



Agency Coordinating Body for Afghan Relief

Protecting Afghan Civilians: Statement on the Conduct of Military Operations

19 June 2007

We, the Members of ACBAR, express our strong concern about increasing numbers of civilian casualties caused by the conflict in Afghanistan.

We continue to condemn unreservedly the actions of armed opposition groups which cause civilian casualties, including summary executions, suicide bombs and roadside attacks and the use of civilian locations from which to launch attacks, all of which are wholly unacceptable. We denounce the suicide bombings on 15th June in Uruzgan, and on 16th and 17th June in Kabul, which killed scores of innocent Afghan civilians, as wanton acts of violence and inhumanity which can never be justified.

This Statement, however, addresses the issue of harm caused to civilians by military operations of international and Afghan forces. The killing of seven children in an air-strike in Paktika on Sunday 17th June and reports of significant civilian casualties caused by ongoing operations in Uruzgan, underline the urgency of this issue.

We strongly condemn operations and force protection measures carried out by international military forces in which disproportionate or indiscriminate use of force has resulted in civilian casualties. Such operations have frequently been carried out by forces or agencies outside NATO command, often American forces in Operation Enduring Freedom, and sometimes in conjunction with Afghan forces.

NGO reports and data indicate that since the beginning of 2007 international and Afghan government forces have been responsible for the deaths of a minimum of 230 civilians including at least 60 women and children.

The following reported incidents are examples: 11th Jan, 13 killed in compound raid, Garmser, Helmand; 4th March, 19 killed in alleged force protection shooting, Nangahar; 4th March, 9 killed in air-strike, Nijrab, Kapisa; 15th March, 3 killed in airstrike, Alingar, Laghman; 20th April, 12 killed in ground fighting, Sangin, Helmand; 29th April, 9 killed in botched house raid, Shinwar, Nangahar; 1st May, 13 killed in ground combat, Maruf, Kandahar; 8th May, 21 killed in retaliatory airstrike, Sangin, Helmand; 27th May, 19 killed in air-strikes Gereshk, Helmand; and 17th June, 7 killed in air-strike, Paktika.

NGO sources indicate that many of these incidents have occurred due to the provision of inaccurate or false information regarding insurgents to international forces. Precipitate military action has had fatal consequences for Afghan civilians.

Over the same period a further 14 civilians have been killed for simply driving or walking too close to international military personnel or vehicles.

Members of ACBAR recognise the challenges faced by soldiers in a battle-field environment but military forces must at all times respect international humanitarian and human rights law. Notably, forces must distinguish between civilians and combatants and use force strictly in proportion with legitimate military objectives.

The use of major air strikes, shelling or indiscriminate attacks, in populated areas and in the absence of clearly defined targets, violates these principles. Furthermore, it creates hostility towards international forces, perpetuates insecurity and jeopardises the safety and scope of operations of non-governmental organisations.

Afghan people report that military forces have been involved in conducting abusive and culturally insensitive raids and searches in Afghan homes. Any deliberate and unjustified use of violence, mistreatment of women, destruction of property and theft is in violation of human rights, international law and domestic Afghan law.

We underline the fact that in Afghan culture women represent the integrity and honour of the family, and that the home is regarded as sacred. We acknowledge that house searches and arrests may be required, but they must always be undertaken in accordance with international and domestic law, and with respect for Afghan culture. A single mishandled raid can cause long term widespread anger and resentment. Excessive and disproportionate use of force is not only illegal and wrong but is also counter-productive.

ACBAR members have a long experience of working in Afghanistan and have an awareness of public perceptions, particularly in rural areas. Initial goodwill towards the international military presence in 2002 has substantially diminished in many parts of the country. Excessive use of force and abusive raids and searches are undermining support not just for foreign and Afghan militaries but those involved in humanitarian and development work. Action to control the use of force is therefore essential for the broader promotion of stability and development in Afghanistan.

We, ACBAR Members, strongly recommend all military forces in Afghanistan:

- Strictly abide by UN Security Council Resolution 1747 (2007) on Afghanistan which “*calls upon* all parties to uphold international humanitarian and human rights law and to ensure the protection of civilian life”.
- Take all possible measures to control the use of force to minimise civilian casualties and the destruction of civilian property.
- Ensure that military action is only undertaken on the basis of accurate and reliable information.
- Desist from conducting abusive raids and searches, and ensure that they are conducted in accordance with Afghan law, human rights and with sensitivity for Afghan culture.
- Wherever possible provide advance warning to communities in which military operations are to be conducted.
- Take measures to prevent civilian harm resulting from military convoys.
- Establish a permanent body for the coordination of all national and international forces, including all American armed units in Afghanistan, to agree, *inter alia*, common standards of operation.

- Provide full cooperation with any investigations into civilian casualties or human rights abuses, and make an explicit undertaking to do so.
- Ensure timely and appropriate compensation is paid and apologies made to civilians who have suffered as a result of military operations.

In addition, we recommend that:

- The UN Assistance Mission in Afghanistan (UNAMA) and the Afghan Independent Human Rights Commission (AIHRC), undertake comprehensive investigations of any cases of civilian casualties, abusive searches or raids or other human rights abuses, and make recommendations as to compensation, legal measures, including prosecutions, or other remedial action.
- In coordination with relevant actors, UNAMA and AIHRC should establish an independent, reliable and comprehensive mechanism to record and regularly publish accurate civilian casualty figures.
- All parties to the conflict should extend their full cooperation to such investigative and verification activities, and donors should make all necessary funds available.
- Ambassadors of troop-contributing states make representations to their defence officials on the importance of proportionate use of force.
- Senior representatives to NATO from troop-contributing states convene to consider means of enhancing coordination between all international military forces in Afghanistan, NATO and non-NATO, and establishing common standards of operation.
- The Afghan National Assembly establishes a parliamentary committee to monitor the use of force by national and international military forces.

Ends

This statement has the support of DNNA, the Dutch NGO Network for Afghanistan.

CONTACTS

Anja de Beer
Director ACBAR
+ 93 (0) 700276464 / +93 (0) 799755001; anja@acbar.org

Matt Waldman
Head of policy, Oxfam International, Afghanistan
+93 (0) 700278838; MWaldman@oxfam.org.uk