

## Armed Conflict and Civilian Casualties, Afghanistan Trends and Developments 01 January – 31 August 2008

The overall security situation has continued to deteriorate since the beginning of the year. The armed conflict has continued to take an increasingly heavy toll on the Afghan civilian population. Attacks by insurgents, counter-insurgency operations conducted by Afghan Government and international military forces (IMF), and operations linked to the Global War on Terror, are the major source of civilian death and injury, displacement, destruction of assets/property, and disruption of access to education, healthcare, housing and other essential services. It is worth noting that a number of deaths cannot be attributed to one of the conflicting parties given, for example, that some civilians die as a result of cross-fire or are killed by mines. Such deaths are attributed to “other” in this report. Casualties in this category also include civilians who lost their lives in armed clashes such as the fighting between Hazaras and Kuchis in Beshud in July.

UNAMA HR Team has recorded a total of **1445** civilian casualties in the period under review. This represents an increase of almost 39% on the 1040 civilian deaths recorded in the same period in 2007 (see figure 1). August was a particularly deadly month with 330 civilian deaths recorded, the highest number for any month since the end of major hostilities subsequent to the ousting of the Taliban regime in 2001. The majority of civilian casualties continue to occur in the South of Afghanistan, though high casualty figures have also been reported in the Southeast, East, Central and Western regions (see figure 2).

*Figure 1*

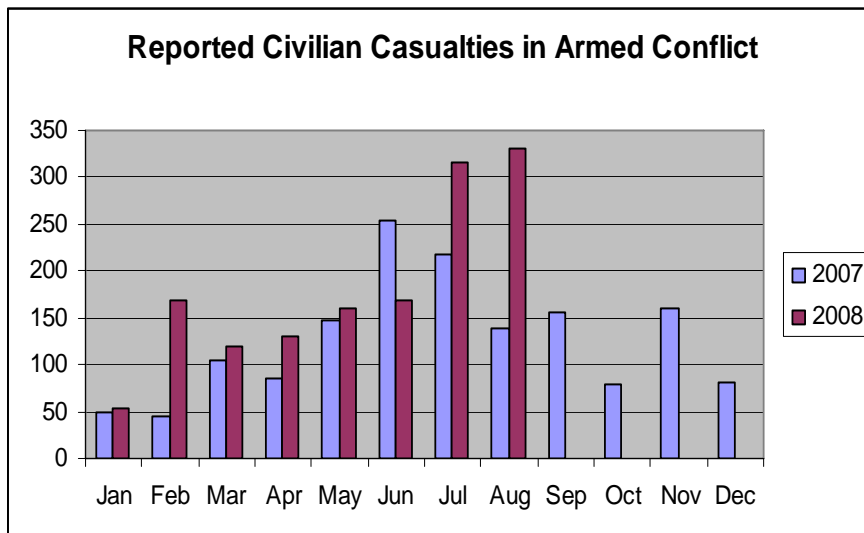
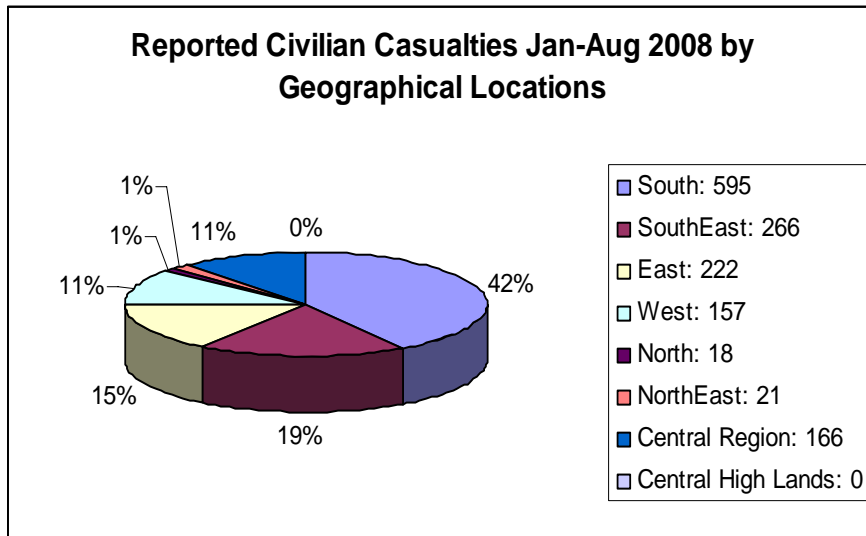


Figure 2



The percentage of deaths caused by insurgent actions increased from 43% to 55% of the total figure for the first eight months of 2008 compared to the same period in 2007. A large proportion of the increase in civilian casualties is due to the high number of deaths (**800**) resulting from insurgent actions. However, despite the corresponding reduction in the percentage of total civilian casualties attributable to Government and international military forces (from 44% to 40% of the total), the actual number (**577**) of those allegedly killed by pro-Government forces between January and August 2008 is significantly higher than the 477 reported in the same period in 2007 (see figures 3 and 4).

