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

## Supplementary update March 2015

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The following is a list of related papers:

- Main paper: September 2012<sup>2</sup>
- Collection of new material: 8th November 2012<sup>3</sup>
- February 2013 supplementary update: 12th February 2013<sup>4</sup>
- May 2013 supplementary update: 19th May 2013<sup>5</sup>
- February 2014 supplementary update: 28th February 2014<sup>6</sup>
- September 2014 supplementary update and overview: 18th September 2014:<sup>7</sup>
- This supplementary update: 02 March 2015

All of these papers are available on our website:

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

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<sup>2</sup> "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/> ]

<sup>3</sup> "November 2012 update on Hazara Asylum Seekers from Afghanistan: the increasing dangers they would face if they return"

<sup>4</sup> "February 2013 update on Hazara Asylum Seekers from Afghanistan: the increasing dangers they would face if they return"

<sup>5</sup> "May 2013 update on Hazara Asylum Seekers from Afghanistan: the increasing dangers they would face if they return"

<sup>6</sup> "February 2014 update on Hazara Asylum Seekers from Afghanistan: the increasing dangers they would face if they return"

<sup>7</sup> "September 2014 supplementary update and overview on Hazara Asylum Seekers from Afghanistan: the increasing dangers they would face if they return"



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## Introduction

This is the seventh paper in my series on “Hazara Asylum Seekers from Afghanistan: the increasing dangers they would face if they return”, beginning in September 2012. The situation is very dynamic. Reports and analyses covering significant new developments continue to emerge. In February 2014 I wrote that:

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

In September 2014 I added: *Recent reports and analyses consistently affirm this conclusion*, and quoted the conclusion of Dr Phil Glendenning, Director of the Edmund Rice Centre and Chairman of the Refugee Council of Australia, in relation to Hazara asylum seekers:

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

That update, which contained an overview of the earlier material, emphasised that: *There seems to be no credible dispute in relation to this information. While there may have been arguments that certain individual Hazaras would have faced relatively low levels of risk if returned to Afghanistan in 2011 or even 2012, this is no longer the case. Furthermore, it is increasingly well established that overwhelmingly the risk of serious harm is indeed for reasons of race and ethnicity.*

This picture is augmented and accentuated by the following reports and articles. Of particular note is:

- The arrival of foreign Islamic State forces in support of the Taliban, especially in the southern and central areas, apparently with national government support.
- Resurgence of Taliban activity in previously “safe” areas.
- Shift of Taliban focus from mainly government and “western links” targets to increased persecution of Shia Muslims (essentially Hazaras).
- Continuing evidence of abduction and mistreatment of Hazaras on a selective basis – including murder and torture.
- A surge in the flight of Hazaras from Afghanistan in the face of escalating persecution.
- Targetting of Hazara returnees from Western countries, both voluntary and involuntary.
- The February 2015 message from the Afghanistan Minister for refugees and repatriation requesting relevant governments to stop deportation of asylum seekers to Afghanistan and confirming the policy that intended returnees who arrive in Kabul will be sent back to the deporting countries.



- An RRT decision report which accurately embraced and applied the information available in April 2013 and which is now vindicated by the reports and analyses cited in this update.

## **Reports**

### **1. Islamic State expanding activities in Ghazni province**

KHAAMA PRESS, 26 September 2014

<http://www.khaama.com/islamic-state-expanding-activities-in-ghazni-province-6749>

The title speaks for itself. Because of its strategic significance in terms of both overall national security and the large population of Hazaras in Ghazni Province this report is quoted in full (and uncorrected!).

*Local officials in south-eastern Ghazni province of Afghanistan have warned that militants linked with Islamic State are expanding their activities in parts of this province.*

*Deputy provincial governor, Mohammad Ali Ahmadi has said that the Taliban militants linked with the Islamic State have raised the flags of the group in various districts.*

*He said the militants are campaigning in favour of the Islamic State and have closed numerous routes to Ghazni province since they are busy with planning their activities.*

*This comes as a female Afghan lawmaker Huma Sultani from Ghazni province has said she supports the Taliban ideology and endorses an Islamic State in Afghanistan, similar as the Islamic State of Iraq and Syria (ISIS).*

*Reports earlier this month also suggested that the Islamic State has started distribution of pamphlets in bordering regions of Afghanistan and Pakistan, in a bid to increase its influence in South Asian region.*

