

# AFGHANISTAN

## PROTECTION OF CIVILIANS IN ARMED CONFLICT SPECIAL REPORT: 2018 ELECTIONS VIOLENCE



UNAMA

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## OVERVIEW

Afghanistan's long-awaited parliamentary elections took place on 20, 21 and 27 October 2018.<sup>1</sup> The Government made efforts to secure polling centers enabling more than four million Afghans to safely cast votes. Many citizens, however, exercised their right to vote in the face of violence, with the first day of polling seeing the highest number of civilian casualties recorded on any election day since UNAMA began systematic documentation of civilian casualties in 2009. Additionally, those who made efforts to vote did so in defiance of an orchestrated campaign of abductions, threats, intimidation and harassment of voters and election workers carried out by the Taliban in the weeks and months leading up to the elections.

The Taliban's killing of key security officials in Kandahar province, including the police chief, just two days before the elections, heightened concerns regarding insecurity. The violence in advance of polling days during the voter registration and campaign periods, combined with renewed threats from the Taliban warning citizens not to vote and threatening punishment for those who did, exacerbated fears in many parts of the country, potentially deterring many from exercising their right to political participation.

This Special Report prepared by the United Nations Assistance Mission in Afghanistan (UNAMA) presents the findings of monitoring conducted by the UNAMA Human Rights Service on election-related violence before and during these parliamentary elections as well as on related human rights issues affecting political participation.<sup>2</sup>

Whilst this report focuses upon the days on which voting took place, it also provides an overview of the human rights situation leading up to the election days, including the voter registration and campaign periods, and should be read in conjunction with UNAMA's earlier Special Report on Election-Related Attacks released in May this year.<sup>3</sup> This report focuses on targeted attacks against those participating in the electoral process by Anti-Government Elements. UNAMA presents the findings of this report both to highlight civilian protection concerns and to contribute to a broader understanding of the factors that impacted the right of Afghan citizens to political participation.

UNAMA's findings indicate that violence targeting voters and polling centres on the three days on which voting in the parliamentary elections took place caused 435 civilian casualties (56 deaths and 379 injured) in 108 verified incidents of election-related violence, the highest level of civilian harm compared to the four previous elections held in Afghanistan.<sup>4</sup> UNAMA is currently reviewing credible allegations of dozens of additional incidents which resulted in civilian casualties and damaged civilian property. In addition to loss of life and other harm, this pattern of attacks, threats and intimidation also deprived Afghan citizens of their right to participate in the political process freely and without fear of harm.

This report documents grave concerns over the organized campaign of numerous attacks by Anti-Government Elements, mainly Taliban, directed at civilian objects and in civilian populated areas during the elections, including attacks against schools used as polling centres. The majority of the Taliban's attacks involved the use

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<sup>1</sup> Voting in the parliamentary elections, which was scheduled for 20 October 2018, was extended at some polling centres to 21 October, with polling day in Kandahar province delayed to 27 October 2018 following an IEC decision.

<sup>2</sup> UNAMA is also aware of allegations of violence on election days attributable to political candidates and armed groups associated with them. This report does not deal with such allegations as they fall outside of UNAMA's protection of civilians monitoring work, which focuses on violence perpetrated by parties to the armed conflict. See *Mandate* section.

<sup>3</sup> See UNAMA report, *Protection of Civilians in Armed Conflict: Election-Related Attacks and Abuses during the Initial Voter Registration Period* (10 May 2018), available at: <https://unama.unmissions.org/protection-of-civilians-reports>.

<sup>4</sup> On polling day in the previous election (14 June 2014), UNAMA verified 251 civilian casualties (52 deaths and 199 injured) in 86 verified incidents of attacks targeting the elections. Previously this was the most civilian casualties documented by UNAMA on a polling day in Afghanistan.

of indirect-fire systems such as rockets, grenades and mortars, as well as improvised explosive devices (IEDs), all of which have indiscriminate effects, and small arms fire.

The report also highlights a disturbing pattern of abductions, threats, intimidation and harassment carried out by the Taliban against civilians prior to the elections. These incidents, which involved the use of tactics aimed directly at the civilian population, together with a series of public statements made by various Taliban commissions explicitly threatening those participating in the elections and the locations identified for use as polling centres, indicate a deliberate campaign intended by the Taliban to disrupt and undermine the electoral process.

