



## Blue Mountains Refugee Support Group

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# Hazara Asylum Seekers from Afghanistan: the increasing dangers they would face if they return

## Supplementary update & overview

18 September 2014

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The following is a list of related papers:

- Main paper: September 2012
- Collection of new material: 8th November 2012
- February 2013 supplementary update: 12th February 2013
- May 2013 supplementary update: 19th May 2013
- February 2014 supplementary update: 28th February 2014
- This supplementary update and overview: 18th September 2014

All of these papers are available on our website:

[bmrsg.org.au/research-material/afghanistan/](http://bmrsg.org.au/research-material/afghanistan/)

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## **Introduction**

It is two years since I published a comprehensive paper called “*Hazara Asylum Seekers from Afghanistan: the increasing dangers they would face if they return*”. This was based on a combination of research analyses by expert observers of Afghanistan, testimony of people who had visited or lived in Afghanistan in the recent past, reports from Hazaras who were well connected with friends and relatives in Afghanistan, and newspaper and other media reports of events in Afghanistan. On the basis of this research I concluded that:

*The evidence seems clear and without credible challenge: the safety of the Hazara people in Afghanistan is under serious threat and the situation is deteriorating without any sign of relief in the foreseeable future.*

*The experts and most well-informed observers predict continuing and growing waves of flight from this situation, based on a well-founded fear of persecution, even genocide. By any standard of human rights it would be unconscionable to force any Hazaras to return to such an Afghanistan, especially if they have little or no residual family or community support.*

It soon became evident that the forebodings of further increases in danger for Hazaras were being fulfilled without delay. These developments needed to be documented and highlighted to ensure that the distilled key information was kept current. A series of supplementary updates followed. This document is the fifth in that series and is augmented with an overview of key developments.

In February 2014 I wrote that:

*There is no escaping the conclusion that Afghanistan remains a very dangerous place for Hazara people, especially young men with links to either assets or foreigners, or both. The situation is unlikely to improve in the foreseeable future and returnees face the strong likelihood of sustained persecution and targeted violence. Inevitably any returnees would have to be “forced returnees”; very few would freely volunteer to go back to such an environment whatever the strength of their family ties.*

Recent reports and analyses consistently affirm this conclusion. These are summarized below and are referred to in the following overview.

## **Overview of key information relating to the increasing dangers facing Hazaras in Afghanistan: September 2014**

- (a) As early as 12 March 2012 a group of 30 Afghan MPs appealed to the Australian Government to abandon any plans to return asylum seekers to Kabul, based on their first-hand knowledge of the deteriorating security situation and the continuing targeting of Hazaras;
- (b) In January 2013 Julian Burnside AO QC affirmed what is now widely known: “*Recently the Taliban have declared it their duty to kill Hazaras*”;
- (c) Canada has implemented a moratorium on the return of failed asylum seekers to Afghanistan precisely because of the precarious security situation;
- (d) The Karzai government either largely ignored repeated Hazara pleas for assistance or was impotent in stopping the violence;

