Badakhshan on 5 October 2016. In 2017, only one incident involved the abduction of more than 50 civilians: the Taliban abduction of 68 civilians in Kandahar on 17 July (discussed in detail in this section).

<sup>173</sup> Taliban published a claim of responsibility on its English website, accessible at <http://alemarah-english.com/?p=22507>, last accessed 30 December 2017.

<sup>174</sup> 18 incidents involving the abduction of 81 civilians causing eight deaths and three injured took place in Nangarhar province. The one remaining incident involving the abduction of three civilians and death of two of them, took place in Kunar province.

<sup>175</sup> Common Article 3; Additional Protocol II, Article 4(2)(c); Rome Statute, Article 8(2)(c)(iii); ICRC Customary International Humanitarian Law Study, Rule 96, 156.

also urges the Government to protect the rights to liberty, life, physical integrity and freedom of movement of all persons within its territory as required by its international human rights obligations.<sup>176</sup>

#### **v. Parallel Justice Structure Punishments**

Anti-Government Elements continued to impose parallel justice structure punishments on civilians throughout 2017.<sup>177</sup> UNAMA recorded 23 incidents of parallel justice structure punishments imposed on civilians by Anti-Government Elements in 2017, resulting in 33 civilian casualties (21 deaths and 12 injured), a 34 per cent reduction in civilian deaths and injuries compared to 2016.<sup>178</sup> Such cases are likely under-reported given limited access to areas controlled by Anti-Government Elements.

UNAMA attributed 21 parallel justice structure punishment incidents to Taliban, one to *Daesh*/ISIL-KP in Nangarhar province, and one to a self-identified *Daesh* group in Jawzjan province. Taliban claimed responsibility for eight parallel justice structure punishments resulting in the execution of 10 civilians.

Examples of parallel justice structure punishments carried out against civilians included public executions by stoning and shooting, beating and lashing, and amputation. Anti-Government Elements imposed the punishments against individuals accused of committing crimes such as robbery, abductions, adultery, rape, and murder. In one incident, on 5 November in Shah Joy district of Zabul province, after finding a civilian man guilty of a murder committed eight months earlier, Taliban offered the victim's father the choice to forgive his son's murderer or carry out the murderer's execution himself. The victim's father chose the latter and Taliban supervised the public execution. Taliban also publicly executed a man found guilty of murder in Gizab district of Daikundi province on 2 November after the victim's family refused to forgive him, but set free three other civilians 'convicted' by Taliban of murder, rape, and adultery the same day after the victims' families accepted compensation from the guilty parties. All parallel justice structure punishments by non-state armed groups are illegal under the laws of Afghanistan, constitute criminal acts, and may amount to war crimes.<sup>179</sup>

### **B. Attacks Deliberately Targeting Civilians**

*"The Taliban opened fire on a congregation praying in Mula Juma mosque. My bother-in-law was seriously wounded and died on the way to hospital, and his brother and cousin were killed on the spot. The ANP were not able to stop the Taliban from escaping."*<sup>180</sup>

-- Relative of a victim of a shooting by Taliban in the Mula Juma Mosque that killed three civilians in Chaparhar district, Nangarhar province, on 05 July 2017.

This section is not intended to be an exhaustive list of attacks targeting civilians, instead highlighting areas of utmost concern: attacks against religion, civilian government workers and indiscriminate attacks in civilian populated areas.<sup>181</sup> Attacks where Anti-Government Elements deliberately targeted civilians

<sup>176</sup> International Covenant on Civil and Political Rights, Articles 6, 7, 9, 10, 12.

<sup>177</sup> See footnote 40 for definition of "parallel justice structure punishments".

<sup>178</sup> In 2016, UNAMA documented 34 incidents of parallel justice structure punishments, resulting in the deaths of 38 civilians and the injury of 12 others. Abductions carried out as part of parallel justice structure punishments are recorded separately from (in addition to) kidnapping incidents.

<sup>179</sup> Due to the inherent illegality of these mechanisms, UNAMA views the existence of these structures and resulting punishments as abuses of human rights. Thus, the analysis by UNAMA does not evaluate the procedural elements reported by communities according to recognized human rights standards, for example, fair trial standards. Common Article 3 protects civilians through the explicit prohibition of murder, violence, passing of sentences and carrying out of executions without respect for fair trial standards, torture, mutilation, humiliating and degrading treatment and other forms of violence. These acts are prohibited at any time and in any place whatsoever. See the Legal Framework section of this report for further details on the applicability of Common Article 3 to Afghanistan.

<sup>180</sup> UNAMA interview with relative of victims, UNAMA office, Jalalabad, 6 July 2017.

<sup>181</sup> See Chapters on Suicide and Complex Attacks, Targeted and Deliberate Killings, and *Daesh*/ISIL-KP for details on additional areas of concern with respect to the targeting of civilians.

accounted for 27 per cent of the total civilian casualties recorded in Afghanistan in 2017 – mainly from suicide and complex attacks directed at civilians or civilian objects.<sup>182</sup>

Taliban claimed responsibility for 67 attacks deliberately targeting civilians that caused 214 civilian casualties (113 deaths and 101 injured) in 2017.<sup>183</sup> Although Taliban claimed fewer attacks overall against civilians,<sup>184</sup> the number of claimed attacks against civilian Government workers increased, in line with Taliban's policy of targeting Government entities.<sup>185</sup> One incident alone caused 92 civilian casualties – on 24 July a suicide car bomb detonated against a coaster bus in Kabul city carrying employees from the Ministry of Mines and Petroleum, killing 35 civilians and injuring 57 more. The high explosive device detonated during the morning rush hour in a busy civilian neighbourhood killing and maiming most of the passengers on the bus, as well as civilians walking on the road and students from nearby Zawul University in an internet café. The explosion damaged at least eight shops and many civilian homes. The mission re-emphasizes that widespread or systematic attacks directed against a civilian population in which civilians are deliberately killed may constitute crimes against humanity.<sup>186</sup>

*Daesh*/ISIL-KP claimed responsibility for 18 attacks deliberately targeting civilians causing 756 civilian casualties (280 deaths and 476 injured),<sup>187</sup> and UNAMA documented deliberate targeting of civilians in 74 of the 100 total incidents attributed to *Daesh*/ISIL-KP during 2017.<sup>188</sup> The group mainly targeted civilians in 2017 but also conducted indiscriminate and disproportionate attacks against security forces in densely populated areas. UNAMA recorded 412 civilian casualties (160 deaths and 252 injured) during six attacks targeting places of worship, religious leaders, and worshippers claimed by *Daesh*/ISIL-KP in 2017, as well as an additional three civilian deaths from targeted killings of religious leaders not claimed by the group.<sup>189</sup> For example, on 1 August *Daesh*/ISIL-KP claimed responsibility for a complex attack against Jawadieh Shi'a mosque in Herat city, during which two suicide attackers indiscriminately fired automatic weapons and then detonated suicide vests against the congregation inside the mosque, killing 39 civilians, including five boys, and injuring a further 65 civilians, including four boys.

UNAMA also documented an increased number of attacks against places of worship and religious leaders by Taliban in 2017, as well as an increase in the number of such attacks for which Taliban claimed responsibility. The mission remains concerned by the targeting of religious leaders, which increased significantly, most notably during the first six months of 2017.<sup>190</sup> UNAMA continued to record the targeted

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<sup>182</sup> In 2017, UNAMA documented 614 incidents of attacks targeting civilians carried out by Anti-Government Elements that resulted in 2,832 civilian casualties (1,140 deaths and 1,692 injured). 583 of those casualties came from one attack using extremely large amounts of explosives in Kabul city on 31 May. UNAMA did not include attacks targeting Afghan National Police by Anti-Government Elements which caused 1,375 civilian casualties (373 deaths and 1,002 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. UNAMA also did not include attacks by Anti-Government Elements aimed at unknown targets – 33 incidents resulting in 126 civilian casualties (34 deaths and 92 injured).

<sup>183</sup> In 2016, Taliban claimed responsibility for 68 incidents targeting civilians resulting in 464 civilian casualties (119 deaths and 345 injured).

<sup>184</sup> Civilian casualties from Taliban-claimed attacks deliberately targeting civilians in 2017 amounted to less than half the civilian casualties recorded from Taliban-claimed attacks in 2016. See UNAMA Protection of Civilians Annual Report 2016, p. 72.

<sup>185</sup> For details on attacks claimed by Taliban targeting government workers (20 out of 24 of which took place in the first six months of 2017), see UNAMA Protection of Civilians Midyear Report 2017, p. 45.

<sup>186</sup> Crimes against humanity as defined in Article 7 of the Rome Statute include, *inter alia*, acts of murder when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

<sup>187</sup> These figures do not include civilian casualties (26 deaths and 22 injured) from the 8 March complex attack on the Mohammad Sardar Daud Khan military hospital in Kabul. International humanitarian law protected the military hospital from attack by virtue of the special protections afforded to military medical facilities, therefore UNAMA does not count it among attacks and incidents deliberately targeting civilians. See UNAMA Protection of Civilians Midyear Report 2017, p. 18 for details on this incident.

<sup>188</sup> This does not include nine incidents of ground engagements causing civilian casualties attributed to *Daesh*/ISIL-KP.

<sup>189</sup> See chapter on *Daesh*/ISIL-KP, including section on Deliberate Sectarian Attacks Targeting Shi'a Muslims for additional discussion on attacks against places of worship and religious leaders by the group during 2017.

<sup>190</sup> In 2017, UNAMA recorded 20 incidents targeting places of worship and religious leaders by Taliban compared with seven such incidents in 2016. This included 16 incidents of targeted killings of religious leaders in 2017 – 10 of which occurred during the first six months of the year. For further discussion on attacks against religious leaders in the first half of 2017, see UNAMA Protection of Civilians Midyear Report 2017, pp. 46-47.

killing of religious leaders by Anti-Government Elements, especially Taliban, throughout the year. For example, on 27 November Taliban shot and killed the Imam of a mosque in Khowgiani district, Nangarhar province, accusing him of supporting government. Communities reported that Taliban had removed the eyes of the victim before dumping his body in an open area outside of the mosque. Noting the marked increase in attacks against those exercising their freedom of religion and belief in 2016 and 2017 in Afghanistan, UNAMA released a Special Report on Attacks against Places of Worship, Religious Leaders, and Worshipers in November 2017.<sup>191</sup>

Anti-Government Elements must immediately cease all such attacks against religious leaders, worshippers and places of worship, and perpetrators must be held accountable – UNAMA reiterates that attacks deliberately directed at civilians and civilian objects and the deliberate killing and injuring of civilians constitute serious violations of international humanitarian law that may amount to war crimes.<sup>192</sup>

### **C. Daesh/Islamic State Khorasan Province**

*"It was around 07:30 pm and I was at home. I just returned from work and was feeling tired. I heard a few shots followed by two or three explosions. My nephew knocked on the house gate and informed me that the explosion happened in the mosque where my son had gone for prayer. I got so scared and worried that I do not know how I hurried to the mosque. There were too many people there, all crying and assisting the victims. I also got inside the mosque looking for my son and found him covered in blood and unconscious. I could barely recognize him due to him being covered in blood all over. I assisted with others and took the victims to the hospital, where he spent the night and received emergency healthcare. In the hospital, I was told that he had been wounded on his back and on the left side of his head. He was stabilized but his situation remained critical as he regained conscience but was unable to talk. The next day, it was decided that a number of injured people, including my son, should be transferred to Iran for further treatment. However, three days later, I was informed that the treatment my son received in Iran was not effective and that he had succumbed to his wounds."<sup>193</sup>*

-- Father of victim killed during complex attack against Jawadieh Mosque in Herat city on 1 August 2017. The attack killed 39 civilians, including five boys, and injured 61 civilians. *Daesh*/ISIL-KP claimed responsibility.<sup>194</sup>

From 1 January to 31 December 2017, UNAMA attributed 1,000 civilian casualties (399 deaths and 601 injured) and the abduction of 84 civilians to groups belonging to the Islamic State Khorasan Province (ISIL-KP) branch of the Islamic State of Iraq and the Levant – known in Afghanistan by the Arabic acronym "*Daesh*".<sup>195</sup> Civilian casualties attributed to *Daesh*/ISIL-KP comprised 10 per cent of all civilian casualties and continued to increase throughout 2017 – by 11 per cent compared to 2016. UNAMA remains concerned as this follows from a significant increase between 2015 and 2016.<sup>196</sup>

<sup>191</sup> Available at: <https://unama.unmissions.org/protection-of-civilians-reports>.

<sup>192</sup> War crimes include the commission of the acts prohibited by Common Article 3(1) against those not taking part in hostilities, including violence to life and person; the acts prohibited by Additional Protocol II, Article 4(2); and attacks intentionally directed at civilians or civilian objects. See Rome Statute, Articles 8(2)(c), 8(2)(e)(i); ICRC Customary International Humanitarian Law Study, Rule 156.

<sup>193</sup> UNAMA interview with witness and father of victim, Herat city, 12 November 2017.

<sup>194</sup> Al Amaq published a claim of responsibility attributed to *Daesh*/ISIL-KP, available at: [https://twitter.com/Terror\\_Monitor/status/892735903604498433](https://twitter.com/Terror_Monitor/status/892735903604498433), last accessed 2 February 2018.

<sup>195</sup> The word *Daesh* is an acronym from Islamic State of Iraq and the Levant (*al-Dawla al-Islamiya al-Iraq al-Sham*). Civilian casualties attributed to *Daesh*/ISIL-KP are those caused by groups whose leaders have formally pledged an oath to and/or groups which otherwise have clearly identifiable, strong formal links to the ISIL-KP groups mainly operating in and around Nangarhar province since 2015. UNAMA attributes civilian deaths and injuries from "self-identified *Daesh*/ISIL-KP fighters" separately, referring to "self-identified *Daesh*/ISIL-KP fighters" where Anti-Government Elements identify or claim to be "*Daesh*" but there is no factual information supporting a formal link to *Daesh*/ISIL-KP 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. Civilian casualties resulting from attacks by these groups are not included in the *Daesh*/ISIL-KP attributed figures. See below for further discussion.

<sup>196</sup> In 2016, UNAMA attributed 899 civilian casualties (209 deaths and 690 injured) to *Daesh*/ISIL-KP. In 2015, UNAMA attributed 82 civilian casualties (39 deaths and 43 injured) to the group. In 2015 all casualties occurred in Nangarhar province except for one incident causing two civilian deaths in Logar province. For additional discussion on the group's expansion in Afghanistan in 2016, see UNAMA Protection of Civilians Annual Report 2016, pp. 79-81.

Suicide and complex attacks accounted for 83 per cent of *Daesh*/ISIL-KP attributed civilian casualties in 2017, continuing the trend that began in 2016 when the group claimed responsibility for its first attack in Kabul city. In 2017, UNAMA recorded 830 civilian casualties (308 deaths and 522 injured) during 21 suicide and complex attacks attributed to *Daesh*/ISIL-KP, and 11 non-suicide IED attacks, causing 104 civilian casualties (45 deaths and 59 injured), marking significant increases from 2016 from both tactics.<sup>197</sup> The remaining civilian casualties attributed to *Daesh*/ISIL-KP in 2017, mainly occurring in Nangarhar province, included: 29 civilian casualties (25 deaths and four injured) from 23 targeted killing incidents; 23 civilian casualties (10 deaths and 13 injured) from ground engagements; 13 civilian casualties (10 deaths and three injured) from abductions;<sup>198</sup> and one death from unexploded ordnance.<sup>199</sup> *Daesh*/ISIL-KP claimed responsibility for 19 suicide and complex attacks causing 782 civilian casualties (287 deaths and 495 injured), three remote-controlled IED incidents causing 39 civilian casualties (11 deaths and 28 injured), and two targeted killings causing two deaths. Most of the suicide and complex attacks occurred in Kabul city, while the group also for the first time claimed responsibility for attacks in Herat city.<sup>200</sup>

*Daesh*/ISIL-KP claimed responsibility for 18 attacks or incidents targeting civilians or civilian objects in 2017. Nearly one-third of these targeted Shi'a Muslims, with six attacks directed at Shi'a places of worship, and one at a library in Herat, and one at a political gathering in a predominately Shi'a neighbourhood in Kabul.<sup>201</sup> The remaining *Daesh*/ISIL-KP-claimed attacks directed at civilians and civilian objects in 2017 targeted government offices and officials, media, the Iraqi Embassy in Kabul, the Supreme Court, an employee of the Pakistani consulate in Jalalabad, and a cricket match.<sup>202</sup> This continues the trend from 2016 when all five suicide and complex attacks for which *Daesh*/ISIL-KP claimed responsibility targeted civilians or civilian objects.<sup>203</sup> In addition to the indiscriminate suicide and complex attacks, *Daesh*/ISIL-KP targeted individual civilians affiliated with the government, those they believed provided "intelligence to the government", former Taliban, and tribal elders. For example, on 6 November in Jalalabad city, *Daesh*/ISIL-KP fighters riding on motorbikes shot and killed an employee of the Pakistan consulate on his way home

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<sup>197</sup> In 2016, UNAMA recorded six suicide and complex attacks attributed to *Daesh*/ISIL-KP causing 676 civilian casualties (145 deaths and 531 injured), accounting for 75 per cent of all civilian casualties attributed to the group that year. UNAMA recorded five non-suicide IED incidents causing six civilian casualties (three deaths and three injured) in 2016. Civilian casualties from suicide and complex attacks attributed to *Daesh*/ISIL-KP increased by 23 per cent from 2016 to 2017.