*According to the reports, the booklets titled Fata (victory) have also been distributed in Peshawar city as well as in Afghan refugee camps on the outskirts of the city.*

*In the meantime, a faction of the Hezb-e-Islami led by Gulbuddin Hekmatyar said late in August that they consider to join the Islamic State militants and continue to their insurgency attacks against the Afghan government, event after the NATO forces leave Afghanistan by the end of this year.*

*Hezb-e-Islami fighters confirmed their links with the Islamic State and insist that they would keep fighting until Sharia Law was established not just in Afghanistan, but throughout the world.*

### **2. Taliban seize strategic Afghan district in Ghazni province**

BBC News Asia, 26 September 2014

<http://www.bbc.com/news/world-asia-29375436>

This report seems to be a specific example of the general situation described in report #1 above. Ajrestan is the westernmost district of Ghazni province. Key quotations:

*Taliban fighters have seized control of a strategic district in the Afghan province of Ghazni, officials say.*

*Insurgents killed about 70 villagers after taking Ajrestan district late on Thursday night after a week of battle.*



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*A spokesman for the provincial governor said 15 people suspected of collaborating with authorities were beheaded, including women.*

*The Taliban is active in many parts of Ghazni, an important gateway to the capital, Kabul, from the south-east.*

*Fighting is continuing as security forces try to regain the district but officials fear surrounding districts are now vulnerable to attack.*

### **Strategic district**

*Some analysts say that control of Ajrestan also provides militants with a launching pad for attacks into adjacent provinces in the east of the country.*

### **3. Australian man tortured and killed by Taliban in Afghanistan, family says**

**Oliver Milman**, [theguardian.com](http://theguardian.com),  
**Sunday 28 September 2014**

<http://www.theguardian.com/world/2014/sep/28/australian-man-tortured-and-killed-by-taliban-in-afghanistan-family-says>

This report documents the September 2014 torture and murder of an Australian citizen of Hazara ethnicity, Sayed Habib Musawi, a 56-year-old who lived in Sydney, on the road from Kabul to Jaghori. The Taliban had information about him and were able to target his minibus specifically. This report indicates that no-one is immune from targeted attack. It indicates that several other murders of religious and ethnic minorities have recently occurred in the same area. Habib, who had lived in Australia since 2000, was visiting relatives.

### **4. Taliban tortures Abbott government deportee**

**The first Hazara asylum seeker *refouled* by the federal government was taken by the Taliban inside a month.**

**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>.

Abdul Karim Hekmat, Australian community worker, journalist and member of the Refugee Council of Australia reported on his meetings in Kabul with recent deportee Zainullah Naseri. Zainullah was forcibly removed on 26 August, the first Hazara asylum seeker to be *refouled* by Australia, at least for many years. His friends had worked hard to alert the government to the escalating dangers facing Hazaras who might be returned to Afghanistan, and to appeal for a review of the December 2012 final decision to declare him not to “engage Australia’s protection obligations”. But the decision had been locked away and was beyond challenge within the current system, in spite of the protection offered subsequently to others with matching backgrounds in view of the increasing threats.

Hekmat arrived in Kabul the day after Zainullah and managed to find him two weeks afterwards, living in fear and poverty. He then lost contact, but a week later came a phone call and news that Zainullah had been captured and tortured by the Taliban. In spite of the known dangers he tried to travel to his home town to see his wife and the daughter he had never met. He had lash marks on his back and carried photo and video evidence of his experience. He had escaped from his Taliban captors by crawling through a toilet cesspit while they were distracted by attackers in the night.



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The Taliban had punched and kicked him, beaten him with sticks, bashed him relentlessly and threatened to kill him. They found his Australian driver licence and photos of Australia on his mobile phone and claimed this showed him to be a spy for an “infidel country”. They did not accept that he had been deported. After two days they gave him five days to arrange a payment of \$300,000 or face decapitation. By now, after almost 3 weeks without money or food he did not care whether he lived or died. But he was able to break his chains with a rock and make his escape. Eventually he reached a police station where he was protected and cleaned up before returning to Kabul, no longer willing to risk the onward journey.