- (e) On 17 March, 2013 Amnesty International concluded in relation to Hazaras that *“The security situation in Afghanistan is deteriorating and we are extremely fearful for their safety”*;
- (f) Most relevant 2012 and 2103 decisions of the Refugee Review Tribunal specifically recognised the current danger of Hazaras in Jaghori district and other historic Hazara strongholds;
- (f) On 19 February 2014 the Sydney Morning Herald reported that Afghanistan’s Defence Minister who was visiting Canberra at the time said that his country was still not safe for asylum seekers;
- (g) As reported by Greg Keller (Associated Press Afghanistan Specialist) on 22 January, 2014, Hazaras continue to be selectively targetted among travellers on Afghanistan highways, illustrated by the “Death Road” (part of the highway between Kabul and Behsud), suffering many kidnappings and deaths by shooting and beheading;
- (h) In October 2013 The Wall Street Journal reported that according to the United Nations hundreds of thousands of Hazaras were fleeing from their homes and heading for Iran and Pakistan as the U.S. was pulling back, and that 38,000 of these managed to get into industrialized nations to apply for asylum in the preceding year;
- (i) A 25 July 2014 Wall Street Journal report (<http://online.wsj.com/articles/gunmen-execute-15-minority-shia-muslims-in-afghanistan-1406289390>) of selective killing of Hazaras travelling in regional Afghanistan, specified that 'The Hazaras Were Killed and the Rest Were Released'.
- (j) A 26 July 2014 resolution of protest by the Hazara People International Network (<http://www.hazaracommunity.com/resolution-of-protest-by-the-hazaras-of-afghanistan-and-the-diaspora-on-the-systematic-persecution-killing-of-hazaras-in-afghanistan/>) noted a recent spate of selective killings of Hazaras, emphasised the signs of *“a disturbing change in character of the war in Afghanistan from a jihad against the central government and the international troops to a sectarian and an ethnic war against the Hazaras”* and called on the international community to intervene.
- (k) Dr Phil Glendenning, Director of the Edmund Rice Centre and Chairman of the Refugee Council of Australia, visited Kabul in August 2014 and reported that:
- *“I have been a regular visitor to Afghanistan for nine years. Never before have I seen the security situation as grim as it is now.”*
  - *“Members of the Hazara ethnic group are particularly vulnerable.”*
  - *“There is no question in my mind that deportation to Afghanistan is deportation to danger.”*
- (l) On 1 September 2014 British Labor MP for Southampton, John Denham led a parliamentary debate on the plight of the Hazaras of Afghanistan and Pakistan and then made a submission on this subject for the NATO meeting held in Wales on 3-4 September 2014. He emphasised recent reports of escalating targetted violence in both countries and called on both Britain and their NATO partners to take steps to intervene. Denham’s conclusions and recommendations were supported by

Minister Tobias Ellwood Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, who has established specific expertise on the subject.

There seems to be no credible dispute in relation to this information. While there may have been arguments that certain individual Hazaras would have faced relatively low levels of risk if returned to Afghanistan in 2011 or even 2012, this is no longer the case. Furthermore, it is increasingly well established that overwhelmingly the risk of **serious harm** is indeed for reasons of race and ethnicity. **This accords with the consistent testimony of my many Hazara friends with continuing links to Afghanistan.**

### **Recent Reports and Analyses**

Five reports/analyses (available since February 2014) confirm and demonstrate that the situation is not improving and indeed continues to deteriorate. I have been unable to find any soundly based evidence that might call these conclusions into question.

1. **Submission by Elizabeth Maree Thompson — Migration Amendment (Regaining Control Over Australia's Protection Obligations) Bill 2013, 23<sup>rd</sup> January 2014**

<http://www.aph.gov.au/DocumentStore.ashx?id=8a8f9d87-30b5-42dd-ae7f-da7f49237bcf&subId=32140>

**In this submission the author, a leading expert on the Hazaras of Afghanistan and Pakistan, analyses published Refugee Review Tribunal reasoning in relation to Afghan Hazara Shia males since the introduction of Complementary Protection legislation in March 2012. Information is based on (a) 11 cases cited in the December 2013 report *Complementary Protection in Australia: A Review* by Jane McAdam and Fiona Chong**

**(<https://www.google.com.au/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=Complementary%20Protection%20in%20Australia%3A%20A%20Review>) and (b) 18 additional cases. The author points out that:**

***McAdam and Chong's excellent analysis of the 35 published RRT decisions involving complementary protection (remitted on the basis that the applicant meets the criteria in section 36(2)(aa) of the Migration Act) highlights that in fact the largest single group to have obtained protection visas on the grounds of Complementary Protection is Afghan Hazara Shia males.***

Thompson notes that even in decision records in which the Tribunal declines to grant a visa, it is acknowledged that the applicant may face serious harm upon return (note pages 7 and 8 of McAdam and Chong's report). Thompson summarises:

***In a large proportion of published Afghan, Hazara Shia cases in which the question of harm along the roads arises, decision-makers come to the same conclusion: that the person in question would face serious harm. [emphasis added]***

