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On the Return of Hazaras to Afghanistan

1. I have been asked to provide an expert opinion on the safety of return to Afghanistan, and specifically to Kabul, Mazar-e Sharif, and Jaghori, for members of the Hazara minority. I am Professor of Diplomacy at the Asia-Pacific College of Diplomacy at The Australian National University. I have published extensively on Afghan politics for over three decades, and am author of *Rescuing Afghanistan* (London: Hurst & Co., 2006); *The Afghanistan Wars* (London and New York: Palgrave Macmillan, 2002, 2009); *What is a Refugee?* (New York: Oxford University Press, 2016); and *Transition in Afghanistan: Hope, Despair and the Limits of Statebuilding* (New York: Routledge, 2018). I have also written studies of *The Foreign Policy of the Taliban* (New York: Council on Foreign Relations, 2000) and *Transitioning from military interventions to long-term counter-terrorism policy: The case of Afghanistan (2001-2016)* (The Hague: The International Centre for Counter-Terrorism, 2016); co-authored *Regime Change in Afghanistan: Foreign Intervention and the Politics of Legitimacy* (Boulder: Westview Press, 1991) and *Political Order in Post-Communist Afghanistan* (Boulder: Lynne Rienner, 1992); edited *Fundamentalism Reborn? Afghanistan and the Taliban* (New York: New York University Press, 1998, 2001); and co-edited *The Soviet Withdrawal from Afghanistan* (Cambridge: Cambridge University Press, 1989); *Reconstructing Afghanistan: Civil-military experiences in comparative perspective* (New York: Routledge, 2015); and *Afghanistan: Challenges and Prospects* (New York: Routledge, 2018), I authored the entry on Hazaras in John L. Esposito (ed.), *The Oxford Encyclopedia of the Islamic World* (New York: Oxford University Press, 2009) Vol.II, pp.385-386. I visited Afghanistan most recently in October 2018.

2. Western governments continue to paint a very grim picture of the dangers affecting those in Afghanistan. The Australian Department of Foreign Affairs warns as of 13 November 2018 of 'the extremely dangerous security situation and the very high threat of terrorist attack', noting that 'The frequency of attacks in Kabul, and across the country, has increased significantly'. It goes on that 'Terrorist attacks can occur anywhere, anytime and are particularly common in Kabul, and the southern and eastern provinces'. The US Department of State warns as of July 9, 2018 that 'Travel to all areas of Afghanistan is unsafe because of high levels of kidnappings, hostage taking, suicide bombings, widespread military combat operations, landmines, and terrorist and insurgent attacks, including attacks using vehicle-borne or other improvised explosive devices (IEDs), suicide vests, and grenades'.

3. *It is essential to appreciate that the situation in Afghanistan is extraordinarily fluid, and assessments of the situation made even quite recently do not necessarily provide an accurate picture of the situation in 2018 and beyond.* (This should be borne in mind by those tempted to make use of apparently detailed reports that can only provide a snapshot in time, for example *EASO Country of Origin Information Report: Afghanistan Security Situation - Update* (Valletta: European Asylum Support Office, May 2018)). *Roads that may have been safe to traverse in 2012, 2013, 2014 2015, 2016 or 2017 may be unusable in 2018, and towns and cities that appeared 'safe' in 2017 may be extremely unsafe in 2018. The notion that it would be a safe option for an Afghan Hazara to proceed by road to Jaghori fails in the face of this fluidity*, of which the coordinated Taliban assault on Jaghori in November 2018, discussed below, is a powerful illustration. No place in Afghanistan can be considered safe (see "*No Safe Place*": *Insurgent Attacks on Civilians in Afghanistan* (New York: Human Rights Watch, 8 May 2018).

