



The Afghanistan Independent Human Rights Commission

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The Afghanistan Independent Human Rights Commission (AIHRC) is seriously concerned about the increase in civilian casualties due to ongoing conflicts in Afghanistan, and its vast negative impacts upon ordinary people and the progress of reconstruction in various areas.

AIHRC is releasing two different reports today, the 3rd of Jadi 1387 (23 December 2008), in relation to violations of International Humanitarian Law by parties to the current conflict in Afghanistan.

These two reports “Anti-Government Forces’ Abuses Against Civilians’ and ‘From Hope to Fear- an Afghan Perspective on Operations of Pro-Government Forces” are the result of vast and separate investigations by AIHRC. The investigations were conducted during Jadi-Hoot 1386 and Saratan-Mezan 1387. These reports include violations in the armed conflict that occurred from mid 1385–mid 1387 (July 2007 to September 2008) by all parties.

To conduct these investigation for the reports AIHRC researchers traveled to the districts of south, west, east and southeast provinces and visited most of the sites where the incidents has occurred. In addition to numerous interviews with eyewitnesses, families and relatives of victims, local military and civil government officials, they have also gathered information and the views of officials of international forces in Afghanistan, medical centers, non-government institutions, and local and tribal elders. Further, physical evidence including documents, professional video footage, remaining of ammunitions, grave and other available evidences at the scene of the incidents where examined and were analyzed to compile these reports.

The AIHRC studies and evaluates the actions, behaviors and impact of anti-government armed groups and national and international forces in conflict situations upon civilians from the perspectives of international humanitarian law (the law of war); Islamic Sharia principles, especially in respect of conflict; and the national laws which are applicable in war.

Also, these reports have studied the effects of negative impacts created by all sides to the conflict on the daily lives of civilians, especially their access to certain rights in including education, health and employment. Also, it has focused on the detrimental effects of anti-government groups activities on reconstruction and development projects.

Main Findings of the Report

1- Abuses of anti-government Elements (AGE) on Afghan civilians

- The Anti-government elements have failed to differentiate between military and civilian targets. They have committed widespread and systematic violations against the civilians with a aim to weaken the government. Those that have been deliberately targeted include: doctors; teachers; students; journalists; tribal leaders; civil government staff; and laborers who were involved in development, reconstruction and humanitarian aid projects. The AGE have targeted anyone who has been associated with the government or international forces, including civilians, and considered them as enemies or legitimate military targets.
- The indirect effects of AGE's attacks have been greater than direct effects of the attacks. Attacks on schools and teachers have caused children not to have access to education, and attacks on medical centers and denying the provision of medical supplies has damaged the public's accessibility to medical services.
- The armed AGE have also targeted staff of aid organizations that provide humanitarian aid. This has caused number of to stop their activities in some parts of Afghanistan. A clear example in this case is the attack on IRC staff on the Kabul–Gardez road in Logar province in August 2008 that caused the death of three of their staff.

By killing civilians, failure to differentiate between civilian and enemy forces, and creating intimidation and chaos to achieve political goals, the AGE have clearly violated the basic principles of Islamic Humanitarian Law and International Humanitarian Law.

2- Pro-government forces' (PGF) operations in Afghanistan

- Air strikes have been the primary cause of civilian deaths and property damage. This situation has created a perception among Afghans that the PGF are indifferent to civilian casualties and has not tried hard enough to protect civilians and their property during their operations.
- The PGF's heavy reliance on air strikes on several occasions has resulted in high numbers of civilian casualties that may have been a demonstration of the disproportionate and excessive use of force.
- Concerns have increased about the lack of coordination among PGF and also between PGF and local government authorities which may lead them to act on unreliable sources or faulty intelligence, increasing the risk of civilian casualties.
- Night time house raids by international forces that are conducted aggressively towards women, children and elderly people, or have included actions such as violations of traditional customs, cultural and religious beliefs are of a matter of high concern. These methods and actions have angered Afghans.

- Although night searches are not a violation of the law, but the method and actions of forces involved has caused massive reactions in the community. Another main concern in this area is the lack of accountability for the night raids.
- Ordinary people have trouble understanding why there is no judicial action in respect of these practices, even where responsibility is clear.
- Ordinary people believe that there is no accountability or justice in respect of these violations, regardless of who have committed. The over all picture is that of continuing support for Afghan government and international military has been eroded as a consequences of the not carefully planned night raids.
- The lack of acknowledgement, recognition of victims, apology and compensation not being paid in most cases has caused much anger and resentment in the community towards PGF. Ignoring the damage to civilians and lack of transparent and public investigations have contributed to the picture that the international forces are not interested and concerned about their activities causing damage to ordinary people.
- In some cases, the international forces were not able to conduct transparent and public investigations and failed to published and publicly release the results of their findings in local languages.

An analyses of the cases covered by this report indicates that the PGF may have undermined the International Human Rights Law. Further more, the lack of transparent and public investigation and also lack of uncertainty in terms of actions against violators so that they be accountable have contributed to people's uncertainty and doubt towards these forces, and, in relation to their obligation to follow national and international law has contributed to a dived between the PGF and the people.

Afghanistan Independent Human Rights Commission is a national institution mandated by the Afghanistan constitution to promote and protect Human Rights and to monitor the situation of Human Rights in Afghanistan.

These reports in Dari, Pashtu and English are available on www.airhc.org.af ; for further information please contact the AIHRC at:

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