Very significantly the criteria of ethnicity and religion were usually accepted as significant grounds for recognition of refugee status:

***There are a large number of other positive refugee cases of Afghan Hazara Shia males from the same period, but the particular cases outlined herein recognise the threat based on group identity - race and religion - more than on the individual circumstances such as employment with US forces or NGOs central to other decisions.***

**Thompson emphasizes the point:**

***These 18 decisions acknowledge that while Taliban road blocks potentially affect all travelers . . . Hazaras and Shias are a particular target of the Taliban; that the threat of serious harm for Hazaras and Shias at Taliban checkpoints is for the essential and significant reasons of their race and religion. These decisions are based on both historical and current evidence of the Taliban movement's ethnically and religiously based hostility towards Hazaras. [emphasis added]***

The decision makers also acknowledged that *“it is unreasonable to imagine that Hazaras can hide in the Hazara-majority area of Jaghori to avoid Taliban checkpoints, given the evidence before the Tribunals, indicating that it was likely that these men would have to travel outside the Jaghori area to access the means of subsistence.”*

To get a sense of the dangers reported by the Australian government's own agencies the author quotes from DFAT cable CX310678: *Afghanistan Hazara community: Situation update, Australia: Department of Foreign Affairs and Trade, 2 July, 2013:*

*Many of our contacts report that security on the roads linking Kabul to Bamiyan and Ghazni has deteriorated in the last two years. There have been more and more documented cases of abductions and targeted killings perpetrated by the Taliban (and the Haqqani network) on Highway Two. These incidents have mostly occurred on the section of Highway Two which connect Kabul to the central highlands through Maidan Shahr, Jalriz, Behsood I and II districts in Maidan Wardak. One incident has also been documented on the Ghorband road between Kabul and Bamiyan in Parwan. Some attacks are likely attributable to criminal activities, rather than insurgent groups.*

*Hazara MPs from Ghazni and Bamiyan and several credible civil society contacts have told us that 'dozens' of Hazaras have been killed on these roads in 2013.*

*. . . there is a widespread fear among Hazaras in Kabul of using these roads to travel to the central highlands, and contacts described to us elaborate protective security measures employed by Hazaras to avoid detection or to deceive those who conduct hostile checkpoints. None reported considering travelling by night.*

**As required, all RRT decision makers took DFAT cables (in particular CX310678, quoted above) into consideration, but almost all of them considered *“that there is enough evidence from other country information sources to establish a risk of serious harm for reasons of race and ethnicity”*. The DFAT information certainly supports the notion that Hazaras and Shias in Afghanistan do face serious harm, but it stops short of affirming that this is for reasons of their race and religion. What is now accepted by RRT members is that the evidence is now strong enough on this point to demand updating of the 2013 DFAT position.**

**In conclusion the author notes that in every Hazara Shia case from this part of Afghanistan (“the Hazarajat”, especially Ghazni, Daikundi and Bamiyan provinces) there is recognition by RRT decision makers of a high likelihood of these people being tortured or killed along the highways by the Taliban.**

## **2. “Gunmen Execute 15 Minority Shia Muslims in Afghanistan”**

***'The Hazaras Were Killed and the Rest Were Released,' Regional Governor Says***

**Wall Street Journal**

<http://online.wsj.com/articles/gunmen-execute-15-minority-shia-muslims-in-afghanistan-1406289390>

Margherita Stancati and Habib Khan Totakhil

25 July 2014

This report by Kabul based journalists was widely replicated. The incident elicited a strong response from the Hazara People International Network (see item #3 below). It is especially important to note the deliberate targeting of Hazaras.

### Excerpts

*Gunmen in central Afghanistan executed 15 civilians belonging to the Shiite Muslim minority, a rare sectarian attack in a country struggling with intense political violence.*

*Shortly after 12 a.m. Friday, armed men stopped three minibuses carrying civilians through Ghor province and ordered all 32 passengers off the vehicles, Afghan officials said. After checking their identification cards, the assailants separated the ethnic Hazaras from the group and killed them on the side of the road.*

*"The Hazaras were killed and the rest were released," said Anwar Rahmati, the governor of Ghor. "This is a crime against humanity and it's horrific."*

...