Zainullah is from Ghazni, the most volatile and dangerous province in Afghanistan at the moment, not least because of the arrival of Islamic State supporters, friends of the Taliban. It was reported that in recent days the insurgents associated with IS had decapitated 11 innocent men and women in Ajristan district and had driven many people into the mountains.

Hekmat reports that **Mohammad Musa Mahmodi, the executive director of the Afghan Independent Human Rights Commission, said: “It’s totally unacceptable to return a refugee to Afghanistan in this critical moment”.**

A further challenge facing Zainullah is the fact that nobody in Afghanistan will believe he was deported from Australia simply for being a failed asylum seeker. He is presumed to have committed a serious crime. This only goes to exacerbate his already deep depression. He has lost all hope. Suicide is always on his mind as he contemplates life as a beggar on the streets or under a bridge with the drug addicts.

### 5. **Taliban return to Afghan town that rose up and drove out its leaders Insurgents now control about 80% of Gizab district in Uruzgan province four years after successful revolt, sources say**

Sune Engel Rasmussen in Tarin Kot

The Guardian, 28 October 2014

<http://www.theguardian.com/world/2014/oct/27/taliban-return-afghan-town-gizab>

This report indicates that the Taliban are wresting back control of the countryside as the Coalition Forces retreat and withdraw their support for local Afghanistan security forces, leaving them weakened and with inadequate resources. This incident carries strong overtones of retaliation. The story is repeated in other parts of Afghanistan. The population of Gizab is a mixture of Pashtuns, Tajiks and Hazaras who would therefore be expected to have mixed allegiances in relation to the Taliban. It forebodes badly for the predominantly Hazara areas just across the order in Ghazni province. The possibility of Islamic state involvement should not be discounted because this district is adjacent to their reported centres of activity (see reports 1 and 2 above and 7 and 8 below). The report also throws light on the formation and nature of the Afghan Local Police. It is quoted in full.

*When the people of Gizab district rose up and ousted their Taliban rulers four years ago, international forces touted the district as a success story of civil courage and a milestone in the decade-long war. But now the district in Uruzgan, central Afghanistan, is about to fall back under the control of the insurgents, according to officials and community leaders.*



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*The insurgent offensive comes a year after international troops withdrew from Uruzgan, and as UK troops are closing their largest base in Helmand, another embattled province in the south. A month of intense fighting in Gizab has displaced up to 500 families, and Taliban fighters are forcing residents to provide them with food and transportation and threatening people to stop them cooperating with the government, elders from the area said.*

*“The Taliban are using people as shields and are firing on security forces from civilian houses,” said Haji Abdur Rab, head of Gizab’s development council.*

*Wedged into the top corner of Uruzgan province, Gizab lies about 62 miles north of Tarin Kot, the provincial capital. Roads leading here are unpaved, making the transfer of food and weapons and the evacuation of the wounded difficult. To add to the troubles, the national army only has three helicopters, one of which is currently defunct, to support Uruzgan and three other provinces. According to Colonel Rasul Kandahari, commander of the Afghan national army’s 4th brigade in Uruzgan, the helicopters have little capacity beyond airlifting bodies from the battlefield.*

*After insurgents cut off all roads to the district capital, security forces now await air support from the government. So far, however, the unrest in Gizab has failed to trigger a reaction from Kabul.*

*Estimates of casualties vary widely. While the police chief’s office in Tarin Kot claimed only a couple of people had been wounded and killed, the provincial governor, Amanullah Khan Timuri, said non-civilian casualties had reached 70, distributed equally on each side.*

*A western official familiar with security in the region, who is not authorised to speak publicly on the matter, said Gizab was the most insecure district of Uruzgan. More than a third of clashes in Gizab this year have reportedly occurred within the past month.*

*The battle for Gizab will vex western military leaders, who pinned great hopes on the district. In 2010 American and Australian special forces supported a revolt of a few hundred people against the Taliban, as part of a declared effort to support bottom-up counter-insurgency. The International Security Assistance Force (Isaf) trumpeted the uprising as an example of a successful “village stability operation”, designed to encourage ordinary Afghans to wrest power from the Taliban.*

*“The success with village stability in Gizab is a great example for the surrounding villages,” Isaf said in 2010.*

*This strategy also helped bring about the birth of the Afghan Local Police. Established in 2010, the ALP drafts members from local communities and empowers Afghans to take responsibility for security, linking them with the central government. The US military expected most Afghans to turn against the Taliban when they realised that government forces were the stronger part. In Gizab, however, residents waited in vain after the revolt for the government to exert control, said Martine van Bijlert, an Uruzgan expert with the Afghanistan Analysts Network.*

