Introduction

The AIHRC, based on its legal mandate pursuant Article 58 of the Constitution and the provisions of Article 21 of the Law on the Structure, Duties and Mandates of the AIHRC concerning protection, promotion and monitoring of human rights at the national level, is now releasing the AIHRC’s fifth National Inquiry entitled “Protection of the Rights of Victims of Armed Conflict and Terrorism".
Dr. Sima Samar, Chairperson of the AIHRC, while emphasizing the importance of protection of the rights of victims of armed conflict and terrorist attacks, stated that increasing civilian casualties are a serious crisis at the national level and added that the lack of compensation mechanism and a comprehensive support program for victims of conflict-related violence, is a major human rights challenge.

**Summary of the report**

The study showed that according to the information of the AIHRC, during the past 9 years (from Hamal, 1. 1388 to the end of Hoot 1396), 64,104 civilians became victims of armed conflicts and terrorist attacks, of which 23,130 people (36%) were killed and 40,974 people (64%) were injured.

Of the total civilian casualties, 4,779 victims (7.5%) were women, 1,1465 victims (17.9%) were children and 3,3516 victims (52.3%) were men. The identity of 14,344 victims, making up 22.3%, has been reported undetected.

The data obtained in this research confirms that the anti-government armed groups are responsible for 69.8% of total civilian casualties. While the number of victims killed or injured by the government or pro-government forces reaches 6,848 people, including 2,961 dead and 3,887 injured, making up 10.7% of all casualties in the past 9 years. The perpetrators of the remaining 19.5% have not been identified yet.

**The victims’ demands from the government**

The information obtained through the questionnaire shows that the victims have six clear demands from the government.

1: Prosecution of the perpetrators of the case, 2: Compensation for victim’s harms, 3) Establishing legal bases or enacting the Victim Compensation Act, 4: Ensuring the security of victims as one of the most important responsibilities of the government; 5: Victims participation in the peace programs. 6: Creation of appropriate conditions for victims to benefit from specific social services, such as the allocation of privileges in education and higher education, the distribution of educational scholarship, and the provision of more privileges for them in employment programs.

**International experiences in the area of protection of victims' rights**

The experiences of member states of the Council of Europe in the area of compensation for victims of violent crimes and terrorist attacks and the establishment of the Truth and Reconciliation Committee in South Africa are very important examples that have successfully defined the crisis management strategies of the armed conflicts and terrorist attacks in the protection of victims' rights.

European countries were able to create the first and most important regional convention in the early eighties (1983) entitled "European Convention on the Compensation of Victims of Violent Crimes", which regulates compensation for victims of violent crimes and terrorist attacks. Under
the Convention, the protection of victims of violent crimes and terrorist attacks in most countries of the world was legislated in a separate law at the national level.

In South Africa, after the defeat of apartheid, the Truth and Reconciliation Committee were established to help the peace process and heal the suffering of the victims by addressing the crimes committed against the blacks in the years 1960 to 1994. The committee created a mechanism according to which each victim filed a complaint and forgave the perpetrator at a public hearing after the perpetrator confessed his crime humbly.

Currently, the increasing number of civilian casualties and damage caused by armed conflict and terrorist attacks in Afghanistan has become a major and worrying challenge. The increase is reported while the government has not taken any significant step forward in protecting the rights of the victims of terrorist attacks, and despite the serious judicial challenges faced by the victims, there is no acceptable mechanism for providing financial support to the victims.

AIHRC, by understanding the existing problems, has launched a national inquiry in protection of the rights of victims of armed conflict and terrorist attacks.

The main focus of this study is to answer the question of whether or not, with regard to increasing civilian casualties and the damage caused by armed conflict and terrorist attacks in Afghanistan, the government has been able to meet its national and international responsibilities in protecting victims' rights, and create the necessary legal and structural mechanisms?

The results of this study have shown that the Afghan government still has little success in ensuring the security of the citizens, and the wars and violence resulting insecurities are increasing. Every day, the number of victims of armed conflict and terrorist attacks is increased and heavy financial losses have been inflicted on the war-torn and suffering people of the country. In addition to library studies, the data of this study were obtained through questionnaires, public hearing meetings, focus group meetings, and separate interviews with officials and experts.

**Afghan government support programs for victims' rights**

Under international legal instruments, governments have the duty to provide victims of armed conflicts and terrorist attacks with judicial, cultural, security support as well as compensation or reparation. But in Afghanistan, on the one hand, the government does not have a judicial system of protection for victims of armed conflicts and terrorist attacks, and on the other hand the government of Afghanistan is, in some way, faced with a legal problem, because the National Reconciliation, General Amnesty, and National Stability Law¹ is effectively enforced in the country.