According to the Independent Election Commission (IEC), of the approximately 8.8 million Afghans registered to vote, approximately 4.2 million cast a ballot on the election days.<sup>5</sup> Therefore, whilst many Afghans voted, large numbers were unwilling or unable to do so. While many factors, including operational and administrative challenges, which in some cases prevented or delayed the opening of polling stations, undoubtedly influenced the number of those who actually cast a vote, the fear of violence prompted by the death or injury of hundreds of civilians in election-related violence in the preceding months, combined with Taliban's organised campaign of threats, intimidation and harassment directed at preventing participation in the electoral process also appears to have led many Afghan citizens to remain at home on the election days.

The report emphasises that such deliberate acts of violence against civilians and civilian objects – which include polling centres – as well as indiscriminate attacks, are strictly forbidden under international humanitarian law and constitute war crimes. Widespread or systematic attacks against Afghanistan's civilian population may also constitute crimes against humanity. Furthermore, acts or threats of violence intended to spread terror among the civilian population are prohibited under international humanitarian law. The report reiterates that the electoral process in Afghanistan is a civilian undertaking, and that the right of all citizens to participate in elections is a basic and fundamental human right guaranteed under international human rights law.

UNAMA acknowledges the innumerable actions taken by the Government and its security forces to uphold the right of Afghan citizens to participate in the elections and to protect them from harm, noting that the civilian casualties documented in this report also include at least 25 Afghan National Police Officers who were killed or injured whilst guarding election sites or transporting election materials.

## **MANDATE**

This report is issued in accordance with UNAMA's mandate under United Nations Security Council resolution 2405 (2018) "to monitor the situation of civilians, to coordinate efforts to ensure their protection, [...] 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."

UNAMA undertakes a range of activities aimed at minimizing the impact of the armed conflict on civilians, including independent and impartial monitoring and fact-finding concerning incidents involving loss of life or injury to civilians, advocacy with all parties to the conflict, and initiatives to promote compliance with international humanitarian and human rights law, as well as the laws and Constitution of Afghanistan.

## **METHODOLOGY**

This report is based on information gathered by the UNAMA Human Rights Service, guided by the methodology established by the UN Office of the High Commissioner for Human Rights on human rights

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<sup>5</sup> On 3 November 2018, the IEC spokesperson announced an estimated overall turnout figure of more than 4.2 million voters. See statement available at: <https://www.facebook.com/IECAfghanistanOfficial/posts/2044838068872349>.

monitoring in the context of elections.<sup>6</sup> UNAMA collected information from a wide range of sources, including the IEC at provincial and national levels; government and security officials at the district, provincial and national levels; as well as community elders, civil society activists, journalists, hospitals and health clinics, witnesses, victims and others. UNAMA reviewed public statements made by the Afghan government as well as by the Taliban, documentary information including lists of polling centres that were opened and closed, news reports and social media accounts. UNAMA also obtained information from other entities of the United Nations.

The civilian casualty figures provided in this report concerning the events that occurred on election days (20, 21 and 27 October) represent figures for election-related violence verified through at least three independent types of sources, however, as verification of additional incidents remains ongoing, information in this report should be considered as preliminary only. Final civilian casualty figures and other details on the impact on civilians from elections violence will be published in UNAMA's Protection of Civilians in Armed Conflict Annual Report 2018.<sup>7</sup>

## BACKGROUND

From the beginning of the voter registration period on 14 April, through the campaign period and two days of silence<sup>8</sup> ending on 19 October, the day before the elections, UNAMA verified 152 election-related security incidents resulting in 496 civilian casualties (156 deaths and 340 injured) and the abduction of 245 civilians. Women and children comprised 35 per cent of these civilian casualties. Two deadly attacks on 22 April 2018 in Kabul city and on 6 May 2018 in Khost city resulted in more than 250 civilian casualties alone. Among the total civilian casualties verified by UNAMA, 87 civilian casualties (38 deaths and 49 injured) resulted from attacks against parliamentary candidates, including eight candidates killed.

Similar to the disturbing trends seen during the last presidential election in 2014, UNAMA verified reports of the Taliban warning citizens not to register to vote in the elections, fining citizens and/or confiscating the national identity cards (*tazkiras*) of those who did register and threatening to punish election-related staff if they continued their work, including with death. A number of schools were also closed as a result of threats to teachers, who were warned that their schools would be targeted if used for voter registration purposes.