<sup>198</sup> Civilian casualties from abduction incidents occurred as a result of intentional killings (usually of persons alleged to be 'spies') once in custody, as well as injuries and deaths occurring during the abduction or escape attempts.

<sup>199</sup> In 2016, UNAMA recorded 16 targeted killing incidents attributed to *Daesh*/ISIL-KP resulting in 189 civilian casualties (42 deaths and 147 injured). Of these, 79 civilian casualties (19 deaths and 60 injured) resulted from one mass killing incident in Kabul on 11 October 2016 targeting Shi'a Muslim worshippers at the Karte Sakhi shrine and mosque. The rest occurred in Nangarhar province. In 2017, 22 of 23 ground engagement civilian casualties occurred in Nangarhar province, and one occurred in Kunar province. UNAMA recorded 18 civilian casualties (nine deaths and nine injured) from ground engagements attributed to *Daesh*/ISIL-KP in 2016, all in Nangarhar province.

<sup>200</sup> In 2017, *Daesh*/ISIL-KP claimed responsibility for 14 suicide and complex attacks in Kabul city, four suicide and complex attacks and one non-suicide IED attack in Nangarhar province, one complex attack and two remote-controlled IEDs in Herat city, and two targeted killings in Nangarhar province.

<sup>201</sup> See below section on Deliberate Sectarian Attacks against the Shi'a Muslim Religious Minority for claims of responsibility.

<sup>202</sup> Al Amaq circulated claims attributed to *Daesh*/ISIL-KP for these attacks, accessible at the following links. Attacks against government offices and officials: [https://twitter.com/Terror\\_Monitor/status/852195516876070912](https://twitter.com/Terror_Monitor/status/852195516876070912), [https://twitter.com/Terror\\_Monitor/status/902804762592083968](https://twitter.com/Terror_Monitor/status/902804762592083968), and [https://twitter.com/p\\_vanostaeyen/status/925504215010697216](https://twitter.com/p_vanostaeyen/status/925504215010697216); Attacks against media: [https://twitter.com/Terror\\_Monitor/status/864825360826990595](https://twitter.com/Terror_Monitor/status/864825360826990595) and <https://ent.siteintelgroup.com/Statements/amaq-reports-is-responsibility-for-suicide-raid-on-shamshad-tv-building-in-kabul.html>; MOD 400 Beds hospital attack: [https://twitter.com/Terror\\_Monitor/status/839470489009430529](https://twitter.com/Terror_Monitor/status/839470489009430529); Iraqi Embassy attack: [https://twitter.com/Terror\\_Monitor/status/892031151396671490](https://twitter.com/Terror_Monitor/status/892031151396671490); Supreme court attack: [https://twitter.com/Terror\\_Monitor/status/829307292050976769](https://twitter.com/Terror_Monitor/status/829307292050976769); Targeted killing of Pakistani Consulate Employee: <https://ent.siteintelgroup.com/Statements/is-claims-through-amaq-the-assassination-of-a-pakistani-consulate-employee-in-afghanistan.html>; Cricket match attack: [https://twitter.com/Terror\\_Monitor/status/908022943346597888](https://twitter.com/Terror_Monitor/status/908022943346597888); all links last accessed on 6 January 2018.

<sup>203</sup> See UNAMA Protection of Civilians Annual Report 2016 *Daesh*/ISIL-KP chapter for claims of responsibility and details on attacks. In 2016 the vast majority of civilian casualties from suicide and complex attacks came from one incident – the 23 July 2016 attack against a political demonstration mainly comprised of Shi'a Hazara protesters in Kabul city resulting in the death of 85 civilians and injury of 413 more. For additional information, see UNAMA Human Rights/Protection of Civilians Special Report: Attack on a Peaceful Demonstration in Kabul, 23 July 2016, available at: <https://unama.unmissions.org/protection-of-civilians-reports>

from the local market. The group claimed responsibility for the killing.<sup>204</sup> In Chaparhar district, Nangarhar province on 11 September, *Daesh*/ISIL-KP fighters shot and killed a mullah who encouraged his congregation to support the government. Civilians also suffered from *Daesh*/ISIL-KP targeting of Afghan national security forces. On 7 December in Achin district, Nangarhar province, a remote-controlled IED intended for security forces detonated when a child touched the wiring, killing a six year-old girl and injuring three girls and a woman.

**i. Civilian Casualties Attributed to Fighters Self-identified as *Daesh*/ISIL-KP<sup>205</sup>**

In addition to the above civilian casualties, in 2017, UNAMA documented 27 civilian casualties (24 deaths and three injured) and the abduction of 41 civilians perpetrated by self-identified *Daesh*/ISIL-KP fighters in Ghor, Jawzjan, and Sari Pul provinces.<sup>206</sup> These fighters have no apparent formal links to *Daesh*/ISIL-KP in Nangarhar province (or the Islamic State of Iraq and the Levant).<sup>207</sup> UNAMA observed changes in behaviour from some groups, especially in Jawzjan and Sari Pul provinces, that provided a basis for re-considering whether fighters self-identifying as *Daesh*/ISIL-KP fighters may be forging more formal links with the Nangarhar-based ISIL-KP, including claims of responsibility issued by Islamic State for attacks by these groups. However, at the time of issuance of this report, UNAMA determined such claims to be opportunistic and did not have sufficient cumulative evidence of formal links to substantiate a change in categorization of any groups considered self-identified *Daesh*/ISIL-KP.<sup>208</sup>

Self-identified *Daesh*/ISIL-KP fighters caused 20 civilian casualties (19 deaths and one injured) during 11 targeted killing incidents, caused two civilian injuries during ground fighting against Taliban, killed one civilian with a parallel justice execution, and killed four civilians and abducted 41 during nine kidnapping incidents. Three of the targeted killings occurred in Sari Pul province, three kidnappings involving 19 civilians occurred in Ghor province, and the rest of the civilian casualties and abductions occurred in Jawzjan province. On 8 December in Darz Ab district, Jawzjan, self-identified *Daesh*/ISIL-KP fighters forced two brothers to shoot their 20 year old brother who had allegedly killed their father. After the brothers' emotional pleas that killing their brother would not bring their father back and refusal to shoot him anywhere but his legs and hands, the self-identified fighters finished the execution, shooting the accused murderer in the head. On 8 September in Qush Tapa district, Jawzjan, self-identified *Daesh*/ISIL-KP fighters abducted 12 civilian men from a Taliban controlled area, bartering for their release in exchange for 20 relatives of theirs abducted the same day by Taliban.

UNAMA additionally attributed 24 civilian deaths (19 men and five boys) from attacks in Mirza Olang village, Sayyad district, Sari Pul province from 3-5 August 2017 jointly to Taliban and self-identified *Daesh*/ISIL-KP fighters after both groups claimed responsibility for the incident.<sup>209</sup> A fact-finding commission appointed by the Attorney General purportedly delivered its report on findings from the

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<sup>204</sup> Al Amaq circulated a claim attributed to *Daesh*/ISIL-KP for this attack, accessible at the following link: <https://ent.siteintelgroup.com/Statements/is-claims-through-amaq-the-assassination-of-a-pakistani-consulate-employee-in-afghanistan.html>, last accessed on 6 January 2018.

<sup>205</sup> See footnote 195 for definition of groups self-identifying as *Daesh*/ISIL-KP.

<sup>206</sup> In 2016, UNAMA recorded 75 civilian casualties (20 deaths and 55 injured) attributed so self-identified *Daesh*/ISIL-KP fighters.

<sup>207</sup> See footnote 195 for additional explanation of how UNAMA classifies 'self-identified' *Daesh*/ISIL-KP fighters.

<sup>208</sup> The mission continues to monitor such groups closely and may adjust classification in future reports should it become appropriate to do so. For additional information on claims of responsibility relating to attacks by self-identified *Daesh*/ISIL-KP, see UNAMA Protection of Civilians Midyear Report 2017, p. 49, footnote 181 and UNAMA Special Report on Attacks in Mirza Olang, 3-5 August 2017.

<sup>209</sup> Taliban initially claimed responsibility for the incident on its Dari website, and were quoted in media as stating that it only targeted pro-Government armed groups, discounting involvement of *Daesh*/ISIL-KP, and stating that Taliban commanded all fighters involved. Taliban statement available at: <http://alemarah-dari.com/?p=61231>. Taliban later retracted its claim of being in command of all fighters, telling UNAMA during a meeting on 12 September that after investigations, it had determined that the commander responsible for the killings was not under Taliban command. *Daesh*/ISIL-KP claimed responsibility on 14 August, claiming the 'killing of Shi'a' after the story had been in media for more than a week. *Daesh*/ISIL-KP claim available at: [https://twitter.com/Terror\\_Monitor/status/897176678438289408](https://twitter.com/Terror_Monitor/status/897176678438289408)

incident to the President of Afghanistan in December 2017. See UNAMA special report on attacks in Mirza Olang issued in August 2017 for additional details.<sup>210</sup>

**ii. Deliberate Sectarian Attacks against the Shi'a Muslim Religious Minority by Daesh/ISIL-KP**

Throughout 2017 UNAMA noted an increasing pattern of deliberate sectarian-motivated attacks against the Shi'a Muslim religious minority, most of whom also belong to the Hazara ethnic minority,<sup>211</sup> nearly all attributed to and claimed by *Daesh*/ISIL-KP. The increase in such attacks continued to raise grave concerns regarding the right to freedom of religion or belief and the protection of minorities.

In 2017, UNAMA documented eight sectarian-motivated attacks against Shi'a places of worship and/or worshippers, resulting in 418 civilian casualties (161 deaths and 257 injuries), comprising 83 per cent of all civilian casualties from attacks against places of worship, religious leaders and worshippers.<sup>212</sup> *Daesh*/ISIL-KP claimed responsibility for six of these incidents resulting in 412 civilian casualties (160 deaths and 252 injured).<sup>213</sup> Four of the six incidents claimed by the group took place in Kabul city, and the other two in Herat city.<sup>214</sup> The remaining two incidents, attributed to Taliban, took place in Herat and resulted in the killing of one and injury of five civilians. Concerned with the increase in sectarian-motivated attacks, UNAMA released a Special Report on Attacks against Places of Worship, Religious Leaders and Worshippers in November 2017.<sup>215</sup>

*Daesh*/ISIL-KP claimed responsibility for an additional two attacks targeting Shi'a Muslims outside of places of worship or groups of worshippers, one in Kabul city and one in Herat city, both in December, causing 133 civilian casualties (46 deaths and 87 injured). On 21 December in Herat city, *Daesh*/ISIL-KP detonated a remote-controlled IED outside a library in a predominately ethnic Hazara neighbourhood, killing one civilian woman and three men and injuring a boy, two women, and seven men. The attacker is believed to have mistaken the Iranian-built library for a Shi'a mosque due to the domed shape of the library.<sup>216</sup>

On 28 December in Kabul city, *Daesh*/ISIL-KP targeted a Shi'a Muslim cultural centre during a political gathering in a predominately ethnic Hazara neighbourhood, killing 42 civilians and injuring a further 77 when an attacker detonated a suicide vest inside a crowded room of social activists, students, and rights defenders. The detonation also killed at least five children and injured at least three more – young students attending classes in other rooms at the cultural centre, which occupies the ground floor of a multi-storey building where a media outlet also operates. Two additional IEDs emplaced nearby on the road detonated against first responders and fleeing victims of the initial explosion but failed to cause additional casualties. *Daesh*/ISIL-KP issued two claims of responsibility through the Amaq news agency, calling the centre “one of the main centres of Shi'itization by sending Afghan youth to Iran for academic studies” and used common anti-Shi'a language while claiming killing more than 220 Shi'a persons.<sup>217</sup>

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<sup>210</sup> Available at: <https://unama.unmissions.org/protection-of-civilians-reports>.

<sup>211</sup> Most Shi'a Muslims in Afghanistan are of Hazara ethnicity and form a minority of the primarily Sunni Muslim Afghan population.

<sup>212</sup> See section on Intentional Attacks against Civilians by Anti-Government Elements for additional information.

<sup>213</sup> Al Amaq circulated claims attributed to *Daesh*/ISIL-KP for these attacks, accessible at the following links: Herat 12 May RCIED: [https://twitter.com/Terror\\_Monitor/status/863763840038776832](https://twitter.com/Terror_Monitor/status/863763840038776832); Kabul 15 June Al Zahra Shi'a mosque: [https://twitter.com/Terror\\_Monitor/status/863763840038776832](https://twitter.com/Terror_Monitor/status/863763840038776832); 1 August Herat Shi'a mosque: [https://twitter.com/Terror\\_Monitor/status/892735903604498433](https://twitter.com/Terror_Monitor/status/892735903604498433); 25 August Kabul Imam Zaman Shi'a Mosque (PD11): [https://twitter.com/Terror\\_Monitor/status/901102592293392385](https://twitter.com/Terror_Monitor/status/901102592293392385); 29 September Kabul Al Husseiniya Mosque (PD10): [https://twitter.com/Terror\\_Monitor/status/913768925782982656](https://twitter.com/Terror_Monitor/status/913768925782982656); 20 October Kabul Imam Zaman Shi'a Mosque (PD13): [https://twitter.com/Terror\\_Monitor/status/921553935936000000](https://twitter.com/Terror_Monitor/status/921553935936000000); all last accessed on 6 January 2018.

<sup>214</sup> Five suicide and complex attacks (four in Kabul city and one in Herat city) and one remote-detonated IED in Herat city.

<sup>215</sup> Available at: <https://unama.unmissions.org/protection-of-civilians-reports>.

