

November 2016 update on Hazara Asylum Seekers from Afghanistan: the increasing dangers they would face if they return

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A. Introduction

This is the tenth paper in my series on “Hazara Asylum Seekers from Afghanistan: the increasing dangers they would face if they return”, beginning in September 2012.

Unfortunately, since the February 2016 update on this subject there have been a number of significant developments representing further deterioration of the dangerous situation in Afghanistan and, in particular, the hazards confronting Hazaras living in Afghanistan and those who may be forced to return. In February many converging signs and factors were noted and the importance of historical trends was emphasised. Kabul was shown not to be exempt from the dangers and trends. The inevitable conclusion was that *“it is no longer tenable to give any weight to the suggestion that there are some situations where Hazaras may not be in danger of being targeted for reasons of their ethnicity and religious preference.”* These conclusions are now reinforced beyond any reasonable doubt.

A recent UN report provides a relevant overview of the deteriorating general security situation. Professor William Maley’s November update is highly significant, as are several other analyses by expert commentators.

The special vulnerability of returnees from western countries to continuing danger is a major issue. Because of its ongoing significance in relation to protection claims, I am including a summary of expert commentary on the subject to accompany a reference to a significant piece of new research. This high quality UK report documents the experiences of forcibly returned young asylum seekers of 3 different ethnicities.

Meanwhile Australian decision makers continue to live in a world of denial, proposing “new information” to bolster the notion that Hazaras would be safe if deported to suitable spots in Afghanistan. Examples of this “new information” are analysed in an appendix.

The northern city of Mazar-e Sharif is now being proposed as a viable refuge for Hazara deportees, apparently because the notion of Kabul as a safe haven has had to be all but abandoned in light of the overwhelming evidence. A summary of relevant information about Mazar-e Sharif is included as an appendix, responding to errors in the rationale that is being used to advance this clearly flawed “solution”. William Maley’s warning⁴ must be heeded: ***“An Hazara who is returned to a region in which he lacks strong social connections is likely to end up destitute, or be exposed to gross exploitation or criminal predation”.***

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² “Hazara Asylum Seekers from Afghanistan: the increasing dangers they would face if they return” [this and the following updates all available at <http://www.bmrsg.org.au/research-material/afghanistan/>

³ <http://www.bmrsg.org.au/compassion/wp-content/uploads/2015/06/Afghanistan-Nov-2016-Update.pdf>

⁴ <http://www.refugeecouncil.org.au/wp-content/uploads/2016/07/Maley-Hazaras-24.7.16.pdf>

The changing context spells escalating danger for all Afghanistan Hazaras, both those who have little choice but to remain and the thousands who are fleeing. Any deportees will face an especially dangerous and difficult future.

B. Escalation of violence, considered broadly, at the national level

Most expert commentators on the situation emphasise that it is both volatile and “fluid”, demanding careful attention to changes and trends. For example world authority on Afghanistan, Professor William Maley has repeatedly warned (most recently in November 2016⁵):

. . . it is essential to appreciate that the situation in Afghanistan is extremely fluid, and assessments of the situation made even a year ago do not necessarily provide an accurate picture of the situation in the second half of 2016.

In terms of general violence (leaving aside for the moment the specific question of the targeting of Hazaras), a number of sources have supplied alarming statistics. Since publication of the very significant “*European Asylum Support Office (EASO) Country of Origin Information Report, Afghanistan Security Situation Update, January 2016*”⁶ discussed in my February 2016 update, there have been numerous reports, summaries and analyses, all affirming the indicated conclusions and trends.

- One excellent brief report that I overlooked for the February update was “*Analysis: The Taliban’s resurgence in Afghanistan*”⁷ by Dawood Azami, expert on the Taliban, award-winning journalist, writer and academic, who works with the BBC World Service.

Excerpts:

The Taliban in Afghanistan have expanded their presence and acquired more reach in the country than at any point since the toppling of their regime as a result of the United States-led intervention in 2001.

The resurgence of the Taliban fighters poses a critical challenge for the Afghan government and the remaining US and NATO forces.

There is a multi-pronged strategy behind the Taliban’s recent violent campaign and territorial gains.

Their objective is to establish “permanent” sanctuaries and strongholds to form functional administrative systems.

They also want to capture big chunks of the country to get the upper hand in the stalled peace process, which is likely to start in 2016.

Security deteriorating

The Afghan security situation has deteriorated significantly since the launch of the Taliban’s 2015 spring offensive.

Afghanistan has never been as insecure in the past 14 years as it is now. More Afghans have been killed in 2015 than any year since 2001. . . .

They reportedly moved a large number of their fighters from Pakistan into Afghanistan. In addition, three other major factors contributed to their recent resurgence in Afghanistan.

Foreign fighters

The Taliban are the main and dominant group in Afghanistan fighting the Afghan government and its foreign allies. They reportedly have tens of thousands of fighters and have a presence in most of the country’s 34 provinces.

⁵ Personal communication: compare the corresponding statement in <http://www.refugeecouncil.org.au/wp-content/uploads/2016/07/Maley-Hazaras-24.7.16.pdf>

⁶ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/european-asylum-support-office/bz3012564enc_complet_en.pdf

⁷ <http://www.aljazeera.com/news/2015/12/analysis-taliban-resurgence-afghanistan-isil-151227065817409.html>, 27 December 2015

But a substantial number of foreign fighters, mostly from the Middle East, Central Asian countries and Pakistan, are also engaged in fighting in Afghanistan.

According to Afghan officials, the number of foreign fighters in the country exceeds 7,000.

More than 10 local and regional/international armed groups are involved in the conflict in Afghanistan, including the main Afghan Taliban faction, the Taliban splinter group, al-Qaeda, the Islamic State of Iraq and the Levant (ISIL) and the Islamic Movement of Uzbekistan (IMU) which joined ISIL in August 2015.

- A United Nations report covering the first half of 2016⁸ pointed to a record human toll:

Lethal violence in Afghanistan is getting worse and has claimed a record number of casualties in 2016 . . .

More than 5,100 civilians have been killed or maimed in the first six months of the year, according to new data from the UN Assistance Mission in Afghanistan (UNAMA) and the UN Human Rights Office (OHCHR).

The majority of civilian casualties were caused by militants, but pro-government forces have also been implicated in a rising number of incidents. . . .

High Commissioner for Human Rights Zeid Ra'ad Al Hussein has also called it "alarming and shameful" that a record number of children have been killed or wounded.

Armed clashes continue to inflict the highest toll on civilians, followed by attacks on complexes, suicide bombings and improvised explosive devices.

The total civilian casualty figure since 2009 in Afghanistan now stands at nearly 64,000.

- This report came just after a significant statement from the top U.N. official in Afghanistan, Nicholas Haysom: *"Afghanistan risks 'new spiral in violence', U.N. official says"*⁹ (22 June 2016). The U.N. Secretary General's Special Representative for Afghanistan *"painted a mixed picture of the security situation"*. He said he was deeply concerned about violence against civilians, with attacks continuing during Ramadan, Islam's holy month. He cited suicide attacks on targets ranging from government officials and members of the judicial system to foreign security contractors, and noted that at least 200 people had been abducted on highways in the 3 weeks since the end of May.
- At the same time the US Defense Department's June report to Congress¹⁰ conceded that *"The Taliban continues to make gains in Afghanistan as allies of the war-torn country reduce their commitments of troops and assistance . . ."* The report mentioned the prevalence of insurgent and extremist groups – *"including the Taliban, a degraded al Qaeda, and an ISIS affiliate called the Khorasan Province – that continue to 'dominate' the security situation in Afghanistan"*. *"Collectively, terrorist and insurgent groups continue to present a formidable challenge to Afghan, U.S., and coalition forces. Insurgent forces have been able to demonstrate increasing capability to threaten district centers, particularly multiple district centers simultaneously."*

⁸ Afghanistan violence claims record toll, Daniel Johnson, United Nations, Geneva, July 2016, http://www.unmultimedia.org/radio/english/2016/07/afghanistan-violence-claims-record-death-toll/#.V_HQ4_I97cs

⁹ Reuters, <http://www.reuters.com/article/us-afghanistan-security-idUSKCN0Z80W9>, <http://www.voanews.com/a/afghanistan-affack-near-defense-ministry/3494078.html>

¹⁰ Pentagon: Taliban Continues to Expand in Afghanistan: Insurgents taking advantage of reduced U.S., allied military presence, Morgan Chalfant, 21 June 2016, <http://freebeacon.com/national-security/taliban-expand-afghanistan/Tweet>

The Pentagon also indicated that the persistent threat of groups such as the ISIS affiliate Khorasan Province, designated a terrorist group by the State Department in January, “demands continued U.S. military presence in the region”.

- The UNHCR is known for taking generally conservative positions on national security matters, but its April 2016 publication “*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*”¹¹ was extremely outspoken. This impressively detailed 99 page report and set of guidelines embraces the messages of the UN reports and highlights that:
- *The conflict is increasingly affecting all parts of the country; and*
 - *There has been a significant increase in targeted killings and abductions of local civilian leaders by AGEs, as well as a general campaign of intimidation aimed at controlling communities in rural areas.*

The UNHCR document pays particular attention to the impact of the conflict on human rights, highlighting:

- (i) *The control over civilian populations by AGEs, including through the imposition of parallel justice structures and the meting out of illegal punishments, as well as by means of threats and intimidation of civilians, restrictions on freedom of movement, and the use of extortion and illegal taxation;*
- (ii) *Forced recruitment;*
- (iii) *The impact of violence and insecurity on the humanitarian situation as manifested by food insecurity, poverty and the destruction of livelihoods;*
- (iv) *High levels of organized crime and the ability of local strongmen, warlords and corrupt government officials to operate with impunity;*
- (v) *Systematic constraints on access to education and basic health care as a result of insecurity; and*
- (vi) *Systematic constraints on participation in public life, including in particular for women.*

Such summaries are important because they are based on carefully gathered statistics related to the hundreds, even thousands, of incidents that may not be otherwise reported. An overview of the unfolding events is provided in appendix 1, a running list of more than 30 separate violent incidents perpetrated by insurgents, extracted from a longer and more detailed list of documented incidents published by Wikipedia up until the end of October 2016¹².

Apart from the references to targeted attacks on Hazaras, described below, the following reports (which may or may not be covered by the Wikipedia list) are worth highlighting, beginning with the most recent at the time of writing:

1. “*Six Afghans Killed, Scores Injured After Taliban Attack On German Consulate*”¹³, 11 November 2016:

The Taliban says it carried out the attack in response to coalition air strikes earlier this month in Kunduz which killed civilians.