¹ -¹(1) All political factions and hostile parties who were involved in a way or another in hostilities before establishing of the Interim Administration shall be included in the reconciliation and general amnesty program for the purpose of reconciliation among different segments of society, strengthening
The government's plan for peace, reconciliation and justice in Afghanistan has so far been overlooked. Although, the United Nations resolution on the commemoration of the victims of terrorism on 20/2/1397, confirmed the 30th Assad as the International Day for the Remembrance of the Victims of Terrorism in the National Calendar. 2 AS 19th of Qaws, corresponding to December, 10 (International Human Rights Day) as a result of the AIHRC’s advocacy was marked as the National Remembrance Day for Victims of Human Rights Violations.

The government of Afghanistan has not yet developed a regular program based on a special law to compensate or support the victims of armed conflict and terrorism, but, has helped some victims or relatives of the victims, based on a normal procedure, with a sum of money ranging between 50,000 to 100,000 AFs.

**Damages inflicted on the victims**

Field studies of this inquiry in which 3,129 victims in 30 provinces3 were interviewed, shows that victims sometimes suffered several types of damages. For example, out of a total of 3,129 people, 1,934 (62%) of them have confirmed that they have lost at least one or more of their family members in the armed conflicts or terrorist attacks.

Likewise, 1,190 people (38%) of them confirmed that one or more of their family members or including himself/herself were injured as a result of armed conflicts or terrorist attacks. 46 people (1.46%) of the interviewees said that a member of their family was missing.

Also, 47 people (1.55%) of the victims confirmed that they or their relatives were taken hostage. 791 people (25.3%) lost their homes and other property. 459 people (14.7%) were deprived of their right to education, 794 people (25.4%) of the interviewees confirmed that they had been displaced from their place of residence due to armed conflicts and terrorist attacks. 423 people (13.5%) of them or one of their relatives were disabled. 170 people (5.4%) said they had been mistreated and tortured.

of peace and stability and starting of new life in the contemporary political history of Afghanistan, and enjoy all their legal rights and shall not be legally and judicially prosecuted.

(2) Those individuals and groups who are still in opposition to the Islamic Republic of Afghanistan and cease enmity after the enforcement of this resolution and join the process of national reconciliation, and respect the Constitution and other laws and abide them shall enjoy the benefits of this resolution.

(3) The provisions set forth in clause (1) and (2) of this article shall not affect the claims of individuals against individuals based up on Haqullabd (rights of people) and criminal offences in respect of individual crimes. (Article 3 of National Reconciliation, General Amnesty, and National Stability Law

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2 https://twitter.com/OCS_AFG/status/990568177263312900

Request for support

Of the 3,129 people interviewed, 1,813 people, making up 57.9% of the interviewees, confirmed that they had received support or assistance from the government and other support institutions. While 1,316 people, 42.1%, said they had not sought support or assistance from the government or other support institutions.

The victims’ reasons for not seeking government’s support

Of the 1,316 victims who had not sought government’s support, 289 people (22%) said, because of lack of trust, 183 people (13.9%) said due to lack of access, 66 people (5%) mentioned because of fear of anti-government forces, 13 people (0.99%), due to fear of the perpetrators of the case, 253 people (19.2%) did not go to the government for help because they did not know about the victim's rights, 503 people (38.2%) did not go to the government for personal reasons. Finally, 9 people (0.7%) had no particular reason for not seeking help from the government.

Supporting institutions, including the government

The interviewees' responses indicate that out of 3,129 people interviewed, 2,353 of them (75%) confirmed that they had been assisted. But 773 people (25%) said they had not been assisted by any organization.

According to the interviewees the assisting or contributing institutions include:

The Presidential Office, which has so far supported 323 people (13.7%) of those interviewed.

Ministry of Defense supported 8 people (0.3%), Ministry of Interior, 146 people (6.2%) NDS, 18 people (0.8%) Afghan Independent Human Rights Commission, 85 people (3.6%) Ministry of Public Health, 358 people (15.2%), Ministry of Education, 16 people (0.7%), Ministry of Labor, Social Affairs, Martyrs and Disabled, 553 people (23.5%) Ministry of Justice, 3 people (0.1%), Ministry of Refugees and Returnees, 215 people (9.1%), Provincial governor 168 people (7.1%), District Governor 66 people (2.8%) Courts, 6 people (0.3%), Attorney General, 11 people (0.5%), Incident management office, 94 people (4%), International institutions 120 people (5.1%), Civil society, 33 people (1.4%), other people 57 people (2.4%), and finally, other national and international organizations have supported 73 people (3.1%) of the victims interviewed.