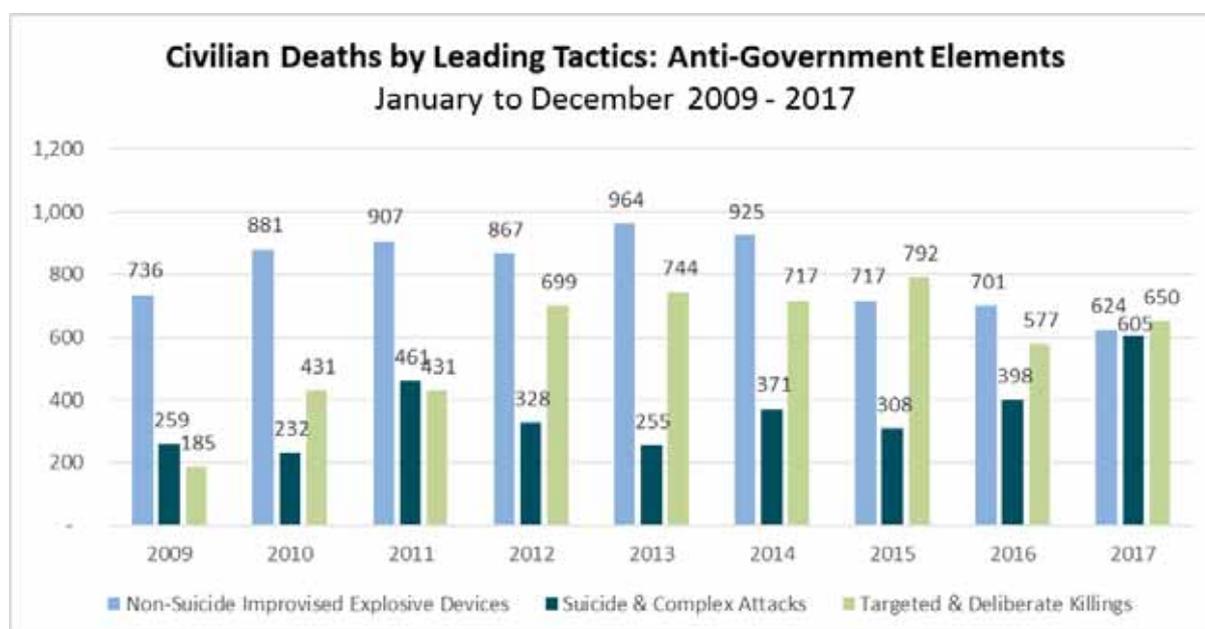
<sup>216</sup> Al Amaq circulated a claim attributed to *Daesh*/ISIL-KP for the attack, accessible at the following link: [https://twitter.com/Terror\\_Monitor/status/943884539054645248](https://twitter.com/Terror_Monitor/status/943884539054645248), last accessed on 6 January 2018.

<sup>217</sup> Al Amaq circulated claims attributed to *Daesh*/ISIL-KP for the attack, accessible at the following link: [https://twitter.com/Terror\\_Monitor/status/946321986141032448](https://twitter.com/Terror_Monitor/status/946321986141032448), last accessed on 6 January 2018.

UNAMA also recorded one additional sectarian-motivated incident targeting persons other than Shi'a Muslims in 2017, occurring in Nangarhar province when Taliban opened fire on worshippers in a mosque in a *Daesh*/ISIL-KP controlled area, killing three civilians, allegedly on grounds of their being "Wahhabi".

Attacks deliberately targeting civilians and the murder of civilians are serious violations of international humanitarian law that amount to war crimes.<sup>218</sup> In addition, widespread or systematic attacks directed against a civilian population (including religious and/or ethnic minorities) in which civilians are intentionally killed may also constitute crimes against humanity.<sup>219</sup> International humanitarian law and international criminal law further prohibit attacks directed against places of worship which constitute cultural property.<sup>220</sup>

The mission reiterates the obligation of the Government to ensure the security and safety of minorities, including religious and ethnic minorities, during their religious observances. The Government must also protect the right of all persons, especially those who belong 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>221</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 not only prohibited by law, but that the law is enforced.<sup>222</sup>



<sup>218</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>219</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>220</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.

<sup>221</sup> Universal Declaration of Human Rights (1948); International Covenant on Civil and Political Rights (1966), Articles 2, 18, 27. See also 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>222</sup> International Covenant on Civil and Political Rights, Article 20.

## IV. Civilian Casualties Attributed to Pro-Government Forces

### A. Overview

Between 1 January and 31 December 2017, UNAMA attributed 2,108 civilian casualties (745 deaths and 1,363 injured) to Pro-Government Forces,<sup>223</sup> a decrease of 23 per cent compared to 2016.<sup>224</sup> Civilian casualties attributed to Pro-Government Forces accounted for 20 per cent of all civilian casualties.

Civilian casualties caused during ground engagements against Anti-Government Elements accounted for the majority – 53 per cent – of all civilian casualties attributed to Pro-Government Forces. Pro-Government Forces caused 1,120 civilian casualties (274 deaths and 846 injured) during ground fighting, marking a 37 per cent decrease compared to 2016.<sup>225</sup> As documented in UNAMA's midyear report, Pro-Government Forces mainly caused civilian casualties during ground fighting from the use of indirect weapons in proximity to civilians, and the decrease in civilian casualties attributed to Pro-Government Forces during ground fighting principally drove the reduction in overall civilian casualties attributed to this group in 2017.

**Afghan National Security Forces:** 1,693 civilian casualties (529 deaths and 1,164 injured) – 16 per cent of total civilian casualties

**International Military Forces:** 246 civilian casualties (147 deaths and 99 injured) – two per cent of total civilian casualties

**Pro-Government Armed Groups:** 92 civilian casualties (26 deaths and 66 injured) – one per cent of total civilian casualties

**Unidentified Pro-Government Forces:** 77 civilian casualties (43 deaths and 34 injured) – one per cent of total civilian casualties

Aerial operations caused the second most civilian casualties attributed to Pro-Government Forces – 631 civilian casualties (295 deaths and 336 injured), accounting for 30 per cent of all civilian casualties attributed to Pro-Government Forces, and six per cent of total civilian casualties in 2017. In contrast to ground engagements, civilian casualties from aerial operations increased by seven per cent compared to 2016.<sup>226</sup>

The remaining civilian casualties attributed to Pro-Government Forces occurred outside the context of ground fighting, including during incidents of killing and injuring of civilians (either known to be civilian or mistaken for Anti-

Government Elements), which accounted for 125 civilian casualties (67 deaths and 58 injured). In addition, Pro-Government Force actions during search operations caused 123 civilian casualties (79 deaths and 44 injured); incidents of escalation of force resulted in 52 civilian casualties (18 deaths and 34 injured); and threat and intimidation of civilians caused 17 civilian injuries.<sup>227</sup>

### Key developments within Afghan National Defence and Security Forces

UNAMA noted two significant developments in 2017 with respect to the composition of Afghan National Defence and Security Forces. The Government announced plans for movement of the command of forces known as Afghan National Civil Order Police and Afghan National Border Police, both largely engaged in frontline conflict activities in active conflict areas, to the Ministry of Defence from the Ministry of the Interior starting in late 2017, with the full transition to continue into 2018. Plans included that small groups of Afghan National Civil Order Police not taking part in combat activities (e.g. the anti-riot police in Kabul city) would remain under the Ministry of the Interior, as would some Afghan National Border Police (e.g. those at border/entry points). UNAMA had already considered both forces (apart from those engaged in

<sup>223</sup> See Glossary for definition of Pro-Government Forces.

<sup>224</sup> In 2016, UNAMA attributed 2,731 civilian casualties (905 deaths and 1,826 injured) to Pro-Government Forces.

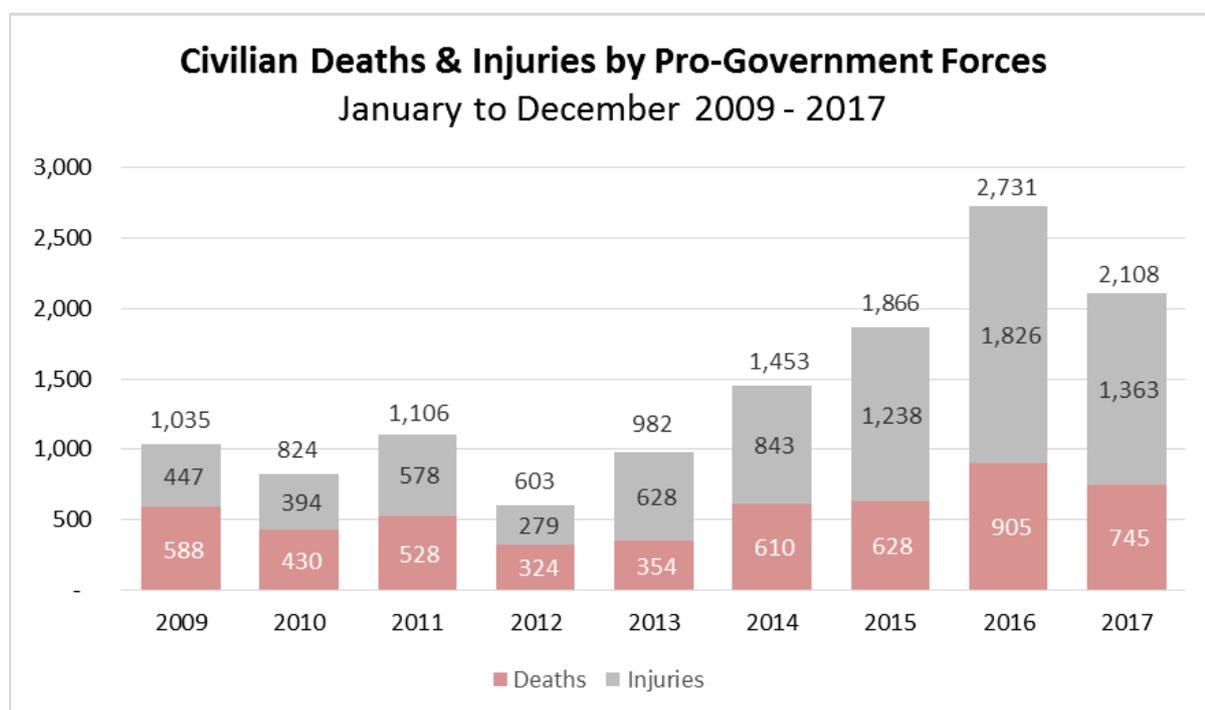
<sup>225</sup> In 2016, UNAMA attributed 1,775 civilian casualties (483 deaths and 1,292 injured) to Pro-Government Forces during ground fighting.

<sup>226</sup> In 2016, UNAMA attributed 590 civilian casualties (250 deaths and 340 injured) to aerial operations, all conducted by Pro-Government Forces.

<sup>227</sup> Explosive remnants of war left behind by Pro-Government Forces accounted for 26 civilian casualties (eight deaths and 18 injured) and seven 'other' incidents (e.g. stray bullets including from weapons fired in the air as warnings, unintentional discharge of weapons in the direction of civilians, forced removal of an IED) accounted for 14 civilian casualties (four deaths and 10 injured) by Pro-Government Forces.

border, anti-riot, and other civilian policing activities) as *de facto* part of the armed forces, and welcomes the formal organisation of such forces, against whom it rarely documented any human rights violations, within the command structures of the Ministry of Defence. At the time of publication, information received by UNAMA indicated that the Afghan National Border Police, with the exception of several thousand engaged in civilian functions at border/entry points, had transferred to Ministry of Defence command. UNAMA did not receive any formal information that the plans had been enacted so far with respect to the Afghan National Civil Order Police.

A plan is also currently under review by the President of Afghanistan for the creation of an “Afghan Territorial Army” or “Afghan National Army – Territorial Forces”. Preliminary proposals for the structure of the new forces recommend the forces serve only in their home areas, with the primary function of holding territory in areas cleared by the Afghan National Army, under whose command they would operate. At the time of this report, information available indicated that plans for pilot groups of the force (which is eventually proposed to be around 20,000 strong countrywide) are set to begin, pending the President’s final approval, in early 2018 in Nangarhar province. Although the Afghan Territorial Army, like the Afghan Local Police, will be locally recruited, UNAMA understands that recruits will undergo a more rigorous and standardized programme of training provided by the Afghan National Army at regional level, and will be subject to the same command, and therefore accountability, as the Afghan National Army.



## B. Aerial Operations

*“There was a man with a rocket launcher behind our house. My brother told him to move away, saying, ‘go away from here please! There are children and women here!’ We saw him start to move away, but when my brother was returning to the house a rocket was fired and we heard an explosion, followed by heavy gunfire at the house. My family all sought shelter inside. After a few moments, a bomb was dropped on the house. Thirty-one people were in the house at the time. This was too much for just one Taliban. He could have been dealt with another way. I ask that you try to make sure this does not happen to others.”<sup>228</sup>*

-- Head of household impacted by international military airstrike responding to a Taliban fighter using a civilian-populated area as a firing position, in Pul-e-Alam district, Logar province on 30 August. The incident killed 13 civilians, all of whom were women and children (10 children and three women), and injured another 12 (including six children and three women). NATO Resolute Support reported that the incident is under high-level investigation.

In 2017, UNAMA documented 631 civilian casualties (295 deaths and 336 injured) from 139 aerial operations conducted by Pro-Government Forces, a seven per cent increase in civilian casualties from this tactic, and the highest number of civilian casualties from airstrikes in a single year since UNAMA began systematic documentation in 2009.<sup>229</sup> UNAMA attributed 309 civilian casualties (99 deaths and 210 injured) to 68 aerial operations carried out by the Afghan Air Force; 246 civilian casualties (154 deaths and 92 injured) to international military forces during 50 aerial operations; and 76 civilian casualties (42 deaths and 34 injured) to 21 incidents of airstrikes conducted by undetermined Pro-Government Forces.<sup>230</sup>

Aerial operations accounted for six per cent of all civilian casualties in Afghanistan in 2017, with most incidents causing civilian casualties taking place in Farah, Helmand, Kunduz, Nangarhar, and Uruzgan provinces.<sup>231</sup> Ground engagement civilian casualties decreased in all of these provinces except Farah.

Aerial operations disproportionately and increasingly affected women and children in 2017, following already high numbers of women and children injured and killed by aerial operations in 2016.<sup>232</sup> Women and children comprised 62 per cent of civilian casualties from aerial operations in 2017, raising concerns about the effectiveness of precautions taken by Pro-Government Forces to avoid civilian casualties during airstrikes. UNAMA notes particular concern with a sharp rise in children’s deaths from airstrikes, documenting 114 children’s deaths from this tactic type, a 46 per cent increase compared to 2016, when UNAMA documented 78 child deaths. Women casualties from aerial operations rose to 127 women casualties (47 deaths and 80 injured), a 22 per cent increase from the 104 women casualties (33 deaths and 71 injured) documented in 2016. Most women and child casualties from aerial strikes occurred during aerial strikes in areas populated by civilians, often targeting Anti-Government Elements intermingled with the civilian population who sometimes targeted Pro-Government Forces from civilian residences.

<sup>228</sup> UNAMA interview with head of household, UNAMA offices, Kabul, 12 September 2017.

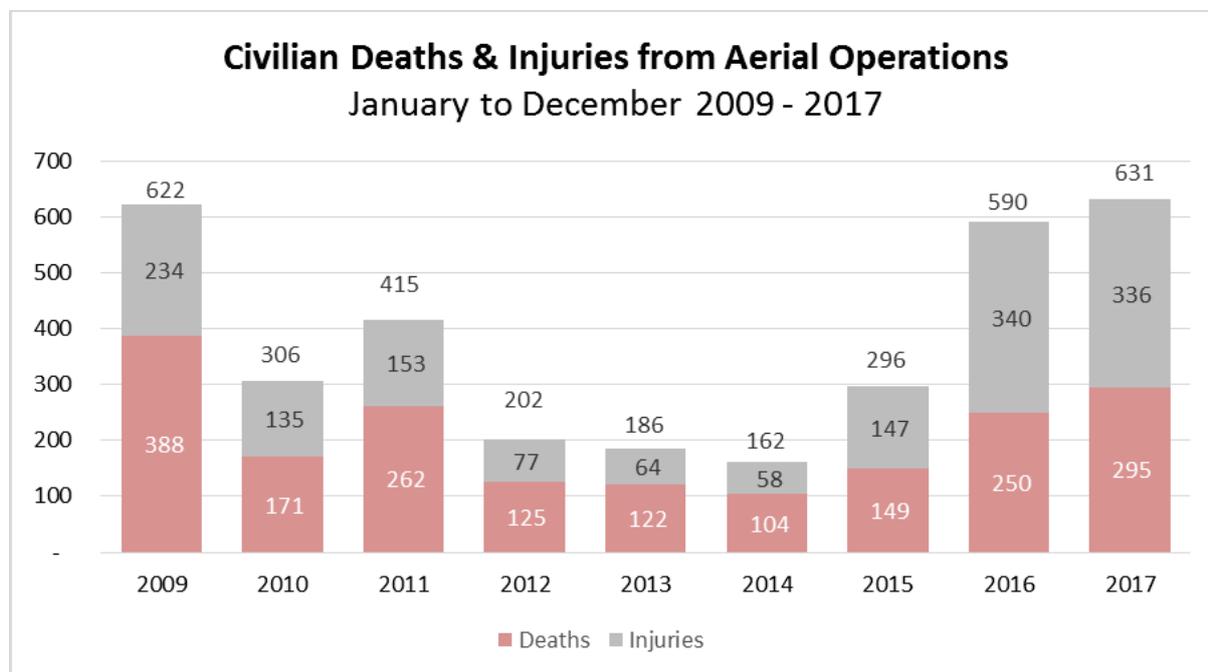
<sup>229</sup> In 2016, which previously marked the highest civilian casualties from aerial strikes since 2009, aerial operations caused 590 civilian casualties (250 deaths and 340 injured) during 121 incidents. In 2017, UNAMA recorded an 18 per cent increase in civilian deaths and one per cent reduction in civilian injuries compared to 2016.