*“Instead, they just felt like a lot of local commanders were given a lot of power,” she said. “And it wasn’t necessarily better.” Corruption, nepotism and hard-handed treatment of residents remained the order of the day.*

*International forces also underestimated the fluctuating nature of Afghan politics, expecting local power-brokers to throw their lot behind those that booted out the Taliban. “In reality, the US military were dealing with commanders who have a history of going back and forth between the different sides,” said Van Bijlert.*



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*Violence flared up when insurgents crossed into Gizab from Ajristan district in neighbouring Ghazni province after clashing with government forces there in September. At the same time, Gizab's core of anti-Taliban fighters from the 2010 revolt has been weakened.*

### **6. Resurgent Taliban targets Afghan Hazara as Australia sends them back In Afghanistan, more and more Hazara are preparing to flee a resurgent Taliban, just as Australia has started returning Hazara asylum seekers.**

**Abdul Karim Hekmat and Ben Doherty  
17 December 2014**

[http://www.theguardian.com/australia-news/2014/dec/17/resurgent-taliban-targets-afghan-hazara-as-australia-sends-them-back?CMP=soc\\_567155](http://www.theguardian.com/australia-news/2014/dec/17/resurgent-taliban-targets-afghan-hazara-as-australia-sends-them-back?CMP=soc_567155)

This report was based on up-to-date and on-the-ground research. It highlights a surge in the flight of Hazaras from Afghanistan in the face of escalating persecution. Selected excerpts:

*It was midnight in Ghor when the Taliban appeared on the road in the headlights of the minivans, waving at the vehicles to stop.*

*There were 20 men on the road, carrying Kalashnikovs. Nearby stood a truck, stopped earlier by the same men, now fully ablaze.*

*The Taliban boarded the buses and ordered everybody off.*

*By the light of the burning vehicle they checked everyone's face against the ID they carried.*

*The 13 Hazara – easily distinguished by their facial features – were roughly moved into a separate line. They were marched away into the darkness and shot.*

...

*Afghanistan, which for generations has known only the brutal, grinding waste of war, is as dangerous as it has ever been.*

...

*Afghanistan's ethnic and religious minorities, such as the Hazara of the country's central plains, again face persecution.*

*"Hazara are being killed because of their ethnicity right across the country," Mohammad Musa Mahmoudi, executive director of Afghanistan Independent Human Rights says. "It has happened several times."*

...

*But the Refugee Council of Australia has briefed immigration department officials that the government's knowledge of the security situation in Afghanistan was out of date, and that it is not safe to send any Hazara back.*

...

*"This is an emboldened Taliban, this is changes in territorial control, this is a consequence of the withdrawal of a lot of the advanced technological equipment that international forces had available to them, particularly aircraft," Lee [Benjamin Lee, a former human rights lawyer for the UN in Afghanistan] says.*

***"Particular ethnic groups, including the Hazara, have been disproportionately targeted, but the point I would convey is that it's simply not safe to send anyone back, regardless of their ethnicity."*** [emphasis added]

...

***"If the Taliban come back," says Abdul Khaliq Azad from the Afghan Strategic and Peace Studies in Kabul, "they would annihilate the Hazara because of their staunch support for the foreign presence in Afghanistan."***



***The Taliban are back. So Hazara are leaving. Dozens of Hazara in Kabul tell Guardian Australia they are preparing to leave Afghanistan, by legal means or otherwise.*** [emphasis added]

...  
***The thousands of Hazara leaving this place are trying to get anywhere, be that Australia, or Indonesia, or Europe. They just know they have to leave.*** [emphasis added]

*Najibullah Naseri is from [Jaghori]. He is stuck in Kabul, unable to get home, and feeling increasingly constricted in the capital. Every day the Taliban feel a little closer.*

*"I have not seen my family in Jaghori for one-and-a-half years. So what's the point of living here?"*

*He is preparing to leave, looking for a route, any route, that will take him out of the country. "If the Afghan government can't provide security for us, we should free ourselves, before we are killed here."*

## **7. Nine Hazara Passengers Killed by Taliban**

By Mohamed Rizaee

24 January 2015

<http://www.hazarapeople.com/2015/01/24/nine-hazara-passengers-killed-by-taliban/>

This report, which is quoted in full, emphasises:

- the ongoing dangers for Hazaras travelling between their stronghold area of Jaghori and the capital city Kabul,
- the fact that many major intercity roads are controlled by the Taliban, and
- growing apprehension about the arrival of foreign families in Pashtun areas around Jaghori, suspected to be linked with Islamic State.