The type of support provided for the victims

Of the 2,353 supported victims covered in this inquiry, 964 people stated that they received cash assistance from one thousand to one million Afs:

78 people (3.3%) said they received cash aid from 1,000 to 10,000 Afs. 87 people (3.7%) ranged it from 10,000 to 20,000 Afs, 94 people (4%) from 20,000 to 30,000 Afs, 245 people (10.4%) from 30,000 to 50,000 Afs, 430 people (18.3%) from 50,000 to 100,000 Afs, 28 People (1.2%) have received cash aid from 100,000 to 500,000 Afs, 2 people (0.1%) from 500,000 to one million Afs. The remaining 1,389 people (59%) did not receive financial support, however they had enjoyed other supports.
Receiving medical aid, sending to Hajj pilgrimage, receiving food, receiving land plots, financial compensation, and eventually identifying perpetrators and conduction of judicial proceedings are among the other protections received by the victims.

**Satisfaction of provided support**

AIHRC’s studies show that only 149 people making up 6.3% of all people supported, confirmed that the support provided to them had been satisfactory. But 861 people, (36.6%) said that the support provided was unsatisfactory and not enough.

488 people (29.2%) said the supports rendered were satisfactory, and 656 people (27.9%) had no comment on this regard

**Victims' suggestions for the improvement of supports**

According to this study, 834 interviewees (26.7%) said that the government should have continual plans for supporting of victims. 280 people (8.9%) said ensuring security, 103 people (3.3%) suggested the creation of job opportunities, 46 people (1.5%) proposed the creation of educational and higher education opportunities, 41 people (1.3%) rendering of health services, 7 People (0.2%) elimination of corruption, 109 people (3.5%) distribution of land plots, 114 people (3.6%), prosecution of the perpetrators of the crimes, and 1,595 people (51%) did not have a particular comment on this issue.

**The consequences of the lack of protection of victims' rights**

The lack of government attention in this regard and the lack of continual support programs for the victims have caused serious gap between people and the government, and ultimately the base of the authority and the legitimate power of the ruling system and sovereignty will be undermined.

2,776 people, making up 89% of the interviewees, emphasized that the government's failure to protect the rights of victims or the government's lack of attention in this regard has damaged the other human rights of the victims.

522 people (18.8%) said that lack of support by the government or lack of care for the wounded have caused violations of the right to life of the victims’ dependents.

The right to freedom of movement, the right to human dignity, the right to liberty and security of person, the right to legal proceedings, the right to property, the right to adequate housing, the right to education, the right to access to health care, the right to adequate living conditions, the right to marry and form a family, the right to freedom of association, the right to freedom of opinion and expression, the right to participate in politics, and social, cultural and professional activities, the right to freedom of assembly are among the rights that are violated as a result of the government's inattention to the victims.

**The perpetrators**

This section focuses solely on the perpetrators of the cases that have caused the victimization of 3,129 interviewees in this study.
According to the information obtained from the interviewees, 1,485 cases (47.5%) are perpetrated by Taliban group, 562 cases (18%) by the ISIS group, 43 cases (1.4%) by the Haqqani Network, 54 cases (1.7%), by Pakistani forces. 43 cases (1.4%) are committed by other terrorist groups, 179 cases (5.7%), are attributed to irresponsible armed forces, 29 cases, 0.9% are committed by ANP, 59 cases (1.9%) relate to the local police, 8 cases (0.3%) are perpetrated by national security forces, 115 cases (3.7%) by the pro-government international forces, and 24 cases (0.8%) attributes to the public uprising. 528 cases (16.9%) was not identified and the interviewees said it was unknown.

**Detailed study of public hearing meetings**

Detailed studies of the public hearing meetings show that totally 13 meetings were held in 13 provinces of the country, participated by 1,132 people.

Insecurity and increased violence, increased number of civilian casualties of armed conflicts and terrorist attacks, and government support for the victims thereof are the most important questions that have been considered by speakers and participants at meetings.

