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Afghanistan: Amnesty International calls for prompt investigation into civilian deaths

Amnesty International today expressed serious concern at the killing of civilians in the context of attacks on Afghanistan carried out by US and UK forces since 7 October 2001, and is calling for clarification as to the circumstances of civilian deaths during Operation "Enduring Freedom".

Among reports of civilian casualties, the United Nations has confirmed the deaths of four workers of the UN-funded agency Afghan Technical Consultants (ATC), working under the umbrella of the UN Mine Action Programme for Afghanistan. They were killed on 8 October in the collapse of the ATC offices in Kabul, which appear to have been hit by US forces during the bombardment of the city.

"We have repeatedly called on all parties to the conflict to take every necessary precaution to avoid civilian casualties," Amnesty International said.

"When military action does result in civilian casualties, we request the relevant military authorities to provide an explanation as to what caused such casualties as well as what measures are being taken to avoid repetition of such incidents. If there is evidence that the rules of international humanitarian law have not been respected, a full investigation should be carried out and appropriate measures taken against anyone found responsible for wrongdoing," the organization added.

Amnesty International notes that US and UK authorities have repeatedly indicated that their forces are committed to doing everything possible to avoid civilian casualties in the course of their military actions in Afghanistan. Speaking about the deaths of the four ATC workers yesterday, US Defense Secretary Donald Rumsfeld regretted the loss of life but said that the US had not verified whether the four men were killed as a result of US fire.

"The US authorities should verify as soon as possible whether the four ATC workers -- and any other civilian who may be confirmed dead -- were killed by US fire and, if so, investigate promptly and fully the circumstances in which this happened, and take remedial action" Amnesty International said.

Background

The fullest statement of the rules governing the conduct of hostilities in international armed conflict is in Protocol I Additional to the Geneva Conventions of 1949. This Protocol, which was adopted in 1977, has been ratified by over 150 states. Although the USA has not ratified it, the fundamental rules on the protection of civilians are part of international customary law and are therefore binding on all states. The rules categorically prohibit:

- direct attacks against civilians or civilian objects;
- indiscriminate attacks (attacks which do not attempt to distinguish between military targets and civilians or civilian objects);
- disproportionate attacks (attacks which, although aimed at a legitimate military target, have a disproportionate impact on civilians or civilian objects).

In addition, the rules of international humanitarian law require of those who plan or decide upon an attack to do everything feasible to verify that the objectives targeted are not civilian. When it is unclear whether a target is used for military purposes, it shall be presumed to be a civilian object.

Effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.

Further rules require that an attack be cancelled or suspended if it becomes apparent that the objective is not a military one or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

Anyone responsible for breaching these fundamental rules must be brought to justice in accordance with international fair trial standards and without recourse to the death penalty.

Amnesty International continues to call for those responsible for the 11 September attacks in the USA to be also brought to justice in accordance with international fair trial standards and without recourse to the death penalty.

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