



Hazaras' Persecution Worsens: Will the New Government show Leadership by lifting the Suspension on Afghani Asylum Claims?

Denise Phillips*

PhD Candidate, University of New England (UNE)

Executive summary

- This paper draws on aspects of Afghanistan's ethnic history and its present crises to challenge the Labor policy of suspending the processing of claims from Afghani asylum seekers. It focuses on Shiite Hazaras from Afghanistan.
- Outlining their history since the 1890s, it shows that Amir Rahid Rahman's brutal conquest of the Hazaras established a pattern of ethnic and religious persecution throughout the twentieth century. Targeted as 'infidels', this persecution was fiercely re-ignited by the Taliban through massacres and terror.
- In sharp contrast to the Australian government's claim that minority groups might now be safer, Afghanistan's security arguably has worsened since 2009 and a reinvigorated Taliban insurgency is spreading well beyond its southern stronghold.
- Hazaras are facing dire threats in Afghanistan's central provinces. Jaghori residents in Ghazni province have been warned of an imminent Taliban takeover, and Oruzgan province recently has seen the Taliban killing of 11 Hazaras, decapitated because of their ethnicity and religion.
- In Maidan Wardak province, Hazaras have been killed, homes burnt and thousands currently displaced in violent land disputes with armed Kuchis, Pashtun nomads. Reflecting continued persecution through dispossession, Kuchis claim annual land rights based on decrees issued by Rahid Rahman. The Taliban may be exploiting this dispute to incite attacks against Hazaras.
- Legal and constitutional reforms are powerless to provide protection in remote villages as the Karzai government struggles for legitimacy and is plagued by allegations of mass corruption.
- Based on pressing evidence, and given the prospect of the Taliban regaining power in local regions either through insurgency or reconciliation

with the Karzai government, this paper concludes that Labor's policy is unsustainable and that Hazaras are likely still to fear persecution as defined by the Refugee Convention.

- Australia presently faces the prospect of a hung parliament after the weekend's federal election. The party that forms government should respond to the growing security crises faced by Hazaras and promptly resume processing Afghanis' claims in a manner that is now transparently free from political agendas.

Introduction

Since John Howard's politicisation of humanitarian issues, refugee policies continue to be exploited as a vote-winner by both major political parties. Although having dismantled the internationally condemned Pacific Solution and Temporary Protection Visas, on 9 April 2010, with a federal election imminent the Labor government suspended its processing of new claims for asylum from Afghanis and Sri Lankans for a period of six months. Dressed in the language of being tough on people smugglers and asylum seekers, it added that many would likely be refused protection in the future. While acknowledging that Afghanis had lived in terror under the Taliban, with minority Hazaras enduring 'particular hardship', the government stated that a 'changing and evolving' situation has brought improved circumstances for such groups. These changes include the 'Taliban's fall', establishment of 'durable security in parts' of Afghanistan, and 'constitutional and legal reform'.

With a focus on the Hazaras – who make up the majority of Afghani boat arrivals – I argue that neither recent events nor history support the veracity of the government's suspension. The Hazaras' current persecution is borne out of a largely unresolved, century-old religious and ethnic animosity towards them which has resulted in massacres, institutionalised discrimination, and dispossession of their lands, and was brutally re-ignited by the Taliban. As Afghanistan moves towards a possible reconciliation with Taliban insurgents, and with unchecked ethnic violence in Hazara-populated regions, it is likely that Hazaras will continue to have grounds under the 1951 Refugee Convention to fear persecution.