4. On the issue of fluidity, it is pertinent as potent examples to note events in the town of *Kunduz* in northern Afghanistan in 2015 and *Ghazni* in southern Afghanistan in 2018. Kunduz is less than 100 miles from Mazar-e Sharif. Until 6 October 2013, it was the location of a German Provincial Reconstruction Team (see William Maley, 'Civil-Military Interaction in Afghanistan: The Case of Germany', in William Maley and Susanne Schmeidl (eds), *Reconstructing Afghanistan: Civil-Military Experiences in Comparative Perspective* (London: Routledge, 2015) pp.98-109). This did not protect Kunduz from falling to the Taliban for a gruesome fortnight from 28 September 2015, with serious atrocities being carried out by the occupiers (see *Afghanistan: Harrowing Accounts Emerge of the Taliban's Reign of Terror in Kunduz* (London: Amnesty International, 2015); *Afghanistan. Human Rights and Protection of Civilians in Armed Conflict: Special Report on Kunduz Province* (Kabul: United Nations Assistance Mission in Afghanistan and United

Nations Office of the High Commissioner for Human Rights, December 2015)). The fall of Kunduz came as a considerable shock to the Afghan Government and its international backers. It did not come as a shock to analysts attuned to the fluidity of the situation in Afghanistan. Similarly, in August 2018, the town of Ghazni, strategically located between Kabul and Kandahar, also fell to the Taliban for five days, with grim reports of destruction and mayhem during the time it was occupied (see Fatima Faizi and Mujib Mashal, 'After Taliban Siege of Ghazni, Afghans Tell of Fear and Deprivation', *The New York Times*, 15 August 2018). Again, its fall came as a considerable shock to the Afghan Government and its international backers.

5. I have been extremely attuned to this issue of fluidity for the last twenty years. I was in Mazar-e Sharif in 1997 when what appeared to be a stable regime under Abdul Rashid Dostam (now Vice-President of Afghanistan) suddenly unravelled in the face of an unexpected coup by Abdul Malik Pahlivan. This was not anticipated by UN officials, and indeed, UNHCR had been facilitating the return of refugees to Mazar on the premise that it was safe and secure. All this changed within a matter of days; the city lapsed into chaos and disorder, and large numbers of people were brutally slain by competing factions (see William Maley, *The Afghanistan Wars* (London and New York: Palgrave Macmillan, 2009) p.192). There have been some recent indications that Mazar may become the focus of expanded militant activity in the north. On 10 November 2016, over 90 people were injured when a suicide bombing triggered an attack on the Mazar Hotel, where the German consulate was located. A Taliban spokesman reportedly described the attack as a 'reprisal for air strikes in Kunduz' (see Najim Rahim and Fahim Abed, 'Taliban Strike German Consulate in Afghan City of Mazar-i-Sharif', *The New York Times*, 10 November 2016). On 21 April 2017, the headquarters of the 209th Corps of the Afghan National Army came under Taliban attack near Mazar-e Sharif, with reportedly at least 160 killed (see Mujib Mashal, 'Afghan Base Massacre Adds New Uncertainty to Fight Against Taliban', *The New York Times*, 23 April 2017.) Furthermore, the political stability of northern Afghanistan cannot be taken for granted in the light of tensions spawned by the decision of the president of Afghanistan, Dr Ashraf Ghani, to remove the provincial governor of Balkh, Atta Muhammad Nur (see Mujib Mashal, 'A Standoff With Kabul Props Up A Strongman', *The New York Times*, 16 January 2018). These episodes highlight the danger of thinking that places such as Mazar-e Sharif can be 'compartmentalised', or understood without attention being paid to wider conflict formations within the country. This warning applies equally to other parts of Afghanistan that might appear stable to superficial observers, such as Herat, which I visited in October 2018.

6. When security in Afghanistan deteriorates, ethnic minorities can easily find themselves in the firing line. In particular, there is a long history of persecution of and discrimination against members of the Hazara Shiite minority in Afghanistan (see Niamatullah Ibrahim, *The Hazaras and the Afghan State: Rebellion, Exclusion and the Struggle for Recognition* (London: Hurst & Co., 2017).) In February 2016, the United Nations Assistance Mission in Afghanistan reported that 'In 2015, UNAMA observed a sharp increase in the abduction and killing of civilians of Hazara ethnicity by Anti-Government Elements. Between 1 January and 31 December, Anti-Government Elements abducted at least 146 members of the Hazara community in 20 separate incidents. All but one incident took place in areas with mixed Hazara and non-Hazara communities, in Ghazni, Balkh, Sari Pul, Faryab, Uruzgan, Baghlan, Wardak, Jawzjan, and Ghor provinces' (*Afghanistan: Annual Report 2015 – Protection of Civilians in Armed Conflict* (Kabul: UNAMA, 2016) p.49). With the withdrawal of foreign forces, there is a great deal of apprehension amongst Afghans about the future of the country, and there is a grave risk that Afghanistan will fall victim to what social scientists call a 'cascade', where even people who despise the Taliban decide to shift support to them because they think they are going to come out on top anyway. This is a well-recognised phenomenon (see Cass R. Sunstein, *Laws of Fear: Beyond the Precautionary Principle* (Cambridge: Cambridge University Press, 2005) pp.94-98) and it would likely create especially serious risks for people of Hazara ethnicity since targeting Hazaras could be a device by which other groups might seek to establish their credentials in the eyes of the Taliban and their associates in groups such as the Haqqani network.