Figure 3

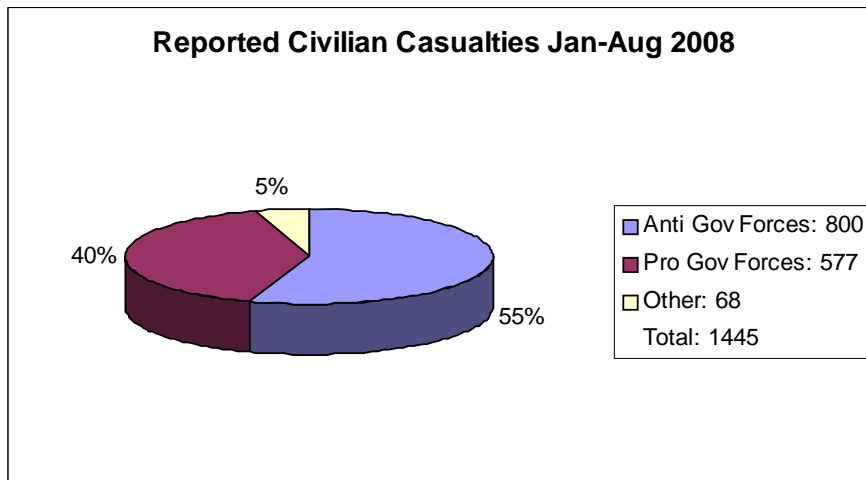
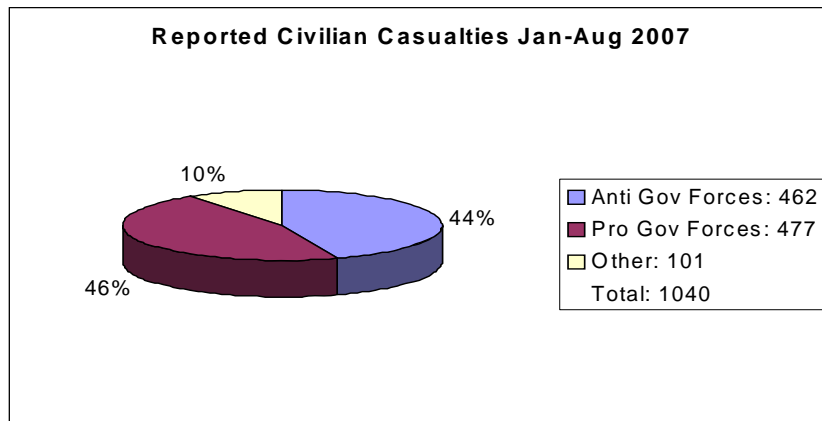


Figure 4



The majority of casualties attributed to the armed opposition result from suicide and improvised explosive device (IED) attacks, with 551 civilians reportedly killed in such incidents in the first eight months of 2008. While the majority of attacks were focused on military and government targets, such operations were frequently undertaken in crowded civilian areas such as bazaars or busy roads. Civilian deaths as a result of suicide attacks account for 38% of the overall total number of civilians killed since the beginning of the year and 69% of the dead attributed to insurgent operations. Throughout 2008, insurgents have shown an increasing willingness to inflict harm on civilians in such attacks. This was evident in several major incidents such as the 17 February suicide bombing at a dog fight in Arghandab district, Kandahar, which killed 67 civilian spectators and the 7 July bombing of the Indian Embassy in Kabul, which killed 50 civilians.

Substantial evidence indicates that insurgents are undertaking a systematic campaign of intimidation and violence aimed at Afghan civilians seen to be supportive of the government, the international community, and military forces. UNAMA has recorded 142 summary executions carried out by anti-government forces in 2008 and dozens of cases of threats, intimidation, and harassment. Similarly, the Afghan Independent Human Right Commission (AIHRC) has documented, in detail, over 50 cases ranging from intimidation to abductions and executions. The victims of intimidation tactics include doctors, teachers, students, tribal elders, civilian government employees, former police and military personnel, and laborers involved in public-interest construction work. Such attacks terrorize communities and make them fearful of supporting or even associating with the government. Attacks on government service providers have a significant detrimental impact on the ability of civilians to enjoy fundamental rights including access to essential services and ability to maintain livelihoods. Schools and medical services, in particular, have become prime targets for attack by anti-government elements. UNAMA has documented over 50 cases where schools and basic health facilities, including personnel, have reportedly been attacked by insurgents.