The Taliban indicated their intention to disrupt the elections through a series of public statements issued in the weeks leading up to election day. On 8 October, through a public statement on its Voice of Jihad website, the Taliban instructed “all its Mujahidin to halt this American led process throughout the country by creating severe obstacles for it” and indicated that “[t]hose people who are trying to help in holding this [elections] process successfully by providing security, should be targeted.”<sup>9</sup> Notably, this statement instructed Taliban members to “tak[e] extensive and intensive care of civilian Afghan lives and their properties.” However, a series of statements made on consecutive days from 17 to 19 October by three different Taliban commissions indicated a shift in tone, raising serious concern about the Taliban's intent to target civilians.

On 19 October, the Taliban's Military Commission indicated the Taliban's intention to close all major and minor roads and warned Afghans from using any means of transport, stating that they “do not want to harm

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<sup>6</sup> UN Office of the High Commissioner for Human Rights, Manual on human rights monitoring, Chapter 23: Monitoring human rights in the context of elections, available online at: <https://www.ohchr.org/Documents/Publications/Chapter23-MHRM.pdf>.

<sup>7</sup> Expected to be published in February 2019.

<sup>8</sup> This refers to a two-day period prior to election day on 20 October during which time political candidates were not permitted to campaign.

<sup>9</sup> Voice of Jihad, “Statement of the Islamic Emirate about the forthcoming bogus elections” (8 October 2018), available at: <http://www.alemarah-english.org/?p=35689>, last accessed 29 October 2018.

any common Afghan.”<sup>10</sup> Disturbingly, the statement also said that the Taliban’s “intelligence teams” would be “closely monitoring all developments,” raising concern of actions the Taliban may take against voters following the elections. On 20 and 21 October, Taliban issued hundreds of public statements via Twitter and its websites, repeatedly claiming responsibility for attacks targeting specific polling centres throughout the country.

## **ELECTION-RELATED VIOLENCE**

### **Civilian casualties**

Shortly before polling centres opened, the Taliban stated on Twitter that all election sites in the country would be under attack and once again cautioned citizens not to get involved in the elections process.<sup>11</sup> Following the opening of the polling centres, UNAMA began receiving reports of attacks targeting polling centres, with the intensity of the attacks increasing throughout the day. The deadliest attack occurred in the late afternoon of 20 October in Kabul city, when a suicide attacker detonated his explosive device outside of a polling centre located in a municipality office, killing 13 civilians (nine civilian men and four Afghan National Police officers performing civilian functions) and injuring 40 (34 men and six women). Those killed included three IEC staff members. *Daesh*/Islamic State – Khorasan Province (ISKP) claimed responsibility for this attack.<sup>12</sup>

UNAMA verified 388 civilian casualties (52 deaths and 336 injured) from election-related violence on 20 October, including 117 child casualties (21 deaths and 96 injured), 48 women casualties (two deaths and 46 injured). This also includes reports of 21 Afghan National Police casualties (eight deaths and 13 injured) from officers guarding election sites or the transport of elections materials and reports of at least four IEC staff members injured. This is more civilian casualties documented than on any previous election days since UNAMA began systematic documentation in 2009. UNAMA also documented an additional 47 civilian casualties (four deaths and 43 injured), including 17 child casualties (two deaths and 15 injured) and three women injured from election-related violence the following day (21 October) when voting was extended (see section below on *Other issues affecting participation in political processes*). These figures from 21 October include reports of two Afghan National Police guarding polling centres killed and two injured.

UNAMA attributed all civilian casualties to Anti-Government Elements, with the exception of 11 incidents involving 59 civilian casualties (14 deaths and 45 injured), which UNAMA attributed to Pro-Government Forces, mainly from Afghan National Army defending polling centres and other locations against attacks by Anti-Government Elements. UNAMA has so far matched 63 Taliban claims of responsibility, issued either via Twitter or the Voice of Jihad website,<sup>13</sup> to incidents impacting civilians on 20 and 21 October which, according to preliminary findings, resulted in 123 civilian casualties (five deaths and 118 injured).

Indirect mortar, grenade, and rocket fire by Anti-Government Elements aimed in the direction of polling centres and other civilian areas accounted for approximately 38 per cent of civilian casualties, while non-suicide IEDs, mostly placed at or near polling centres (many of which were located in schools, clinics and mosques) accounted for approximately 23 per cent of civilian casualties. In addition, shooting by Anti-Government Elements during election-related ground engagements was responsible for approximately 12 per cent of civilian casualties. For example, in Baghlan province on 20 October, multiple mortars fired by Anti-Government Elements landed in Baghlan-e-Jadid district administrative centre, killing one civilian and injuring 31 others.