'Particular hardships': Massacres, dispossession and suffering over a century

After the ruling Pashtuns and the Tajiks, Hazaras are the third largest ethnic group in Afghanistan. The Hazaras traditionally live in the Hazarajat, a loosely defined territory in the central highlands. While about 85 percent of Afghanistan's

population follow Sunni Islam, most Hazaras are Shiite Muslims, causing them to be condemned as 'infidels' at different points throughout history. Their suffering began in earnest in the late 1800s. In bringing the region's many different tribes under a centralised authority, the Pashtun Amir, Abdur Rahid Rahman (1880-1901), identified the Hazaras as a threat to Pashtun dominance and incited a religious and ethnic hatred to brutally conquer them in a series of wars between 1891 and 1893. Hazaras were slain, raped, sold into slavery, and soldiers piled Hazaras' heads into towers to warn others against dissent. To depopulate the Hazarajat, the government issued 'firmans' (royal decrees) authorising Pashtun nomads known as Kuchis to access Hazaras' lands for grazing their livestock. Victorious, Rahid Rahman claimed that Afghans saw Hazaras as 'enemies of their country and religion', laying the foundation of the Hazaras' current persecution.

Significantly, this established a pattern in which successive governments marginalised Hazaras for much of the twentieth century. They have been deprived of basic rights and vital infrastructure in their villages, and taxed indiscriminately. Former president of Afghanistan Dr Najibullah (1989-1992) acknowledged their suffering, saying that 'the most difficult and lowliest paid jobs, poverty, illiteracy, social and nationalist discrimination were the lot of the Hazara people'. Lasting tensions were created between Shiite Hazaras and the Sunni population, erupting violently during the civil war following Russia's withdrawal from Afghanistan in 1989. In 1993, soldiers under command of the Rabbani government (1992-1996) targeted the stronghold of the Hazaras' political party, the *Hizb-e Wahdat*, in Afshar, a district in West Kabul with a large Hazara population. Soldiers, however, turned against civilians. After a frenzy of looting, rape and summary executions, approximately 700-750 Hazaras were killed or remain missing. In a Human Rights Watch report, an Hazara recalled that a soldier said to him, 'Hey, Hazara: this is your graveyard'. Pleading that he was a civilian, the soldier replied, 'Whether you are a civilian or not a civilian, you are Hazara', before beating him and bayoneting two women to death in a sickening example of ethnic hatred.

Persecution intensified under the Taliban regime (1996-2001), as its soldiers advanced into Afghanistan's north and the Hazarajat. Not only do Hazaras shun the Islamist beliefs of the Taliban, the Taliban are recruited mostly from the Pashtun group, the Hazaras' traditional enemy. (In reverse, I stress that being Pashtun does not automatically equal Taliban support and that millions of Pashtuns also have suffered within Afghanistan's conflicts.) In 1998, in retaliation for war crimes committed by the United Front against Taliban soldiers

and targeted because of their Shiite faith, the Taliban slaughtered approximately 2000 Hazaras in Mazar-e Sharif. Civilians were killed in residential areas and market places, some dying from having their throats slit. The Taliban governor Mullah Manon Niazi had publicly incited the attack, preaching: 'Hazaras are not Muslim. You can kill them. It is not a sin'. Highlighting the driving ethnic and religious nature of the attack, Hazaras were reportedly warned to take lessons from their own history, and to either convert, flee or be killed. Hundreds fled the terror of Mazar-e Sharif. Massacres continued, with Taliban soldiers rounding up civilians in the Yakaolang district in 2001, publicly executing at least 170, many of whom were Hazaras. Near Robatak Pass, the Taliban also executed at least 31 civilians, with 26 confirmed to be Hazaras. What the Labor government calls 'particular hardships' are in fact a process of attempted genocide, effected through a litany of unimaginable atrocities in which men, women and children have been slaughtered, females raped, and homes destroyed.

'Durable security': Growing insurgency, night letters and violent land disputes

Foreign Minister Stephen Smith noted that 'very significant push factors' force people to flee, but was nevertheless encouraged by a review of Afghanistan's circumstances by the United Nations High Commissioner for Refugees (UNHCR). The UNHCR, however, said the government had acted without consultation and, indeed, queried why around 70 percent of Afghani claims recently have been rejected. Suggesting possible scepticism about government motives, it urged that assessments be made on humanitarian not political guidelines.