2. “*Taliban Ramps Up Attacks On Farah City, Clashes Ongoing*”¹⁴, 11 October 2016

Members of the Provincial Council and civil society activists said that the Taliban has taken control of the gateway to the city and destroyed the road, cutting off access into the provincial capital.

Reports indicate that businesses and shops are closed.

¹¹ UNHCR, 19 April 2016, <http://www.refworld.org/docid/570f96564.html>

¹² https://en.wikipedia.org/wiki/2016_in_Afghanistan

¹³ <http://www.rferl.org/a/afghanistan-taliban-german-consulate-attacked-mazar-i-sharif/28108925.html>

¹⁴ <http://www.tolonews.com/en/afghanistan/27750-taliban-ramps-up-attacks-on-farah-city-clashes-ongoing>

The Taliban launched a coordinated attack on the outskirts of Farah city last week, which has since resulted in the displacement of hundreds of local residents.

3. *“Thousands flee pitched battles in northern Afghan city”¹⁵, 10 October 2016.*

The number of war-displaced civilians in Kunduz has more than doubled to 24,000, the UN said Sunday, as street battles persisted a week after the Taliban stormed into the northern Afghan city.

Terrified residents facing a growing humanitarian crisis have been fleeing explosions and gunfights to neighbouring provinces of Balkh, Takhar, Baghlan and the capital Kabul.

Afghan forces have struggled to flush them out of residential neighbourhoods, with the government saying the clearance operation was being carefully conducted to prevent civilian casualties.

After their assault on Kunduz, the Taliban have also attempted to overrun other provincial capitals, from Baghlan in the north to Farah in the west, but Afghan forces have managed to repel the attacks.

4. *“Taliban launch attacks in Afghanistan's north and south”¹⁶, 03 October, 2016*

The Taliban launched two large-scale, coordinated assaults on opposite ends of Afghanistan on Monday, attacking a northern city from several directions and killing a police chief in the south where they threatened to overrun a district in the insurgents' heartland of Helmand.

Officials in northern Kunduz province and in Helmand described fierce, well-planned operations, involving a large number of gunmen who attacked under cover of darkness. Elsewhere in Afghanistan, attacks on civilians and soldiers claimed at least seven more lives on Monday.

5. *“US leads unsuccessful hostage rescue attempt in Kabul”¹⁷, 9 September 2016*

United States forces in Afghanistan tried to rescue two hostages last month — one earlier reported as Australian — but the captives were not at the location intelligence agencies had indicated, the Pentagon says.

. . . US forces "engaged and killed a number of hostile forces", and no US personnel or civilians were harmed in the rescue attempt.

6. *“Twin bombings near Afghanistan's Defense Ministry kill 24”¹⁸, 5 September 2016*

. . . attack claimed by the Taliban. . . another 91 people were wounded in the attack in central Kabul. . . a district police chief and five other police officers were among those killed.

. . . the second bombing was caused by a suicide attacker who struck the area of the first blast after security forces gathered there. . . A district police chief and an army general were among those killed

7. *“American University attack in Kabul: 12 dead, including 7 students, 2 gunmen killed”¹⁹, 25 August 2016*

¹⁵ AFP, <https://au.news.yahoo.com/world/a/32846181/thousands-flee-pitched-battles-in-northern-afghan-city/#>

¹⁶ Rahim Faiez and Mirwais, Khana Associated Press, <http://www.the-journal.com/apps/pbcs.dll/article?AID=/20161003/AP/310039946/TalibanlaunchattacksinAfghanistansnorthandsouth>

¹⁷ Radio Australia, <http://www.radioaustralia.net.au/international/2016-09-09/afghanistan-us-leads-unsuccessful-hostage-rescue-attempt-in-kabul/1616106>

¹⁸ Rahim Faiez, AP, https://www.washingtonpost.com/world/asia_pacific/twin-bombings-near-afghanistans-defense-ministry-kill-5/2016/09/05/a9c0d87c-7362-11e6-9781-49e591781754_story.html

¹⁹ [https://www.rt.com/news/357035-kabul-attack-american-university/;](https://www.rt.com/news/357035-kabul-attack-american-university/)

Afghan forces killed two militants who had set off a car bomb and burst into the American University campus in Kabul on Wednesday evening, trapping hundreds of students and staff inside for several hours. The attack claimed lives of at least twelve people, according to police.

Seven students, three officers and two security guards were killed in the attack, according to chief of the Kabul police Criminal Investigation Department, Fraidoon Obaidi, quoted by Reuters. At least 44 people, including 35 students, were injured.

8. *“Afghan Forces Deployed To Reinforce Besieged Capital Of Helmand Province”²⁰, 10 August 2016*

Afghan security forces were being deployed to the southern city of Lashkar Gah on August 10 amid an intensified fight against the Taliban and fears that the capital of Helmand Province could fall under the control of militants within days.

The fighting has closed all highways leading into Lashkar Gah, causing food prices to rise inside the city.

9. *“Taliban twin suicide bombers kill 27 people, injure 40 others in attack on Afghan police cadets in Kabul”²¹ – 30 June 2016*

. . . an attack on buses carrying recently graduated police cadets on the western outskirts of Kabul . . .

In summary, Patricia Gossman, senior Afghanistan researcher at Human Rights Watch, says:

The security environment is worsening for all Afghans in the face of an intensifying insurgency, claiming high levels of civilian casualties as fighting increasingly happens in densely populated areas.²²

C. Incidents involving violence targeted against Hazaras, focus on Kabul

Most expert commentators on the situation conclude that while the Hazaras live in a situation of escalating danger along with the rest of the population of Afghanistan, their level of vulnerability is generally significantly higher than average. This view, which is disputed by DFAT and DIBP, is discussed below.

The following articles demonstrate four key elements:

- Continuing widespread discrimination and persecution against Hazaras, including extortion, physical abuse, harassment, intimidation, kidnappings and killings.
- The expansion of the violent activities and territorial control of the Taliban, traditional enemies of the Hazara “infidels”;
- The growing influence and activities of local ISIS (Daesh, Wilayat Khorashan, ISKP) cells, which are even more committed than the Taliban to destroying Shia “infidels”, and which compete with the Taliban for influence and prestige; and
- Escalation of specific violent incidents targeting Hazaras, especially on the roads and at places of worship.

First, it is important to list the 4 recent high profile attacks which have injured or killed more than 500 members of the Shia community, all Hazaras, along with a similar incident

<https://t.co/2hZ7mp1bEi>

²⁰ <http://www.rferl.org/a/afghanistan-helmand-province-lashkar-gah-besieged/27912722.html>

²¹ Reuters, 30 June 2016, <http://www.abc.net.au/news/2016-06-30/taliban-suicide-bombers-kill-dozens-in-attack-on-afghan-police/7559378>

²² Shia Bombing Spotlights Need to Protect, Human Rights Watch, 21 November 2016, <https://www.hrw.org/news/2016/11/21/afghanistan-shia-bombing-spotlights-need-protect>

perpetrated a year ago. The citations are samples selected from among many equivalents in each case.

1. 9 October 2015 *"ISIS claims responsibility for the attack on religious hall in Kabul"*²³

This report was overlooked in preparation of the February 2016 update. The attack was on a Shiite (and therefore Hazara) gathering in Kabul, using four explosive devices. ISIS affiliates in Afghanistan claimed responsibility and suggested that *"numerous people were killed or injured"*. However security officials said one person was killed and three others including a woman were injured.

2. 23 July 2016 *"Isis claims responsibility for Kabul fatal bomb attack on Hazara protesters"*²⁴

At least 80 dead and more than 230 wounded after attack on demonstration by minority group, which makes up 9% of population.

Two suicide bombers struck a peaceful protest in Kabul by a large group of Hazaras. According to a spokesman for the Afghan interior ministry, 231 people were wounded, though this figure could rise. The protesters were marching against government plans for a major power project to bypass Bamiyan, a predominantly Hazara province in the central highlands. Following similar protests in May, Afghanistan's president, Ashraf Ghani, established a commission to look into the issue but government attempts to find a compromise failed. On 19 June, a contract was signed to build a smaller electricity line through Bamiyan, which did not placate Hazara activists.

Kabul has become increasingly unnerved, particularly after another massive attack in April, which also killed 64 people. That attack, the deadliest in the capital since 2011, has raised fears of an intensification in sectarian conflict.

. . . Isis has so far been concentrated in a few districts in Afghanistan's eastern provinces, where they have battled for turf with the Taliban. Their fighting force of 2,000-3,000 fighters is relatively small, but Saturday's attack is likely to stoke fears that Isis is gaining strength in the country. Most Afghans consider Isis to be an alien, extremist group that is far more radical than the Taliban.

3. 11 October 2016 *"Islamic State claims responsibility for deadly mosque attack in Afghan capital"*²⁵

Islamic State on Wednesday claimed responsibility for a mass shooting that killed at least 18 worshippers at a shrine in the Afghan capital, raising fears of sectarian violence after a string of attacks on the country's Shi'ite minority.

The claim to Tuesday's attack, released online, came as the community observed Ashura, one of its holiest days, although commemorations have been subdued because of security fears. . . .

The attacker in Kabul, said to be wearing a police uniform, entered the Karte Shakhi mosque on Tuesday night and opened fire on a crowd of Shi'ite Muslims

Other reports²⁶ indicate that another attacker entered a nearby mosque and took a number of people hostage as they were commemorating Ashura.

²³ Afghan News, <http://afghannews.com.af/2015/10/09/isis-claims-responsibility-for-the-attack-on-religious-hall-in-kabul/>

²⁴ Sune Engel Rasmussen, https://www.theguardian.com/world/2016/jul/23/hazara-minority-targeted-by-suicide-bombs-at-kabul-protest?CMP=Share_AndroidApp_Facebook

²⁵ Reuters (Reporting by Mirwais Harooni; Writing by Josh Smith; Editing by Robert Birsell and Clarence Fernandez), <http://www.reuters.com/article/us-afghanistan-ashura-idUSKCN12C17E>

²⁶ See for example <http://www.dw.com/en/is-claims-responsibility-for-bomb-attack-that-killed-14-in-afghanistan/a-36028333>.

It was also reported²⁷ that “Afghan police had warned Shi'a mostly ethnic Hazara -- against large gatherings as attacks were expected”.

4. 12 October 2016 “Blast in northern Balkh province comes a day after ISIL gunman killed 18 at Kabul shrine on the holy day of Ashoura”²⁸.

At least 14 Afghan civilians have been killed in a bomb blast outside a mosque in northern Balkh province, a day after a deadly gun attack on Shia worshippers at a shrine in the capital, Kabul.