<sup>230</sup> Only the Afghan Air Force and international military forces officially conduct aerial operations in Afghanistan. UNAMA shared all incidents of aerial strikes attributed to international military forces with NATO Resolute Support. The incidents attributed to undetermined Pro-Government Forces are those where NATO Resolute Support reported it was not aware of any international military force aerial operations during a 72 hour period around the time of the airstrikes.

<sup>231</sup> Aerial operations caused 46 civilian casualties (11 deaths and 35 injured) in Farah province, 67 civilian casualties (58 deaths and nine injured) in Helmand province, 109 civilian casualties (43 deaths and 66 injured) in Kunduz province, 94 civilian casualties (57 deaths and 37 injured) in Nangarhar province, and 58 civilian casualties (13 deaths and 45 injured) in Uruzgan province.

<sup>232</sup> In 2017, women civilian casualties from aerial operations increased by 22 per cent to 127 women casualties (47 deaths and 80 injured) compared with 104 women casualties (33 deaths and 71 injured) in 2016; child casualties from aerial operations increased by 33 per cent to 266 child casualties (114 deaths and 152 injured) compared with 200 child casualties (78 deaths and 122 injured) in 2016.

UNAMA observed that the number of airstrikes conducted by international military forces and Afghan air forces has increased significantly compared to 2016, while the number of civilian casualties has increased by seven per cent. While emphasizing that no civilian casualties are acceptable, the reduced harm ratio suggests improvements in targeting and civilian protection procedures.<sup>233</sup> Additionally, international military forces announced a shift in rules of engagement, permitting the offensive targeting of the narcotics industry when considered sufficiently linked to Taliban through “revenue-generation”.



### i. Afghan Air Force Aerial Operations

In 2017, UNAMA documented 309 civilian casualties (99 deaths and 210 injured) from 68 aerial operations by the Afghan Air Force, a 24 per cent increase from 2016 when UNAMA documented 250 civilian casualties (84 deaths and 166 injured) from 69 aerial operations by Afghan National Security Forces.<sup>234</sup> Civilian casualties from aerial operations by the Afghan Air Force comprised 49 per cent of civilian casualties caused by airstrikes during the year. Faryab province experienced the highest number of aerial operations by the Afghan Air Force that caused civilian casualties, recording 12 incidents that resulted in 36 civilian casualties (nine deaths and 27 injured). Afghan Air Force airstrikes caused civilian casualties throughout most of the country in 2017, with incidents occurring in 25 of the 34 provinces of Afghanistan.

For example, on 3 March 2017, airstrikes from two Afghan Air Force helicopters killed seven children and injured 24 civilians (including 11 children and seven women) in Bala Baluk district, Farah province as they fled from fighting in the area in two civilian cars and a civilian truck.<sup>235</sup> On 28 August 2017, weapons fired from an Afghan Air Force airplane killed 17 civilians (nine children and eight women) and injured three women as they fled from a house in Bakhtabad village, Shindand district, Herat province during an aerial operation targeting Anti-Government Elements in the area. Following an investigation into the

<sup>233</sup> Resolute Support Mission, 8 February 2018. Also, according to figures provided by the Afghan Air Force, between 21 March 2017 and 20 January 2018 (the first 10 months of year 1396 of the Afghan Solar Calendar), the Afghan Air Force conducted 425 airstrikes, nearly double the number of airstrikes conducted during the prior 10 months. Between 12 May 2016 and 20 March 2017 (the last 10 months of the year 1395 of the Afghan Calendar) the Afghan Air Force reported conducting 219 airstrikes. The Afghan Air Force also noted that it suspended 25 airstrikes due to the presence of civilians in the last 10 months, compared with 13 such suspensions during the prior 10 month period. All figures provided during UNAMA Meeting with Afghan Air Force, 24 January 2018. For details on international military forces, see United States Air Forces Central Command Combined Air Operations Center Airpower Summary for December 2017, available at: <http://www.afcent.af.mil/About/Airpower-Summaries/>, last accessed 18 January 2018. Air Force Central Command reports 4,361 weapons released by international military forces in Afghanistan in 2017 compared to 1,337 during 2016.

<sup>234</sup> Of the 309 civilian casualties, children accounted for 145 civilian casualties (42 deaths and 103 injured) while women comprised 80 civilian casualties (26 deaths and 54 injured), amounting to a total of 73 per cent of all such casualties.

<sup>235</sup> See UNAMA Protection of Civilians Midyear Report 2017, p. 54 for additional details on this incident.

circumstances of the 28 August incident, the Government paid compensation to injured persons and families of those killed.

As of 30 November 2017, the Afghan Air Force operated at least 56 aircraft capable of conducting offensive aerial operations including 12 fixed wing attack planes; four UH-60 Blackhawk helicopters; 13 Mi-17 helicopters modified to include fixed forward firing machine guns (seven of which are capable of deploying rockets); and 25 MD-530 helicopters. In 2017, the Afghan Air Force supplemented its aerial capacity by receiving four additional fixed wing attack planes and four UH-60 Blackhawks.<sup>236</sup>

Considering that the Afghan Air Force continued to increase its armed aircraft capacity in 2017,<sup>237</sup> UNAMA recommends that international military forces continue to provide training, resources, and related support to the Afghan Air Force throughout and beyond 2018, noting the need for appropriate protocols, training, and civilian casualty mitigation measures in relation to the use of armed aircraft. While encouraging the ongoing training of Army Tactical Air Coordinators, the mission is concerned with United States Department of Defence reports that Coordinators trained are rarely used in their roles for Air-to-Ground Integration, with only 11 out of 290 trained Coordinators employed in their assigned tactical air coordination role.<sup>238</sup>

## **ii. International Military Forces Aerial Operations**

Between 1 January 31 December 2017, UNAMA documented 246 civilian casualties (154 deaths and 92 injured) from 50 aerial operations carried out by international military forces on par with 2016 when UNAMA documented 235 civilian casualties (127 deaths and 108 injured) from 39 aerial operations.<sup>239</sup> Civilian casualties from international military force aerial operations accounted for 39 per cent of all civilian casualties from airstrikes in 2017.

UNAMA noted that despite responsibility for a lower number of aerial strikes causing civilian casualties than the Afghan Air Force, international military forces caused more civilian fatalities using this tactic. The mission documented four incidents that resulted in more than 10 civilian fatalities, all conducted in the context of offensive strikes targeting narcotics factories, strikes targeting civilians mistaken for Anti-Government Elements, and defensive strikes in areas populated by women and children. For example, on 30 August, a defensive airstrike by international military forces in Logar province struck a civilian home, killing 13 women and children and injuring 12 other civilians (including 6 children and 3 women), all members of one family. The airstrike occurred after multiple Taliban fighters fired from the civilian property at an international military forces helicopter which had made an emergency landing nearby.

Civilians in Chahar Dara district in Kunduz province and Deh Bala district in Nangarhar province suffered the most casualties as a result of international military force airstrikes. Sangin district in Helmand province also recorded comparatively high numbers of civilian casualties from airstrikes, especially in the early months of 2017.<sup>240</sup> Together, these three districts, which remained frontlines for fighting between Pro-Government Forces and Anti-Government Elements throughout 2017, accounted for over 50 per cent of civilian casualties from international military force aerial strikes during the year.

Nonetheless, as civilian casualties from aerial operations reached record high levels in 2017, UNAMA once again recommends that both the Afghan Air Force and international military forces review targeting criteria and pre-engagement precautionary measures, including considering the high likelihood of civilian presence

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<sup>236</sup> See United States Department of Defense, 'Report on Enhancing Security and Stability in Afghanistan', December 2017, p. 63.

<sup>237</sup> See United States Department of Defense, 'Report on Enhancing Security and Stability in Afghanistan', December 2017, p. 63. The report also notes that beginning in January 2018, two operational UH-60s will be delivered to Afghanistan per month until at least June 2018, for 16 total UH-60s in Afghanistan by June.

<sup>238</sup> See United States Department of Defense, 'Report on Enhancing Security and Stability in Afghanistan', December 2017, p. 72.

<sup>239</sup> Of the 237 civilian casualties, women comprised 34 civilian casualties (18 deaths and 16 injured) and children accounted for 91 civilian casualties (57 deaths and 34 injured).

<sup>240</sup> See UNAMA Protection of Civilians Midyear Report 2017, p. 55 for details on airstrikes in Helmand Province.

in populated areas and starting from a position of considering all persons to be civilians unless determined otherwise. UNAMA urges the Afghan Air Force in particular to continue developing and implementing clear tactical directives, rules of engagement and other procedures, including incorporating lessons learned from airstrikes that caused civilian casualties. UNAMA continues to share its findings with Pro-Government Forces on a regular basis, acknowledges the investigations undertaken by international military forces in particular, and urges the Afghan Air Force to engage more systematically with UNAMA about aerial incidents causing civilian casualties.

UNAMA recalls that international humanitarian law obliges parties to the conflict to take all feasible precautions to avoid and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects during the conduct of aerial operations;<sup>241</sup> to conduct investigations following allegations of civilian casualties during aerial operations and ensure accountability, including prosecution where relevant.<sup>242</sup> Civilian casualties should be acknowledged, documented and procedures followed for the benefit of victims and survivors accordingly, even where international forces describe the strike as lawful. While efforts have been made by Government and international military forces to provide compensation, many civilians harmed by aerial operations and/or surviving family members do not receive compensation in accordance with international standards concerning reparations for victims of violations of international humanitarian and human rights law.<sup>243</sup> UNAMA recommends that military forces continue to strengthen measures and take appropriate steps to ensure accountability, compensation and better operational practice.

### **C. Killings of Civilians by Afghan National Security Forces**

*"We got information that thieves were looting our relative's house and some of our family members went armed with pistols and AK-47s to secure their home from the thieves. We did not know that NDS-02 were conducting a search operation. When approaching the house, NDS-02 opened small arms fire on them without warning. Three of my relatives were killed and another was slightly wounded. The NDS-02 soldiers were in civilian clothing, leading locals to believe that they were thieves."*<sup>244</sup>

--A relative of the victims of a search operation that killed three civilian men and wounded another in Jalalabad city, Nangarhar province, on 21 September.

In 2017, UNAMA documented 39 incidents of killings of civilians by Afghan national security forces (not including Afghan Local Police, who are discussed separately below) outside the context of ground engagements, search operations, escalation of force incidents, and other formal operations, resulting in 59 civilian casualties (41 deaths and 18 injured).<sup>245</sup> These incidents include both intentional, extrajudicial killing of civilians and instances where Afghan national security forces fired at civilians without giving prior warning after reportedly mistaking them for Anti-Government elements.

In 13 cases Afghan national security forces intentionally killed or injured civilians, resulting in 21 civilian casualties (18 deaths and three injured). One incident involved Afghan National Police shooting a 60 year old man suspected of supporting Taliban after his arrest in Shah Wali Kot district of Kandahar province. In another incident, Afghan national security forces shot dead a 30 year old man in Laghman province over personal issues related to the victim's children.

<sup>241</sup> ICRC Customary International Humanitarian Law Study, Rules 15 to 21.

<sup>242</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 international human rights law obligation to investigate.

<sup>243</sup> See General Assembly Resolution 60/147 of 16 December 2005 on Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law regarding reparations.

<sup>244</sup> UNAMA interview with relative of victims, UNAMA office, Jalalabad, 26 September 2017.

<sup>245</sup> In 2016, UNAMA documented 38 comparable incidents that resulted in 48 civilian casualties (37 deaths and 11 injured).

Civilian victims reportedly mistaken for Anti-Government Elements by Afghan national security forces accounted for an additional 38 civilian casualties, including 23 civilians killed and 15 injured during 26 incidents. These incidents involved Afghan national security forces firing at the victims without first giving the civilians a stop warning when they came close to a security check-post or under other similar circumstances where the security forces deemed them a threat based upon prevailing conditions. For example, on 16 November, Afghan National Army soldiers shot and seriously wounded a 50 year-year old man working in his garden in Mizan district of Zabul province after Taliban fired at the soldiers from a nearby location earlier in the day. The victim lost his life on the way to the district health facility. On 16 August, in Shah Joy district of Zabul province, Afghan National Police shot a civilian while he looted a police checkpoint guard tower recently abandoned after armed clashes with Taliban, seriously injuring the man. Afghan national security forces did not acknowledge either victim as a civilian.

UNAMA emphasizes that extrajudicial killings of civilians by any party to the conflict are explicitly prohibited by Common Article 3 at any time and any place. It also reiterates that under international human rights law, States must investigate the use of lethal force by their agents, particularly those involved in law enforcement, as well as those arising during armed conflict.<sup>246</sup> The Government bears the responsibility to initiate such investigations when they become aware of credible allegations, and to ensure that such investigations lead to accountability, where necessary. Claims of requirements - at any level - that victims and family members must first submit written complaints are contrary to both international human rights law and Afghan law.<sup>247</sup>

#### **D. Afghan Local Police**

At the end of 2017, the Afghan Local police *tashkeil* included 29,161 physically present in 31 provinces and 203 districts. UNAMA continued to record concerns regarding weakness in command and control of the Afghan Local Police (ALP) by Afghan National Police, weak and *ad hoc* oversight, and lack of accountability for ALP members past and ongoing human rights violations. Notwithstanding these concerns, UNAMA observed continued improvement in ALP response to violations, including cases where these amounted to criminal conduct, as well as steps taken by the ALP Directorate and the Ministry of Interior headquarters to investigate and prosecute ALP suspected of violations (past and present).

UNAMA recorded an increase in civilian casualties caused by Afghan Local Police in 2017, documenting 55 incidents causing 114 civilian casualties (27 deaths and 87 injured) – nearly double the number of civilian casualties recorded in 2016, reversing the decrease recorded last year.<sup>248</sup>

Afghan Local Police continued to deliberately target civilians outside the battlefield in 2017, causing 45 civilian casualties (12 deaths and 33 injured) during 18 deliberate killing incidents – three fewer civilian

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<sup>246</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>247</sup> Article 57(1) of the Afghanistan Criminal Procedure Code (CPC), “Duties of Citizens and Officials When Informed of a Crime”, states “The citizens by observing the other provisions of this law, when informed of or witness to a crime, are required to inform the police or other judicial officer or prosecution either verbally or in writing, or with the use of electronic devices.” Article 58 of the CPC, “Obligations of the Notified Organization”, states, “The notified organization is required to receive the complaints and notifications about the committed crime, make a decision as soon as possible or submit it to the relevant organization for making decision and inform informer of the date and time of the decision along with his/her identity and position.” Article 63 of the CPC, “Preventing the Initiation of a Criminal Case”, only requires a written complaint by the victim when the perpetrator is a relative of the victim for certain crimes. Official Gazette of the Islamic Republic of Afghanistan (OG/117), 7 October 2013, UNAMA unofficial translation.