7. Given this fluidity, it is a serious mistake to conclude that Afghanistan is safe for Hazaras. The disposition of extremists to strike at them has not disappeared – and, importantly, it precedes the emergence of ISIS. This was tragically demonstrated on 6 December 2011, when a suicide bomber attacked Shiite Afghans, most of them Hazaras, at a place of commemoration in downtown Kabul during the *Ashura* festival that marks the anniversary of the Battle of Karbala in 680 AD. Almost simultaneously, a bomb in Mazar-e Sharif also killed Afghan Shia. The Kabul bomb killed at least 55 people, and the Mazar bomb four more (see Hashmat Baktash and Alex Rodrigues, 'Two Afghanistan bombings aimed at Shiites kill at least 59 people', *Los Angeles Times*, 7 December 2011). The Afghan photographer Massoud Hossaini was awarded the 2012 Pulitzer Prize for his photograph of the aftermath of the Kabul atrocity: see <www.pulitzer.org/works/2012-Breaking-News-Photography>. A claim of responsibility was made by the Pakistani Sunni extremist group *Lashkar-e Jhangvi*, which has a long history of sectarian violence against Shia (see Muhammad Qasim Zaman, 'Sectarianism in Pakistan: The Radicalization of Shi'i and Sunni Identities', *Modern Asian Studies*, vol.32, no.3, 1998, pp.689-716). The key point to note is that no one with any knowledge of Afghanistan could seriously doubt that Hazara Shia were specifically targeted on this occasion. 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 November 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

(discussed below), and on Shiite targets in Kabul in 2016, 2017 and 2018, as well as near Mazar-e Sharif on 12 October 2016, and in Herat on 1 August 2017. Nor are attacks confined to urban areas: in August 2017, there was a gruesome massacre of Hazaras at Mirza Olang in Sar-e Pul (*Special Report: Attacks in Mirza Olang, Sari Pul Province: 3-5 August 2017* (Kabul: United Nations Assistance Mission in Afghanistan, August 2017)). The proliferation of these attacks again makes nonsense of any suggestion that such attacks on Hazaras Shia constitute isolated incidents.

8. From late October 2018, Taliban forces undertook coordinated attacks against Hazaras in Khas Uruzgan, Malestan and Jaghori. Many Hazara asylum seekers in western countries originate from these districts. The districts are, however, of no military significance, and the attacks make more sense as a symbolic strike designed to highlight the inability of the Afghan state effectively to protect members of a vulnerable ethnic and sectarian minority, and as punishment for the relatively tolerant and liberal lifestyle of these communities, far removed from the puritanical extremism of the Taliban (Rod Nordland, 'Bodies Pile Up as Taliban Overrun Afghan Haven', *The New York Times*, 13 November 2018). On 12 November 2018, as Hazara protesters gathered in Kabul to protest the relative inaction of the Afghan government in face of these attacks, a suicide bomber struck the protesters, killing at least six people (Sayed Salahuddin and Sharif Hassan, 'Shiites protesting insecurity in Afghanistan hit by explosion in Kabul, killing 6', *The Washington Post*, 12 November 2018). The targeting of these districts completely discredits the narrative that they constitute 'safe' areas to which Hazaras can reasonably be expected to return.