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<sup>10</sup> Voice of Jihad, “Statement by Military Commission of Islamic Emirate regarding supposed parliamentary elections” (19 October 2018), available at: <http://www.alemarah-english.org/?p=36263>, last accessed 24 October 2018.

<sup>11</sup> Available at: [https://twitter.com/Zabihullah\\_4/status/1053480240612343808](https://twitter.com/Zabihullah_4/status/1053480240612343808), last accessed 29 October 2018.

<sup>12</sup> Available at: [https://twitter.com/Terror\\_Monitor/status/1055098505902075906](https://twitter.com/Terror_Monitor/status/1055098505902075906), last accessed 29 October 2018.

<sup>13</sup> Includes messages posted by the Official Twitter Account of the Taliban Spokesperson on 20-21 October ([https://twitter.com/Zabihullah\\_4](https://twitter.com/Zabihullah_4)) and statements posted on the Taliban Voice of Jihad website (<http://www.alemarah-english.org>), both last accessed on 21 October 2018.

The casualties were mainly caused by three mortar rounds – one landing behind a polling centre located at a school, another impacting near a mosque used as a polling centre, and a third landing in a crowded bazaar. In Laghman province, Mihtarlam city, two remotely-detonated IEDs placed on the roof and gate of a school serving as a polling centre injured 12 men and two children.

UNAMA also verified that the Taliban killed four civilians working as observers for one of the parliamentary candidates in Balkh province, Nahr-e-Shahi district, after they unknowingly entered an area under Taliban control.

Of note, UNAMA also received numerous reports of IEDs that were discovered and defused by Afghan national security forces, which otherwise would have resulted in even higher civilian casualty figures.

### **Threats, intimidation, and harassment**

In the days leading up to the election, UNAMA received reports of the Taliban warning voters and election workers in a number of provinces across the country, threatening these Afghan citizens with punishment if they participated in the electoral process. For example, in Mohmand Dara district, Nangarhar province, Taliban threatened to cut off fingers of residents if they were found to have participated in the elections. In a number of regions, including several districts in Farah and Zabul provinces, as well as Maidan Wardak province, Afghan citizens reported receiving these threats in ‘night letters’ from the Taliban, while in other areas such as in Gizab district in Uruzgan province, the Taliban reportedly warned the community through loudspeakers in mosques not to vote or they would face consequences. UNAMA received multiple, consistent reports of road blockages by armed men as well as by physical barriers in multiple locations, including in Maidan Wardak, Parwan, Nimroz, and Zabul provinces on both 20 and 21 October, reflecting both an intention to prevent voters from accessing polling centres and a possible attempt to delay the transport of electoral materials. In Zabul province, those who needed to travel for emergency reasons were reportedly required to submit their *tazkiras* to the Taliban in order to pass. In Chemtal district, Balkh province, a group of armed men stopped 60 male voters and prevented them from voting. Reportedly, these armed men, described by the voters as Taliban, searched them and collected their *tazkiras*, and then ordered them back to their villages.

In addition to verbal threats, UNAMA also documented instances in which Anti-Government Elements attempted to prevent voters and election workers from attending polling centres through the use of IEDs, mortars, rockets and small arms fire. In addition to those attacks that caused civilian casualties, UNAMA documented initial reports of 98 incidents of attacks by Anti-Government Elements that caused polling centres to close, prevented them from opening, or caused a serious disruption in voting. Of these 98 incidents, 89 were direct attacks against the polling centres. UNAMA anticipates that these figures may increase as it completes verification of all incidents in the coming weeks.

In one instance in Maiwand district, Helmand Province, Taliban reportedly abducted a shopkeeper and detained him for two days. The victim claimed that Taliban cut off the top of his finger as punishment for having voted for an anti-Taliban candidate. Taliban denied responsibility for this incident.<sup>14</sup>

### **Abductions**

On election days alone, UNAMA documented six incidents of abductions affecting at least 24 people, including a number of election workers and observers, and causing the death of one civilian. For example, on 20 October, in Burka district of Baghlan province, Taliban abducted 12 adult men including voters and a campaign representative of a parliamentary candidate and detained them for several nights before releasing them. In an earlier incident, on 19 October, in Adraskan district, Herat province, Taliban gathered 45 elders and influential

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<sup>14</sup> Taliban-affiliated Twitter account post on 24 October, available at: [https://twitter.com/QMY\\_Ahmadi/status/1055109729742188544](https://twitter.com/QMY_Ahmadi/status/1055109729742188544), last accessed 28 October 2018.

figures from several villages and kept them in their custody with the aim of intimidating the population into not participating in the elections. The Taliban reportedly threatened to cut off the abductees' fingers if they voted, releasing them on the evening of 20 October after polling stations had closed.