Humanitarian space has shrunk considerably. Large parts of the South, Southwest, Southeast, East, and Central regions of Afghanistan are now classified by the UN Department of Safety and Security (UNDSS) as 'extreme risk, hostile environment'. Aid

organizations and their staff have been subjected to a growing number of direct attacks, threats and intimidation. UNDSS recorded over 120 such incidents between January and August 2008, resulting in the killing of 30 humanitarian workers and the abduction of a further 92. Some highly publicized incidents have included an ambush on an International Rescue Committee vehicle on 13 August in Logar province in which three female international aid workers and their Afghan driver died and for which the Taliban claimed responsibility, as well as the 26 August abduction and subsequent death of a Japanese aid worker in Nangarhar province. Figures to the end of August 2008 exceed the total number of humanitarian workers killed in all of 2007. Insurgents have also frequently targeted private transport companies and construction workers who are not categorized as aid workers but in many cases were involved in the delivery of humanitarian aid and the implementation of development projects. According to the Agency Coordinating Body for Afghan Relief (ACBAR), an umbrella group of NGOs the situation had “forced many aid agencies to restrict the scale and scope of their development and humanitarian operations.” This effectively means that vulnerable people in need of assistance are unable to exercise their right to receive life-saving humanitarian support. Subsequent to the killing of four of its staff, the IRC suspended all its programs after 20 years of operating in Afghanistan, which is illustrative of the continuing erosion of humanitarian space and the ramifications of this for vulnerable Afghans in violent and volatile areas. At end of August, IRC operations had not yet resumed.

Growing concern about the death of civilians is driven, in part, by awareness that such casualties reduce support amongst the Afghan population for the government, Afghan military, and international military forces. Measures have been taken by pro-Government forces to limit the impact of their actions on civilians. However, the growing number of incidents and the high number of casualties demonstrates that more needs to be done.

Air strikes remain the biggest threat to Afghan civilians in the context of actions by pro-Government forces. In the incidents recorded by UNAMA, 395 civilians were killed by air strikes in the first eight months of 2008. This constitutes more than two thirds of the 577 non-combatant deaths attributed to pro-Government forces in this period. Many of the cases documented by UNAMA involve women and children. Incidents include a number of high-profile cases, including air strikes carried out in Deh Bala district in Nangarhar Province on 6 July 2008 which resulted in the deaths of 47 civilians, including 30 children, and an operation that took place in Shindand district of Herat Province on 21-22 August 2008 which resulted in 92 civilian casualties, including 62 children.<sup>1</sup> In several incidents, compounds with an alleged insurgent presence were targeted in air strikes but civilians were also killed in such attacks. One such case is an incident (4 July) in Nuristan in which UNAMA documented the death of 17 civilians; this included two women and some medical staff who were killed while trying to leave the area.

Practices regarding search and seizure operations (including night time raids) have to some extent been adjusted to address repeatedly voiced concerns. Yet, serious issues

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<sup>1</sup> On 9 September 2008, the Commander of ISAF, Gen. McKiernan, announced that the US military were reopening their investigation into the incident in Shindand district in light of emerging evidence, including film footage which shows rows of dead, including children, just before burial.

remain, in particular regarding a number of joint Afghan and international operations in which excessive use of force has allegedly resulted in civilians deaths. UNAMA investigations found that 27 civilians were killed in force protection incidents whereby they were perceived as being too close to military convoys or failing to follow instructions at check points. This constitutes a relatively small part of the overall casualty figures and suggests that amendments to escalation of force procedures have had a positive impact.

Separate and frequently confusing ISAF, OEF and ANSF command structures mean that in many incidents involving pro-Government forces it is unclear who was involved in, and ultimately responsible for, a particular operation. There is a need for better coordination between security forces operating in Afghanistan and, a coherent system of accountability which can be readily pursued. The Afghan public has voiced growing anger at the perceived impunity for civilian casualties – especially those civilian casualties attributable to the actions of international military. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, concluding a 12 day visit to Afghanistan in May 2008, found that “the response of the international forces [to incidents of alleged civilian casualties] combines great seriousness of intent and adherence to the applicable law with a surprisingly opaque and unsatisfactory outcome.” He further observed that “often those whose relatives had been killed were unable to ascertain any information as to those responsible. Moreover, no-one in Afghanistan tracks the outcome of investigations and prosecutions, and makes such information public.” Addressing this situation requires greater transparency and effectiveness in accountability procedures for international forces involved in incidents allegedly causing civilian casualties.

Conflict-related detention by both Afghan and International Forces continues to be of concern. UNAMA has documented numerous cases of men and boys being arrested and detained for extended periods of time, without being afforded the required minimum due process guarantees and frequently without informing their relatives. Given the extremely limited access of both UNAMA and the AIHRC to facilities where conflict-related detainees are held, it is impossible to give an accurate picture regarding the overall number, condition, and status of such detainees.

In conclusion, it is apparent that much more needs to be done to reduce the incidence of avoidable civilian deaths. This includes more attention to issue of accountability, which is directly linked to clarifying command structures, independent investigations, and acknowledgement of civilian casualties in a timely fashion. Ongoing efforts to enhance review mechanisms, advocacy, and dialogue with diverse stakeholders have the potential to reduce civilian casualty rates. However, it is adherence to core IHL (International Humanitarian Law) principles of distinction, necessity, and proportionality that is the key to determining future civilian death levels.

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