*"They are just creating fear. There is no other reason we can find," he said. A search has begun for the Taliban group officials believe was behind the attack, and there are new police checkpoints along the road, Mr. Seddiqi added.*

...

*Persecuted by the Taliban, the Hazara community made strong political gains after the regime's fall in 2001, and it has the most to lose should the Taliban become more powerful as the bulk of the U.S.-led troops withdraw at year's end.*

*The Taliban, who see themselves as a government-in-waiting, say they try their best to avoid civilian casualties. However, a recent United Nations report said that Taliban-led insurgents are responsible for three-fourths of the rising number of the war's civilian victims.*

### 3. Resolution of protest by the Hazaras of Afghanistan and the diaspora on the systematic persecution & killing of Hazaras in Afghanistan.

Hazara People International Network, July 26, 2014

<http://www.hazaracommunity.com/resolution-of-protest-by-the-hazaras-of-afghanistan-and-the-diaspora-on-the-systematic-persecution-killing-of-hazaras-in-afghanistan/>

This resolution notes not only the Hazara deaths reported at item 2 above, but also 17 more Hazara deaths earlier in the month plus 100 in a separate incident. It emphasises that **"these killings signal a disturbing change in character of the war in Afghanistan from a jihad against the central government and the international troops to a sectarian and an ethnic war against the Hazaras . . ."** [emphasis added]

### Excerpts

*On Friday, 25 July 2014, Afghanistan's Hazaras were once again the victim of terror and persecution because of their ethnicity and religion. The suspected Taliban fighters stopped the three vans – two heading to the capital of Kabul and one on its way from Kabul to Cheghcheran – in the Lal and Sarjungal district.*

*They separated the 14 Hazara passengers from 32 others after checking peoples' identifications cards, and subjected them to torture and shot them dead.*

*Just a couple of weeks before this heart wrenching and brutal killing, Taliban killed over a 100 civilians in Argon or Paktika. This latest atrocity happens after the murder of 17 Hazaras in Gizab district of Urozgan on 1st July, bringing the total number of Hazara civilians killed to over 30 in two separate acts of brutality by the Taliban. There are also unconfirmed reports of six Hazara University students beheaded a couple of weeks back in Maindan Wardak province.*

*These killings signal a disturbing change in character of the war in Afghanistan from a jihad against the central government and the international troops to a sectarian and an ethnic war against the Hazaras who constitute the staunch supporters of the post-Taliban democratic process backed by the international community.*

...

*1. We condemn the current systematic persecution of Hazaras in Afghanistan at the hands of the Taliban and the reluctance of government to put an end to these killings in the last 13 years. The government has done nothing but talk and verbally condemn these barbaric killings of civilians.*

*2. We ask the government of Afghanistan to commit in its responsibility towards the safety of its citizen and to listen to the legitimate demands of thousands of Afghans in different parts of the country, to protect Hazaras and put an end to the ongoing massacres and barbaric killings of Hazaras.*

...

***6. We express our concerns that the barbaric targeting of Hazaras will continue to force them to flee and take refuge in other countries, which will eventually result in their extinction as an ethnic group which incurs the loss of a culture, a language and a precious segment of the life experiences of human beings; [emphasis added]***

...

***8. We express our serious concerns that if the current level of ethnic cleansing of Hazaras is not countered it will grow into wide scale massacre. [emphasis added]***

**4. Statement of Dr Phil Glendenning, Director of the Edmund Rice Centre and Chairman of the Refugee Council of Australia, following August 2014 visit to Kabul "Grave fears for asylum seeker forcibly returned to Afghanistan"**

Refugee Council of Australia, 27 August 2014

[http://www.refugeecouncil.org.au/n/mr/140827\\_AfghanReturn.pdf](http://www.refugeecouncil.org.au/n/mr/140827_AfghanReturn.pdf)

This up-to-date (27 August) statement, based on on-the ground research, leaves no doubt about the precarious situation of all Hazaras on Afghanistan.

