

# **ARM Annual Report Civilian Casualties of War January-December 2010**

Kabul, Afghanistan  
February 2011



Afghanistan Rights Monitor (ARM) is a Kabul-based independent human rights organization which aims to impartially investigate and report human rights violations and the overall human rights situation of Afghans in order to enhance better understanding about Afghanistan.

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*This report is dedicated to all the innocent Afghan children, men and women who were killed or wounded in the war in Afghanistan in 2010.*



*Photo: ARM; an Afghan army soldiers walks in a deserted bazaar in Helmand Province*

## EXECUTIVE SUMMARY

Over nine years after the internationally-celebrated demise of the repressive Taliban regime in Afghanistan, civilian Afghans increasingly suffer from the armed violence and rights violations committed by various internal and external armed actors. More ordinary Afghans were killed and injured in 2010 than a year before. And while US officials dubbed Afghanistan as their longest foreign war, Afghans suffered it for 32 years relentlessly.

Almost everything related to the war surged in 2010: the combined numbers of Afghan and foreign forces surpassed 350,000; security incidents mounted to over 100 per week; more fighters from all warring side were killed; and the number of civilian people killed, wounded and displaced hit record levels.

Collecting information about every security incident and verifying the often conflicting reports about their impacts on civilian people were extremely difficult and risky. The war was as heatedly fought through propaganda and misinformation as it was in the battlefields thus making independent and impartial war reporting tricky and complex.

Despite all the challenges, we spared no efforts in gathering genuine information, facts and figures about the impacts of war on civilian communities. Our resources were limited and we lacked the luxury of strategic/political support from one or another side of the conflict because we stood by our professional integrity. We, however, managed to use our indigenous knowledge and delved into a wealth of local information available in the conflict-affected villages in order to seek more reliable facts about the war.

From 1 January to 31 December 2010, at least 2,421 civilian Afghans were killed and over 3,270 were injured in conflict-related security incidents across Afghanistan. This means everyday 6-7 noncombatants were killed and 8-9 were wounded in the war.

ARM does not claim that these numbers – although collected and verified to the best of our efforts – are comprehensive and perfect. Actual numbers of the civilian victims of war in 2010 could be higher than what we gathered and present in this report.

Unsurprisingly, about 63 percent of the reported civilian deaths and 70 percent of the injuries were attributed to the Armed Opposition Groups (AOGs) (Taliban, Hezb-e-Islami and the Haqqani Group); 21 percent of deaths (512 individuals) and 22 percent of injuries (655) were attributed to US/NATO forces; and 12 percent of deaths (278 individuals) and 7 percent (239) injuries were caused by pro-government Afghan troops and their allied local militia forces.

In addition to civilian casualties, hundreds of thousands of people were affected in various ways by the intensified armed violence in Afghanistan in 2010. Tens of thousands of people were forced out of their homes or deprived of healthcare and education services and livelihood opportunities due to the continuation of war in their home areas.

In November 2010, ARM was the first organization to voice concerns about the destruction of hundreds of houses, pomegranate trees and orchards in several districts in Kandahar Province by US-led forces as part of their counterinsurgency operations. In January 2011, an Afghan Government delegation reported the damage costs at over US\$100 million. In compensation, US/NATO forces have doled out less than \$2 million.

Improvised Explosive Devices (IEDs) are widely considered as the most lethal tools which killed over 690 civilians in 2010. However, as you will read in this report, there is virtually no information about the use of cluster munitions by US/NATO forces. Despite Afghanistan's accession to the international Anti-Cluster Bomb Treaty in 2008, the US military has allegedly maintained stockpiles of cluster munitions in Afghanistan.

A second key issue highlighted in this report is the emergence of the irregular armed groups in parts of Afghanistan which are backed by the Afghan Government and its foreign allies. These groups have been deplored as criminal and predatory by many Afghans and have already been accused of severe human rights violations such as child recruitment and sexual abuse.

## **Recommendations**

### ***Afghan Government***

- a. Stop creating, hiring and using irregular armed groups and militias in insecure districts, villages and provinces
- b. Improve and enhance vetting procedures for police and army recruitments and prioritize the formation of competent, accountable and professional national security forces
- c. Ensure and strengthen accountability in the police, army and other security forces
- d. Ensure, improve and consolidate the rule of law and justice in all parts of the country and to all Afghan citizens equally
- e. Immediately end the criminal impunity of powerful militia commanders, warlords and other influential individuals
- f. Seek innovative ways to reduce the harms and damages of improvised explosives on civilian communities
- g. Seek and provide appropriate financial compensation and ethical sympathy for the civilian victims of US/NATO and pro-government forces' military and counterinsurgency operations
- h. Introduce and implement other measures to ensure better protection and safety for civilian people in the conflict-affected areas
- i. Regulate properly and hold accountable international security firms and seek and implement ways which ensure transparency in their activities

### ***NATO/US Forces***

- a. Stop targeting civilian people on mere accusation of being "suspected insurgents"