Moreover, the government's claim that Hazaras are safer because of the fall of the Taliban and having gained 'durable security' in some regions is – if not incredulous – starkly contradicted by the evidence. After nine years, the American and NATO forces have failed to bring peace. Regrouping since 2001, the Taliban is now an insurgency made up of an alliance of three Islamist groups: the *Quetta Shura Taliban*; the *Haqqani Network*; and *Hezb-i Islami Gulbuddin*. The US Department of Defense describes this insurgency as 'resilient and evolving'. With safe havens for terrorism reinstated in western Pakistan, the insurgency maintains strongholds in south-eastern Afghanistan, and has begun successfully expanding to the west and the north. In 2007, the UNHCR's *Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum Seekers* noted that a 're-invigorated insurgency' was threatening 'an ever-increasing proportion of the country'. The United Nations Security Council on Afghanistan recently reported that more civilian deaths occurred in 2009 than any other year since 2001. January 2010 brought a further decline, with 40 percent more security breaches than in the

previous January. Suicide attack methods have become more sophisticated and the use of improvised explosive devices is rising. Increasingly savvy, the Taliban are now pursuing a new strategy to win the 'hearts and minds' of ordinary Afghans.

These failures of security are directly affecting Hazara-populated regions within Ghazni, Oruzgan and Maidan Wardak provinces. Ghazni's general security has been worsening, with the assassination of a former governor in 2006 and 23 South Koreans being held hostage by the Taliban in 2007. Analysts deemed Ghazni to be 'among the most volatile provinces in southern Afghanistan'. In June 2010, the Afghanistan Analysts Network in Kabul reported that the Taliban have distributed 'night letters', a method of intimidation, to districts within Ghazni province. The night letters warn that the main road out of Jaghori which links to Kabul is now closed and 'not to prevent the [Taliban's] entry into this area'. Many now fear that insurgents will penetrate central Afghanistan and fear a repeat of the Taliban's road blockade of essential supplies in the late 1990s. Located in Ghazni province, Jaghori is the former home of many Hazara refugees in Australia. Disturbingly, just 11 weeks after the government's suspension, the decapitated corpses of 11 Hazara males were discovered in the Khas Oruzgan district of Oruzgan province on 25 June 2010. Police official Mohammed Gulab Wardak reported they were killed by the Taliban 'because they were ethnic Hazaras and Shiite Muslims'. This occurred on the same day Julia Gillard became Prime Minister, and in the very province where Australia's Defence Personnel are deployed in a security and reconstruction role. These reports are a damning indictment of the government's position and reveal the dire threat to Hazaras, even alongside a broader military presence. Ironically, just a few months earlier in January 2010, Stephen Smith was stressing the urgency of improving security within Afghanistan, highlighting the paradox of its policy. The government nonetheless failed to lift its suspension.

Turning now to Maidan Wardak, the UNCHR notes that ethnic minorities may experience persecution in 'regard to land and property' and 'by local power-holders'. Land disputes between Hazaras and Kuchis often erupt each summer but have worsened in the last few years since Kuchis have begun arriving in the Behsud and Daimirdad districts in Maidan Wardak province, heavily armed for conflict. Kuchis believe the decrees issued under Rahid Rahman entitle them to access, while many Hazaras have never accepted the loss of full rights over their land. As a result, Hazaras have been killed and their homes burnt. In 2008, approximately 60 000 people were displaced, and a May 2010 report estimated that 1800 families recently had been displaced, 68 homes burnt, and 28 schools closed, leaving 10 000 students without school facilities. As nomads, the Kuchi also are a minority group,

but belong to the dominant Pashtun group. The Afghanistan Analysts Network suspects that the Taliban may be exploiting this century-old feud to incite and support attacks by their fellow Pashtuns, the Kuchi, against Hazaras.