**A: Increased insecurity and violence**

Increasing insecurity and violence in recent years has been one of the main concerns of the participants raised during the public hearing meetings’ speeches and discussions. Speakers and participants believed that insecurity and violence in recent years have caused the citizens of the country to lose their security and face financial threats. Participants in the public hearing meetings emphasized that insecurity and increased violence have caused displacement or immigration of the citizens.

Therefore, ensuring security and reviewing security programs by the government was one of the main demands of the participants in the public hearing meetings.

**B: Increased number of victims**

The increase in armed conflicts and terrorist attacks has resulted in the increase of civilian casualties in recent years.

According to the participants, armed conflict in Afghanistan is not only contrary to the international humanitarian law, but it is also against the standards and principles of Islamic religion.

Demands; no attack on public places such as mosques, schools, shops, no attack on the highways and passengers, no invasion on civilians, respect for the rights of children and respect for human rights principles and norms and respect for Islamic law during conflicts and wars were the most important demands of the participants of public hearing meetings in this study, which were repeated raised and emphasized upon by the participants and in all of these meetings.

**C: Victim Support**
According to the heads of government departments, in particular the heads of labor, social affairs and martyrs and the disabled, the security commanders, the heads of the judiciary organs, the heads of public health in the provinces, the government has tried to provide support for victims of the civilian casualties of armed conflicts and terrorist attacks to the extent possible. However, representatives of the victims and some representatives of government departments mentioned the problems in this regard and stated that the support provided for the victims of armed conflicts and terrorist attacks is very small, and more attention from the Afghan government is required.

A detailed study of focus group meetings

At focus group meetings, five major questions were discussed in 33 meetings with a total of 677 participants, and the answers to the participants’ questions were categorized:

The main questions

Question 1: What are the causes and factors of increasing number of victims of armed conflicts and terrorist attacks in the country?

Second Question: What steps should be taken to reduce the number of victims of armed conflicts and terrorist attacks?

Question 3: What measures should be taken to protect the victims and dependents of the victims of armed conflict and terrorist attacks, especially women, the elderly and children?

Question 4: What action should be taken to investigate war crimes and crimes against humanity?

Question 5: What are your suggestions to prevent or reduce financial losses caused by armed conflicts and terrorist attacks at the national level?

A. The results of the discussion on the first question:

Summing up the comments of the participants in focus group meetings on the first question, the following issues were emphasized as the causes and factors behind the increasing number of victims of armed conflicts and terrorist attacks,

1. Failure to comply with the laws of war and the rules and principles of international humanitarian law by hostile groups;
2. Failure to prosecute perpetrators of war crimes, crimes against humanity, genocide and terrorism, based on the obligations of the government of Afghanistan pursuant acceding to the Rome Statute;
3. Use of civilians as a war shield;
4. Changing war strategy of anti-government armed groups and increasing suicide attacks;
5. Use of heavy weapons in wars, especially in residential and public areas;
6. The weakness of the government and security and detective organs;
7. Support of anti-government armed groups and terrorists by the countries and foreign intelligence agencies;
8. The expansion of war due to the expansion of anti-government armed groups and terrorists by using a recruitment opportunity among the poor, the unemployed and those who in some
way distance themselves from the government and the victims of the injustice or discriminatory treatment of the government;
9. The lack of government control over religious schools and the growth of radical religious groups that have so far contributed to the expansion of war;
10. The rise of new extremist groups;
11. Change in the NATO mission from direct war to training and counseling;
12. The weakness of national unity spirit, and the lack of national will, to secure peace;
13. Absence of full coordination between national and international military forces;
14. The fledgling of the country's defense and security structures and the low level of combat skills;
15. The lack of strategic warfare in the national defense and security institutions;
16. Increased number of irresponsible armed groups;
17. The existence of corruption in security institutions;
18. The government's policy of tolerance and pragmatism in dealing with insurgents and terrorist groups;

B: The results of the discussion on the second question:

Participants of the focus group of the National Inquiry on Protection of the Rights of Victims of Armed Conflict and Terrorist Attacks, presented the following comments in response to the second question, which focused on the ways to reduce the number of victims of armed conflict and terrorist attacks;