- b.** Ensure greater safety and security for civilian communities in counterinsurgency and in the so-called “counterterrorism” operations
- c.** Provide transparency about the use of cluster munitions (locations and potential risks to noncombatants)
- d.** Stop hiring, using and promoting irregular armed groups and militias for short-term counterinsurgency and counterterrorism projects and direct more sources to the development of constitutional security institutions
- e.** Bring more restrictions and precision procedures in the aerial strikes
- f.** Stop the aggressive night raids on civilian houses and reduce risks in such attacks to civilian objects
- g.** Seek and adopt ways to end civilian casualties in the “escalation of force” incidents
- h.** Provide better and stronger compensations to civilian victims of your military activities

#### **AOGs**

- a.** Immediately stop the indiscriminate and widespread use of improvised bombs and munitions in civilian areas
- b.** Immediately stop suicide attacks in densely populated, civilian areas
- c.** Immediately halt assassinating civilian people, including civilian government employees
- d.** Stop harassing and intimidating aid workers, students, teachers and other non-combatants
- e.** Stop using civilian people and objects as human shield in military operations
- f.** Stop summarily executing people on charges of espionage and/or support to government and its foreign allies
- g.** Do not attack schools, health centers and other civilian facilities and aid convoys
- h.** Allow unconditional access to people and communities for humanitarian, development and other civilian purposes

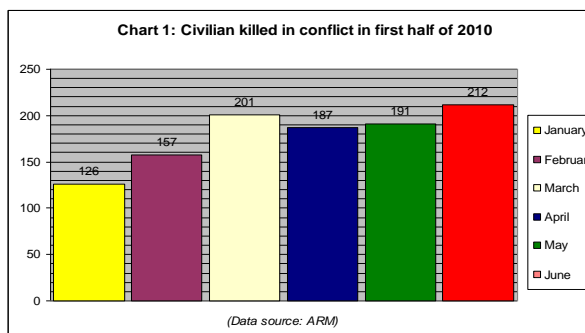
## Long, Expensive, Deadly War

For many Americans and Europeans the war in Afghanistan started in October 2001 as Coalition Forces attacked the brutal Taliban regime which had harbored and supported the international terrorists that masterminded the 9/11 attacks on the United States of America. The Taliban's tyranny was smashed within weeks and a new rather peaceful era was promised to the war-weary Afghan peoples.

More than nine years later, the Taliban are increasingly killing and destroying brazenly on their return. Fighting them are the tens of thousands of US/NATO and Afghan Government troops who are bombing and shooting everything leading to the Taliban and other AGOs. And in the middle are the millions of civilian and noncombatant Afghans who are killed, tortured, harassed and forced to flee their homes either by those that label them as pro-government/investors or by those that accuse them of being a "terrorist", an insurgent or simply a Talib.

The promised new era in Afghanistan – the Marshal Plan for rebuilding, development and democratization – has descended into a highly corrupt and ineffective political system which rewards and strengthens warlords, criminals, drug dealers and corrupt politicians. We believe it will take a miracle to win this war and restore a viable peace in Afghanistan under the existing Afghan leadership and government. Afghanistan lacks the basic prerequisites for a sustainable peace – a legitimate, competent and independent government and leadership – and is, moreover, badly entangled in complex regional rivalries.

As the war surpassed its ninth year, some American pundits started complaining about its longevity and financial costs. Using the age's most sophisticated aerial and ground military and intelligence powers to 'defeat, dismantle and disrupt' its enemies, the world's only superpower seems tired and exhausted in the so-called War on Terror.



When the warring parties feel exhausted of using deadly war machines for less than a decade, what it would be for the people who have been in the center of an unrelenting war for over three decades? The war in Afghanistan started in 1979 and from the first day the USA and its allies have been involved in it in one way or another. The USA has waged two brutal wars against two opposing ideologies in Afghanistan: Socialism and Terrorism.

Over the past nine years, the USA alone has spent over US\$375<sup>1</sup> billion on eliminating a Taliban force which was once estimated by US military officials at 3,000-5,000 men. Over \$70 billion has also been disbursed by other NATO member states that have sent troops to Afghanistan in support of the anti-Taliban war. This means, US/NATO has spent over \$89-148 million against every Taliban fighter.

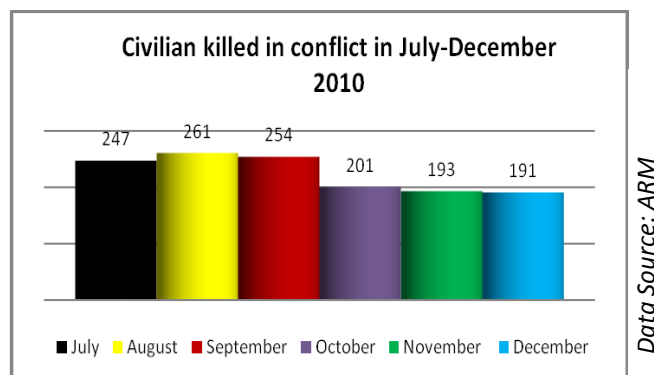
US/NATO has indeed killed and captured more than the initially estimated 5,000 AOG fighters over the past nine years, but paradoxically the war has intensified and expanded into almost all areas of the country. Thousands of Afghan and foreign soldiers have also lost their lives and limbs in the war.

The war has been particularly devastating for the common Afghan people. From 1 January to 31 December 2010, at least 5,691 civilian casualties (2,421 deaths and 3,270 injuries) were reported.