### **Attacks against elections sites, including schools**

Of the approximately 5,000 polling centres, which had also served as voter-registration sites, over 50 per cent were located in schools.<sup>15</sup> Throughout the voter registration period, Anti-Government Elements, mainly Taliban, targeted schools and IEC staff registering voters through IED and suicide attacks, and in one instance, the Taliban set fire to a school building. The attacks, combined with threats against teachers, resulted in school closures in some areas. Even for the schools that remained open, attendance rates reportedly decreased due to the heightened risk of attack, with girls' schools disproportionately affected.

On election day and in the few days prior, government-run schools cancelled classes for all students, which reduced children's risk of being harmed as a result of direct attacks against schools used as polling centres. However, UNAMA documented at least 112 incidents on election days in which schools used as polling centres were either directly attacked or otherwise impacted by attacks in the area. Of these, UNAMA's initial reporting indicates that at least 23 school buildings suffered property damage, which may have a longer-term impact on children's access to education. UNAMA also received reports of mosques and clinics being affected by election-related violence.

The use of indirect-fire systems in and from civilian populated areas caused damage to civilian homes, shops and buildings. On 20 October, in Maidan Wardak province, Jalrez district administrative centre, rockets fired by Taliban impacted inside a clinic causing damage to the building and its water tank. UNAMA also documented incidents of intentional damage to civilian property and election-related material. In Herat province, Pashtun Zarghun district, Chiworshy village, on 20 October Taliban entered a private company where election materials were stored and burned the materials and the civilian building.

### **Delayed elections in Kandahar Province**

Elections were delayed in Kandahar by one week following a significant security upheaval in Kandahar city just two days before the elections were to take place. On 18 October, in Kandahar city at the Provincial Governor's compound, a bodyguard of the Provincial Governor opened fire during a visit by Resolute Support/NATO Commander, killing the Kandahar province Chief of Police and the provincial National Directorate of Security (NDS) Director, and seriously injuring the Provincial Governor. The attack also killed a journalist and several members of security forces. Given the potential destabilizing effect of the attack on the security situation in the province, the elections were delayed until 27 October.

Election day in Kandahar province (27 October) passed without major security incidents and no civilian casualties were reported to UNAMA. The Afghan national security forces discovered and defused a number of IEDs in Kandahar city and several nearby districts. In Miyanashin district, Anti-Government Elements attacked multiple ANP check posts surrounding District Administrative Centre, without reports of civilian casualties.

### **Other issues affecting participation in political processes**

While the intensity of violence in many areas of the country significantly impacted citizens' ability to participate in the elections, a number of technical, logistical and administrative issues related to the voting process may have also impeded the casting of votes. In many areas across the country, media and observers reported that voters waited for hours in queues outside polling centres, which increased their exposure to security threats.

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<sup>15</sup> See Independent Elections Commission, 2018 Wolesi Jirga Elections: Polling Centres List, available at: <http://www.iec.org.af/pdf/pclist-2018/allpc1397-en.pdf> (last accessed 28 October 2018).

UNAMA also received reports of long delays in the opening of a number of polling centres throughout the country, with some failing to open at all. Observer groups and candidate agents identified a lack of sufficient electoral materials and absence of staff in some polling centres. IEC staff at many polling stations were observed struggling to use biometric voting verification devices that were present at some of the polling centres, leading to longer processing times. The machines, while intended to prevent instances of voter fraud, arrived in the country late, which limited the training of IEC officials on the use of the new technology before election day. Alternatives to enfranchise voters in the event of incomplete or absent voters' lists were not understood or not implemented uniformly throughout the country.

Out of a total of 4,901 polling centres scheduled to open on 20 October,<sup>16</sup> 261 did not open at all. At the end of the day on 20 October, the IEC announced that polling centres which had not opened before 1300 hrs should extend their operations to the following day, and identified 401 polling centres that would open on 21 October.<sup>17</sup> However, there was a significant amount of confusion concerning the reopening of polling centres, with the IEC publicly claiming that in several instances, security institutions decided it was not possible to reopen some centres. Less than 20 per cent of the 401 polling centres scheduled to open on 21 October were actually able to do so.