<sup>248</sup> In 2016, UNAMA attributed 65 civilian casualties (25 deaths and 40 injured) to Afghan Local Police. In 2015, UNAMA recorded 51 incidents involving Afghan Local Police causing 136 civilian casualties (38 deaths and 98 injured). ALP force size has not significantly changed in 2017. As of 4 January 2018, the total number of Afghan Local Police personnel stood at 29,161 personnel in 31 provinces and 203 districts. Information received by email from Afghan Local Police Directorate on 4 January 2018. See UNAMA Protection of Civilians Annual Report 2016 for additional discussion on Afghan Local Police attributed civilian casualty reductions.

deaths and 28 more injuries than 2016 during approximately the same number of incidents.<sup>249</sup> The increase in civilian injuries mainly resulted from one incident on 11 April in Kunduz city during which an Afghan Local Police officer injured 14 civilians with a hand grenade during a personal dispute.<sup>250</sup> While the reduction in civilian deaths from targeted and deliberate killings by Afghan Local Police is positive, and UNAMA continued to document investigations by Afghan National Police or other competent authorities into several incidents, few resulted in perpetrators being held accountable for their actions. In one case, on 8 August in Qala-e-Zal district of Kunduz province, Afghan Local police shot a woman and her husband, both mistaken for Anti-Government Elements as they approached a security check post, killing the woman and injuring the man. Afghan National Police apprehended the perpetrator, but later released him under pressure from the local community, reportedly at the instigation of the Afghan Local Police commander from the area. UNAMA also recorded an incident of Afghan Local Police opening fire on residents of Darzab district, Jawzjan province on 18 July after accusing the residents of providing food, water and shelter to *Daesh*/ISIL-KP fighters, injuring a woman and two men. In another example, in Zurmat district of Paktya province on 16 September, four Afghan Local Police entered the home of a schoolteacher, killing the schoolteacher and injuring his nephew and brother after surprisingly finding them home during a botched robbery attempt. In response, tribal elders protested the killing before the Provincial Governor and later forced the closure of schools until appropriate legal action had been taken. Afghan National Police arrested the perpetrators. The schools re-opened after one day and the case is currently under consideration of the primary court.

UNAMA documented 42 civilian casualties (10 deaths and 32 injured) caused by Afghan Local Police during ground engagements compared to 35 civilian casualties (eight deaths and 27 injured) in 2016, predominantly in the eastern region provinces of Laghman and Nangarhar and the southern region province of Zabul.<sup>251</sup> UNAMA recorded approximately half of the ground engagement civilian casualties from Afghan Local Police use of indirect weapons or adequate training. For additional discussion, see Chapter on Ground Engagements.

UNAMA documented 13 incidents of threat, intimidation, and harassment by Afghan Local Police in 2017 causing the injury of 12 civilians, including severe beating of civilians, burning of homes, and harassment of staff and patients at medical facilities. In Ali Abad district, Kunduz province on 4 October, Afghan Local Police blocked the movement of approximately 100 village residents to the district centre and bazaar, preventing them from attending work and selling their goods in the bazaar after accusing the residents of supporting Anti-Government Elements, reportedly due to the ethnicity of the residents. On 8 July, approximately 10 armed Afghan Local Police entered Kunduz Regional Hospital in Kunduz city searching for a Taliban member wounded during fighting earlier in the day. When they could not locate the fighter as Afghan National Police had already removed him from the hospital, they verbally abused hospital staff and patients. In another example, on 6 July in Muqur district, Badghis province, Afghan Local Police severely beat a civilian driving a local transportation vehicle as punishment for driving too fast near to the check post.<sup>252</sup>

UNAMA continued to share accounts of allegations against Afghan Local Police personnel with the Afghan Local Police Directorate on a quarterly basis throughout 2017 and monitored accountability measures taken at the national and provincial levels. Efforts by the Afghan Local Police Directorate in the area of accountability observed by UNAMA in 2016 continued during 2017.<sup>253</sup> The Afghan Local Police Directorate reported that it documented the investigation of 166 allegations against the Afghan Local Police

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<sup>249</sup> UNAMA recorded 20 civilian casualties (15 deaths and five injured) during 15 targeted and deliberate killing incidents attributed to Afghan Local Police in 2016.

<sup>250</sup> See UNAMA Protection of Civilians Midyear Report 2017, p. 59.

<sup>251</sup> Afghan Local Police also caused civilian casualties in Ghazni, Jawzjan, Maidan Wardak, and Takhar provinces.

<sup>252</sup> The remainder of civilian casualties attributed to Afghan Local Police occurred during three escalation of force incidents (two civilian deaths and two injured) and three search operations (one civilian death and one injured) and three 'other' incident types (two civilian deaths and seven injured).

<sup>253</sup> For more information see UNAMA 2016 Annual Report on Protection of Civilians, pp. 111-113.

in 2017, of which 85 allegations related to human rights violations have been transferred to justice institutions. While UNAMA continues to welcome these efforts, many of these investigations cover incidents from earlier periods,<sup>254</sup> and the mission remains concerned at the prevailing lack of accountability for violations of human rights committed by Afghan Local Police and encourages the Government and leadership of the Afghan Local Police to ensure independent and objective investigations into all allegations of violations of international human rights and humanitarian law by Afghan Local Police personnel and to continue efforts to promote accountability.

### **E. Pro-Government Armed Groups**

*“Suddenly a fire fight took place between the Taliban and the local [pro-government] militia in our village when the Taliban attacked a local militia check post. At the time of the incident I was in my house. A mortar round fired by the militia impacted on my house, and as a result, myself and my seven-year-old girl neighbour were injured, my house was damaged and our four livestock were killed.”<sup>255</sup>*

--Victim of a mortar in Faryab province which resulted in the injury of two civilians including a man and a seven-year-old girl on 20 August 2017.

In 2017, pro-Government armed groups<sup>256</sup> in Afghanistan caused 92 civilian casualties (26 deaths and 66 injured) in 41 incidents – a reduction of 50 per cent from 2016.<sup>257</sup> The majority of civilian deaths and injuries resulted from ground engagements, followed by targeted and deliberate killings. The drop in civilian casualties attributed to pro-Government armed groups mostly resulted from a sharp decline in civilian casualties by the groups during ground engagements.<sup>258</sup> The remaining reduction came from a significant decrease in the number of incidents where the groups deliberately targeted civilians together with the lack of any recorded incidents of threats, intimidation, or harassment.<sup>259</sup> Since early 2015, the Government began efforts to disband these groups and has implemented a number of measures to roll back their expansion.<sup>260</sup> In 2017, one such measure included the development of a proposal for a community-based force called the Afghan Territorial Army, proposed to report to and follow the recruitment procedures of the Afghan National Army (discussed above in the overview section of the Pro-Government Forces chapter).

Pro-Government armed groups continued to cause the majority of all of the civilian casualties attributed to them – 76 per cent – during ground engagements. In line with overall trends during ground engagements, pro-Government armed groups caused more than half of such civilian casualties attributed to them with indirect weapons such as mortars, rockets and grenades (for more discussion, see Chapter on Ground Engagements).<sup>261</sup>

<sup>254</sup> Information received by email from the Afghan Local Police Directorate on 08 January 2018. UNAMA could not independently verify this claim. The NATO Resolute Support adviser to Afghan Local Police stated that these investigations cover a three year period and that approximately half of those allegations concern suspected human rights violations. Information received in an email dated 08 January 2018.

<sup>255</sup> UNAMA interview with victim, Maimana provincial hospital, 24 August 2017.

<sup>256</sup> 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, though in some cases, armed groups receive direct/indirect support of the host Government or other States. This term includes, but is not limited to, the following groups: “national uprising movements”, local militias (ethnically, clan or otherwise based), and civil defence forces and paramilitary groups (when such groups are clearly not under State control).

<sup>257</sup> In 2016, UNAMA attributed 185 civilian casualties (52 deaths and 133 injured) to pro-Government armed groups.

<sup>258</sup> Pro-Government armed groups caused 70 civilian casualties (12 deaths and 58 injured) during ground engagements in 2017, a 32 per cent decrease from the 103 civilian casualties (18 deaths and 85 injured) caused by the groups during ground engagements in 2016.

<sup>259</sup> Targeted and deliberate killings by pro-Government armed groups caused 21 civilian casualties (14 deaths and seven injured) in 2017, a 45 per cent decrease from the 38 civilian casualties (29 deaths and nine injured) recorded in 2016.

<sup>260</sup> <https://president.gov.af/en/press-release/statement-by-the-government-of-afghanistan-on-the-human-rights-watch-report/>

<sup>261</sup> UNAMA attributed 61 per cent (43 civilian casualties (seven deaths and 36 injured)) of civilian casualties caused by pro-Government armed groups during ground engagements in 2017 to the use of indirect weapons such as mortars, rockets, grenades.

As in 2016, most of the civilian casualties attributed to pro-Government armed groups in 2017 occurred in Faryab province, though UNAMA recorded a significant reduction in incidents causing civilian casualties in Faryab, where most such incidents occurred in the first six months of 2017.<sup>262</sup> Pro-Government armed group abuses also took place in Jawzjan, Samangan, Daikundi, Khost, Paktya, Kunduz, Helmand, and Balkh provinces, and included the deliberate killing of relatives of those perceived to be Taliban members, killing of civilians who objected to the armed groups' activities, and killing, threatening and/or harassment of civilians who failed to pay illegal taxation imposed by the groups. Of particular concern is the Khost Protection Force, discussed below.

UNAMA documented 12 cases where pro-Government armed groups deliberately killed civilians, resulting in 21 civilian casualties (14 deaths and seven injured). 10 of these incidents resulted from personal disputes or civilians' refusal to pay illegal taxation to members of the groups. For example, on 19 September pro-Government armed group members killed a civilian man, his seven-year-old son, and his four-year-old daughter and injured the man's brother by shooting at the victims as they drove towards land disputed between the victims and armed group members. The other two deliberate killing cases involved civilians killed for alleged support of anti-government elements, including two relatives of Taliban members and one boy who brought food to an injured fighter.<sup>263</sup>

Pro-Government armed groups continued to carry out human rights abuses with impunity. Throughout 2017, allegations of the persistent failure of the Government to hold pro-Government armed group members responsible for abuses perpetrated against civilians continued. Despite recording a decrease in civilian casualties attributed to pro-Government armed groups, their continued existence remains a major concern due to the absence of clear legal standing for such groups, the abuses they continue to commit against civilians, their ongoing access to indirect weapons such as mortars, rockets and grenades, and the persistent lack of accountability in relation to their actions. In many instances, such impunity is due to their relationship with political and security power-holders, allowing armed groups to take advantage of the fragile security environment, abuse the local population, and place civilians in the areas they operate at risk of harm.

There is no legal basis in Afghan law for the existence of pro-Government armed groups. UNAMA emphasizes that the Government has the primary responsibility to protect the right to life and security of all Afghans. It repeats its call to the Government to disband all pro-Government armed groups and to investigate all allegations of human rights abuses by pro-Government armed groups, followed by the prosecution of those identified as alleged perpetrators, including those at senior levels.

#### **i. Khost Protection Force**

UNAMA notes concern with continued allegations of human rights abuses, criminality and civilian casualties attributed to the Khost Protection Force, with particular concern that these actions have continued with an absence of transparency and ongoing impunity.<sup>264</sup> The Khost Protection Force is a paramilitary pro-Government armed group that has operated from bases in districts of Khost and Paktya since at least 2007. It does not exist in the official Government *tashkil* (structure). The Khost Protection Force caused five civilian casualties (three killed and two injured) in 2017, which is a significant decrease compared to 2016.<sup>265</sup>

However, throughout 2017, UNAMA observed that members of the group continued to enjoy impunity for serious human rights abuses. For example, on 1 February Khost Protection Force killed a boy and

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<sup>262</sup> In 2017, Faryab province recorded 49 civilian casualties (15 deaths and 34 injured) from pro-Government armed groups. In 2016, Faryab recorded 102 civilian casualties (24 deaths and 78 injured). See UNAMA Protection of Civilians Midyear Report 2017.

<sup>263</sup> UNAMA recorded an additional incident jointly attributed to ANP, ANCOF and a pro-Government armed group in Faryab province, resulting in the death of seven civilians while they fled from a place where Taliban had recently fought with them.

<sup>264</sup> For additional information on Khost Protection Force, please refer to UNAMA Midyear Report on Protection of Civilians in Armed Conflict 2016, pp. 90-91.

<sup>265</sup> UNAMA documented 32 civilian casualties (10 killed and 22 injured) perpetrated by Khost Protection Force in 2016.

injured two others (all between 7 and 11 years of age) during a search operation in Sabari district, Khost province. On 7 April, in the same district, Khost Protection Force shot and killed two civilian men travelling home after buying food items from Khost city. Sources stated that members of Khost Protection Force later apologised to the victims' families. UNAMA could not find any indication that Khost authorities investigated the killings.

In Paktya province, UNAMA also received reports of members of the Khost Protection Force seizing personal belongings from civilians, including weapons used for personal defence and detaining persons for questioning, handing some individuals over to NDS and releasing others, failing to return seized assets to any of them. UNAMA welcomes the decreased civilian casualties caused by Khost Protection Force but notes with concern that throughout 2017, the group continued to operate outside the operational control of the Government and civilians lack recourse for human rights abuses and civilian casualties caused by operations of this parallel armed group.

## **F. Search Operations**

In 2017, UNAMA documented 123 civilian casualties (79 deaths and 44 injured) from 33 search operations by Pro-Government Forces,<sup>266</sup> an increase of 40 per cent in civilian casualties compared to 2016.<sup>267</sup> The vast majority of search operations causing civilian casualties occurred in Nangarhar and Kandahar provinces.<sup>268</sup>

Search operations involving National Directorate of Security (NDS) Special Forces, either alone or in partnered operations with international military, caused 86 civilian casualties (61 deaths and 25 injured) in 23 incidents in 2017.<sup>269</sup> The remaining 10 search incidents causing civilian casualties involved Afghan national security forces including Afghan National Army, Afghan National Police Special Forces, Afghan Local Police, and partnered operations involving Afghan and international military forces.<sup>270</sup>

UNAMA notes particular concern with search operations conducted by NDS Special Forces as these forces appear to operate outside of the regular NDS chain of command,<sup>271</sup> resulting in a lack of clear oversight and accountability given the absence of clearly defined jurisdiction for the investigation of any allegations against them. In Nangarhar province alone, 12 search operations involving NDS Special Forces resulted in 38 civilian casualties (28 deaths and 10 injured). In one case, NDS Special Forces entered a home in Mohmand Dara district and shot dead all seven civilian men inside. The victims, all from the same family, had been displaced from Achin district due to heavy fighting. Members of the local population brought the bodies to the district centre and staged a demonstration protesting the killing of the civilians. Similarly, in Kandahar province, NDS Special Forces caused 37 civilian casualties (25 deaths and 12 injured) during seven search operations. For example, on 16 October, NDS Special Forces conducted a search operation in Shah Wali Kot district of Kandahar province, arresting several suspected Taliban members. During the operation, stray NDS gunfire killed three men and a boy and injured two men, four boys and a girl, all inside

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<sup>266</sup> UNAMA recorded an additional eight search operations resulting in civilian property damage but no civilian casualties.

<sup>267</sup> UNAMA documented 88 civilian casualties (49 deaths and 39 injured) from search operations in 2016.

<sup>268</sup> Nangarhar recorded 13 search incidents causing civilian casualties and Kandahar recorded seven. Of the remaining 13 search incidents causing civilian casualties, Uruzgan, Zabul, Maidan Wardak, and Helmand provinces each recorded two and Kapisa, Logar, Paktika, Parwan, and Kunduz provinces recorded one each.

<sup>269</sup> This includes 19 incidents causing 73 civilian casualties (50 deaths and 23 injured) attributed to the National Directorate of Security alone, as well as an additional four incidents involving international military forces partnered with the National Directorate of Security resulting in 13 civilian casualties (11 deaths and two injured).

<sup>270</sup> The 10 incidents included: three incidents causing 12 civilian casualties (nine deaths and three injured) attributed to Afghan National Army; two incidents causing four civilian casualties (two deaths and two injured) attributed to Afghan Special Forces; three incidents causing 18 civilian casualties (five deaths and 13 injured) attributed to partnered operations between Afghan national security forces (excluding NDS) and international military; one incident causing one civilian death and one injured attributed to Afghan Local Police; one incident causing one civilian death to undetermined Pro-Government Forces.