In the first half of 2010, ARM reported 2,574 civilian casualties (1,074 deaths and 1,500 wounded) of which 661 deaths were attributed to armed opposition groups; 210 deaths were attributed to US/NATO forces; over 150 deaths were attributed to Afghan Government forces, militias and private security companies; and 27 deaths could not be attributed to an identifiable party.

In the second half of the year, ARM recorded 3,117 civilian casualties (1,347 deaths and 1,770 wounded).

AOGs were blamed for 63 percent of the total annual reported civilian deaths (1,531 deaths) and 70 percent of the injuries (2,288); US/NATO forces were blamed for 21 percent of the civilian deaths (512) and 20 percent of the injuries (655); pro-government Afghan forces (police, army and militias) were accused of 12 percent of the civilian deaths (278) and 7 percent of the injuries (278); and about 4 percent of the civilian deaths (100) and 3 percent of the injuries (88) could not be attributed to an identifiable armed group and thus referred to “unknown” in this report.



<sup>1</sup> From October 2001 to September 2010 US military spending in Afghanistan totaled over US\$345 billion. War spending in 2010 was \$72.3 billion and with the additional 30,000 US forces some \$33 billion was requested for the military surge. Figures taken from US Government sources.

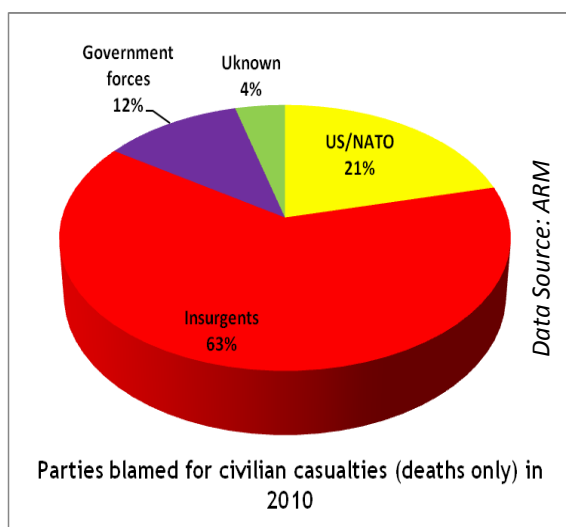
Improvised bomb blasts, suicide attacks, aerial strikes and targeted assassinations were the most deadly fighting methods which took their heaviest toll among the noncombatants.

AOGs are primarily blamed for the indiscriminate IEDs attacks, particularly in civilian and residential areas, in which too often civilian people suffered the brunt of casualties and damages. At least 693 civilian people were killed and over 1,800 were wounded in IED attacks in 2010.

Suicide attacks, again almost exclusively practiced by the AOGs, killed 237 civilians, wounded hundreds and inflicted other unjustifiable harms and damages on noncombatant communities.

Furthermore, the AOGs are notorious for their extensive assassinations of civilian government employees, tribal elders and other unarmed people whom the AGOs merely deem as pro-government. More than 400 noncombatants were assassinated last year.

In 2010, US/NATO troops in Afghanistan reached to unprecedented levels (over 140,000 troops) as they initiated and implemented major counterinsurgency operations in different parts of the country. US/NATO claim to have killed thousands of enemy combatants last year.



However, in several reported cases, noncombatant victims were merely labeled as “suspected insurgents” or “suspected Taliban” in order to justify preemptive air and ground attacks.

Throughout 2010 fact-finding commissions tasked by President Hamid Karzai to investigate incidents of civilian casualties resulting from the US/NATO military operations, repeatedly repudiated and challenged US/NATO’s accounts on several incidents. Local people, in the conflict-affected areas, also vehemently

rejected US/NATO’s statements regarding the killing of “suspected insurgents” in several instances. Information received by ARM showed that at least 217 civilians were killed in air strikes by US/NATO forces and 192 lost their lives in direct and indirect shooting by these forces including in the infamous “escalation of force” incidents.



Afghan Government security forces were increasingly engaged in both independent and joint counterinsurgency operations as part of US/NATO's training and mentoring programs for the development of Afghan National Police (ANP) and Afghan National Army (ANA). Increased combat activities led to a rise in the number of civilian casualties attributed to government forces. Together with other allied local militias groups, government forces were accused of killing 278 and wounding over 239 civilians.

The US has forced Afghan Government to accept controversial security projects under which irregular armed militias such as the Afghan Local Police (ALP) are being recreated, recruited and promoted for short-term counterinsurgency and counterterrorism objectives. These groups have been deplored by the local communities as criminal and predatory and have also been accused of severe human rights violations.

Overall, 2010 was another terrible year for many Afghan civilians in which, in addition to deaths and injuries, they suffered immensely from the intensified war.

Whilst the war has already entered its 10<sup>th</sup> year, the prospects for peace and security appear bleak and unpromising for a majority of Afghans.

President Hamid Karzai, widely deemed as an incompetent leader, has tasked a self-appointed council, mostly dominated by the former militia leaders and alleged criminals, to explore possible reconciliation and peace-making deals with the Taliban and other AOGs. Taliban leaders have categorically rejected Mr. Karzai's recurrent calls for talks and have labeled the current government as a corrupt, predatory and puppet regime. Sadly, many Afghans share the Taliban's critique of Mr. Karzai's government particularly in terms of rampant corruption, weak governance and prevalent warlordism.