Munir Ahmad Farhad, spokesman for the provincial governor in Balkh, said on Wednesday the attack targeted a group of Shia Muslims following ceremonies commemorating Ashoura, a major religious holiday.

He said 36 people were also wounded in the explosion in the provincial capital, Mazar-i-Sharif.

'Islamic State' group's affiliate in Afghanistan soon claimed responsibility this attack.²⁹ A Taliban spokesman was equally quick to deny responsibility.

5. 21 November 2016 “Isis claims responsibility for Kabul mosque suicide bomb blast”

Islamic State has claimed responsibility for a suicide attack on a crowded mosque in Kabul that killed more than 30 people and wounded dozens in its third major attack on minority Shias in the Afghan capital since July.

More than 80 people were injured, according to Ismail Kawoosi, a spokesman for Afghanistan's ministry of public health. The number of dead, which included at least one child, was expected to rise.

The attack, on Monday afternoon, targeted the Baqir ul-Uloom mosque in the Darulaman area. It took place towards the end of a prayer ceremony marking Arbaeen, a religious observance on the 40th day of the martyrdom of Imam Hussein, perceived by Shias to be the rightful heir to the prophet Muhammad.

D. Other incidents involving violence targeted against Hazaras

Apart from these well documented attacks in major cities, there have been many other incidents involving targeting of Hazaras, mainly in the countryside³⁰. Information often does not reach international media immediately and only turns up later in summary reports from the UN, Human Rights Watch and others. The most recent UNHCR “*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*”³¹ states:

(Page 51) . . . violent attacks by AGEs targeting the Shi'ite population continue to occur. . . . The year 2015 was marked by an increase in kidnappings and killings of Hazaras at the hand of AGEs or unknown assailants.

(page 76) *Hazaras have been reported to face continuing societal discrimination, as well as to be targeted for extortion through illegal taxation, forced recruitment and forced labour, and physical abuse. Hazaras have historically been marginalized and discriminated against by the Pashtuns. While they were reported to have made significant economic and political advances since the 2001 fall of the Taliban regime,*

²⁷ Ibid

²⁸ <http://www.aljazeera.com/news/2016/10/afghanistan-attack-kills-14-worshippers-mosque-161012125748591.html>. Note also RFE/RL's Radio Free Afghanistan, <http://www.rferl.org/a/afghanistan-ashura-shiite-balkh-deadly-bombing/28048205.html>

²⁹ Sune Engel Rasmussen in Kabul, 23 November 2016;

<https://www.theguardian.com/world/2016/nov/21/kabul-mosque-hit-by-deadly-suicide-bomb-attack>

³⁰ Returning Afghan asylum seekers would face dual threat of ISIS and Taliban, William Maley, ABC, 12 August 2016, <http://www.abc.net.au/news/2016-08-12/returning-afghan-asylum-seekers-would-face-dual/7730736#>

³¹ UNHCR, 19 April 2016, <http://www.refworld.org/docid/570f96564.html>

more recently there has reportedly been a significant increase in harassment, intimidation, kidnappings and killings at the hands of the Taliban and other AGEs. [emphasis added]

In June 2016 “militants”, presumed to be members of the Taliban, kidnapped 17 Hazaras from a bus in the northern province of Sar-i-Pul³². Another 18 (in total) Hazaras have been reported kidnapped and one killed in 3 separate incidents in different provinces in September and October 2016³³.

E. Analysis of incidents involving violence targeted against Hazaras

- In relation to the most recent (21 November 2016) bombing in Kabul, Patricia Gossman, senior Afghanistan researcher at Human Rights Watch, says³⁴

The Afghan government should develop a security plan to better protect minority Shia during high-profile public events, . . .

ISIS has stepped up its horrific and unlawful attacks on Shia public gatherings, making no place safe . . . [emphasis added]

Insurgents who are responsible for atrocities targeting a specific ethnic or religious community as part of an attack on a civilian population are committing crimes against humanity.

- In his latest update³⁵, Professor William Maley has also responded strongly to the recent bombing attacks, providing expert commentary on ISIS/Wilayat Khorasan in Afghanistan and pointing out the untenable nature of the analysis and conclusions offered by the Department of Foreign Affairs and Trade (DFAT) – which are being used by The Department of Immigration and Border Protection (DIBP) to justify rejection of protection claims made by Hazaras from Afghanistan:

ISIS is notoriously hostile to Shiite Muslims . . . and for this reason, it is not surprising that Afghan Shia are profoundly apprehensive about metastases from ISIS appearing in Afghanistan. This is a threat that should be treated very seriously. Afghanistan has a long history, of which the Taliban movement is simply a recent manifestation, of groups taking shape around ideas (or charismatic figures propounding them) that have originated in other parts of the Muslim world. . . . Given the disruptions of the last four decades, Afghanistan’s soil is remarkably fertile for implantations of this kind, and given the weaknesses of the state, even groups that have only a relatively small number of supporters may be able to cause mayhem for vulnerable elements of the population such as the Shia.

*This was brutally demonstrated on 23 July 2016, when a peaceful demonstration by Hazaras associated with the so-called ‘Enlightening Movement’ (Jumbesh-e Roshnayi) over the routing of a proposed electricity system was struck by a suicide bombing. Some 85 people were left dead, and 413 injured . . . ISIS claimed responsibility for what it called ‘a “martyrdom attack” on Shiites’ . . . further major attacks have since taken place directed against Hazara Shia. . . . 11 October 2016, . . . 12 October 2016. . . . 21 November 2016. **The implications of these attacks are profound. They demonstrate a capacity on ISIS’s part to strike targets in the heart of the Afghan capital, where the presence of Afghan security forces is relatively strong; in the light of ISIS’s claims of responsibility, they put on display a commitment to attack on the basis of religious identity, plainly engaging one of the bases of refugee status under***

³² Reuters (Reporting by Abdul Matin Sahak; writing by Hamid Shalizi; editing by Robert Birsell), 02 June 2016, <http://www.reuters.com/article/us-afghanistan-kidnapping-idUSKCN0YO1CS>

³³ Tracking Hazara Kidnappings in Afghanistan Region, 21 October 2016, <http://www.hazara.net/2016/09/tracking-hazara-kidnappings-in-afghanistan/>

³⁴ Shia Bombing Spotlights Need to Protect, Human Rights Watch, 21 November 2016, <https://www.hrw.org/news/2016/11/21/afghanistan-shia-bombing-spotlights-need-protect>

³⁵ “On the Return of Hazaras to Afghanistan”, 22 November 2016

Article 1.A(2) of the 1951 Convention Relating to the Status of Refugees; and they highlight particular dangers for Hazaras, who are overwhelmingly Shiite, are physically distinctive because of their East Asian phenotypes, and make up the vast bulk of the Shiite component of the Afghan population.

In February 2016, the Department of Foreign Affairs claimed in a Thematic Report specifically prepared for protection status determination purposes that 'The threat of conflict-related violence faced by Hazaras is similar to that faced by members of other ethnic groups' and that 'DFAT is not aware of any credible evidence that everyday Hazaras are currently being systematically targeted on the basis of the Shia religion [sic]' (DFAT Thematic Report: Hazaras in Afghanistan, 8 February 2016, paras.2.13, 3.7). **In the light of the subsequent carnage in Kabul, and ISIS's explicit claims of responsibility for it, such conclusions are now completely untenable.** In September 2016, the Department of Foreign Affairs claimed, in a further Thematic Report specifically prepared for protection status determination purposes, that in respect of the 23 July attack, 'it is too early to say whether this attack was an isolated incident, or if it represents a change in modus operandi of insurgents by introducing a sectarian dimension to attacks'. **Given the subsequent mass-casualty attacks of 11 October 2016 and 21 November 2016, it is equally untenable to depict the 23 July attack as an 'isolated incident'.** [emphasis added]

- Other expert commentators have written matching conclusions. See for example the article "*As the Taliban increase the tempo of violence in Afghanistan they face new competition from the rising Wilayat Khorasan*"³⁶ by Sajjan Gohel³⁷. In this article, Gohel discusses the significance of the latest attack on the Hazara Shiite community, revealing the growing penetration of Wilayat Khorasan, outlining its origins, and discussing the escalating rivalry between the new group and the Afghan Taliban. Extensive quotations are warranted:

In addition to the attack on the Hazaras, security in Kabul has become increasingly unstable since the massive Afghan Taliban attack on 12 April, 2016 which killed 64 people. That attack was in close proximity to the Afghan Presidential Palace as well as the British and U.S. Embassies.

ISIS, through its Afghan affiliate, Wilayat Khorasan, has concentrated attacks in a few districts in the country's eastern provinces, where they have also fought with the Afghan Taliban over territory. Their fighting force of around 3,000 fighters is relatively small, but the fact that it was non-existent three years ago and after the attack on the Hazaras attack, it will stoke fears that Wilayat Khorasan is gaining strength in the country. Indeed, Wilayat Khorasan is an entity that should not be ignored as it quietly and steadily grows across Afghanistan, especially in Kabul.

The group initially developed a presence in the eastern provinces of Afghanistan, notably Nuristan, Kunar, Nangarhar, Ghazni and Zabul, but there has also been a slow creep to other parts of the country. For example, they have been involved in heavy fighting in the western province of Farah and the southern province of Helmand and were also behind the execution of nine Afghan employees of a Czech aid organisation in the relatively peaceful northern province of Balkh which borders Uzbekistan and Tajikistan on 2 June 2015. The fact that the terrorist outfit can now carry out large mass casualty attacks in Kabul illustrates the level of their proliferation.

Disturbingly, Wilayat Khorasan have been more brutal and vicious in their attacks than even the Afghan Taliban and the TTP.

³⁶ 2 August 2016, <http://blogs.lse.ac.uk/southasia/2016/08/02/as-the-taliban-increase-the-tempo-of-violence-in-afghanistan-they-face-new-competition-from-the-rising-wilayat-khorasan/>

³⁷ Sajjan Gohel is International Security Director at the Asia-Pacific Foundation, Senior Advisor to the Partnership for Peace Consortium's Combating Terrorism Working Group and a Visiting Teacher in the International History Department at the London School of Economics.

On 8 June 2015, 10 members of the Afghan Taliban were beheaded by the Wilayat Khorasan in a rural part of Nangarhar province. Wilayat Khorasan wanted to make a statement of intent that they see themselves as a rival to the Afghan Taliban and also illustrate a show of strength as well as intimidate the Taliban, the Ashraf Ghani government and the West.

Wilayat Khorasan has actively been trying to undermine the Afghan Taliban through propaganda, with the assistance of ISIS's media machine, and in head-on battles with them due to conflicting beliefs and aspirations.