<sup>271</sup> Incidents attributed to the National Directorate of Security are shared through its Human Rights Chief, who provided feedback on individual incidents not involving NDS Special Forces. However, during multiple meetings throughout 2017 and in January 2018, the NDS Human Rights Chief advised UNAMA that he had attempted to meet responsible officials in order to raise NDS Special Forces-related incidents for investigation and accountability purposes, but had been unsuccessful as of the time of this report. UNAMA notes that it continues to work with the NDS Human Rights Chief who has committed to continue efforts to follow-up on all outstanding incidents.

their homes. Residents from the area reported receipt of compensation payments by some family members of victims from unidentified sources.

UNAMA recorded five NDS Special Forces search operations causing civilian casualties involving partnered operations with international military forces resulting in 13 civilian casualties (11 deaths and two injured), and notes that this is a conservative attribution of responsibility, only including cases where international military forces had presence or participation on the ground. International military additionally provided close air support to many other operations (see chapter on Aerial Operations).

UNAMA notes that the lack of transparency for command, control, rules of engagement, and policy framework guiding the NDS Special Forces in particular contributes to the absence of accountability and urges the Government to conduct prompt, impartial, and thorough investigations into civilian casualty incidents implicating such forces and to hold perpetrators accountable.

### **G. Escalation of Force**

Between 1 January and 31 December 2017, UNAMA documented an increase in civilian casualties from escalation of force incidents, documenting 34 incidents that resulted in 53 civilian casualties (19 deaths and 34 injured) compared to 27 incidents that caused 47 civilian casualties (19 deaths and 28 injured) in 2016. The 34 escalation of force incidents include nine incidents causing 13 civilian casualties (seven deaths and six injured) attributed to Afghan National Army, 16 incidents resulting in 26 civilian casualties (six deaths and 20 injured) attributed to Afghan National Police, and the remaining incidents are attributed to other pro-Government security forces.

### **H. Government Policies and Mechanisms for Civilian Casualty Mitigation**

UNAMA notes the continued commitment and positive steps taken by the Government of Afghanistan to reduce civilian casualties throughout 2017 and encourages the adoption of additional robust and practical measures to reduce civilian casualties during its operations. With the decrease in civilian casualties attributed to Pro-Government Forces in 2017, UNAMA encourages the Government to continue this momentum and dedicate all necessary resources to the development, and more importantly, to ensure the implementation of policies on the battlefield to increase protection for civilians.

In October 2017, the Government endorsed the National Policy on Civilian Casualty Prevention and Mitigation and its implementation plan, after several years in development. Additionally, UNAMA welcomes the ratification of the 1980 Convention on Certain Conventional Weapons including all amendments and Protocols in August 2017, which if implemented may result in improved protection for civilians. The Convention and its Protocols prohibit or restrict the use of weapons which are considered excessively injurious or whose effects are indiscriminate, and direct actions to address the effects of various weapons. Both the National Policy and the Convention, particularly Protocol V on Explosive Remnants of War, require plans to be developed and concrete actions to be undertaken at the operational and tactical levels. UNAMA stands ready to provide technical support to the Government.

UNAMA recalls that as of February 2018, the Government of Afghanistan is obligated by Protocol V to track and mark locations of possible contamination from unexploded ordnance for potential destruction, and international military forces as a "user who does not exercise control over the territory," are obligated to "provide where feasible, *inter alia*, technical, financial, material or human resources assistance, and ensure that leftover devices are destroyed." UNAMA stands ready to provide technical assistance to the Government and international military forces, together with the United Nations Mine Action Service (UNMAS), which is already involved in extensive humanitarian de-mining efforts throughout Afghanistan.

UNAMA notes next that the Tawhid Centre in the Office of the National Security Council has created a database for tracking conflict-related civilian casualties. Additionally, NATO Resolute Support has reported that it has undertaken training sessions for senior Afghan National Defence and Security Forces in the area of civilian casualty tracking and mitigation, training more than 400 officers during 'training of trainers' sessions in 2017, with training planned for expansion throughout the ANSF led by those trainers. UNAMA

welcomes this training, and encourages the Government to ensure that civilian casualty tracking includes close scrutiny of the numbers of civilians killed and injured, locations of these casualties, and the reasons, in order for lessons learned from the tracking to be applied to improve protection of civilians.

The Civilian Casualties Avoidance and Mitigation Board (CAMB), a high-level mechanism intended to identify areas to improve civilian casualty mitigation efforts scheduled to meet every three months, met three times during the reporting period on 15 February, 23 August, and 5 December 2017. The Board addressed practical efforts undertaken by the Afghan national security forces and international military as well as areas of need for improvement in order to better protect civilians.

UNAMA reiterates that – without exception – all reasonable allegations of civilian casualties resulting from violations of international humanitarian law, or international human rights law, must be investigated independently, impartially, effectively, and thoroughly and those found responsible for violations must be subjected to prosecution or disciplinary or administrative action, as appropriate. The mission also notes that while not all incidents involving harm to civilians will amount to violations, every incident involving harm to civilians must be reviewed. UNAMA urges the Government to continue to advance civilian casualty tracking efforts and dedicate the necessary resources to systematically examine all situations in which civilian casualties may have arisen during its operations – whether from lawful or unlawful conduct. Where such investigations determine the conduct to be lawful, harm should be acknowledged and redress provided to victims, and lessons learned should be shared and applied in order to prevent civilian harm during future military operations.

UNAMA notes that the Ministry of the Interior, Afghan Local Police, and National Directorate of Security regularly provide UNAMA with written feedback on individual civilian casualty incidents, investigations, and accountability measures. Recognizing the value in transparent dialogue about civilian protection, UNAMA continues to urge all Afghan national security forces to routinely engage with UNAMA about incidents causing civilian casualties. 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.

## 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, which are binding on Afghanistan.<sup>272</sup> All contain obligations relevant to protection of civilians during armed conflict in Afghanistan, detailed below.

### Definition of Civilian(s)

In determining the status of each conflict-related casualty, UNAMA applies the definition, based in international humanitarian law, of civilian as persons who are not members of the armed forces or of an organized armed group.<sup>273</sup> 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 who are not civilians under international humanitarian law such as persons *bors de combat* or the medical and religious personnel of the armed forces.<sup>274</sup>

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

UNAMA notes that other actors and parties to the armed conflict in Afghanistan have been applying their own definition of the term – or reject the definition used by UNAMA – as described in previous Protection of Civilians reports.<sup>275</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. 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>276</sup>

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<sup>272</sup> United Nations Security Council Resolution 2344 (2017) “calls for full respect for and protection for all human rights and fundamental freedoms, in accordance with international law, including international humanitarian law, throughout Afghanistan [...]”

<sup>273</sup> ICRC Customary International Humanitarian Law Study, Rule 5, available at: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1>. See also ICRC Commentary to Common Article 3 of the 1949 Geneva Conventions (“Common Article 3”) (2016), para. 523: “For their part, non-State Parties to a non-international armed conflict do not have armed forces in the sense established under domestic law. However, the existence of a non-international armed conflict requires the involvement of fighting forces on behalf of a non-State party to the conflict that are capable of engaging in sustained armed violence, which requires a certain level of organization. Such organized armed groups constitute the ‘armed forces’ of a non-State Party to the conflict in the sense of Common Article 3” at: <https://ihl-databases.icrc.org/ihl/full/GCI-commentary> (last accessed: 8 December 2017). See also ICRC ‘Interpretive Guidance on the Notion of Direct Participation in the Hostilities under International Humanitarian Law’, ICRC, Geneva, 2009 – Part I: Recommendation II concerning the interpretation of international humanitarian law relating to the notion of direct participation in hostilities: “In non-international armed conflict, organized armed groups constitute the armed forces of a non-State party to the conflict and consist only of individuals whose continuous function it is to take a direct part in hostilities”.

<sup>274</sup> See also ICRC ‘Interpretive Guidance on the Notion of Direct Participation in the Hostilities under International Humanitarian Law’, ICRC, Geneva, 2009.

<sup>275</sup> See, for example, UNAMA 2016 Annual Report on Protection of Civilians pp. 72, 78 and Annex 4: Statement by the Government of the Islamic Republic of Afghanistan on the UNAMA 2016 Report on Protection of Civilians in Armed Conflict, Annex 6: Taliban Response to UNAMA 2016 Report on Protection of Civilians in Armed Conflict.

<sup>276</sup> S/RES/1325 (2000). See also S/RES/1820 (2008), S/RES/1888 (2009), S/RES/1889 (2009), and S/RES/1960 (2010).

### (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>277</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 to a conflict, 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>278</sup> mutilation, cruel treatment and torture, taking hostages, as well as outrages against personal dignity and extrajudicial executions,<sup>279</sup> at any time and in any place with respect to persons taking no active part in hostilities, including civilians.

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>280</sup> The following are amongst the most relevant principles that apply to the conduct of all the parties to 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>281</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>282</sup>
- Precautions in attack: "[...] civilians shall enjoy general protection against the dangers arising from military operations"<sup>283</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>284</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

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<sup>277</sup> Afghanistan ratified Additional Protocol II 1977 on 10 November 2009. It entered into force on 24 December 2009.

<sup>278</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, IEDs, etc. In doing so, UNAMA documents alleged acts that amount to the war crimes pursuant to the Rome Statute and/or customary international law - including the war crime of murder pursuant to Article 8(c)(i) of the Rome Statute - as well as civilian deaths and injuries caused during the conduct of hostilities that may not violate IHL. 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>279</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 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples."

<sup>280</sup> See ICRC Customary International Humanitarian Law Study.

<sup>281</sup> Additional Protocol II, Article 13(2); ICRC Customary International Humanitarian Law Study, Rule 1. See also ICRC Customary International Humanitarian Law Study, Rules 1-24.

<sup>282</sup> ICRC Customary International Humanitarian Law Study, Rule 14.

<sup>283</sup> Additional Protocol II, Article 13(1); ICRC Customary International Humanitarian Law Study, Rule 15.

<sup>284</sup> ICRC Customary International Humanitarian Law Study, Rules 15 to 21.

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>285</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. 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>286</sup>

Under international human rights law, States must investigate the use of lethal force by their agents,<sup>287</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>288</sup> For State investigations to be effective, they must be as prompt as possible, exhaustive, impartial, independent<sup>289</sup> and open to public scrutiny.<sup>290</sup> A State's duty to investigate applies to all law enforcement contexts, including those arising during armed conflict.<sup>291</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, within its jurisdiction.<sup>292</sup> Afghanistan became a State party to the Rome Statute of the International Criminal Court (ICC) in 2003. As a consequence, to the extent

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<sup>285</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 of 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.

<sup>286</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>287</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>288</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; IACiHR, *Civil Liberties case*, § 22.

<sup>289</sup> IACiHR, *Abella (La Tablada) case*, § 412; ECtHR, *Özkan case*, § 184; ECtHR, *Orban v. Turkey*, Application No. 25656/94, Judgment of 18 June 2002, § 335; ECtHR, *Isayeva et al. case*, § 210-11; ECtHR, *McCann case*.

<sup>290</sup> ECtHR, *Hugh Jordan v. the United Kingdom*, Application No. 24746/94, Judgment of 4 May 2001, § 109; ECtHR, *Özkan case*, § 187; ECtHR, *Isayeva et al. case* § 213; ECtHR, *Isayeva case*, § 214. See also Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law at:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>, last accessed 8 December 2017.

<sup>291</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>292</sup> ICC Statute, *preamble*; Articles 1, 17. See also ICRC Customary International Humanitarian Law Study, Rule 158.

Afghanistan is unable or unwilling to exercise its jurisdiction over international crimes; the ICC may exercise its jurisdiction over Afghanistan.<sup>293</sup>

The Pre-Trial Chamber of the ICC 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 1 May 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>294</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 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>295</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 violations of human rights and international humanitarian law that may have been committed by their nationals in Afghanistan.<sup>296</sup> On 20 November 2017, in her request for authorization to commence an investigation in Afghanistan, the ICC 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>297</sup>

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<sup>293</sup> ICC Statute, Articles 1, 12-17.

<sup>294</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.

<sup>295</sup> ICC Statute, Article 8(2)(c),(e); ICRC Customary International Humanitarian Law, Rule 156.

<sup>296</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 Humanitarian Law Study, Rules 144, 157, 158.

<sup>297</sup> ICC Prosecutor’s Request for Authorisation of an Investigation, pp. 88-125.

## ANNEX II: Glossary<sup>298</sup>

**AAF:** Afghan Air Force.

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

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

**ALP:** Afghan Local Police.

**ANA:** Afghan National Army.

**ANBP:** Afghan National Border Police.

**ANCOP:** Afghan National Civil Order Police.

**ANP:** Afghan National Police.

**ANSF:** Afghan national security forces; an umbrella term that includes ANBP, Afghan Local Police, Afghan National Army, Afghan Air Force, Afghan National Police, Afghan National Civil Order Police, Afghan Special Forces, Afghan Territorial Army and the National Directorate of Security.

**Anti-Government Elements:** All individuals and armed groups involved in armed conflict with, or armed opposition against, the Government of Afghanistan and/or international military forces. They include those who identify as 'Taliban' as well as individuals and non-State 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.

**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 such are clearly not under State control).<sup>299</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.

**ATA:** Afghan Territorial Army.

**AXO:** Abandoned Explosive Ordnance. Refers to explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer

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<sup>298</sup> Definitions contained in this Glossary are only for the purposes of this report.

<sup>299</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*.

under the latter's control. Abandoned explosive ordnance may or may not have been primed, fused, armed or otherwise prepared for use.

**Civilian:** For the purposes of this report and the application of the international humanitarian law principle of distinction, civilians are any persons who are not members of military/paramilitary forces or member of an organized armed group 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.

Person *hors de combat* or protected personnel: A person who is *hors de combat* (in the power of an adverse party, wounded, sick, shipwrecked, detained or surrendered) or who belongs to the medical or religious personnel of the armed forces must be protected from attack. If killed or wounded, individuals with *hors de combat* status or protected personnel status are not counted as "civilian casualties" in this report.

**Civilian Casualties:** Killed or injured civilians.

UNAMA documents civilian casualties resulting from conflict-related violence including: civilian deaths and injuries resulting directly from armed conflict – including those arising from military operations by Afghan national security forces and/or international military forces such as force protection incidents, aerial attacks, search and seizure operations, counter-insurgency or counter-terrorism operations. It includes casualties from the activities of non-State armed groups such as targeted killings (assassinations), deliberate killings, improvised explosive devices, or direct engagement in hostilities with Pro-Government Forces. It also includes civilian deaths and injuries resulting from the conflict-related violence, including casualties caused by explosive remnants of war and those attributed to members of the armed forces or organized armed groups abusing their status and/or power.

UNAMA considers civilians '**injured**' when they require medical treatment for physical injury – through admission to healthcare facilities or by receiving medical assistance from medically-trained personnel. The degree of severity of injury is not recorded in the databases of UNAMA. Injuries do not include shock or non-physical effects or consequences of incidents, such as psychological trauma. Given the geographical remoteness of many conflict impacted communities, lack of medical facilities and risks faced by civilians living in areas under the influence of non-state armed groups may have impeded access of injured civilians to healthcare facilities or treatment by trained healthcare worker, UNAMA notes the documentation of a significant number of injured civilians may remain outside the scope of this report.

**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.

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

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

ISAF defines EoFs as "a defensive process which seeks to determine the presence of a threat, its eventual extent and when applicable to match the threat with an appropriate defensive response for Force protection."<sup>300</sup>

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<sup>300</sup> UNAMA interview with ISAF HQ, 31 January 2014, Kabul.

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

**Explosive weapons:** Explosive weapons are not explicitly defined by international law. Explosive weapons generally consist of a casing with a high-explosive filling and whose destructive effects result mainly from the blast wave and fragmentation produced by detonation. Mortars, artillery shells, aircraft bombs, rocket and missile warheads, and many improvised explosive devices (IEDs) fall under this term. Certain types of explosive weapons may be 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>301</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.