Any possible peace in Afghanistan, many believe, would not be achieved in the combat fields but in the political corridors. However, we believe where such corridors are dodgy and corrupt, there will be no meaningful talks to end the bloodshed and bring about a just and lasting peace.

More than anything else peace requires in Afghanistan a long-denied process of justice and accountability about the past and present crimes; a rule of law where citizens feel safe and secure; a legitimate government which does not extort but delivers services efficiently; and strong and clean leaders who do not have innocent blood on their hands.

## The AOGs' Divine-given Right to Kill

### *When Everyone is Either a Supporter or an Enemy*

Armed Opposition Groups (AOGs)<sup>2</sup> and their associate militias are universally blamed for their appalling crimes against Afghan civilian. Taliban and other AOG leaders believe that they have a divine-given right to kill, torture, imprison and violate the rights and freedoms of any Afghan citizen<sup>3</sup>. Their mere justification for such crimes is that they are engaged in a “holy war” or Jihad and thus God allows them to spare no violent action in their determination to restore a purely 7<sup>th</sup> century Islamic caliphate.

Only people actively supporting their armed rebellion or contributing to their crimes through other means are somewhat immune from the AOGs' deliberate harms and retribution. School teachers, health workers, construction engineers and even schoolchildren have been repeatedly and systematically targeted because in the AOGs' eyes they appeared as 'pro-government' or less abiding to their self-interpreted Islamic rules.

On 30 December 2010, 14 people, including women and children, were killed and more than five were injured in an IED explosion at a crowded bazaar in the Nahr-e-Saraj District of Helmand Province. On 13 November 2010, 10 civilian people including three children were killed and 16 were wounded in an IED blast in Imam Sahib District of the northern Kunduz Province. On 15 October a roadside bomb hit a civilian bus in the Maghlozai area of Zabul province killing nine civilians and wounding two. The insurgents claimed responsibility for all these three incidents with futile allegations that a large number of Afghan and foreign forces were also killed.

Two of the AOGs' most deadly fighting tactics were the indiscriminate use of IEDs and suicide attacks, particularly in the civilian locations. At least 693 civilian people lost their lives and over 1,800 were wounded in numerous IED blasts in 2010, according to information received by ARM.

The AOGs have imported, from Pakistan and Iran, the manufacturing techniques and the necessary equipments for easy and quick bomb-making and have perpetuated the corrosive knowledge to hundreds of their foot soldiers all over the country. Cheap and easily available chemicals such as ammonium nitrates were used by the AOGs to produce unsophisticated but very strong explosives. These home-made bombs were then planted in roadsides, agriculture fields, footpaths, bazaars and other civilian and residential areas to kill pro-government forces often with little or no care for civilian protection and safety.

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<sup>2</sup> While the AOGs might be consisted of various armed factions fighting the Afghan Government, foreign forces and other armed and/or civilian actors in Afghanistan, the self-proclaimed Islamic Emirate of Afghanistan (IEA), the Hezb-e-Islami Hekmatyar (HIH) and the Haqqani Group (HG) are widely regarded as the main actors.

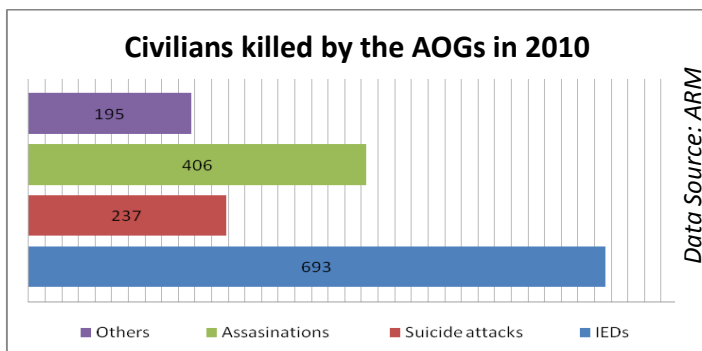
<sup>3</sup> An IEA war code, approved by the Taliban's supreme leader Mullah Mohammad Omar, states that civilian people must be immune from deliberate attacks but in reality Taliban fighters spare no violence against the civilians.

Whilst the AOGs insisted that IED attacks primarily targeted foreign and Afghan soldiers, the sheer reality was quite the opposite: civilians were the overwhelming victims. IEDs planted on public roads, bazaars and agriculture fields and even in front of schools clearly targeted and affected civilian people more than any military party. Although IED attacks killed and injured large numbers of pro-government Afghan and foreign forces, disparity in the numbers of civilian and military victims was overwhelming. Too often IEDs intended for foreign military convoys killed civilian people travelling on the same roads. In some cases, even when an IED attack hit its target, civilians still suffered disproportionately as US/NATO soldiers were shielded by their armored vehicles, vests and other protective covers.

Poor or often nonexistent treatment and health services to the civilian victims of IED attacks further compounded their miseries. The International Committee of the Red Cross (ICRC) said it received more and more IED victims from all over Kandahar, Helmand and Urozgan provinces at Mirwais Hospital in Kandahar city. Even accessing hospitals was considered too risky for civilians as roads and footpaths were replete with hidden bombs and explosives.