Afghanistan is experiencing a strange paradox where the Afghan Taliban are showing fractures whilst also increasing the tempo of the violence. At the same time they are starting to face increasing competition in the violence stakes from Wilayat Khorasan who are spreading their tentacles across Afghanistan and Pakistan. As the West struggles to find a solution to the Taliban insurgency, and with the prospect of reconciliation talks are a distant reality, **Wilayat Khorasan will seek to exacerbate tensions by sowing sectarian and communal discord. The 23 July attack on the Hazaras is therefore unlikely to be a one-off incident. It's a prelude to more problems by the terrorist group.** [emphasis added]

- The April 2016 document “UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan”³⁸ reinforces the point: “violent attacks by AGEs targeting the Shi'ite population continue to occur” (page 52, noting that AGE means Anti Government Elements), and, specifying Hazaras, “more recently there has reportedly been a significant increase in harassment, intimidation, kidnappings and killings at the hands of the Taliban and other AGEs” (page 76, with extensive documentation).
- These scholarly conclusions stand in direct contrast to the DFAT/DIBP attempts to downplay the dangers represented by ISIS/Wilayat Khorasan.
- The Afghanistan Analysts Network has also studied the significance of the recent deadly attacks for which ISIS has taken responsibility: “With an Active Cell in Kabul, ISKP Tries to Bring Sectarianism to the Afghan War”³⁹. Key conclusions are indicated by the paper's title. In fact 3 Kabul cells are identified along with evidence of “the group's growing appeal among certain quarters of the city's young population”.

It is suggested by AAN that

fermenting sectarian hatred would complicate the Afghan conflict with new motifs and grievances, and put it onto a more unpredictable trajectory.

- Unfortunately, the portents indicated in the references cited previously – in the “special note in relation to the threat represented by Daesh”, published in my September 2015 update⁴⁰ – are now being realised:

Slaughter of “infidels” is their objective. . . . Clearly if Daesh (or indeed the Taliban) is present, all the Hazaras in the area would be at risk. Daesh seems to be even more violent than the Taliban.

ISIS is unlikely to become a mainstream political player in Afghanistan, but it is already a significant fringe group. From the fringes, it has the potential to exacerbate the already unstable state of affairs.

³⁸ <http://www.refworld.org/docid/570f96564.html>

³⁹ Borhan Osman, 19 October 2016 <https://www.afghanistan-analysts.org/with-an-active-cell-in-kabul-iskp-tries-to-bring-sectarianism-to-the-afghan-war/>

⁴⁰ <http://www.bmrsg.org.au/compassion/wp-content/uploads/2014/08/Hazara-Update-Sept2015.pdf>

. . . . reports of the possible growing influence of militant groups claiming affiliation to the Islamic State in Afghanistan increase, security fears within the Hazara community are escalating.”

. . . mass abduction of 30 Hazaras and one Tajik man in Zabul Province on 23 February 2015, . . . raised concerns that Islamic State militants were entering a new, active, phase in Afghanistan.

. . . The presence of alleged IS fighters has been reported in pockets across Afghanistan, mostly in the volatile south and east.

. . . IS's black flags have also appeared in the eastern province. In western Kabul, which has a large Hazara community, residents have received night letters bearing the IS logo in which Shi'ite Muslims are denounced as infidels.

. . . . U.S. General John Campbell, the commander of the remaining NATO forces in Afghanistan, said this week that IS has a "nascent" presence in Afghanistan. U.S. Secretary of Defense Ashton Carter has said **the risk posed by the group could force the White House to seriously consider slowing the pace of its troop withdrawal in Afghanistan.** [emphasis added]

- Experienced researcher Max Walden⁴¹ has assembled reinforcing information on the overall dangers facing Hazaras in Afghanistan. In his key article “*The forgotten victims of violence*”⁴² Walden notes that:

. . . the reality is that **Afghanistan is more unsafe for Hazara than ever.** According to the United Nations, last year saw a record number of civilians killed in Afghanistan after the renewal of violence between the Taliban and pro-government forces – more than eleven thousand. **The UN also reported it had ‘observed a sharp increase in the abduction and killing of civilians of Hazara ethnicity by anti-government elements’.** **Late last year, Human Rights Watch also warned of an increase in the deliberate targeting of Hazara.** More than 161 children have been killed so far in 2016. [emphasis added]

- **Conclusion:** Warnings about the need to pay attention to clear trends have been well confirmed. Focussing on Kabul, in the words of Professor William Maley: “**The simplistic and superficial conclusion that Kabul offers a safe or meaningful ‘relocation’ option for Hazaras should be avoided**”.
- **However DIBP continues to search for reasons to justify rejection of Hazara protection claims.**
 - In spite the of overwhelming evidence of the escalating dangers facing the residents of Kabul (summarised in my September 2015 update), Australian decision makers continue to live in denial of this reality to the extent of proposing Kabul as a safe relocation destination for deported Hazara asylum seekers. The 23 July 2016 bombing seems to have caused some reconsideration, although even as late as 15 November Kabul was still being suggested by some decision makers as a reasonable safe option. Even the 11 October bombing failed to send a convincing warning. One wonders whether the deadly 21 November bombing may finally result in a practical concession from DIBP.
 - In its determination to find pretexts for justifying rejection of Hazara protection claims DIBP has recently quoted “*new information*” to suggest continuing safety for Hazaras. One proffered source is the Afghanistan Analysts Network article

⁴¹ Walden works for an international development NGO in Indonesia and is a Research Assistant with the Sydney Asia Pacific Migration Centre at the University of Sydney. He has worked with refugees for a number of years, including as a refugee education researcher at Macquarie University and as a volunteer with the Centre for Peace and Conflict Studies’ refugee mentoring program.

⁴² <https://overland.org.au/2016/05/the-forgotten-victims-of-violence/>, 9 May 2016.

cited above. Another source is the international security information service IHS Jane's. I have provided brief analysis and commentary on these statements in appendix 2. My conclusion is that these citations, properly understood, in no way weaken the overwhelming weight of evidence that Hazaras are now facing great danger anywhere in Afghanistan.

- **Meanwhile, a new “safe relocation option” is being proposed: Mazar-e Sharif.** This proposal is analysed in appendix 3. The evidence indicates that there is very little reason to believe that this large northern city (second only to Kabul in population terms) is safer and more viable than anywhere else in Afghanistan as a potentially suitable destination for a forcibly deported Hazara. Of particular relevance is the importance of family connections for survival in Afghanistan, especially for Hazaras; this must override all other considerations in such a context as Mazar-e Sharif where Hazaras are a despised and marginalised diminishing minority.

F. Vulnerability of returnees from western countries to continuing danger: summary and new research

Asylum seekers from Afghanistan almost always claim they would be in particular danger upon return, specifically because they are easily recognised as returnees and on that account face enhanced levels of danger. Such claims are routinely rejected, at least, in part, on the basis of alleged inadequate information to sustain the claim. In February 2016 a significant new research paper was published on this matter. But first, some introductory observations may be useful.

- Claimants are told that they are “*low-profile*” and “*able to remain anonymous*”. However mandatory registration makes this impossible. Returned asylum seekers are required to contact local authorities to apply for a national ID card and during this process the authorities would become aware, if they were not already, that an applicant had lived in Australia (or another Western country). This information would be bound to get to the Taliban; no returnee could hope to remain “*low profile*” or “*anonymous*”, even in Kabul.
- Returned Asylum Seekers are likely to be accused of many things, including acting as spies and changing their religion. It is common knowledge that the Taliban have spies and informants everywhere and returnees are easily identified, at least in part by their language and unconscious actions and habits that betray the Western immersion and influence.
- Dr Phil Glendenning, Director of the Edmund Rice Centre and Chairman of the Refugee Council of Australia, visited Kabul in August 2014 (after many previous visits) and reported:
Senior Afghan officials told me that anyone who has sought asylum in a western country would also be at risk.
- Since then a “low profile” Hazara returnee has been captured and tortured by the Taliban⁴³. The cited report notes that Mohammad Musa Mahmodi, the executive director of the Afghan Independent Human Rights Commission, said at the time:
It's totally unacceptable to return a refugee to Afghanistan in this critical moment.
[emphasis added]

In a recent ABC interview⁴⁴ Professor Maley mentioned meeting this particular deportee in Kabul, noting that “*he was plainly suffering from high level of Post-Traumatic Stress Disorder*”. He commented:

⁴³ Abdul Karim Hekmat, *The Saturday Paper*, 4 October 2014, <http://www.thesaturdaypaper.com.au/news/politics/2014/10/04/taliban-tortures-abbott-government-deportee/14123448001068#.VC8cBtkazCR2012>).

“ . . . it’s very easy for people who have not been to Afghanistan but who happen to be decision makers in this area to get things hideously wrong. But the consequences of getting things hideously wrong are going to be disastrous in human terms.”

Immediately after the event Professor Maley wrote an article⁴⁵ documenting the on-going “killings of Hazaras” and concluding:

*As long as this remains the case — and there is no sign that things are likely to change any time soon — **there should be an absolute moratorium on the involuntary removal of Hazara asylum seekers to Afghanistan.*** [emphasis added]

- It must be emphasised that although being a failed asylum seeker is unlikely to be the sole reason for becoming a target of persecution, it remains a factor of substantial significance. There are always many factors, but the combination of ethnicity, religion, western influence and perceived treason (evidenced by the act of seeking asylum in another country) is a very powerful synergy. It is an old trick of both DFAT and DIBP to consider the factors one by one and assert that each factor **alone** is unlikely to be the cause of persecution or extreme danger. Such assertions are impossible to prove one way or the other, and in fact are a kind of nonsense because it is never so simple.
- Perhaps the clearest statement on this point is made by Philip Johnson, researcher at New York University who talks about returned asylum seekers *“winding up back in Afghanistan to face a greater threat of persecution”*⁴⁶. Johnson declares that: *“It’s not just that deportation lands you back where you started: deportation marks you, makes you an easier target than before you left.”*
- A further piece of information, readily available to DFAT and any DIBP decision makers, is the testimony of Zainullah Naseri, recorded by Abdul Karim Hekmat⁴⁷. Mr Naseri found that nobody believed he was deported from Australia simply for being a failed asylum seeker. He was presumed to have committed a serious crime. This certainly did not improve his level of safety. His experience is consistent with the following new report.