9. Two cases from Ghazni province further highlight the dangers that Hazaras face. First, an Afghan Hazara, Zainullah Naseri, was removed to Afghanistan in August 2014 on the basis of a December 2012 Refugee Review Tribunal decision that by any measure was out of date. He was seized by the Taliban when attempting to travel to his home village along a road about which the Tribunal had stated that 'the level of risk does not reach the threshold of a real chance'. He was then severely tortured (see Abdul Karim Hekmat, 'Taliban tortures Abbott government deportee', *The Saturday Paper*, 4 October 2014). I met Mr Naseri in Kabul in October 2014 and found him profoundly traumatised. Having spoken to him directly, and seen unpublished photographs of his injuries immediately after they were inflicted, I have no doubt that he was on the receiving end of truly awful treatment; and can see no reason to doubt the veracity of his testimony. (The Refugee Review Tribunal decision maker had earlier written that 'The Tribunal accepts as credible the claims advanced by the applicant about his life in Afghanistan'.) Second, on 20 September 2014, an Australian citizen of Afghan Hazara origin, Sayed Habib Musawi, was murdered by Taliban militants who reportedly stopped a minibus on which he was travelling and asked for him by name (see Mitchell Nadin, 'Taliban singled out Afghan Aussie Sayed Habib Musawi for murder', *The Australian*, 30 September 2014).

10. These cases speak much more powerfully to the real dangers in Afghanistan than can country information based on diplomatic reporting by officials who, for security reasons, are severely constrained in their ability to move around the country. This is a perfectly legitimate position for an Embassy to take, but it gives rise to the risk that what appears in diplomatic cables may be more a distillation of received 'wisdom' in equally isolated circles in Kabul than a full reflection of dangers existing in other parts of the country. In the light of the experiences of Zainullah Naseri and Sayed Habib Musawi, as well as the December 2011 and July 2016 bombings, the 2016 and 2017 mosque attacks, the reported 2015 upsurge of attacks on Hazaras, and the attacks on Malestan and Jaghori, *any 'country information' suggesting that Hazara Shia are not at risk of persecution for reasons recognised by the 1951 Convention, or at real risk of harm if they seek to travel to places outside Kabul where their families may be located, is outdated and irrelevant.*

11. Furthermore, a study of returnees to Afghanistan highlights how difficult reintegration can be even if people do have associates in the region to which they are returned (Liza Schuster and Nassim Majidi, 'What happens post-deportation? The experience of deported Afghans', *Migration Studies*, vol.1, no.2, 2013, pp.1-19; see also *Escaping War: Where to Next? A Research Study on the Challenges of IDP Protection in Afghanistan* (Oslo: Norwegian Refugee Council, Internal Displacement Monitoring Centre, and Samuel Hall, 2018) pp.25-40). Of course, Hazaras returned from abroad with no ties in areas they could safely access would be in an even more perilous position. This ties in directly with the issue of livelihood opportunities. Again, serious research in this area highlights the importance of social relations. A recent study by Kantor and Pain emphasises the centrality of relationships to livelihoods in rural Afghanistan, and the points they make apply equally to urban areas (Paula Kantor and Adam Pain, *Securing Life and Livelihoods in Afghanistan: The Role of Social Relationships* (Kabul: Afghanistan Research and Evaluation Unit, December 2010). (Dr Kantor was herself murdered in a terrorist attack in Kabul in May 2015.) The mere fact that there may be people of similar *ethnic* background living in a potential relocation destination does not overcome this problem, since ethnic identities do not in and of themselves give rise to the ties of personal affinity and reciprocity that arise from family connections. (Indeed, one mistake that observers — even Afghan observers — on occasion make is to underestimate the degree of differentiation amongst groups such as the Hazaras, including distinctions between elite and non-elite figures, distinctions based on district of origin and tribe, and distinctions based on values and ideology.) 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. The simplistic and superficial conclusion that urban centres such as Kabul, Mazar-e Sharif or Herat offer safe or meaningful 'relocation' options for Hazaras should be avoided.

12. The emergence in Afghanistan of the group known as 'ISIS' or 'Daesh', which the former Australian prime minister routinely described as a 'death cult', has recently attracted considerable notice; President Ghani of Afghanistan has drawn attention to it (see Khalid Alokzay and Rod Nordland, 'Afghan President Blames ISIS for a Bombing', *The New York Times*, 18 April 2015), and even the Taliban see it as a threat (see Emma Graham-Harrison, 'Taliban fears over young recruits attracted to Isis in Afghanistan', *The Guardian*, 7 May 2015). ISIS is notoriously hostile to Shiite Muslims (see Alissa J. Rubin, 'Questions Rebels Use to Tell Sunni from Shiite', *The New York Times*, 24 June 2014), 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. Wahhabi influences appeared in the 19th century, and Deobandi ideas in the 20th. 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.