The indiscriminate and excessive use of IEDs, which disproportionately kill and harm civilians, is in violation of war laws, including the international humanitarian law<sup>4</sup>.

Aside from imposing an official ban on the importation, sale and use of ammonium nitrate the Afghan Government and its international allies seemed unable to curb the growing menace of IEDs. US/NATO leaders promised more protective technology and tools for their military forces but did not show adequate commitment in tackling IED risks for the civilian Afghan communities.



Suicide attacks, particularly in densely populated and civilian areas, continued to torment communities all over the country. AOG leaders confessed, rather proudly, that they promoted and used suicide attacks as an effective and legitimate fighting tactic against foreign and Afghan forces. However, when exercised indiscriminately and in highly populated locations, suicide attacks inflicted catastrophic harms on the civilian people. At least 237 civilians were killed in over 110 suicide attacks in 2010.

A suicide attack in front of the health department in the eastern Laghman Province on 20 November killed three civilian persons, including one woman and one child, and wounded over 26 others. A purported suicide attack during a wedding ceremony in Arghand District in Kandahar Province on 9 June killed about 40 people and injured over 60.

<sup>4</sup> A war crime is a serious violation of international humanitarian law (IHL) committed during international or internal armed conflict. Willful killing and torturing of a protected person (wounded or sick combatant, prisoner of war, civilian); using prohibited weapons or methods of warfare; and making improper use of the distinctive red cross or red crescent emblem or other protective signs, are war crimes, according to IHL.

The Taliban accepted responsibility for an audacious suicide attack in Kabul city on 18 May in which, in addition to six foreign soldiers, 12 civilians were killed and 47 were injured. Several people, who were severely wounded in the same attack, were unable to receive appropriate healthcare at government hospitals in Kabul and did not receive health assistance from the government and international organizations.

AOG leaders made no secret of their plans to perpetuate more and more suicide attacks in urban areas as they claimed that there were hundreds of volunteers in queues for the so-called “martyrdom attacks”.

Through widespread and systematic assassinations of tribal leaders, civilian government employees and other influential individuals the AOGs created an environment of fear and insecurity across the country<sup>5</sup>. More than 400 civilians were assassinated by the AOGs in 2010 and the victims included school teachers, judges, municipality officials and human rights activists.

On the night of 29 July, armed men broke into the house of Khalifa Abdullah, a local elder, in Arghandab District in the Southern Kandahar Province and took him away. The next morning Abdullah’s dead body was found near the village cemetery. On 31 August armed assailants opened fire on a shuttle of the Supreme Court judges in Mosaye District of Kabul Province killing three and wounding 12.

Despite their denial, the AOGs were widely accused of widespread attacks on education, health workers and humanitarian and development activities. On 27 June, armed assailants, purportedly associated with the insurgents, stormed the Alberoni High School in Qara Bagh District in Ghazni Province and killed the headmaster, Sekandar Shah Mohammadi. On 22 June, director of the health department in Kunduz Province was killed in an IED attack in front of his office. In late June, gunmen believed to be associated with the AOGs decapitated up to 10 civilian people on mere charges of espionage for foreign forces in Urozgan Province<sup>6</sup>. In the same month, over 13 local elders, intellectuals and other socially active men were assassinated in different parts of the neighboring Helmand Province.

The consequences of such attacks and the associated terror were catastrophic on the civilian communities where patients and wounded people lacked access to adequate protection services.

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<sup>5</sup> In some cases those assassinated were first threatened by the AOGs directly or indirectly, according to accounts shared with ARM.

<sup>6</sup> This incident was reported by the Afghanistan Independent Human Rights Commission. ARM cannot not vouch for its authenticity.

### **Labeling every casualty “insurgent”**

## **Unreported, camouflaged civilian casualties by US/NATO**

General David Petraeus, America’s war hero and the commander of all US/NATO forces in Afghanistan, believes that he has broken the Taliban’s backbone in Kandahar and Helmand provinces. Under Petraeus’s command, thousands of additional US troops were deployed to Kandahar and Helmand in 2010 where they initiated and conducted major counterinsurgency operations throughout the year. US/NATO sources reported that thousands of Taliban and Haqqani insurgents were killed and captured in 2010 as a result of which, officials claimed, progress was made towards President Barrack Obama’s objective of “dismantling, disrupting and defeating” the enemy. This progress was also cited in a 5-page US Policy Review which was released in December 2010<sup>7</sup>.

Amidst the military and strategic trumpeting nothing was said or heard about the human costs of General Petraeus’s troop surge and his intensified military operations. US/NATO alleged thousands of armed insurgents were killed and arrested in the southern provinces in 2010<sup>8</sup> – we do not believe the allegation entirely and suspect that hundreds of noncombatants were also among those killed and detained.

Our disbelief in the US/NATO chorus is backed with widespread grievances and accusations by local people in the conflict-affected areas. In too many occasions, people in Kandahar, Helmand, Zabul, Urozgan and other insurgency-infested provinces strongly rejected US/NATO’s allegations that all the killed and captured in counterinsurgency operations were insurgent fighters or were engaged in combat activities. In the villages and districts where US/NATO forces conducted counterterrorism and counterinsurgency operations in 2010, local people said civilian people suffered heavy casualties and losses.