Recent research

A recent highly professional report⁴⁸ on the experiences of young failed asylum seekers forcibly returned from the UK affirms the conclusion that such people face serious danger, specifically linked to their status as forced returnees from a Western country. For example:

‘ . . . one young returnee describing his uncle’s reaction to his return as “heartbreaking”, because, “he thinks the same as most Afghans think” and “told me I must have committed a crime due to which I have been deported back to Afghanistan. I have been trying to explain him about the condition and policies UK have, but it doesn’t work”.

‘Seven young returnees reported incidents in which other young people were targeted simply because they were a returnee, and an additional two articulated their perception that being a returnee puts individuals at particular risk of attack. Young returnees believed that this was because, in the eyes of the Taliban and local residents alike, “those who have gone to European countries and now have come back are spying for those countries”. ’

‘In one case, a young returnee was held up at gunpoint by someone who said, “we know you have come back from UK” . . . , a second knew of a “guy [who] had returned from UK

⁴⁴ ABC, 12 August 2016, <http://www.abc.net.au/news/2016-08-12/returning-afghan-asylum-seekers-would-face-dual/7730736#>

⁴⁵ <http://theconversation.com/australia-foolly-returns-afghan-hazaras-to-torture-and-death-32939>

⁴⁶ <https://overland.org.au/2014/10/a-man-has-been-tortured-all-is-going-to-plan/>, 11 October 2014.

⁴⁷ Abdul Karim Hekmat, *The Saturday Paper*, 4 October 2014, <http://www.thesaturdaypaper.com.au/news/politics/2014/10/04/taliban-tortures-abbott-government-deportee/14123448001068#.VC8cBtkazCR2012>).

⁴⁸ Emily Bowerman, 03 February 2016, “After Return: documenting the experiences of young people forcibly removed to Afghanistan”, <https://refugeesupportnetwork.org/blog/after-return>

voluntarily and [who] was kidnapped in our area” . . . , while a third was warned by relatives not to return to his home province because his “life would be in danger if the militant extremist find out I have been to UK and have returned back. They don’t know what deportation means! They would kill me on the spot calling me infidel and spy” . . . A fourth young person told of the abduction by the Taliban of an older returnee interpreter working with ISAF, and a fifth of the killing of another older returnee affiliated with the ANA.’

Two examples were given of former unaccompanied minors being killed for having spent time in a European country. In one case, a returnee told of his anxiety after:

“[A] boy who was also deported from UK was killed in our area. He had newly arrived from UK and was living peacefully with his family until people found out about him, though he did not have any enemy at that time. But he was badly targeted standing in front of a mosque in the village he was living. I participated in his funeral and Fatiha.”

The conclusion stated in my February 2016 update holds true:

There can be no comfort in the DFAT assessment “that returnees from western countries are not specifically targeted on the basis of their being failed asylum-seekers”. Not only would “being failed asylum seekers” represent an increasingly significant factor as the Taliban gain influence, but other factors such as religion and ethnicity are increasingly important contributors to the escalating danger.

G. General Conclusion

Tragically, the trends indicated by all the genuine experts over the past few years are being fulfilled. The changing context spells escalating danger for all Hazaras. Key factors are:

- the withdrawal of foreign troops,
- continuing expansion of Taliban activity, support, and territorial control,
- devastatingly successful attacks by members of the local affiliates of Islamic State,
- deterioration in the general security situation,
- deliberate fomenting of ethnic tensions,
- intensifying poverty,
- economic breakdown,
- rampant corruption, and
- weakness of the national government.

Propects are bleak for all Afghanistan Hazaras, both those who have little choice but to remain and the thousands who are fleeing. Any deportees will face an especially dangerous and difficult future.

Appendix 1

Militant attacks included in Wikipedia's running list of key events in Afghanistan in 2016⁴⁹ up to the end of October

January

- 1 - Suicide car bomb blast, Kabul restaurant, 2 dead, 15 injured.
- 2 - Afghan security forces battled a group of gunmen near the Indian consulate in Mazar-i-Sharif
- 13 - Militants affiliated with the Islamic State of Iraq and the Levant – Khorasan Province attacked Pakistan's consulate in Jalalabad; 9 dead, 12 injured

February

- 1 Suicide bomber in a queue at the entrance of the headquarters of the Afghan National Civil Order Police in Kabul, at least 20 dead and 29 injured; the Taliban claimed responsibility.
- 6 - Afghan soldiers defending the government buildings In Sangin, suffered 9 dead, 7 wounded, and 3 POW following a Taliban attack.
- 27 - Taliban suicide attacks in Kabul and Asadabad, Kunar province; 25 dead.

March

- 2 - Militants attacked the Indian consulate in Jalalabad, 5 militants killed, 9 people injured.
- 9 - 10 Taliban insurgents attacked Afghan government buildings in Helmand Province.
- 16 - Militants loyal to ISIL-K attacked an Afghan police checkpoint in Nangarhar province, killing and wounding 6 policemen.
- 30 - Taliban militants blocked the highway between Dihrawud and Tarin Kot, Uruzgan province Afghan forces cleared them from the highway after 4 days of fighting, Afghan forces suffered 15 killed and 8 wounded.
 - Around 100 Taliban insurgents, including foreign fighters, attacked police check points in Balkh province, 2 police officers dead and 8 insurgents dead. The Taliban were pushed back after reinforcements arrived and fighting continued in Jawzjan province.

April

- 19 - As part of the Taliban spring offensive the Taliban and the Haqqani network carried out attacks on Kabul killing 71 and wounding more than 367

May

- 7 - 2 Romanian special forces operatives killed by 2 Taliban members/supporters in an "insider attack" in Kandahar.
- 8 - Taliban fighters attacked police checkpoints on the outskirts of Lashkar Gah, 15 security officers killed, but police said 14 fighters were killed before the group was driven off.
- 14 - Suicide bomb attack on an Afghan National Police training centre in Helmand Province; at least 4 killed, 12 injured
- 21 - A Taliban suicide bomber attacked a NATO convoy in Nasro, Parwan province; wounding 2 civilians.
 - Uruzgan province, 6 Afghan policemen killed in an insider attack by 3 Taliban fighters.
- 31 - The beginning of the Kunduz-Takhar highway hostage crisis, where hundreds of civilians were kidnapped, with many casualties.

June

- 14 - Taliban fighters overran much of Charchino district in Uruzgan province after several days of fighting in which a "handful" of international advisors and Special Operations forces provided support to government forces.
- 20 - Taliban suicide bomber in Kabul; at least 14 Nepalese security guards killed, 9 people wounded.

⁴⁹ https://en.wikipedia.org/wiki/2016_in_Afghanistan

- Explosion at a market in northeastern Badakhshan province, 10 civilians died.
- A bomb attached to a motorcycle exploded in a crowded market in Badakhshan province's Keshm district, 10 civilians killed, 40 others wounded
- Suicide bombing in Kabul killed 14 security guards, Nepali nationals on way to work at Canadian Embassy: also 9 people wounded; both Taliban and ISIS claimed responsibility.

July

23 - Kabul bombing of Shia protesters killed 90 and injures more than 200

August

1 - Kabul attack killed 1 and injured 4.

4 - Taliban militants attacked a convoy of foreign tourists in Chishti Sharif District, Herat Province, wounding several of them.

7 - Kidnapping of an American and Australian professor working at the American University of Afghanistan in Kabul [not found or rescued by early October].

21 - After days of heavy fighting, the Taliban took control of Khanabad District, Kunduz Province.

24 - Suspected members of the Taliban or ISIS carried out an attack at the American University of Afghanistan killing over a dozen and injuring more than 50.

September

5/6 - Kabul attacks killed over 40 and injured over 100.

October

2/3 - Taliban insurgents launched a coordinated assault from 4 directions on the city of Kunduz on the evening of October 2, entering deep into the city. U.S. special operations forces arrived on October 2 to support Afghan forces, while the Afghan air force conducted multiple airstrikes in support of Afghan ground forces. A spokesman for the Afghan Defence Ministry said that "Defence and security forces with the support of air forces have responded to their attacks and right now the situation is totally under their control", but this has been disputed.

4 - A US soldier was killed by a roadside bomb blast in Achin, Nangarhar province; he was on a patrol with Afghan forces during an operation against ISIL-K militants. This marked the first time a U.S. serviceman was killed in combat against IS militants in the country.

10 - A suicide car bombing killed 14 people, including 10 Afghan police officers in Lashkar Gah, Helmand province.

10 Afghan security forces continued to battle the Taliban to push them from the city of Kunduz

11 - A gunman killed 14 people and wounded dozens more at a shrine in Kabul; Afghan police killed the gunman.

12 - A bomb explosion among crowds of Shiite Muslims gathered to mark Ashura in Mazar-e Sharif, kills at least 12 people and wounds 28 others.

19 - A U.S. soldier and an Army civilian employee were killed at a military base in Kabul by a gunman in Afghan army uniform. Two civilians and a service member were also wounded in the attack.

25 - 30 People were kidnapped in the mountains north of north of Firoz Koh, Ghor province by IS militants

Appendix 2

“New information” being proposed by DIBP in support of the notion of ongoing safety for Hazara deportees.

In its determination to find pretexts for justifying rejection of Hazara protection claims DIBP/IAA has recently quoted “new information” to suggest continuing safety for Hazaras. One source is the Afghanistan Analysts Network article cited above. Another is the international security information service IHS Jane’s.

Afghanistan Analysts Network article⁵⁰

These attacks . . . indicate that [ISKP] has an operational presence in Kabul that is beyond the ‘nascent’ stage. The group seems to have gained the capability of carrying out fatal attacks on an occasional basis in the capital, although not at a sophisticated level yet.

The point seems to be that this might indicate that ISKP attacks are likely to be rare and crude, and presumably, then, not a major worry. This report was written before the deadly attacks of October and November but was still being used well after the October attack. The notion of “occasional” is both imprecise and a pure guess. Those who have been keen to play down the Islamic State threat are being proven wrong yet again. Only a little more than a year ago some commentators doubted if ISKP would be likely to gain access to Kabul. Since then there have been 4 major attacks in Kabul, killing well over 100 Hazaras, and another in Mazar-e Sharif, killing almost 20.

ISKP as an organisation has struggled to expand beyond the four districts in Nangarhar where it has some foothold, remaining, so far, a limited threat. A possibly larger threat is the broader radicalisation that provides a permissive environment and recruitment pool for groups such as ISKP.

The qualification “as an organisation” may make the rest of the sentence true, but it also makes it largely irrelevant. It is now clear that ISKP does not necessarily function in Afghanistan as a tight knit organisation. Its members have made violent attacks in many parts of the country, including the ones cited. It has been especially active in Ghazni province. Those affected by the attacks do not stop to analyse whether these were related to any organised or coordinated agenda. The point is that the attacks have happened in many places and the population is in a state of great fear.