*Jaghori is one of the Ghazni's districts which is located in central-east of Afghanistan, and it is one of the districts comprised of Hazaras. The major roads which connect Jaghori to Kabul, the capital city of Afghanistan, and other major cities are controlled by the Taliban.*

*The Taliban have stopped vehicles, which have moved between Jaghori and other districts or cities, checked them, and killed whichever Hazara passengers they want. Up to now, hundreds of Hazaras who have been traveling from Kabul and other parts of Afghanistan to Hazaristan have been killed by the Taliban.*

*On January 20, 2015, nine Hazara passengers were killed by a remote controlled bomb and two passengers were seriously injured. Out of nine victims, six of them belonged to one family. These victims were civilians who were going from Kabul to Jaghori, did not work for any government offices and did not have any connection with any of Afghanistan's political parties. This incident happened in Qalla-e- khoshk which is located in Gilan, one of the Ghazni's districts, while the van was driving to Jaghori.*

*During the election campaign the current president, Ashraf Ghani, chief executive, Abudullah Abudullah, and Mr. Mohaqqiq traveled to Jaghori by helicopters. They promised that they will make the Jaghori roads safe. However, after taking position in office, they have never paid any attention to Jaghori's road and the innocent people who have been killed.*

*Based on Etilaat Roz, one of the famous newspapers in Afghanistan, seven hundred foreign families have been settled around Jaghori, in Pashtun's areas. These foreigners*



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cannot speak Dari, and they mostly speak Arabic, Urdu, or Pashtu. It has been said by many citizens that these are members of ISIS. Of course, the current government of Afghanistan's secret agencies know about the presence of the ISIS in Ghazni, but they have never taken any action yet. If the government does not protect Hazaras, there is no telling how many more Hazaras will be killed by the Taliban and ISIS.

### 8. Mass Abduction Of Hazaras In Afghanistan Raises Fears Of Islamic State Frud Bezhan, Radio Free Europe

February 25, 2015

<http://www.rferl.org/content/afghanistan-hazaras-mass-abduction-islamic-state/26869255.html>

This incident has been widely reported. This particular report notes that the mass kidnapping of Hazaras in southern Afghanistan has raised concerns that Islamic State militants are entering a new, active, phase in the country.

The mass abduction of 30 Hazaras took place in Zabul Province on 23 February 2015. The victims were stopped as they travelled in two buses on a dangerous stretch of highway between Kandahar and Kabul. According to local officials, gunmen rounded up male Hazara passengers and whisked them away, while women, children, and non-Hazaras were left behind. The fate of the missing passengers is unknown. They are believed to be refugees returning from Iran via the western Afghan city of Herat. Key excerpts:

*No group has claimed responsibility for the mass abduction, but kidnappings for ransom by bandits, local militias, and Taliban militants are common in Afghanistan. In the summer of 2014, 14 Hazaras were killed while traveling through central Afghanistan.*

*Local officials have offered competing claims over who was behind the abduction.*

*Provincial government official Abdul Khaliq Ayubi blamed the abduction on IS, which has a strong anti-Shi'ite agenda. He said the gunmen all wore black clothing and black masks. Eyewitnesses who spoke to Tolo News said the gunmen spoke in a foreign language.*

*Other Afghan officials have expressed skepticism about the involvement of IS in the abduction, however. Islam Gul Sayal, the spokesman for Zabul's governor, told RFE/RL's Radio Free Afghanistan that he believes the Taliban was behind the abduction.*

*. . . . The presence of alleged IS fighters has been reported in pockets across Afghanistan, mostly in the volatile south and east. In January, officials in the southern province of Helmand said IS was operating in the area. In early February, Kabul announced that the IS head in southwest Afghanistan, Mullah Abdul Rauf, was killed in a military operation.*

*Most recently, officials in Logar Province said IS fighters had burned several homes and destroyed a shrine. 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]*