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A beardy young Pashtun man with a black turban could be easily described as “an insurgent” by US/NATO forces and his killing could be justified as a legitimate act of war. However, in the local Afghan context, the same person – and indeed thousands like him – can be a civilian person and under no laws his deliberate killing can be justified.

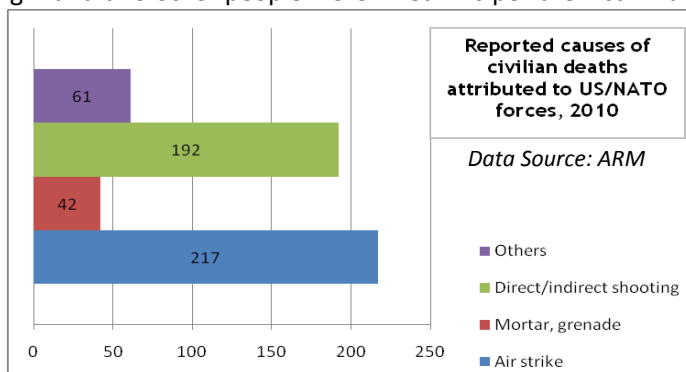
<sup>7</sup> The Review, however, described the military gains as “fragile” and “reversible” but did not mention anything about the human costs of these gains.

<sup>8</sup> US/NATO have not released figures on exact numbers of the AOG combatants killed in 2010 but different estimates suggest over 5,000 combatants and “suspected” fighters were killed.

Information and reports received and verified by ARM, indicated that 512 noncombatants lost their lives and 655 were wounded in the military operations and security incidents involving US/NATO forces in 2010. Out of these, 217 were killed in air strikes, 42 were killed by mortar and grenade attacks, 192 were killed in direct/indirect shooting and 61 died in other security incidents.

US/NATO aircrafts opened fire on a convoy of electoral campaigners in Rustaq District in the northern Takhar Province on 2 September as a result of which 10 people were killed and two others were wounded. Five civilians were killed during a NATO firefight in Sangin District in Helmand Province on 21 December. On 26 August 2010, NATO aircrafts bombed a mountainous area in the eastern Kunar Province as a result of which six children were killed and another child was wounded.

After a strong initial denial, NATO admitted a unit of its Special Forces committed a botched night raid in Gardez Province on 13 February in which two pregnant women, one teenage girl and two other people were killed. As per the victim family's account, the night raid was



executed in a horrible manner. After shooting the three women, Special Forces allegedly refused the family to take a seriously wounded girl to a hospital and instead mercilessly extracted bullets from her body (apparently to eliminate evidence of their crime) with pincers, according to the recollections told to

ARM by two members of the family. The wounded girl died from blood loss in the same night.

In another incident on 21 February, US jets bombed a village in Urozgan Province in which 23 civilians were killed and many others were wounded. The former commander of NATO/US forces, General Stanley McChrystal, acknowledged the incident and apologized to the Afghan people in a televised message<sup>9</sup>.

On 12 June, the governor of Kandahar Province, Torkyalai Weesa, told lawmakers in the Wolesi Jirga, Lower House of the National Assembly, that an airstrike in Shah Wali Kot District killed more than 20 civilians. This was also confirmed by the district police chief and representative of Shah Wali Kot in the provincial council. However, NATO strongly rejected its involvement in the incident.

Afghans demonstrated strong sensitivity to incidents of civilian casualties by foreign forces and a replication of such incidents seriously damaged US/NATO's credibility among many

<sup>9</sup> Apart from the apology, it remained unclear whether the victims' families were appropriately compensated for their losses. US/NATO do not have a sound compensation policy for the civilian victims of their military operations and only suffice with ad hoc small cash – sympathy – payments.

Afghans. During the reporting period, several emotional demonstrations took place in different parts of the country against the alleged killing of civilian people by foreign forces.

Shooting at civilian cars and bystanders by US-led forces – “escalation of force incidents” – not only caused dozens of unwanted deaths and injuries but also spread an enormous climate of fear among ordinary Afghans. On 14 April, US forces allegedly opened indiscriminate fire on civilian buses in the Zheray District in Kandahar Province as a result of which at least four civilian passengers were killed and 18 were wounded. US/NATO’s military patrols in urban locations are described by many Afghans as magnets for suicide and IED attacks in the urban areas.

### **IEDs or cluster munitions?**

The United States Government was infuriated when President Hamid Karzai signed the Convention on Cluster Munitions (CCM) in December 2008 because the US Military believed that cluster munitions had military utility, according to confidential US diplomatic cables leaked by the whistleblower website the *Wikileaks*<sup>10</sup>.

Despite signing the CCM the Karzai Government is yet to formally accede to the treaty and effectively outlaw the stockpiling, transfer and use of cluster munitions in the Afghan territory. The ICRC<sup>11</sup> and other domestic and international bodies have called on the Afghan Government to accede to the convention as soon as possible.

US forces reportedly maintain stockpiles of cluster munitions in Afghanistan but it is unclear whether such munitions are also used in the war. Cluster munitions – cluster bombs, sub-munitions or bomblets – kill, maim and torment thousands of people every year in the conflict-affected countries around the world.