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

**IDP:** Internally Displaced Person(s). According to the Guiding Principles on Internal Displacement, internally displaced persons (also known as "IDPs") are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border."

**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>302</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>303</sup>

*Other IEDs* – This category includes command-wired IEDs and timed-IEDs<sup>304</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.

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<sup>301</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>302</sup> Small Arms Survey, *Improvised Explosive Devices*, Chapter 10 'Infernal Machines,' pp. 220-221.

<sup>303</sup> *Ibid.*

<sup>304</sup> Since 2009, UNAMA has recorded very few incidents from these switch types.

**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.

**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 healthcare facilities by parties to the conflict.

**Indirect Weapons:** Weapons systems, such as artillery and mortar rounds, that do not require a line of sight between the weapon and its target. The indirect use of weaponry is firing a weapon without a line of sight between the weapon and its target.

**Imam:** A religious scholar who leads prayers.

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

**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).

**MoD:** Ministry of Defence.

**Mol:** Ministry of Interior.

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

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

**NGO:** Non-Governmental Organization.

**Pro-Government armed groups:** The term “pro-Government armed group” refers to an organized armed non-State actor engaged in conflict and distinct from Government Forces, rebels and criminal groups. Pro-Government armed groups do not include the Afghan Local Police, which fall under the command and control of the Ministry of Interior. These armed groups have no legal basis under the laws of Afghanistan. Armed groups have the capacity to employ arms in the use of force to achieve political, ideological or other objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. In some cases, armed groups receive direct/indirect support of the host Government or other States. This definition includes, but is not limited to, the following groups: “national uprising movements”<sup>305</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:** Afghan Government National Security Forces and other forces and groups that act in military or paramilitary counter-insurgency operations and are directly or indirectly under the control of the Government of Afghanistan. These forces include, but are not limited to, the ANBP, Afghan Local Police, ANA, ATA, ANP, NDS and other pro-Government local defence forces.

Afghanistan National Security Forces include: ANA (and its subsidiaries including the AAF and ATA), which reports to the Ministry of Defence and is formally incorporated into the armed forces of Afghanistan; and forces under the authority of the Ministry of Interior which include: Afghan Local Police, which are

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<sup>305</sup> See Protection of Civilians in Armed Conflict Annual Report 2014 for definitions and details of engagement of members of national uprising movements in the conflict.

considered a *de facto* part of the armed forces because of their function and do not have the legal protection afforded to civilians; and ANP, ANCOF and ABP, which are law enforcement agencies not formally incorporated into the armed forces of Afghanistan and report to the Ministry of Interior. Members of law enforcement agencies lose their protection as civilians when they function as part of the armed forces or directly participate in hostilities. For members of police units that never have combat functions, the use of force in self-defence is not considered to result in a loss of protection as a civilian.

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

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

**Resolute Support (RS):** 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 non-combat Resolute Support mission (to train, assist and advise Afghan national security forces). Unlike ISAF, which was authorized by the United Nations Security Council, the legal basis for Resolute Support is provided by a Status of Forces Agreement (SOFA), signed in Kabul on 30 September 2014 and ratified by the Afghan Parliament on 27 November 2014. United Nations Security Council resolution 2189 (2014) welcomed the bilateral agreement between the Islamic Republic of Afghanistan and NATO to establish RSM. As of March 2017, the Resolute Support force comprised 13,459 soldiers from 39 Troop Contributing Nations, organized in five regional Train, Advise Assist Commands (TAACs) – Capital, North, East, South, and West. The Commander of Resolute Support also serves as Commander of US Forces Afghanistan, although the chains of command remain separate. At a meeting of defence ministers in November 2017, RSM troop-contributing nations confirmed that the number of troops deployed would increase to around 16,000 troops.

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

**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>306</sup>

**SOPs:** Standard Operating Procedures.

**Targeted Killing:** Intentional, premeditated and deliberate use of lethal force by States or their agents acting under colour of law or by an organized armed group, party to an armed conflict against a specific individual who is not in the perpetrator's physical custody.<sup>307</sup> 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.

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<sup>306</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>307</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,

**UNDSS:** United Nations Department of Safety and Security.

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

**UNHCR:** United Nations High Commissioner for Refugees.

**USSOF:** United States Special Operations Forces.

**UXO:** Unexploded Ordnance.

**War Crimes:** War crimes are serious violations of treaty 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>308</sup>

See Legal Framework for more details.

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<sup>308</sup> ICC Statute, Article 8(2)(c),(e); ICRC Customary International Humanitarian Law, Rule 156.

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

The attached table – organised in order of the province with the highest number of civilian casualties to the lowest for the period of 1 January to 31 December 2017 – contains the total number of civilian casualties documented in each of Afghanistan’s 34 provinces during the reporting period, the top three causes of civilian casualties in each province, and the percentage increase or decrease compared to 2016.

Province	Leading tactic or cause	Second highest tactic	Third highest tactic	Total civilian casualties	Compared to 2016
Kabul	Suicide/Complex Attack	IED	Targeted/Deliberate Killings	1,831 (479 deaths and 1352 Injured)	4% ↑
Helmand	Ground Engagement	IED	Suicide/Complex Attack	991 (386 deaths and 605 Injured)	10% ↑
Nangarhar	Ground Engagement	IED	Targeted/Deliberate Killings	862 (344 deaths and 518 Injured)	1% ↑
Kandahar	IED	Ground Engagement	UXO/landmines	716 (271 deaths and 445 Injured)	-18% ↓
Faryab	Ground Engagement	IED	Targeted/Deliberate Killings	639 (182 deaths and 457 Injured)	7% ↑
Uruzgan	Ground Engagement	IED	Aerial attack	575 (87 deaths and 488 Injured)	-26% ↓
Herat	IED	Suicide/Complex Attack	Targeted/Deliberate Killings	495 (238 deaths and 257 Injured)	37% ↑
Paktya	Suicide/Complex Attack	Targeted/Deliberate Killings	Ground Engagement	491 (116 deaths and 375 Injured)	154% ↑
Kunduz	Ground Engagement	Aerial attack	IED	377 (93 deaths and 284 Injured)	-41% ↓
Laghman	Ground Engagement	IED	Targeted/Deliberate Killings	354 (84 deaths and 270 Injured)	14% ↑
Ghazni	Ground Engagement	IED	Targeted/Deliberate Killings	353 (139 deaths and 214 Injured)	-11% ↓
Farah	Ground Engagement	Targeted/Deliberate Killings	Aerial attack	338 (156 deaths and 182 Injured)	29% ↑
Zabul	Ground Engagement	IED	UXO/landmines	333 (107 deaths and 226 Injured)	3% ↑
Kunar	Ground Engagement	Targeted/Deliberate Killings	UXO/landmines	224 (70 deaths and 154 Injured)	-43% ↓
Baghlan	Ground Engagement	UXO/landmines	Targeted/Deliberate Killings	222 (66 deaths and 156 Injured)	-38% ↓
Khost	IED	Targeted/Deliberate Killings	Suicide/Complex Attack	181 (41 deaths and 140 Injured)	21% ↑
Paktika	IED	Targeted/Deliberate Killings	Ground Engagement	158 (62 deaths and 96 Injured)	-5% ↓
Logar	Ground Engagement	Targeted/Deliberate Killings	Aerial attack	148 (67 deaths and 81 Injured)	-35% ↓
Badghis	Ground Engagement	Targeted/Deliberate Killings	IED	132 (38 deaths and 94 Injured)	-1% ↓
Balkh	IED	Ground Engagement	UXO/landmines	129 (52 deaths and 77 Injured)	-68% ↓
Jawzjan	Ground Engagement	Targeted/Deliberate Killings	IED	118 (46 deaths and 72 Injured)	-47% ↓
Sar-e-Pul	Targeted/Deliberate Killings	Ground Engagement	UXO/landmines	108 (67 deaths and 41 Injured)	11% ↑
Kapisa	Ground Engagement	IED	Targeted/Deliberate Killings	101 (34 deaths and 67 Injured)	-19% ↓
Nimroz	Ground Engagement	Targeted/Deliberate Killings	IED	99 (34 deaths and 65 Injured)	-24% ↓
Takhar	Ground Engagement	UXO/landmines	Aerial attack	98 (36 deaths and 62 Injured)	-8% ↓
Wardak	Ground Engagement	Targeted/Deliberate Killings	Aerial attack	83 (42 deaths and 41 Injured)	-35% ↓
Parwan	UXO/landmines	Targeted/Deliberate Killings	Ground Engagement	77 (20 deaths and 57 Injured)	-31% ↓
Badakhshan	Ground Engagement	IED	Targeted/Deliberate Killings	61 (21 deaths and 40 Injured)	-64% ↓
Daikundi	UXO/landmines	Ground Engagement	Targeted/Deliberate Killings	43 (16 deaths and 27 Injured)	-59% ↓
Nuristan	Ground Engagement	IED	Targeted/Deliberate Killings	41 (11 deaths and 30 Injured)	14% ↑
Samangan	UXO/landmines	Ground Engagement	IED	38 (14 deaths and 24 Injured)	-28% ↓
Ghor	IED	Ground Engagement	UXO/landmines	33 (19 deaths and 14 Injured)	-59% ↓
Bamyan	Threat/Intimidation/Harassment	UXO/landmines	Ground Engagement	4 (0 deaths and 4 Injured)	-60% ↓
Panjshir				(0 deaths and 0 Injured)	0%

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

Between 1 January and 31 December 2017, the Taliban publicly claimed responsibility for 179 attacks that resulted in civilian casualties. Of the 179 attacks claimed by the Taliban, 112 targeted Pro-Government Forces while 67 deliberately targeted civilians.

The following table provides a breakdown by target type of the 179 attacks that resulted in 1,166 civilian casualties (345 deaths and 821 injured):

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

Afghan National Police	54
Afghan national security forces	15
Afghan National Army	14
National Directorate of Security	8
Afghan Local Police	7
International military forces and other	7
Pro-Government militia	5
Afghan Border Police	2
Total attacks against security/military forces resulting in civilian casualties and claimed by Taliban on website or twitter:	<b>112</b>

### Attacks directed at civilians and civilian objectives

Other civilian target	26
Civilian Government Administration	24
Tribal Elders	5
Judges, prosecutors and judicial staff	4
Contractors / Labourers	4
Traffic police	2
Places and people of worship	1
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>67</b>

**Total attacks claimed by Taliban which resulted in civilian casualties: 179**

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

Between 1 January and 31 December 2017, the Taliban accused Pro-Government Forces of causing civilian casualties. These allegations appeared in public statements or reports of the Taliban. The following table is a summary of UNAMA’s investigation of 276 allegations of “war crimes” reportedly carried out by Pro-Government Forces.

TOTAL	UNAMA Documentation	Results	Attribution
276	181 cases documented by UNAMA prior to publication of the Taliban statements	20 cases had the same number of casualties 5 cases had the same number of casualties with different ratio between killed and wounded	19 to Pro-Government Forces 3 to Pro-Government Forces and Anti-Government Elements 3 to AGEs
		28 cases had a lower number of casualties	24 to Pro-Government Forces 3 to Pro-Government Forces and Anti-Government Elements 1 to AGEs
		13 cases had a higher number of casualties	7 to Pro-Government Forces 1 to Pro-Government Forces and Anti-Government Elements 5 to AGEs
		4 case was not related to armed conflict	
		12 case casualties were not civilian or did not have casualties at all.	
	44 cases documented by UNAMA after publication of the Taliban statements	6 cases had the same number of casualties 1 case had the same number of casualties with a different ratio between killed and wounded	3 to Pro-Government Forces 3 to Pro-Government Forces and Anti-Government Elements 1 to AGEs
		2 cases had a lower number of casualties	2 to Pro-Government Forces
		2 cases had a higher number of casualties	1 to Pro-Government Forces 1 to AGEs
		6 cases the casualties were not civilian or did not have casualties at all.	
	51 cases could not be confirmed by UNAMA.		

## ANNEX VI: Statement by the Government of the Islamic Republic of Afghanistan on the 2017 Annual Report on Protection of Civilians in Armed Conflict

جمهوری اسلامی افغانستان  
دفتر شورای امنیت ملی



د افغانستان اسلامی جمهوریت  
د ملی امنیت د شورا دفتر

### Islamic Republic of Afghanistan The Office of National Security Council

February 12, 2018

#### Re: Statement by the Government of the Islamic Republic of Afghanistan on the UNAMA Protection of Civilians Annual Report 2017

The Government of the Islamic Republic of Afghanistan (GIROA) is grateful to the United Nations Assistant Mission in Afghanistan (UNAMA) for sharing its 2017 report on Protection of Civilians in Armed Conflict.

As in the past years, this report displays the inhumane ways and means, including suicide and complex attacks, targeted and deliberate killings, use of bombs and other explosive devices, abductions, arbitrary and extrajudicial punishments, and other similar tactics the Taliban and other terrorist groups employ against our civilian population. With their repeated defeat on the battlefield throughout the year, the Taliban and other affiliated terror syndicates shifted their tactics to urban terrorist attacks focused on soft targets, causing an immense number of civilian deaths and injuries. These heinous crimes are utterly alarming, and the GIROA urges UNAMA to pay keen attention to the increasing rates and trends of victimization of civilians, particularly women and children, by these terrorists.

While the UNAMA report correctly highlights patterns of civilian casualties by terrorists and their affiliates, we would like to respectfully point out that our records show similar patterns but different figures. We continually monitor, register, and corroborate civilian casualty figures across our security agencies. This year, GIROA figures show a total of 2,903 civilian deaths and 6,240 civilian injuries, totally 9,143 civilian casualties by the enemy across the country. It is worth mentioning that the vast majority of civilian casualties (80%) have been caused by terrorists and their affiliates. The GIROA highlights that in 2017, a total of 8,092 cases of shelling in eastern Afghanistan by Pakistan's military forces, resulting in over 71 civilian casualties, were recorded.

Prevention and mitigation of harm to civilian population is a constitutional and ethical duty of the GIROA, and remains a top priority on its agenda. As the report highlights, throughout the current year, we have made considerable strides in developing new, and improving existing, measures at the strategic, operational, and tactical levels to protect civilians during conflict.

The President of the Seventeenth Meeting of the States Parties, H.E. Suraya Dalil, Ambassador of the Islamic Republic of Afghanistan to Switzerland and the UN in Geneva, held on 26 January the first meeting of the Coordinating Committee in which the Committee's presented initial plans to implement their mandates in support of the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personal mines and on their destruction.

Afghanistan was elected as member state of the United Nations Human Rights Council by the body's General Assembly in October 2017 for the first time in its history. Created by the General Assembly in March 2006, the U.N. Human Rights Council comprises 47 elected member states.

Our National Policy on Prevention and Mitigation of Civilian Harm, endorsed by the National Security Council, provides specific guidelines to be undertaken by our security forces in three phases – pre-operation, during-operation, and post-operation – to prevent and mitigate harm to civilian persons and properties. Fully in line with UNAMA's recommendations, the Policy strictly prohibits the use of indirect weapons, as well as the utilization of civilian facilities, including schools, hospitals, and clinics, for military purposes. It also obliges government agencies to promptly and thoroughly investigate any possible violations of the provisions of the Policy by any government official or agency, and take appropriate corrective measures – an issue recommended in the UNAMA report.

All of our defense and security agencies have developed specific action plans based on the guidelines in the Policy, and have commenced implementation at all levels. Under specific instructions from the Minister of Defense, the MoD has established an internal board for investigating allegations of human rights abuses, including civilian casualties and recruitment of children into our armed forces. The board ensures that investigations are conducted after the end of every operation to ensure any potential human rights violations by members of the ANDSF are examined and corrective measures are taken.

We have recently ratified Protocol V to the 1980 Convention on Certain Conventional Weapons, and efforts are underway for the development of action plans for its full implementation, as recommended by UNAMA. The report also recommends the continuation of capacity development within the ANDSF particularly in the area of civilian casualty prevention and mitigation. We would like to note that our Four Year Road Map, the Compact between Afghanistan and the USA, as well as our commitments under the Warsaw agreement fully map out our program for the development and strengthening of the ANDSF in various areas, including effective command and control for the prevention of civilian harm.