Another report ("*Hazaras Got Abducted In Afghanistan: Officials*", 26 February 2015, <http://www.wahdatnews.com/archives/185030>) states that the gunmen were wearing army uniforms and notes that:

*A female passenger said, "They only took Hazaras, including my cousins. After they took the people, the police arrived but they refused to go after the kidnappers, saying they needed orders from Kabul."*

## **Analysis**

### **9. Australia's folly returns Afghan Hazaras to torture and death**

**William Maley** (Professor and Director, Asia-Pacific College of Diplomacy at Australian National University, and member of the Board of the Refugee Council of Australia)  
15 October 2014

<http://theconversation.com/australias-folly-returns-afghan-hazaras-to-torture-and-death-32939>

Professor Maley emphasises that "killings of Hazaras have continued since the overthrow of the Taliban regime in late 2001". He gives an example by quoting from a Reuters newsagency report:

*Afghanistan, June 25 - The bodies of 11 men, their heads cut off and placed next to them, have been found in a violent southern province of Afghanistan, a senior police official said on Friday. A police patrol discovered the bodies on Thursday in the Khas Uruzgan district of Uruzgan province, north of the Taliban stronghold of Kandahar, said police official Mohammad Gulab Wardak. "This was the work of the Taliban. **They beheaded these men because they were ethnic Hazaras and Shi'ite Muslims,**" he said. [emphasis added]*

Professor Maley quotes up-to-date DFAT information that "*warns in the starkest terms of the dangers of travel to Afghanistan*". He quotes the advice that "*No province can be considered immune from violence*" and the warning: "*Overland travel is dangerous. Taliban and al-Qa'ida members are active in many parts of the country, thereby creating a significant security risk.*"

Referring to the situation described in report #2 above, Professor Maley states clearly that "*the decision that led to Naseri's removal was deeply flawed when it was made, and badly out of date by the time he was removed.*"

He goes on to highlight the UNHCR guidelines for Afghanistan that have been in place for more than a year:

***On August 6 2013, the Office of the United Nations High Commissioner for Refugees (UNHCR) affirmed this point in new Eligibility Guidelines for Assessing the International Protection Needs of Asylum-seekers from Afghanistan. These state that "while the conflict was previously located in the south and east, it now affects most parts of the country", and point to the "volatility and fluidity of the armed conflict in Afghanistan in terms of the difficulty of identifying potential areas of relocation that are durably safe". The guidelines identify "men and boys of fighting age" as potentially being in need of international protection, along with "members of minority religious groups". [emphasis added]***

Based on his expert knowledge, research and analysis, Professor Maley concludes:  
*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]*



## Letter from Afghanistan Government to “deporting” governments

### 10. Afghan minister for refugees and repatriation: “stop deportation to Afghanistan”

Interview with the minister conducted by Mona Bentzen, journalist, artist and human rights activist from Norway

Abdul Ghafoor

21 February 2015

<https://kabulblogs.wordpress.com/2015/02/21/afghan-minister-for-refugees-and-repatriation-stop-deportation-to-afghanistan/>

The critical points of this report are:

- Afghanistan’s newly elected minister for refugees and repatriation opposes all deportations to Afghanistan;
- The minister believes that the situation in Afghanistan has changed significantly since implementation of the 2011 MOUs relating to return of asylum seekers;
- All deporting countries are urged to halt deportations and revise the MOUs;
- Most of those who are being returned are from the provinces that are now very dangerous and not suitable for repatriation (Ghazni being one of the worst);
- Afghanistan has begun sending intended returnees who arrive in Kabul back to the deporting countries, and this policy will continue for the time being;
- The Minister indicates that Afghanistan cannot take proper care of returning asylum seekers;
- The Minister completely rejects arguments supporting relocation to Kabul, noting that in any case this is not consistent with the original MOUs.