There is very limited awareness about the use and the resulting harms of cluster munitions in Afghanistan. While victim numbers are staggering, exact causes of the blasts and explosions which affect civilians (IEDs, cluster munitions, landmines or other explosive remnants of war) are largely unknown.

#### **What are cluster munitions?**

Cluster munitions are large weapons which are deployed from the air and ground and release dozens or hundreds of smaller submunitions also called “bomblets,” or “grenades” which pose two main risks to civilians. First, their widespread dispersal means they cannot distinguish between military targets and civilians so the humanitarian impact can be extreme, especially when the weapon is used in or near populated areas.

Many submunitions fail to detonate on impact and become de facto antipersonnel mines killing and maiming people long after the conflict has ended. These duds are more lethal than antipersonnel mines; incidents involving submunition duds are much more likely to cause death than injury.

*Source: stopclustermunitions.org*

<sup>10</sup> The leaked diplomatic cable can be found at the Cablegate with these specifications: ID Reference - 08STATE134777; created on - 2008-12-29 16:04; released on - 2010-12-01 23:11; Classification – CONFIDENTIAL; Origin - Secretary of State

<sup>11</sup> In a press release on 1 August 2010, the ICRC said cluster munitions had not been banned in Afghanistan and called on the Afghan Government to immediately accede to the CCM. See ICRC News Release No. 10/7

Afghanistan Rights Monitor therefore calls on the US Government and NATO officials to provide some transparency about the stockpiles and the possible use of cluster munitions by US/NATO forces in Afghanistan. The people of Afghanistan, particularly in the conflict-affected areas, have a right to know where exactly cluster munitions are used and how they could avoid or reduce the risks of cluster bomblets and grenades. Where civilian people fall victim to cluster munitions, US/NATO forces must take the responsibility and provide the necessary treatment, rehabilitation and compensation services and support.

## Pro-government Afghan Forces

Parts of Afghanistan have been witnessing a rapid proliferation of armed groups which are widely detested by Afghans as predatory, extorting and criminal. The government and US/NATO forces have been hiring and equipping local militia forces in a bid to fill security gaps and to stave off the intensifying insurgency. In addition to the 10,000 ALP being hired in several insecure provinces, US Military and Special Forces have also set up many irregular armed groups in the south, east and central provinces to block the growing Taliban influence.

A mere justification used by the government and US/NATO for the controversial reinstallation of militia groups is that these forces are requested by the communities which are facing increased Taliban infiltration<sup>12</sup>. However, this not only contradicts the overwhelming realities in rural, insecure communities but demonstrates an inexcusable shortcoming by the government and its foreign backers in providing legitimate, accountable and reliable police and security forces.

Afghans are deeply concerned that the reemergence of militia groups will revive and empower old criminal gangs and warlords that have despicable records of killing, abusing and violating the human rights of civilian people. Already reports about the mistreatment, extortion and abuse of local people by these mercenary forces have been received from some parts of the country. Little or nothing has been done by the Afghan Government to ensure that pro-government militias operate within the legal boundaries and that they are held accountable for their misdeeds.

Recruitment and abuse of underage boys by these militia groups is a new worrying trend which has been overlooked by US/NATO and Afghan Government. At least in Kunduz, Baghlan and Kandahar provinces local people accused pro-government militia groups and commanders of sexually abusing children in an environment of criminal impunity.

NATO has agreed that it will devolve its security responsibilities to the Afghan Government in 2014. To do so, US/NATO have accelerated activities to inflate ANP and ANA total

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<sup>12</sup> The argument put forward is that in some Pashtun communities, particularly where police and army presence is limited or nonexistent, people desire to have Arbaki forces in order to circumcise the insurgency and to reduce criminality.



numbers with new recruits. The rush to create large Afghan forces to counter the intensifying insurgency has adversely impacted the quality of training provided by US/NATO and the quality of services delivered by ANP and ANA.

An overwhelming majority of the police recruits are illiterate and lack adequate knowledge about the basics of civil policing, rule of law and human rights. Many police officers are addicted to drugs, have notorious criminal backgrounds and allegedly maintain allegiances to powerful militia commanders or criminal individuals.

About 278 civilian deaths were attributed to ANP, ANA and pro-government militia forces in January-December 2010.

In several instances, civilian people were shot and killed by pro-government militias but labeled as “suspected insurgents” or “Taliban supporters”. In such cases, sorting out tribal and personal feuds was more relevant than counterinsurgency objectives<sup>13</sup>.

Dozens of civilian people lost their lives in the hasty counterinsurgency operations which were initiated or conducted by pro-government forces. Indiscriminate shooting and excessive use of artillery by ANP/ANA forces during or after security incidents were also cited, by some conflict-affected communities, as tactics in which civilian people were killed and wounded disproportionately.

### ***Private Security Firms, criminals***

In an environment of prevalent and worsening insecurity, various criminal actors defied the rule of law and perpetuated crimes against civilian people which were too often naively attributed to Taliban and other AOGs. Under the name of AOGs, some local commanders and armed groups managed to sort out tribal, familial and personal feuds through extremely violent means. Criminality, mostly in a highly organized and systematic style, was reportedly used by some powerful people, often linked to government officials and other influential figures, to earn money, properties and other economic and political interests.