## LEGAL ANALYSIS

UNAMA reiterates that the electoral process in Afghanistan is a civilian undertaking, and that the right of all citizens to participate in elections is a basic and fundamental human right guaranteed under international human rights law. Deliberate acts of violence against civilians and civilian objects – which include polling centres – as well as indiscriminate attacks, are strictly forbidden under international humanitarian law and constitute war crimes.<sup>18</sup> Widespread or systematic attacks against Afghanistan's civilian population may also constitute crimes against humanity.<sup>19</sup> Furthermore, acts or threats of violence intended to spread terror among the civilian population are prohibited under international humanitarian law.<sup>20</sup> UNAMA also emphasizes that schools, mosques<sup>21</sup> and clinics<sup>22</sup> are afforded special protection under international law due to their particular religious, social and humanitarian significance, and that this protection is not lost when they are used as polling centres.

The mission once again states to 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>23</sup> The use of IEDs and indirect-fire systems in civilian populated areas raise particular concern because of their unpredictable and indiscriminate impact on civilians. Attacks deliberately targeting civilians and

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<sup>16</sup> This number excludes polling centres that were scheduled to open in Kandahar province before elections were postponed.

<sup>17</sup> IEC Decision n. 89-1397 on “closure of PC and biometric problems”, cited in IEC Bulletin n. 1, “2018 Wolesi Jirga elections, 20 October” (22 October 2018). The largest numbers of polling centres identified by the IEC for reopening on 21 October were located in the Western Region (mainly Herat, Badghis and Ghor) and the Central Region (mainly Maidan Wardak, Parwan and Kabul).

<sup>18</sup> ICRC Customary International Humanitarian Law Study, Rules 11, 12 and 156; Rome Statute of the International Criminal Court (“Rome Statute”), Article 8(2).

<sup>19</sup> Rome Statute, Article 7(1).

<sup>20</sup> Additional Protocol I to the Geneva Conventions, art. 51 (2), and Additional Protocol II to the Geneva Conventions, art. 13 (2).

<sup>21</sup> ICRC Customary International Humanitarian Law Study, Rule 38.

<sup>22</sup> ICRC Customary International Humanitarian Law Study, Rule 28.

<sup>23</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).



the murder of civilians are serious violations of international humanitarian law that amount to war crimes.<sup>24</sup> In addition, widespread or systematic attacks directed against a civilian population in which civilians are intentionally killed may constitute crimes against humanity.<sup>25</sup>

## **RECOMMENDATIONS**

UNAMA makes the following recommendations with a view to ensuring that civilians are better protected during the Presidential election, scheduled to take place next year.<sup>26</sup>

### **Anti-Government Elements**

The mission reiterates that Anti-Government Elements must immediately cease attacks directed at election-related facilities, with special attention paid to ensure that schools, health facilities and mosques used in the elections process remain protected from attack.

The mission also repeats its call for Anti-Government Elements to immediately cease attacks on and threats towards elections personnel, including staff, observers, and security officials responsible for guarding elections sites and the transport of elections material, as well as Afghan citizens exercising their right to vote.

In compliance with obligations under international humanitarian law, Anti-Government Elements must cease the indiscriminate use of all IEDs in areas frequented by civilians and must immediately stop using pressure-plate IEDs. The mission urges Anti-Government Elements to cease the practice of firing mortars, rockets and grenades from and into civilian-populated areas and cease all actions intended to spread fear amongst the Afghan population.

Anti-Government Elements are urged to instruct their members not to carry out punishments against any citizen who participated in the recent elections and are reminded to respect the right of all Afghans to participate in political processes, freely and without fear.

### **Government of Afghanistan**

UNAMA urges the Government to fully document and investigate the pattern of attacks targeting civilians, including attacks against civilian objects such as polling centres, and to take immediate steps to ensure accountability for those responsible.

### **Independent Election Commission**

UNAMA recommends that the IEC conduct a transparent review of the security, technical and administrative challenges faced during the parliamentary elections, together with Afghan national security forces where appropriate, with a view to taking corrective measures to ensure the safety of Afghans and facilitate the exercise of their right to participate in the political process throughout the upcoming Presidential election. UNAMA recommends closer coordination between the IEC and Afghan national security forces to review the security measures in place throughout the electoral process, to guide security planning and implementation in future elections.

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<sup>24</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>25</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>26</sup> The parliamentary elections in Ghazni province, which were delayed due to intense fighting between the Taliban and government forces from 10-15 August 2018, are expected to take place in 2019 as well.