The report is quoted here in full. Information on a corresponding interview conducted in the UK can be found at <https://kabulblogs.wordpress.com/2015/02/28/afghan-minister-for-refugees-and-repatriation-warns-against-force-returns/>

*Newly elected minister for refugees and repatriation Mr. Hussain Alami Balkhi opposes all deportations to Afghanistan, especially women and children. In an audio interview the Minister urges all the deporting countries to halt deportations to Afghanistan. The minister says the situation in Afghanistan was getting better after 2011; that is why MOUs were signed with some European countries including Norway to return those Afghans back to Afghanistan who are coming from safe provinces and they are able to return back to their own provinces. In the MOU it was clearly stated that those refugees who are coming from dangerous provinces won't be returned. It was also agreed in the MOU that women and children won't be returned back to Afghanistan. The situation in Afghanistan has changed now. Most of those who are being returned are coming from the provinces that are very dangerous and those who are being returned can't go back to their provinces. **That is why we oppose deportations from Norway and all other European countries to Afghanistan.** As a result we returned a woman and two of her children back to Norway last week. But, unfortunately later we heard that they were mistreated on the way back to Norway. Few days ago a family of 3 were deported to Afghanistan. Father, mother and a child. The family comes from Ghazni, one of the most dangerous provinces. I sent a letter to the Norwegian Embassy in Kabul explaining the situation of their province and requested them to return the family back to Norway. The family is currently staying and waiting in Jangalak ( Afghan returnee receiving center) in*



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*Kabul until the Norwegian Embassy and the Norwegian government agrees to return them back to Norway. Considering the current situation of Afghanistan we sent a letter through the foreign ministry to all those countries with whom the MOUs were signed to revise the MOUs and do not return anyone back to Afghanistan, whether they are single or with family, until we make new agreements. They shouldn't deport anyone because we can't take care of them here.*

*I have long term plans, but we have to wait until we can execute those plans. I am sure if there is opportunities in Afghanistan, the Afghans will return back to their country voluntarily. We have requested the deporting countries through letters not to deport anyone, because we cannot take care of them here. Literally if they deport anyone back to Afghanistan we would not accept them in the airport and they will have to take them back. The reason behind doing this is that in the MOUs that were signed with receiving countries it was clearly stated that only those will be returned back to Afghanistan whose provinces are safe and they are able to live in those provinces. But, most of the people who have been deported since now are from the provinces that are very dangerous to live in and it is impossible for the deportees to go and live in those provinces. I have already requested the Norwegian Embassy in Kabul to convince the authorities in Norway to return the family back who are currently living in Jangalak. Currently around 7 millions Afghans are living in exile. It is not sensible to say that all these people should be returned back to Kabul. Norwegian authorities argue that if the provinces that the deportees come from are dangerous then they can be returned back to Kabul, because Kabul is safe. There is no logic behind this kind of statements. It is not possible to re-settle 7 million returnees who are living in exile only in Kabul. Kabul does not have the capacity to take care of these many returnees. It will also be insensible to say that only those who have been returned from Norway should be re-settled in Kabul. It is clearly stated in the MOUs that they should be re-settled back to the provinces they have come from, not Kabul.*

## Significant Refugee Review Tribunal Decision

### 11. Excerpts from RRT Decision 1300757 (15 April 2013)

<http://www.austlii.edu.au/au/cases/cth/RRTA/2013/319.html>

#### **Decision in relation to a Hazara man from Jaghori, Ghazni Province, Afghanistan.**

**TRIBUNAL MEMBER:** Alison Murphy

**DECISION:** The Tribunal remits the matter for reconsideration with the direction that the applicant satisfies s.36(2)(a) of the Migration Act.

In the course of this research I studied the detail of this very significant RRT decision, which was cited but not spelled out in the September 2014 update in this series. Although the decision was finalised in April 2013 it has continuing relevance. In particular it emphasises:

- The increasing vulnerability to Taliban attack of Hazaras all over Ghazni province, including the Hazara strongholds of Malistan and Jaghori:

*“Given the proximity of Jaghori to Taliban controlled parts of Afghanistan, the deteriorating security situation in Ghazni province generally and the serious concerns about the possible downwards trajectory of the security situation and rise of the Taliban in Afghanistan after the departure of coalition forces in 2014, the Tribunal cannot discount the risk to Hazara Shias in Malistan district or Ghazni province more generally as remote, fanciful or farfetched, now or in the reasonably foreseeable future.”*

- The danger of Hazaras being selectively targetted on the road between Jaghori and Kabul:

*“on his return to Afghanistan, the applicant would be required to travel to Jaghori from Kabul across roads that are either under the control of the Taliban, regularly vulnerable to Taliban attacks or otherwise unaccessible because of seasonal weather and poor condition. . . . The Tribunal accepts that a Hazara Shia such as the applicant would be highly vulnerable if he found himself stopped at a Taliban roadblock in such circumstances.*