President Hamid Karzai faced unified resistance from the US, UN and some European countries in his determination to dissolve and disband all local and foreign private security companies in Afghanistan. It now appears that some well-connected and powerful private security firms, mostly US and British companies, will continue *modus operandi* in Afghanistan. Despite the fact that an overwhelming majority of Afghans despise private security companies it is unclear as to why the UN and the USA want to impose these parallel structures in Afghanistan<sup>14</sup>.

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<sup>13</sup> Rivalries over access or control of local resources and power often led the opposing groups and tribes to take up arms against one another and associate themselves with either pro-government or anti-government forces.

<sup>14</sup> The argument that private security companies provide security services to embassies and development projects is hardly acceptable to Afghans given that there are over 350,000 pro-government forces in the country who are best fit to ensure security and the rule of law.

In the Mid-Year Report on Civilian Casualties of War, ARM reported a number of criminal, legal and societal problems linked with the private security companies which operated in a virtual state of impunity.

Most Afghans, even law and order enforcement forces, do not easily distinguish the foreign private security guards from the international military actors given that there are too many ostensible similarities among them. As international security companies operated in highly hostile environment, executed various sensitive security missions and used lethal force at their discretion, it was very likely that civilian people were adversely impacted by their presence and activities.

Some private security networks were established, financed and commanded by foreign military and intelligence actors, often under a nominal Afghan leadership, and their local armed men were used as mercenary forces during night raids, targeted assassinations and other counterinsurgency and counterterrorism activities.

About 100 conflict-related civilian deaths and 88 injuries could not be attributed to any identifiable party.

### ***Our Methodology***

While monitoring and reporting civilian casualties of war in Afghanistan can be imperfect due to access and capacity restrictions, ARM has made every possible effort and has used a range of reliable resources in preparing and making this report accurate and reliable.

Added values to ARM's reporting are the organization's apolitical and impartial approach to conflict analysis and its rich indigenous knowledge and regular interactions with various local interlocutors. We take pride in our independent approach to conflict reporting and analysis which demonstrates our unwavering commitment to the civilian victims of conflict in Afghanistan. Through this report, ARM does not intend or seek to approve or disapprove any warring or political party but strives to present to Afghans and outsiders a genuine and impartial account of the impacts of conflict on Afghan civilians.

ARM's primary sources of information have been local reporters, stringers and volunteers who have provided first-hand information about conflict incidents involving civilian people. These local men and women work in different parts of the country and have provided ARM with the kind of reliable information which hardly reaches to foreign, international organizations.

Additionally local communities, conflict-affected families, tribal elders and local journalists helped ARM with variety of information about conflict incidents in different areas of the country. Government officials, members of district and provincial councils, members of parliament and NGO workers also shared information in several instances.

Information and figures about civilian casualties were also collected and verified from various Afghan and international media outlets. Press releases from NATO, the Interior Ministry and other government and international organizations were used to compile, verify and cross-check information and data.

Where possible, direct and indirect contacts were made with warring parties and information about incidents were sought and cross-checked with them.

All the information and figures which were received from different sources were first compiled in a draft database and then each incident was independently verified through at least two other credible sources before refined information and data were transferred into a secondary database.

The final product presents the most accurate analyses by ARM's small but efficient team in Kabul.

## About us

Afghanistan Rights Monitor (ARM) is an independent Afghan rights entity which monitors, investigates and reports human rights violations and other rights-related issues in Afghanistan.

ARM was established in August 2008 and its first report was on the Plight of Afghan Civilians in 2008. ARM has released reports and statements about children's rights, elections, transitional justice and criminal impunity and other prominent human rights issues in Afghanistan (to read all ARM's reports, please visit: [www.arm.org.af](http://www.arm.org.af)).

ARM has a small office in Kabul and has stringers and volunteers in several provinces. Stringers and volunteers identify, investigate and report various human rights issues from different parts of the country while ARM's Kabul team verify, cross-check, analyze and consolidate information for reporting purposes.

ARM has not received funding from any donor country, organization or individual and has maintained its activities through contributions from its core members which include members of parliament, journalists and other human rights and democracy promoters.

ARM maintains strict political impartiality and does not endorse, back or harmonize with any group or actor in the Afghan political environment. We do not take side with any of the warring parties in Afghanistan but strive to maintain apolitical and dispassionate contacts with all in order to enhance compliance with international humanitarian law and promote respect for human rights and civilian protection.

Through objective, high-quality and reliable reporting, ARM tries to enhance domestic awareness about fundamental human rights principles and promote justice and democracy. We aim to inform and sensitize government officials, donors and other policy-makers on key human rights issues and advocate for the promotion and inclusion of human rights in governance, services' delivery and development programs.

ARM's utmost aim is to raise the voices of the victims of human rights violations in Afghanistan. We advocate for preemptive policies and actions which prevent human rights violations.

## Abbreviations used in the report

Afghanistan Rights Monitor	ARM
Afghan National Army	ANA
Afghan National Police	ANP
Afghan Local Police	ALP
Armed Opposition Groups	AOGs
Improvised Explosive Devices	IEDs
United States of America	US
North Atlantic Treaty Organization	NATO
United Nations	UN

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