1. Observance of war laws and the rules and principles of international humanitarian law by hostile parties;
2. The trial of perpetrators of war crimes, crimes against humanity, genocide and terrorism, based on the obligations of the government of Afghanistan pursuant to Rome Statute;
3. Civilians should not be used as war shields;
4. Preventing suicide attacks and spreading war in residential areas;
5. War management and no use of heavy weapons in wars, especially in residential and public areas;
6. Strengthening security and detective organs;
7. Strengthening government diplomacy in its relations with the countries of the world and persuading foreign countries and organizations to avoid supporting anti-government armed groups and terrorists, in cooperation with the United Nations;
8. Avoid the spread of war by preventing the expansion of anti-government armed groups and terrorists, and eliminate terrorist groups’ recruitment opportunities among the people by eliminating the gap between the people and the government;
9. Combating discrimination and injustice in the relations between the government and the people;
10. Strengthening and expanding monitoring programs for gaining control over the religious schools to prevent the growth of radicalism;
11. Strengthening the spirit of national unity and national will for peace;
12. To establish full coordination between national and international military forces;
13. Strengthening the skills and knowledge of war, defense and security structures of the country;
14. Designing and drafting a strategic warfare program in national defense and security institutions;
15. Eliminating corruption in security institutions;
16. Strengthening people’s cooperation with the government in the fight against anti-government armed groups and terrorist groups;
17. Strengthening the ethical and religious principles and creating the ground for rightful thinking and moderation in society;
18. Provide clear guidelines, regulations and procedures regarding the use of weapons and devices and military bomber aircraft;
19. Finalize a national policy to prevent civilian casualties and establish a government-specific unit to investigate all damage caused by armed conflict and terrorist attacks;
20. Absolute disarmament of irresponsible armed groups and militias;

A: The results of the discussion on the third question:

In response to the third question regarding taking measures by the government to protect victims of armed conflict and terrorist attacks and their dependents, especially women, the elderly and children, the participants in the focus group meetings agreed on the following points:

1. The trial of perpetrators of war crimes, crimes against humanity, genocide and terrorism, based on the obligations of the Government of Afghanistan pursuant to acceding to the Rome Statute;
2. Emotional and psychological support for victims through the fight against discrimination and poverty;
3. Preparation and approval of the law of compensation for victims of armed conflicts and terrorist attacks;
4. Implementation of the government Action Plan for Peace, Reconciliation and Justice in Afghanistan;
5. Observance of the Law on the Rights and Privileges of the People with Disabilities;
6. Denial of the policy of tolerance and expediency with anti-government groups and terrorists;
7. Strengthening and continuation of health cooperation and psychotherapeutic services for those injured by armed conflicts and terrorist attacks, by the government;
8. Addressing the situation of internally displaced persons and providing the appropriate grounds for their return to their residential areas;
9. Provide special education and training for victims of armed conflicts and terrorist attacks;
10. Provide employment opportunities for the victims of armed conflict and terrorist attacks;

D: The results of the discussion on the fourth question:

Discussion on the fourth question of focus group meetings of this study, which was asked about the steps needed to address war crimes and crimes against humanity, produced the following results:

1. The trial of perpetrators of war crimes, crimes against humanity, genocide and terrorism, based on the obligations of the government of Afghanistan pursuant to the Rome Statute;
2. Establishment of a special court for the prosecution of war crimes and crimes against humanity by the government and unconditional punishment of the perpetrators of these crimes;
3. Strengthening diplomacy to introduce the countries that are involved in the continuation of hostilities in Afghanistan and are partners of terrorist groups, to the International Criminal Court, as part of war crimes and crimes against humanity,
4. Request for the cooperation of the International Criminal Court to address the above mentioned crimes due to the weakness of Afghanistan's justice and judicial institutions in dealing with these crimes at present;
5. Eliminate the culture of impunity;
6. Supporting those who suffered damages;
7. Prevent the interference of political parties in the prosecution of offenders.

E: The results of the discussion on question 5:
The result of the last discussion on the prevention or reduction of financial losses because of armed conflicts and terrorist attacks is summarized as follows;

1. Preparation and approval of the law of compensation for financial losses caused by armed conflicts and terrorist attacks;
2. Strengthening the skills and knowledge of national security and defense institutions and developing strategies and mechanisms for the observance of the law of war and the rules and principles of IHL during the war;
3. Drawing the attention of the anti-government and terrorist groups to the observance of the laws of war and the rules and principles of IHL;
4. Bringing peace;
5. Strengthening cooperation and the spirit of interdependence and tolerance;
6. Deploying military bases in remote areas, away from the residential areas;
7. Trial of perpetrators of war crimes, crimes against humanity, genocide, and terrorism, based on the obligations of the Government of Afghanistan pursuant to the Rome Statute;
8. Eliminating corruption in the justice and judicial institutions;
9. Establish more coordination between the security and defense forces of the country;
10. Eliminating administrative corruption and discrimination within the system;