“ISKP’s sectarianism is worrying. Yet it is unlikely that it can single-handedly drive the conflict in a sectarian direction.”

The statement is true, but it needs to be interpreted carefully in light of the whole article. There is no doubt that the “sectarianism” (clearly meaning targeting of Shias) is worrying at the very least. Indeed it is the reason for deep and widely held fear among all the Hazaras of Afghanistan. And the point about “single-handedly” is not easily refuted. However it is not relevant. The Taliban, Laskar-e-Jangvi and possibly other radical Sunni groups with Pakistan links can all be counted on to play a part. ISKP will not be left to push the anti-Shia agenda alone. They are already demonstrating that they are ready to play a strong and independent role, and to take as much glory as possible. They are already driving the conflict in a more sectarian direction, but they are not the only participants. They are not doing it single-handedly, nor are they likely to keep doing it single-handedly.

⁵⁰ Borhan Osman, 19 October 2016, “With an Active Cell in Kabul, ISKP Tries to Bring Sectarianism to the Afghan War”; <https://www.afghanistan-analysts.org/with-an-active-cell-in-kabul-iskp-tries-to-bring-sectarianism-to-the-afghan-war/>

“ . . . the Afghan population generally and religious leaders, big and small, from both major sects have traditionally emphasised the value of co-existence, making it more difficult for fringe actors to tear apart the social cohesion. Sectarian violence has remained a taboo during the Afghan conflict through modern history. The instances of sectarian violence have represented more the very occasional exception than the rule. For any group with a solid vision to rule this country, promoting sectarianism is to play with fire.”

It is hard to know why AAN are prepared to make a statement such as this. It is demonstrably at odds with most other expert reports and analyses⁵¹. Especially the statement “sectarian violence has remained a taboo during the Afghan conflict through modern history” is simply not true. The families of the 4000 Hazaras massacred in Mazar-e- Sharif in 1998 would certainly beg to differ. The thousands of Hazaras who have been persecuted and violated since then – on the roads, in suicide bomb attacks, in countless unreported incidents – would give clear contrary evidence. The 4 million Hazaras who have fled to 70 different countries seeking safety would add their own testimony. The agenda of eventually ruling Afghanistan may well apply to the Taliban and ISKP, but it has so far not prevented their various component groups from persecuting and violating Shias. The track record of Islamic State is to act without restraint in relation to those they regard as “infidels”, starting with Syria and Iraq. Shias would never trust these Sunni groups to respect them and treat them kindly for very long. Attacks have happened in the past few months. Many people have been killed. There can be no assurance that the Sunni extremists are now satisfied and ready to become reformed characters overnight.

Importantly, the thrust of the AAN article itself is that ISKP is indeed trying to foment sectarianism, meaning an anti Hazara/Shia agenda.

Two reports from IHS Jane's

In its determination to find pretexts for justifying rejection of Hazara protection claims DIBP/IAA has unearthed some comments from the international security information service IHS Jane's. These reports are very difficult and costly to access from the internet in order to check the context of the comments.

The “invitation to comment” in one particular case began:

Two reports from IHS Jane's raise doubt about Islamic State's capacity or potential for future attacks by Islamic State - referred to here as 'Islamic State Wilayat Khorasan':

a. 25 July 2016

Despite the Kabul attack, Wilayat Khorasan is unlikely to gain substantial strength in Afghanistan in at least the one-year outlook. Wilayat Khorasan has largely struggled to control territory, even in Nangarhar where its influence is strongest. The Taliban has been aggressive in eradicating any Wilayat Khorasan supporters and factions, and government counter-terrorism efforts have disproportionately targeted Wilayat Khorasan fighters in relation to the group's operational strength...⁵²

b. 12 October 2016.

Wilayat Khorasan remains focused on building its strength and conducting asymmetric operations to maximise casualties, and will probably continue to conduct infrequent attacks in urban areas.

Afghan and US forces, as well as elements of the Taliban, are intent on eliminating Wilayat Khorasan's presence in Afghanistan, which is likely to limit the Islamic State's geographic expansion over the next year. However, despite this pressure, the group is likely to remain capable of conducting terrorist attacks in Kabul. Although Taliban groups will target public

⁵¹ See for example <http://www.bmrsg.org.au/compassion/wp-content/uploads/2015/06/Update-on-Hazara-asylum-Seekers-Feb-2016.pdf> and UNHCR eligibility guidelines

⁵² IHS Jane's, "Islamic State-aligned militants likely to struggle for operational foothold in Afghanistan despite first successful attack ", 25 July 2016

*officials, foreign forces and Afghan security personnel, Wilayat Khorasan is likely to remain focused on targeting Shia groups over the next six months...*⁵³

The second report (12 October 2016) was published only the day after the deadly 11 October 2016 attack on a crowd of Shias in Kabul and on the exact day of the attack on a gathering of Shias on the edge of Mazar-e Sharif, both attacks “owned” by Wilayat Khorasan (aka Islamic State). This hardly gave time for the report to include considered analysis of the situation in the light of those incidents. Other commentators have seen great significance in those incidents and have drawn different conclusions⁵⁴.

What is clear is that the conclusions of the earlier report (25 July 2016) must now be called into question. In fact the wording of the second report represents a retreat from the position stated in the first report. Obviously Wilayat Khorasan has made significant targeted attacks on Shias well within the time-frame suggested (“at least the one-year outlook”). It is barely relevant whether or not these attacks correlate with Wilayat Khorasan (a) not gaining “substantial strength in Afghanistan” or (b) struggling “to control of territory”, or (c) being eradicated, or (d) being impacted by efforts to target their fighters. **The point is that Wilayat Khorasan is still present and active and apparently effective in achieving some of their aims. No-one in Afghanistan, and especially the Shias, is yet feeling safe from this threat.**

It must also be noted that the statement “*Wilayat Khorasan is unlikely to gain substantial strength in Afghanistan in at least the one-year outlook*” leaves open the possibilities of (a) little change in the next year – neither “substantial gain” nor substantial loss, and (b) substantial gain after a year or perhaps more. No person would be likely to stake their life on such uncertainties.

In fact the second report is an admission that Wilayat Khorasan **does** have an ongoing agenda that is calculated “to maximise casualties” and to include “attacks in urban areas”. Guesses about the likely frequency of the attacks are hardly a consideration for members of the targeted groups. Most tellingly, the report identifies capability “of conducting terrorist attacks in Kabul” and remaining “focused on targeting Shia groups over the next six months”. **On that basis the second report indicates that Hazaras remain in danger of targeted attacks by Wilayat Khorasan in Kabul or, for that matter, in any other part of the country. It is simply not possible to conclude with confidence that the contribution of Wilayat Khorasan to the overall danger is in significant decline.**

The wording “*probably continue to conduct infrequent attacks in urban areas*” betrays both a level of uncertainty about the frequency and a level of confidence that there will indeed be attacks. No-one would want to be placed in such a situation. The subsequent expressions (see below) “**likely to be occasional or infrequent**” and “**Islamic State's capacity in the country is limited**” can give no comfort or assurance to anyone. On balance the second quotation would seem to be counterproductive in relation to the decision maker's agenda.

The invitation to comment states:

While recent reports confirm there have been attacks against Hazara Shias in Kabul and Balkh by Islamic State, the above information may indicate that future attacks on the Hazara Shia population in Kabul and Balkh are likely to be occasional or infrequent, and that Islamic State's capacity in the country is limited and under threat from Afghan, US and Taliban forces. The

⁵³ IHS Jane's, “Assault on Shia shrine in Kabul likely to have been conducted by Islamic State, indicating resilient attack capability”, 12 October 2016.

⁵⁴ See for example <http://www.bmrsg.org.au/compassion/wp-content/uploads/2014/08/Hazara-update-Sept2015.pdf>. And the comments of William Maley, <http://www.refugeecouncil.org.au/wp-content/uploads/2016/07/Maley-Hazaras-24.7.16.pdf>

information also suggests that the attacks are unlikely to result in the emergence of sectarianism in the country.

Weighed together, this may lead the [decision maker] to find that Islamic State is a limited threat and conclude that there is not a real chance or real risk of you being seriously harmed for reasons of your religion or ethnicity in urban areas like Kabul and Mazar-e-Sharif, and therefore that your fear of persecution may not relate to all areas of Afghanistan.

The suggestion that “*Islamic State is a limited threat*” is impossible to evaluate without clearer definition of the meaning of “limited”. Similarly the notions of “a real chance” and “a real risk” are notoriously difficult to apply. However it must be contended that on the basis of the overwhelming weight of recent information about Afghanistan, Islamic State is much more than “a limited threat”.

The decision maker’s related statement “*The information also suggests that the attacks are unlikely to result in the emergence of sectarianism in the country*” does not seem to be accurate. There seems to be nothing in the two IHS Jane’s excerpts that proposes anything about the emergence of sectarianism. Nor can the AAN conclusions be interpreted in that way. However it must be said that sectarianism is ever present. This has been the case for decades, even centuries. It emerged long ago. The seething enmity between the different ethnic and religious groups does not go away; it is always present, at least just below the surface. Even DFAT has conceded this point in the past year and certainly the most recent UNHCR eligibility guidelines for Afghanistan⁵⁵ are unequivocal. Islamic State can only exacerbate this situation because their stated aims include punishing “infidels”.

What is missed in this set of proffered suggestions is that Wilayat Khorasan is not the only contributor to the “security situation” in Afghanistan, in particular in relation to the persecution and danger facing Hazaras. Even if this group were to have no effective presence, the Taliban would continue to represent a growing threat, and the extremist Sunni groups based in Pakistan, who have already targeted Shias in Afghanistan, remain a cause of deep concern. This is not to mention discrimination, even persecution, at the local level by “ordinary” Afghans, both Pashtuns and Tajiks.

It seems clear that these citations, properly understood, in no way weaken the overwhelming weight of evidence that Hazaras are now facing great danger everywhere in Afghanistan. To quote, Patricia Gossman, senior Afghanistan researcher at Human Rights Watch, “***ISIS has stepped up its horrific and unlawful attacks on Shia public gatherings, making no place safe***”. That is the “new information” that DIBP should be using in its deliberations.

It is worth noting Professor William Maley’s comment in relation to the 6 December 2011 suicide bomber attack on Shiites, most of them Hazaras, at a Kabul place of worship during the *Ashura* festival, leaving 59 people dead:

To depict this attack as an isolated incident misses the underlying history of antagonism towards Hazaras that is pertinent to assessing what the future holds. It is the kind of reasoning that would have defined the 1938 Kristallnacht experience in Germany as an isolated incident. The same conclusion flows with respect to the attacks on peaceful Hazara demonstrators in Kabul on 23 July 2016, and on Shiite mosques in Kabul on 11 October 2016 and 21 November 2016.