*“The Tribunal accepts that the primary motivation of a number of the attacks by Taliban and Taliban-related groups on travellers on these roads may be criminal, in so far as the motivation is to successfully extort money from travellers, rather than for a Convention reason. However, in light of the long-standing persecution of Hazara Shias by the Taliban, the Tribunal finds that if a Hazara Shia were to encounter one of these Taliban or Taliban-related groups while travelling, the chance of the Hazara Shia receiving worse treatment at the hands of that group than a traveller who is not a Hazara Shia cannot be said to be merely remote. The Tribunal also finds that, in circumstances where, according to the available country information, the form of harm that travellers have suffered includes arbitrary detention, physical assault and death, that it is likely that the difference in treatment to which a Hazara Shia would be subject at the hands of these groups compared to a traveller who was not a Hazara Shia will amount to serious harm.”*

- Lack of government protection for Hazaras:

*Independent sources indicate that the interim government in Afghanistan remains weak and vulnerable to corruption, with some commentators suggesting that it is*

*penetrated at all levels by the Taliban as well as an array of foreign intelligence services. The security situation in Afghanistan is widely reported to have deteriorated in 2012, with further deterioration possible as international troops withdraw. Taken together with the long-standing nature and the seriousness of the sectarian violence together with the weight of the country information indicating that the authorities in Afghanistan are unable or unwilling to contain that violence, the Tribunal accepts that the state of Afghanistan cannot meet the level of protection which citizens are entitled to expect. . . . It follows that the Tribunal finds that the applicant faces a real chance of persecution for reasons of his religion if he returns to his home in Jaghori or elsewhere in Ghazni province, now or in the reasonably foreseeable future.*

- Internal relocation, in particular to Kabul:
  - *The country information indicates that there is a large Hazara population in Kabul, particularly in the west of that city, where the applicant could potentially find a relatively safe place to live among a community of people of the same ethnic and religious background. However, the circumstances under which this population resides there are also relevant to the question of whether it is reasonable to expect the applicant to relocate to Kabul.*
  - *The UNHCR Guidelines indicate that most Afghans are reliant on their extended family and community networks as a means of protection and to find employment and accommodation, stating that widespread unemployment in Afghanistan limits the ability of many people to meet basic needs and the limited availability of humanitarian assistance had not improved this situation in a meaningful way. . . . the Danish Refugee Council reports that the situation for Afghans returning to Kabul is dire:  
**The returning Afghans have nothing to return to. There are no schools, no access to medical aid, no water. They live in mud houses and sleep directly on the ground. Children are freezing to death as a consequence of their miserable living conditions.***
  - *. . . some highly regarded commentators fear the prognosis for the security situation in Afghanistan following the withdrawal of NATO troops is grim, with the current administration being regarded as weak, dysfunctional and corrupt and penetrated at all levels by the Taliban who aim to secure a receptive government in Kabul in the wake of the NATO troop withdrawal.*
  - *The Tribunal therefore finds that Kabul does not amount to a safe region to which the applicant could reasonably be expected to relocate in all the circumstances.*

## **Conclusion**

All of the information cited in this update supports the matched recent conclusion of three eminent experts on the situation:

- Benjamin Lee, a former human rights lawyer for the UN in Afghanistan:  
***Particular ethnic groups, including the Hazara, have been disproportionately targeted . . . it's simply not safe to send anyone back, regardless of their ethnicity.***
- Mohammad Musa Mahmodi, executive director of the Afghan Independent Human Rights Commission:



***It's totally unacceptable to return a refugee to Afghanistan in this critical moment.***

- Professor William Maley, Director, Asia-Pacific College of Diplomacy at ANU and member of the Board of the Refugee Council of Australia:  
***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.***

This conclusion is now supported by Afghanistan's newly elected minister for refugees and repatriation Mr. Hussain Alami Balkhi who opposes all deportations to Afghanistan:

***The situation in Afghanistan has changed now. Most of those who are being returned are coming from the provinces that are very dangerous and those who are being returned can't go back to their provinces. That is why we oppose deportations from Norway and all other European countries to Afghanistan. . . .***

***We have requested the departing countries through letters not to deport anyone, because we cannot take care of them here.***