13. 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 ('UN Chief in Afghanistan renews Call for Parties to Protect Civilians — UNAMA Releases Civilian Casualty Data for Third Quarter of 2016' (Kabul: UNAMA, 19 October 2016) p.2), ISIS claimed responsibility for what it called 'a "martyrdom attack" on Shiites' (Mujib Mashal and Zahra Nader, 'ISIS Claims Suicide Bombing of Protest in Kabul, Killing at Least 80', *The New York Times*, 24 July 2016, p.A6). As noted earlier, a number of further major attacks have since taken place directed against Hazara Shia. On 11 October 2016, gunmen opened fire at the Kart-e Sakhi shrine in Kabul and threw grenades into the crowd, killing at least 14 over a three-hour period (Zahra Nader and Mujib Mashal, 'Gunmen Hit Kabul Shrine on the Eve of a Holy Day', *The New York Times*, 12 October 2016). The following day, a bombing killed fourteen Shia at a mosque near Mazar-e Sharif (see 'Shia Muslims killed in mosque bombing in northern Afghanistan', *The Guardian*, 13 October 2016). On 21 November 2016, a bomber struck at the Baqir-al-Ulum mosque in western Kabul, killing 30 worshippers and wounding at least 40 more (Mujib Mashal and Fahim Abed, 'ISIS Again Strikes at Afghan Shiites', *The New York Times*, 22 November 2016). On 24 July 2017, a bomber struck a district in Kabul where many Shia live, killing at least 24 people (Mujib Mashal, 'Living to Modernize Afghanistan, and Meeting a Grim End', *The New York Times*, 24 July 2017). On 25 August 2017, a coordinated attack on the Imam Zaman Shiite mosque in northern Kabul killed at least 40 worshippers taking part in Friday prayers (Mujib Mashal, 'Graves Fill an Afghan Mosque's Garden After a Terrorist Attack', *The New York Times*, 26 August 2017). On 29 September 2017, the Hussainiya Shiite mosque came under attack in the 7th street of Qala-e Fathullah (Mujib Mashal and Fahim Abed, 'Kabul Reels After Attack on Another Shiite Mosque', *The New York Times*, 29 September 2017). On 28 December 2017, a large number of civil society activists who had gathered at the Tebyan cultural centre in Babah Sharbat street in Kabul for a seminar fell victim to an ISIS attack. At least 41 attendees were killed, and many more injured (Fahim Abed, Fatima Faizi and Mujib Mashal, 'Islamic State Claims Deadly Blast at Afghan Shiite Center', *The New York Times*, 28 December 2017). On 9 March 2018, a Shiite mosque complex in Kabul was attacked by a suicide bomber (Andrew E. Kramer, 'Hazaras Protest after an ISIS attack Kills 10 in Kabul', *The New York Times*, 9 March 2018). On 15 August 2018, an educational institution, the Mawoud Academy, was struck, with reportedly 40 killed and 67 injured (Mujib Mashal and Fatima Faizi, 'Suicide Attack Ends Afghan Dream of Better Life', *The New York Times*, 17 August 2018). And on 5 September 2018, a sporting hall was attacked, with at least 20 people killed (Fahim Abed and Fatima Faizi, 'Bombs Strike Sports Event in Kabul', *The New York Times*, 6 September 2018). The implications of these attacks are profound. They demonstrate a capacity on ISIS's part to strike targets close to power centres 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 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.

14. In September 2017, the Department of Foreign Affairs claimed in a Thematic Report specifically prepared for protection status determination purposes that 'ordinary Hazaras who reside in Hazara-majority areas of Kabul and do not have open affiliations with the government or international community ... are unlikely to face any greater threat than are Afghans of other ethnicities' (*DFAT Thematic Report: Hazaras in Afghanistan*, 18 September 2017, para.2.26). In the light of the 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 another 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 subsequent mass-casualty attacks in 2016, 2017 and 2018, this view is now equally untenable. As Patricia Gossman, Senior Afghanistan Researcher at Human Rights Watch has put it, 'ISIS has stepped up its horrific and unlawful attacks on Shia public gatherings, making no place safe' ('Afghanistan: Shia Bombing Spotlights Need to Protect' (Kabul: Human Rights Watch, 21 November 2016)).

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