⁵⁵ <http://www.refworld.org/docid/570f96564.html>

Appendix 3

Viability of Mazar-e Sharif as a relocation venue

Mazar-e Sharif, capital of Balkh province, located in the north of the nation, is Afghanistan's second largest city. It has suddenly emerged for consideration as a possible safe destination for Hazaras seeking asylum in Australia. If this city can be proved to offer enduring safety and viability, practically all Hazara Asylum Seekers can be forcibly deported there, however strong their primary claims might be. Such an agenda is now looking very possible, at least for young single men. The escalation of danger in Afghanistan has triggered a growing flood of refugees, most heading for Europe, and no doubt a majority of them Hazaras. Current Australian political commitment is not to offer them safety from the danger but to deter any of them from heading this way. Forced deportation would be calculated as a significant element in a deterrence strategy. It is therefore important to examine the theory that Mazar-e Sharif might possibly be a viable relocation option.

Background

There are three main issues: access, economic viability, and enduring safety for unconnected Hazara newcomers. Mazar-e Sharif once had a reputation as a relatively safe city with a strong economy. But that has changed in the last 5 years. Precise figures are hard to find, but a few years ago sixty percent of the population (totalling about half a million) were Tajiks, with 10% Pashtuns, 10% Hazaras, 10% Uzbeks and 10% Turkmen. The governor, Atta Mohammed Noor, is a Tajik, an extremely powerful ex-Mujahadeen leader and warlord, who opposes the Taliban and banishes anyone else who might try to stand up to him. His iron fist and promotion of economic progress entrenched him in power and established a measure of general tranquility. However the situation has changed.

Safety

The governor's influence no longer guarantees security, especially in areas beyond the city. The rest of Balkh province is certainly vulnerable to insurgent incursions. Even as early as November 2010, before the well-known escalation of insurgent activities all over the country, Governor Atta expressed concern that the insurgency was in the process of spreading throughout the entire province⁵⁶. He was concerned that there was no apparent coordinated plan to counter it. He believed that the police were still understaffed, had poor equipment and that they were not receiving the necessary assistance from the Afghanistan National Army. Following that there was certainly a marked increase in insurgent activity in 2011. Security-related incidents on the roads were reported, and there were cases where civilians had been caught in the crossfire⁵⁷.

Jumping to 2014, it is clear that the governor's concerns were borne out. For example, as reported by the European Asylum Support Office⁵⁸, the London-based private security company Edinburgh International stated in December 2014:

An increase in armed attacks is currently occurring in the regional hub Mazar-e Sharif and neighbouring districts of Balkh, raising the prospect of a brief revival in insurgent activity in line with seasonal trends. While such attacks remain almost exclusively directed against the national security forces, sporadic bombings in Balkh's major cities have been

⁵⁶ Report Afghanistan: Security Report November 2010 – June 2011 (PART II) LANDINFO – 20 SEPTEMBER 2011, http://www.landinfo.no/asset/1842/1/1842_1.pdf

⁵⁷ Ibid.

⁵⁸ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/european-asylum-support-office/bz3012564enc_complet_en.pdf, January 2016

known to extend to civilian targets and could pose an indirect threat to the multitude of international and non-governmental agencies which operate from the city. . . .

After that:

- The Afghanistan government's own report from 2015⁵⁹ noted that the latest figures showed that among the 5 largest cities, Mazar-e Sharif ranked second only to Jalalabad in terms of rate of increase in civilian casualties from the civil war in the first four months of the year.
- ***“At the end of March 2015, in two separate incidents, unknown gunmen killed two persons in the streets of Mazar. One was a relative of a provincial council member, the other an official of the ministry of Foreign Affairs, believed to be a close relative to provincial governor Mohammad Atta Noor.”***⁶⁰ [emphasis added]
- A Taliban attack on the provincial prosecutor's office in Mazar-e Sharif in April 2015 resulted in at least 10 deaths and 60 people wounded⁶¹. Dr. Muhammad Afzal Hadeed, a member of the Balkh provincial council, who was at the site, said *“These kind of attacks haven't happened in Balkh in recent years, . . . It is worrying”*. (That puts an ominous perspective on the situation: the emphasis is not on the rarity of such events but on the portent of a new era of increased insecurity.)
- In July 2015 an Afghan MP from Balkh was reported⁶² to have said (in April) that 60 Hazaras had been kidnapped there over the course of just two months.
- In September 2015 two vehicles were stopped on a rural road in the Zari district of Balkh province and 13 Hazaras killed⁶³.
- On 12 October 2016 a bomb blast killed at least 14 Shias and wounded 36 outside a mosque near Mazar-e Sharif,⁶⁴ An 'Islamic State' affiliate in Afghanistan soon claimed responsibility for this attack.⁶⁵
- On 10 November 2016 a bomb attack on the German consulate in the centre of Mazar-e-Sharif caused the deaths of 6 people and injuries to at least 120⁶⁶.

It should not be forgotten that in December 2011 insurgents got right to the centre of Mazar-e Sharif and targeted Shias participating in an Ashura commemoration, reportedly with the intention of aggravating sectarian tensions. At least 4 people died. Earlier that year, three UN international staff and four international security guards were slain in Mazar-e-Sharif when a crowd of around 3,000 people protesting against the burning of a Koran in the United States unleashed their anger.

With the increasing spread of the Taliban influence all over Afghanistan the safety of Balkh province as a whole cannot be guaranteed. Note again the EASO report⁶⁷ cited above. The Governor has already been busy trying to deal with insurgent advances in the

⁵⁹ State of Afghan Cities report 2015 (Volume-I English), <http://unhabitat.org/books/soac2015/>

⁶⁰ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/european-asylum-support-office/bz3012564enc_complet_en.pdf, January 2016

⁶¹ *Ibid.*

⁶² <http://observers.france24.com/en/20150709-afghanistan-protests-taliban-hazara-police>

⁶³ <http://www.dawn.com/news/1205117>

⁶⁴ <http://www.aljazeera.com/news/2016/10/afghanistan-attack-kills-14-worshipers-mosque-161012125748591.html>. Note also RFE/RL's Radio Free Afghanistan, <http://www.rferl.org/a/afghanistan-ashura-shiite-balkh-deadly-bombing/28048205.html>

⁶⁵ Sune Engel Rasmussen in Kabul, 23 November 2016;

<https://www.theguardian.com/world/2016/nov/21/kabul-mosque-hit-by-deadly-suicide-bomb-attack>

⁶⁶ Fatal attack on German consulate in Mazar-e-Sharif, 11 November 2016,

<http://www.bbc.com/news/world-asia-37944115>

⁶⁷ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/european-asylum-support-office/bz3012564enc_complet_en.pdf

countryside⁶⁸, especially in the Chimtal area and other “restive zones” south-west of Mazar-e Sharif city. Casualty levels are high and in June 2015 a district centre was reported to be in Taliban hands.

Complicating the issue is the seething enmity between Pashtuns and Tajiks that goes back at least to the participation, even leadership, of the Tajiks in the “Northern Alliance” which helped to bring down the Taliban government in 2002⁶⁹. Furthermore, if the Taliban forces or ISIS operatives were able to enter the city of Mazar-e Sharif, there is no doubt the Hazaras, as Shias, would be especially vulnerable. Certainly it can be said that not only is there well known enmity between Pashtuns and Hazaras, but there is historic tension between Tajiks and Hazaras. The governor certainly could not be counted on to protect the Hazaras of Mazar-e Sharif in the event of a Taliban attack.

This summary is clearly at odds with recent DIBP attempts to play down the danger. For example:

The city . . . is considered to be one of the safest cities in Afghanistan, even more so than Kabul. DFAT advice [March 2014!!] is that the Government has maintained effective control over Mazar-e-Sharif.

. . . insurgent attacks . . . remain almost exclusively directed at the national security forces,

. . . Civilians have been victims in these attacks, but there is little evidence or indication of the direct or deliberate targeting of civilians or ethnic or religious groups.

. . . significant that there have been no major attacks against Hazara Shias in Mazar-e-Sharif since 2011, . . . country information that indicates the government has effective control and security over the city. . . .

Considering all the circumstances, [it is considered] there is not a real chance or risk of the applicant being seriously or significantly harmed by Islamic State in Mazar-e-Sharif, for reasons of his religion, ethnicity or any other reasons.

. . . the country information does not support a finding that low profile Hazara Shia . . . would face a real chance of being targeted for harm by AGEs such as the Taliban in urban areas like Mazar-e-Sharif.

. . . a returnee/failed (Hazara Shia) asylum seeker from the west, would not face a real chance of being seriously harmed for these reasons if he returned to live in a major urban area like Mazar-e-Sharif (or even Kabul).

Reference to the source indicates that the date when Mazar-e Sharif was “considered to be one of the safest cities of Afghanistan” was January 2014 at the latest. Obviously, as shown above, the situation has changed since then.

⁶⁸ http://www.triplecanopy.com/fileadmin/user_upload/Reports/Afghan_Report_06_18_2015.pdf

⁶⁹ For a summary see “Tajiks and their security in Afghanistan”: http://www.bmrsg.org.au/compassion/wp-content/uploads/2014/09/Tajiks-and-security-Sept_2014-.pdf. Quotations:

The Tajiks are hated by the Taliban because of their reputation as Soviet supporters and because of their participation in and indeed leadership of the Northern Alliance. This alliance, a coalition of resistance groups consisting of Hazaras, Uzbeks and Tajiks, was dominated by Tajiks and led by Tajik general Ahmed Shah Massoud of Panjshir. Masoud received assistance from his old enemy, Russia, as well as from Tajikistan, Uzbekistan and Iran, and thereby established the pejorative label “communist” attributed to Tajiks by Pashtuns.

Most significantly the Northern Alliance was recognised by the international community as the government of Afghanistan after the fall of the Taliban in 2002, as a result of US-led intervention by coalition forces. During the time of Taliban rule in the late 1990s Tajiks and other non-Pashtuns were suppressed and many Tajiks were killed.

. . . .

Memories are long and this historical opposition is not forgotten. It means that even though most Tajik’s share the Sunni Islam faith of the Taliban they are not immune from targeted violence. In general terms the Taliban do not accept the Tajik brand of Sunni Islam, which is considered to be too lax. While the Tajiks tend to be sympathetic to the application of Sharia law, they are generally not ready to embrace the extremist position of the Taliban.