**Quoted in full, emphasis added**

*RCOA President Phil Glendenning, who returned to Australia last week after spending eight days in Afghanistan, said the security situation in Afghanistan has deteriorated significantly as a result of the ongoing impasse over the results of the presidential election held earlier this year.*



## May 2013 update on Hazara Asylum Seekers from Afghanistan: the increasing dangers they would face if they return

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*"I have been a regular visitor to Afghanistan for nine years. Never before have I seen the security situation as grim as it is now.*

*"Security conditions have not only failed to improve, they are getting worse. The political vacuum in Afghanistan has led to heightened violence and the situation is now intrinsically dangerous for certain groups of people.*

***"Members of the Hazara ethnic group are particularly vulnerable. Insurgents have been shelling parts of Kabul where Hazara people live. Afghan police are reluctant to enter Hazara areas due to the heightened risk of violence.***

*"Just a few weeks ago, the Taliban halted two buses in the Ghor province, singled out the Hazara passengers and shot them at the roadside. 14 people were killed.*

*"Security cannot be guaranteed on roads to Jaghori, a district which is home to many Hazaras including the man deported last night.*

*"Foreigners and those who work with them are also being actively targeted by the Taliban. There are bumper stickers on cars in Kabul saying that people who work with foreigners should be killed.*

***"Senior Afghan officials told me that anyone who has sought asylum in a western country would also be at risk.***

***"No one with any knowledge of the situation in Afghanistan could possibly come to the conclusion that conditions are conducive to safe return.***

***"I would hold grave fears for the safety of any person returned to Afghanistan in the current circumstances, let alone a Hazara person from Jaghori who will be perceived as having sympathies with foreigners.***

***"There is no question in my mind that deportation to Afghanistan is deportation to danger."***

### 5. The Forgotten Victims of Terror

**John Denham**, Labour MP for Southampton, Itchen

[http://www.huffingtonpost.co.uk/john-denham/nato-summit-afghanistan\\_b\\_5765136.html](http://www.huffingtonpost.co.uk/john-denham/nato-summit-afghanistan_b_5765136.html)

4 September 2014

British Labor MP John Denham has a long and well established interest in the plight of oppressed people, especially Hazaras. In this article he notes that while the world's attention is focused on the "victims of terror" in Iraq, the Hazaras face ongoing terror from other Al-Qaeda/Wahabi backed organisations. He gives historical background on the Hazaras and then comments on the current situation in relation to the agenda of the September 4-5 NATO summit held in Wales. His key statement in relation to Afghanistan was:

***The Nato summit occurs as fears rise about what will happen after international troops are withdrawn. Secure and stable government is by no means assured, and the current political stalemate following the elections is hardly encouraging. The security situation is becoming increasingly volatile, and Taliban forces are increasing their control of territory. There has been killing and forced displacement of Hazaras from Khas Uruzgan and killings and disappearances along the roads from Kabul to Bamiyan, Ghazni and Herat. Thirty Hazaras were killed in three separate attacks on those highways in July 2014 alone.***



***The Hazaras fear a return to the scale of abuses they experienced under the Taliban regime. [emphasis added]***

This submission followed a parliamentary debate that Denham led on 1 September 2014.

(<http://www.theyworkforyou.com/debates/?id=2014-09-01a.123.0&s=speaker%3a10167#g136.0>).

During the debate the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, Tobias Ellwood (Bournemouth East, Conservative) noted that “the *position of the Hazaras . . . remains an issue of grave concern for Her Majesty’s Government. Sadly, the difficulties faced by the Hazara community, which the right hon. Member for Southampton, Itchen raised in this House last year, remain in 2014.*” Minister Ellwood knows the situation well: “*I was the former co-chair of the all-party group on Afghanistan and I visited the country and the region a number of times*”. Using classic British understatement he says “*Our human rights report on Afghanistan continues to view the situation as poor*”.

**Conclusion**

In the August 2014 words of Dr Phil Glendenning in relation to Hazara asylum seekers:  
***“No one with any knowledge of the situation in Afghanistan could possibly come to the conclusion that conditions are conducive to safe return.”***