The “Train the Trainers” course is taught to the ANDSF at the strategic, operational, and tactical levels; as well as to the ministries assisting in CIVCAS mitigation. In 2017, over 400 trainers were trained. They are, in turn, expanding training to the whole of the ANDSF.

The GIRoA holds periodic national level Civilian Casualty Avoidance and Mitigation Board meetings to discuss and monitor strategic level matters related to above.

The Government is fully committed to continue, streamline, improve and increase its measures to bring rates of civilian harm as a result of the ANDSF operations to the minimum possible. In this regard, the GIRoA calls upon the international community to advance our efforts through technical support and capacity development within our forces. We would also like to urge UNAMA to encourage the Taliban and its affiliated terrorist groups to cease their deliberate killing of our innocent people, and show respect to human dignity.

The GIRoA fully recognizes the protection of our civilian population as its utmost duty, and encourages and welcomes any and all efforts that would support us in this cause.

## ANNEX VII: NATO Resolute Support Official Response to the 2017 Afghanistan Annual Report on Protection of Civilians in Armed Conflict

NON SENSITIVE INFORMATION RELEASABLE TO PUBLIC



HEADQUARTERS  
Resolute Support  
Kabul, Afghanistan



February 10, 2018

**RE:** NATO Resolute Support (RS) official response to the United Nations Assistant Mission in Afghanistan (UNAMA) 2017 Annual Report on the Protection of Civilians in Armed Conflict (the Report).

The NATO Resolute Support mission appreciates the opportunity to review and respond to the United Nations Assistant Mission in Afghanistan (UNAMA) draft 2017 Annual Report on the Protection of Civilians in Armed Conflict (the Report).

Resolute Support recognises UNAMA's important efforts investigating and reporting civilian casualty incidents within Afghanistan pursuant to their mandate under United Nations Security Council Resolution 2344 (2017).

Resolute Support appreciates UNAMA's recognition of the work being done by the International Military Forces (IMF) to minimise civilian casualties and ensure thorough and transparent inquiry into any alleged incidents of civilian casualties arising from or connected with Coalition operations. We shall continue our comprehensive efforts to avoid civilian casualties and, where they are alleged to have occurred, to thoroughly investigate.

All RS military operations within Afghanistan comply with the Laws of Armed Conflict and every reasonable effort is made to avoid civilian casualties. Whenever RS receives reports or allegations of IMF-caused civilian casualties, RS responds to such reports as a serious allegation, regardless of whether the report originated from an IMF unit or an organisation external to RS. They are then subject to strict inquiry and formal review process in order to ascertain the facts of the incident.

Pursuant to the RS civilian casualty review process, a civilian casualty report will be considered 'proven' by RS when, based on all reasonably available information, it is determined that it is more likely than not that a civilian was killed or injured as a result of RS action. In some instances, a civilian casualty report may contain insufficient detail to allow RS to make a determination regarding its veracity. In those instances, the report is considered 'disputed.' Furthermore, in every incident of alleged civilian casualties arising from Coalition operations, a Military Legal Adviser conducts a legal review of all available evidence to ensure that all possible lines of inquiry have been investigated and that the conclusions are supported by the evidence and recommendations are supported by the conclusions. In all cases, should further evidence come to light, any closed or disputed civilian casualty reports will be reopened and subject to further

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review and inquiry. Importantly, RS representatives regularly meet with UNAMA representatives to discuss the results of any civilian casualty allegations reported by UNAMA.

For the 2017 Report, UNAMA attributes 237 civilian casualties (145 deaths and 92 injuries) to RS during calendar year 2017. Based on the detailed operational records maintained by RS and the RS civilian casualty review process discussed above, RS identifies 51 proven civilian casualties (19 killed, 32 injured) and 133 disputed (88 killed, 45 injured) during the same time period. These numbers reflect what we discussed with UNAMA on a weekly basis.

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



Christopher K. Haas  
Major General (OF-7), U.S. Army  
Deputy Chief of Staff-Operations  
Headquarters, Resolute Support

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## ANNEX VIII: Taliban Response to the 2017 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 ملکي وګړو د ساتنې د راپور په اړه د افغانستان د اسلامي امارت ځواب

نېټه: ۲۶ جمادي الاول ۱۴۳۹ (۲۰۱۸/۲/۱۲)

مونږ ستاسو څخه مننه کوو چې د 2017 میلادي کال د ملکي تلفاتو کلنۍ راپور مو زمونږ سره تر نشر لږ مخکې شریک کړ. ستاسو راپور مونږ ته په داسې وخت کې ورسیدو چې تفصیلي ارزونه یې ناممکنه وه، البته یو ګړندی مرور مو ورباندې وکړو. د راپور په محتوی او کیفیت کې د نورو کلونو په پرتله نه یواځې دا چې بنه والی نه دی راغلی بلکې دې وار ته د امریکایانو او د کابل اداري طرفداري پکې له ورايه ښکاري، آن تر دې پورې چې د کابل د ادارې د اړوندو ځواکونو له امله ددومره ملکي تلفاتو او خونړیو بمباریو سربیره په راپور کې ددوی څخه مننه شوي چې د ملکي تلفاتو د کمولو لپاره یې هڅه کړې ده او هڅو یې نتیجه ورکړې ده، چې زمونږ په نظر دا د امریکایانو او د کابل ادارې سره د هغوی په ظلمونو او وحشتونو کې غټه همکاري ده. همداراز په راپور کې په ډیر زغرده او بې پرواهۍ باندې د ډیرو ملکي تلفاتو لپاره د افغانستان د اسلامي امارت مجاهدین ګرم بلل شوي دي، هغه مجاهدین چې په ډیرو مواردو کې د ملکي تلفاتو د مخنیوي په پار د خپلو عملیاتو څخه هم تیر شوي چې دا کار بیا برعکس ددې لامل ګرځیدلی چې مجاهدینو ته زیان ورسیري.

سره له دې چې د تیرو ۱۷ کلونو راهیسې په سلګونو زره بې ګناه افغانان د همدې بهرنيانو له راتګ وروسته وژل شوي او لا هم پسي وژل کېږي، په ځانګړي ډول په تیر کال کې د ترمپ د پالیسۍ د اعلان څخه وروسته د بمباریو په زیاتیدو سره د ملکي تلفاتو کچه تر بل هر وخت لوړه شوې، خو بیا هم د یوناما راپور اشغالګرو ته یواځې درې فیصده ملکي تلفات منسوب کړي دي. سربیره پر دې په راپور کې دا هڅه شوې ده چې دغه درې فیصده تلفات هم توجیه کړي، او هغه داسې چې راپور لیکلي چې ځینې تحلیلونه داسې انګیري چې د دغه هوايي بریدونو له امله مجاهدین خپل شوي او مخه یې نیول شوې چې په غټو ښارونو کې بریدونه وکړي او ملکي تلفات وپورې. مونږ د یوناما له لورې دداسې ګمنامه تحلیل را نقلول ردوو او د هغو تحلیلونو څخه یې مخ اړونه بولو چې د اجماع حد ته رسیدلي چې د بمباریو له امله ملکي تلفات یې سارې زیات شوي.

یوناما حتی د امریکایانو او د کابل ادارې اړوند نظامیان په ډیرو مواردو کې ملکيان بولي، لکه د نظامي یونیفورم د نه اغوستلو په وخت کې او داسې نور، خو بیا د مجاهدینو په طرف کې د ملکي او غیر ملکي هیڅ تفکیک نه کوي، هغه عام طالبان چې په اداري، تعلیم، صحت، قضا، بیا رغونه او داسې نورو ملکي برخو کې کار کوي، ټول له یوه مخي طالبان بولي او د هغوی شهادتونه په ملکي تلفاتو کې نه شمیري. امریکا او د کابل اداره، تل هغه ولسي اهداف د ځان لپاره مشروع هدف بولي چې یو وخت د اسلامي امارت مجاهدین ورباندې واکمن پاتې شوي وي.

همداسې، سربیره پر دې چې مجاهدین خپل عملیات په ډیر دقت سره تر نظامي اهدافو پورې محدودوي، خو بیا هم یوناما په دوی باندې د ماینونو د استعمال له امله نیوکه کوي چې دا ماینونه توپیر نه شي کولای، خو بل اړخ ته بیا د امریکایانو او د کابل د ادارې په هوايي بریدونو باندې سترګې پټوي چې په دې بریدونو کې د ملکي او غیر ملکي د توپیر هیڅ امکان نېشته او د ملکيانو تلفات پکې حتمي وي.

بناء، کومې شمیرې چې یوناما په راپور کې د ملکي تلفاتو په برخه کې ذکر کړي، مونږ ته د منلو وړ نه دي او په کلکه یې ردوو. یوناما چې د راپور په سر کې د پېښو د ثبتولو کوم میتود یا (میتودولوژي) ذکر کړې ده، هغه صرف د کاغذ پر مخ د لیکني بڼه لري خو په اصل کې حقیقت نه لري، ځکه چې یوناما د هیواد په ډیر کم تعداد ولایتونو کې فعالیت لري، او په اکثره ولایتونو کې استازي نه لري او نه یې کوم استازي کولای شي چې د پېښې ځای ته ورشي او د ملکي مرګ ژوبلې دقیق ارقام ترلاسه او بررسی کړي. بلخوا د اسلامي امارت د ملکي تلفاتو د مخنیوي او سمع شکایاتو کمیسیون موندنې بیا د یوناما د موندنو څخه ډیر توپیر لري او ددې کمیسیون د راپور په اساس د ملکي تلفاتو د درې پر څلورو برخې لپاره اشغالګر او د کابل د ادارې اړوند ځواکونه ګرم بلل شوي. یاد کمیسیون د هیواد په ټولو ولایتونو کې استازي لري او د ملکي تلفاتو پېښې په ډیر دقت سره څیړي، که چېرته د مجاهدینو لخوا د ملکي خلکو په مرګ ژوبله کې بې غوري او بې احتیاطي شوی وي نو عاملین یې نظامي محکمې ته معرفي کوي او د اسلامي شریعت په چوکاټ کې جزا ورکوي.

مونږ که څه هم دا راپور ردو خو د ملکي تلفاتو غوندې په حساسو موضوعاتو کې د یوناما او هرې بشري ادارې له لوري د ملکي تلفاتو په اړه سپارښتونو ته د قدر په سترګه گورو او مشروع سپارښتنې یې عملاً په کار اچوو. اسلامي امارت د یوناما د یو شمیر سپارښتنو په اړه داسې وایي چې:

د اسلامي امارت مجاهدين بي توپيره بریدونه نه کوي، او ملکيان، مرستندويه کارکوونکي، عبادت ځايونه او کلتوري ځايونه هدف نه گرځوي، بلکې دفاع ځيني کوي. همداراز مجاهدين په بي توپيره او غير متناسبه توگه چاودیدونکي توکي نه استعمالوي او نه د ملکي ځايونو څخه يا د ملکي ځايونو پر لور انداخت کوي، بلکې هميشه يې دا هڅه کړې ده چې د ملکيانو د ساحې څخه لرې خپل عمليات تر سره کړي. اسلامي امارت د ملکي تلفاتو په اړه خپله پالیسي هر وخت څرگنده کړې ده او د ملکي خلکو خونديتوب خپله اسلامي، انساني او افغاني وجیبه بولي. په دې هکله په وار وار د اسلامي امارت د مشرتابه لخوا اعلاميې خپرې شوي دي، حتی د محترم امير المؤمنین حفظه الله په اختريز پیغام کې پر مجاهدينو باندي غبر شوی چې په کومه سيمه کې چې د ملکي تلفاتو اندېښنه وي، هلته بايد د عملياتو څخه ډډه وکړي. پاتې دي نه وي چې مجاهدين په خپلو لیکو کې ماشومان نه پریردي او په دوی باندي د ماشومانو د استخدام دعوه حقیقت نه لري.

**Unofficial UNAMA translation:**

**Response to UNAMA, Human Rights Service Report on  
Protection of Civilians in Armed Conflict-2017:**

Date: 26 Jamadiul Awal, 1439 (12/02/2018)

We thank you for sharing the annual report on protection of civilians - 2017, a bit before its publication. Your report reached us at short notice so detailed evaluation was impossible, although we had a quick look at the document. In comparison to the previous years' report, the content and quality of the report has not improved, and it is obviously biased towards Americans and the Kabul administration. Moreover, the Kabul administration's relevant military forces were appreciated for their attempts to minimize civilian casualties stating that were helpful in spite of them conducting bloody airstrikes and impacting civilian casualties. In our opinion, this is supportive to the American and Kabul administrations in their atrocities and brutalities. Similarly, Mujahideen of Islamic Emirate of Afghanistan are unfairly and unresponsively assumed responsible for more civilian casualties in this report, while on several occasions Mujahidin has stopped its operations as prevention measures to minimize civilian casualties, which has led losses to Mujahideen.

For the past 17 years, hundreds of thousands of innocent Afghans were killed after the influx of foreigners and they are still being killed, particularly since last year, following the announcement of Trump's Strategy, bombardments have increased, which definitely intensified civilian casualties compared to any other time. However in UNAMA's report, only three percent casualties are attributed to aggressive forces. In addition, in this report, it is also attempted to acknowledge the three percent casualties and the report analysis suggests that the airstrikes stopped Mujahideen attacks in major cities that would have caused large numbers of civilian casualties. We reject UNAMA's ambiguous analyses written here. It is an attempt to neglect consensus analysis, that proves civilian casualties have disparately increased due to airstrikes

On several occasions, UNAMA counted the American and Kabul administration related armed forces as a civilian while not wearing military uniform and some others, while they do not

distinguish between civilian and non-civilian Mujahideen. All those Taliban who are working in administration, education, health, court, reconstruction and other civilian sectors, are counted Taliban and their killings are not counted as civilian casualties. American and Kabul administration usually assume that all civilians that have been remained under control of Islamic Emirate Mujahideen are a legitimate target.

Similarly, Mujahideen strictly limits its operations to military objectives while UNAMA criticizes them for using IEDs that IEDs cannot distinguish targets. While on the other side, they shut their eyes on American and Kabul administration's airstrikes that do not distinguish civilian and non-civilian and make civilian casualties inevitable.

Based on this, the figures of civilian casualties mentioned in UNAMA report are not acceptable to us and we categorically reject it. The methodology of confirmation and verification of incidents mentioned in the beginning of the report is just a typical form on paper that is not implemented since UNAMA has activities in limited provinces across the country and do not have representatives in most provinces and could not travel to the incidents' location to investigate incidents of civilian casualties to get confirmed figures.

On the side, the findings of prevention of civilian casualties and complaint commission of Islamic Emirate are far different to UNAMA and based on the findings of this commission that occupied and Kabul administration's forces are responsible for three-fourths of civilian casualties. This commission has representative in all provinces in the country and investigates incidents of civilian casualties in a very rigorous manner. In cases Mujahideen did not use precautionary measures in civilian casualties, the accused are referred to military court and they are penalized in the context of Islamic Sharia.

Although we reject this report however regarding a sensitive issue of civilian casualties, we appreciate recommendations about civilian casualties of UNAMA and any other human rights organizations. We will act upon some legitimate recommendations. In response to several recommendations of UNAMA, Islamic Emirate states:

Islamic Emirate does not conduct indiscriminate attacks, and does not target civilians, humanitarian workers, places of worship and cultural locations, but protects them. Similarly, Mujahideen do not use indiscriminate and disproportionate IEDs and neither use civilian areas for attacks and not target civilian locations and always tried to conduct operations faraway from civilian areas.

The Islamic Emirate at all times articulated its policy about civilian casualties and protection of civilians is our Islamic, human, and Afghani obligation. In this regard, the leadership of Islamic Emirates repeatedly circulated its statements. Even that, respected Amirul Mumimneen (Allah bless him) in his Eid message called on Mujahideen to avoid attacks in any area if civilian casualties are expected. It is worth mentioned that Mujahideen do not allow children in its ranks and the allegation of child recruitment is not true.