As with security at the national level, the important issue is the **trend**. Insurgent violence around Mazar-e Sharif may not be extremely intense at the moment, although it is not insignificant, and the city may only be penetrated occasionally, but the portents for peace are not promising. Certainly the DIBP confidence cannot be justified. Both the Taliban and ISIS affiliates are capable of making inroads at any time, as has been well demonstrated.

The April 2016 *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*⁷⁰ refer to the need for a proposed relocation venue to be “durably safe”, characterised by safety that is “not illusory or unpredictable”. “Durable safety” in Mazar-e Sharif hardly applies to the population in general, let alone to an isolated Hazara stranger without shelter or family support.

Economic viability

It is now clear that Mazar-e Sharif suffers the same economic malaise as other parts of Afghanistan. The severe economic downturn in Afghanistan since 2012 is universally known. This was specifically recognized in the Urban Poverty Report published by the Danish Refugee Council in November 2014⁷¹ and Mazar-e Sharif was not exempt from the consequences. For example, the report, published 3 years ago, notes:

“On the food expenditure scale, Mazar-e-Sharif displays particularly alarming levels . . .”
(Page 38)

Herat and Mazar-e-Sharif seemed to have been hit particularly strongly by the economic slow down with respectively 75% and 69% of households reporting a deterioration of their economic situation over the past 12 months. (Page 83)

*“This confirms previous observations showing that in the current context Mazar-e-Sharif and Herat do not fare well, despite their **previous economic dynamism**.”* (page 87, discussing nutrition) [emphasis added]

Without doubt, the economy of Afghanistan has deteriorated even further in the past 3 years, and this applies right across the nation.

Early signs of the economic downturn in Mazar-e Sharif were noticed by European expert on Afghanistan, Dr Antonio Giustozzi in December 2012⁷²:

Furthermore, an economic downturn sending thousands of villagers employed in the building sites of Mazar back to their villages could provide a fertile recruitment ground for the Taliban in the future.

The Danish information in particular is clearly at odds with the rosy picture recently portrayed by DIBP, which is based largely on out-of-context quotations from the same source. Descriptions such as the following say nothing about the actual economic situation of Mazar-e Sharif:

“one of the biggest commercial and financial centres in Afghanistan” (Note: Kabul is bigger and it is demonstrably an economic basket case);

“unofficial capital of northern Afghanistan”,

“The Balkh Province has a tradition of high educational standards and has a comparatively high literacy rate, including for women . . . It is home to several universities”

Statements such as *“Mazar-e Sharif remains one of the more prosperous urban centres in Afghanistan”* are without foundation. Not only is the main source document⁷³ that is used to

⁷⁰ <http://www.refworld.org/docid/570f96564.html>

⁷¹ <https://drc.dk/media/1181597/urban-poverty-report-a-study-of-poverty-food-insecurity-and-resilience-in-afghan-cities.pdf>

⁷² Afghanistan Research and Evaluation Unit Issues Paper, The Resilient Oligopoly: A Political-Economy of Northern Afghanistan 2001 and onwards, www.areu.org.af/.../1213E%20Resilient%20Oligopoly%20IP%20Dec%202013.pdf

support the case for prosperity 3 years out of date, but the quotations are misused. They do not represent the thrust of the report. In context, the statement “*Mazar-e-Sharif confirms its status as the economic hub of the North*” does not mean that the economy itself is necessarily vibrant or full of opportunity; the city remains the hub whether the economy is going well or not. The statement “*the economic dynamism and the relative safety of the city are important factors . . .*” is mentioned only in historical and relative terms - in relation to the city functioning as a “magnet” attracting people displaced from rural situations because of fighting and poverty (page 31). Later (page 87), discussing nutrition, the report notes: “*This confirms previous observations showing that in the current context Mazar-e-Sharif and Herat do not fare well, despite their **previous economic dynamism.***” [emphasis added] In comparison with the 3 other major cities, households living in Mazar-e-Sharif and Herat were shown to be particularly likely to have relied on the coping strategy of lowering the quality and quantity of food consumed over the previous 12 months. This is a clear sign of worsening poverty. The main message of the report is reflected in that statement and those quoted above.

One decision maker notes that Professor Alessandro Monsutti “*has described the situation of ordinary Hazaras as possibly better in Mazar than in Kabul*”, but that was said in January 2012, and it is hardly definitive anyway. The severe economic downturn in the subsequent 5 years has altered all the comparisons and there is now little data to indicate differences between the major cities in this matter.

In fact Hazaras are second class citizens in Mazar-e Sharif. A Hazara refugee who graduated from a university in Mazar-e Sharif has described a situation of discrimination and on-going frequent departures (to the barely more suitable Iran and Pakistan in the first instance)⁷⁴; the governor has replaced any Hazaras who were in public service positions, even senior positions, with Tajiks, and any of these well qualified Hazaras who remain in the area, often having little other choice, have to be content with menial jobs at best; even the well-connected struggle to survive.

Access

At first, the decision makers were suggesting that Mazar-e Sharif was safely accessible by road from Kabul. However this idea seems to have been abandoned now, and for good reason. There is certainly no doubt that the Taliban are targeting the main highway, the “ring road” that connects Kabul with the other major cities. A key focus is precisely on the long section between Kabul and Mazar-e Sharif, which passes through Baghlan Province. In fact Obaid Ali of Afghanistan Analysts Network has recently published a report on the subject: “*Taliban in the North: Gaining ground along the Ring Road in Baghlan*”⁷⁵. Obaid Ali says:

The Taliban have made significant inroads in a number of strategic areas in the northern province of Baghlan over the past two years. They now pose a greater threat than ever to the Baghlan-Balkh highway, part of the Ring Road which here links Kabul to the north. The Taliban know that by blocking highways, they can effectively undermine the Afghan National Security Forces (ANSF), both psychologically and physically. . . .

The Taliban have been trying to intimidate people travelling along the Baghlan-Balkh highway since late 2015. Holding onto earlier territorial gains, they continued attacking ANSF check-posts along the highway and slowly expanded their grip over more territory, . . .

In December 2015, the Taliban attacked the vehicle of General Hessamuddin Haqbin, former head of the Hairatan port in Balkh province and a prominent local figure. Haqbin himself was

⁷³ <https://drc.dk/media/1181597/urban-poverty-report-a-study-of-poverty-food-insecurity-and-resilience-in-afghan-cities.pdf>

⁷⁴ Personal communication 2016, based on the refugee’s direct experience up to 2009 and continuing contact.

⁷⁵ <https://www.afghanistan-analysts.org/taliban-in-the-north-gaining-ground-along-the-ring-road-in-baghlan/>, 15 August 2016

seriously injured, as were three other passengers. His bodyguard was killed. According to an Afghan media report, in that month alone, there were three major attacks on this part of the Baghlan-Balkh highway.

According to provincial council members, by the beginning of May 2016, Chashma-ye Shir was entirely under Taliban control. They were now regularly searching vehicles for ANSF personnel and government officials. . . .

Prospects for improved security in Baghlan in the second half of 2016 remain as bleak as they were during the first half, especially after the fall of Dahna-ye Ghorī on 14 August 2016, the first district to fall into Taliban hands in Baghlan province since 2001. Worsening security would mostly affect the local civilian population, but also threatens the many seeking to travel or transport goods to and from the northwest. One of the country's main communication routes remains at risk.

It must be emphasised that wherever the Taliban operate along the Highways, Hazaras are vulnerable. No Hazara wants to risk being the first to hit the headlines on a particular stretch of road. By any standard there is a real risk of serious harm for any Hazara travelling the highways of Afghanistan, not least the highway passing through Baghlan.

The only practical alternative for accessing Mazar-e Sharif is by air. Certainly there is a functioning modern airport about 20 km east of the city centre with regular international and local flights. However no-one can guarantee that either the facility itself or the connecting road will remain free of insurgency control. DFAT advises Australians not to visit Mazar-e Sharif even though it is a famous tourist venue. If the city and airport are safe, one wonders why Australians are not encouraged to visit.

Once inside the city metropolitan area a deportee would be like a bird in a cage. Safety and cost issues would make travel outwards very difficult. There would be no safe destination in Afghanistan anyway.

It is important to note that the 2016 UNHCR Eligibility Guidelines cited above emphasise the need for any proposed venue to be *“Practically, safely and legally accessible to the individual”*.

Accommodation and Family support

The 2016 UNHCR Eligibility Guidelines recognise the importance of *“pre-identified accommodation and livelihood options”*. A deportee would be in the same situation as an internally displaced person and the scale and dire situation of IDP settlements in and around Mazar-e Sharif is well documented⁷⁶.

Most critically, the importance of family connections for survival in Afghanistan, especially for Hazaras, must override all other considerations. The opinions of the experts in this area must not be ignored:

Professor Alessandro Monsutti (leading European expert on Afghanistan): *In Afghanistan, people are linked to their families and social networks. If you are from one place, you cannot readily relocate elsewhere. The state does not provide strong services. In a society where the state provides so little support, life is organised around social networks and face-to-face relations. If someone returns to Afghanistan, he or she could not live outside his or her traditional or family area.*⁷⁷ [emphasis added]

Professor William Maley: *The mere fact that there may be people of similar ethnic background living in a potential relocation destination does not overcome the problem of lack*

⁷⁶ State of Afghan Cities report 2015 (Volume-I English), <http://unhabitat.org/books/soac2015/>

⁷⁷ *The Situation for Hazaras in Afghanistan*, 9 August 2010, para.55), quoted in William Maley, “On Relocation to Kabul of Members of the Hazara Minority in Afghanistan”, 19 November 2012, www.facebook.com/labor4refugees/posts/382792781806801

*of social support. Ethnic identities do not in and of themselves give rise to the ties of personal affinity and reciprocity that arise from family connections.*⁷⁸

DFAT, July 2013: . . . *family or other connections are critical in regards to the ability to find both long-term shelter and employment.*⁷⁹

These opinions are affirmed by the 2016 UNHCR Eligibility Guidelines referred to above.

William Maley's warning⁸⁰ must be heeded: ***“An Hazara who is returned to a region in which he lacks strong social connections is likely to end up destitute, or be exposed to gross exploitation or criminal predation”.***

Summary

In summary, there is very little reason to believe that Mazar-e Sharif is safer and more viable than anywhere else in Afghanistan as a potential relocation destination for a forcibly deported Hazara.

⁷⁸ www.facebook.com/labor4refugees/posts/382792781806801

⁷⁹ DFAT Country Information Report Afghanistan, 31 July 2013

⁸⁰ <http://www.refugeecouncil.org.au/wp-content/uploads/2016/07/Maley-Hazaras-24.7.16.pdf>