These crises cannot be dismissed as merely internal land disputes when assessing refugee claims. Rather, they stem from the unresolved nineteenth century acts of conquest, dispossession and persecution. Emphasising this link with the past, correspondent Paul McGeough reported in 2005 that Kuchi leader Ashraf Ahmadzai stated: 'We have the documents from [Rahid Rahman] and we have asked the Government for a national tribal council – if they ignore us, we'll have to fight'. A compromise undoubtedly is required which addresses the needs of both groups. The Karzai government, however, either has largely ignored repeated Hazara pleas for assistance or has been impotent in stopping the violence, sparking worldwide protests in Afghanistan, Italy, Norway and across Australian capital cities. The Afghan National Police and the Afghan Public Protection Force also have failed to intervene. As I write, news has emerged of a bloody clash between Hazaras and Kuchis in West Kabul on 13 August. While the exact number of casualties is unconfirmed, Hazaras accused security forces of firing on protesters and claim that 18 Hazaras died as a result of police and Kuchi violence. This issue is bitterly dividing the Karzai government, and threatens to inflame fragile ethnic and religious relationships across Afghanistan. As the violence continues unchecked, another Afghani government appears to be marginalising Hazaras once more.

'Constitutional and legal reform': Government corruption and a Taliban alliance

The government's suspension relies on 'constitutional and legal reform' in Afghanistan delivering 'improved circumstances' for such groups. Afghanistan's 2004 Constitution, indeed, includes exemplary protection for human rights and Hazaras have gained prominent government positions. Australia's reasoning, however, is flawed. First, as evidenced above, with critical failures to adequately implement the rule of law beyond Kabul, reform has not translated to improved safety for Hazaras in remote villages – insurgents do not recognise government law.

Second, reforms are further weakened by the Karzai government having gazetted a law in December 2009, giving amnesty to all who committed war crimes in the past two decades of ethnically-fuelled conflict. Those accused of heinous war crimes, from various ethnicities, are able to hold parliamentary positions with impunity. The Karzai government also is under-resourced and, moreover, struggling for legitimacy after evidence of widespread electoral fraud in 2009 and allegations of intractable corruption within parliament and the court systems.

Third, Professor William Maley cautions against 'tokenism', arguing that the inclusion of Hazaras within government has not been successful in effecting real changes. The Karzai government, for example, is floundering to find a legal solution to the Kuchi-Hazara conflict in spite of Hazara parliamentarians' demands. History also shows that reform which delivered equity for Hazaras as they became politically organised in the 1980s did not stop the bloodshed which followed in the 1990s and beyond. Safety for minority groups requires broad social changes to address deeply-rooted tribal and ethnic prejudices, something that will take years, not six months.

Fourth and most critically, support for the Taliban is far from gone. In a recent *jirga* (assembly of male elders), sixteen hundred 'tribal elders and religious leaders' submitted a mandate to the Karzai government to negotiate with the Taliban, a move supported by the international community. Afghanistan's conflicts have long been exacerbated by foreign interference and exploitation of rival groups. But the possibility of a Taliban alliance, set against American plans to begin withdrawing troops in July 2011, understandably causes terror among Hazaras. Finally, that this is the sixth constitution since 1923 exemplifies the fragility of Afghanistan's reforms.

Conclusion

The Labor government's justification for its suspension policy cannot be sustained against the overwhelming evidence of a worsening crisis in Afghanistan. What has been 'changing and evolving' is an increasingly organised Taliban insurgency as it extends its reach beyond its traditional stronghold. Key regions within the Hazaras' heartland are under threat, and without a strong, stable government, official reforms are powerless to protect.

Moreover, the Hazaras' century-long history of persecution continues to drive ethnic relations, leaving Hazaras vulnerable to renewed atrocities such as the gruesome Oruzgan killings and making it likely they will continue to fear persecution on the basis of ethnicity and religion as defined by the 1951 Refugee Convention. Land disputes pose a present danger to Hazaras' lives and arguably represent the continuation of persecution through violent dispossession. As former Hazara refugee Abdul Karim Hekmat says: 'The crisis of the Afghani Hazaras presents an immediate challenge to the policy direction of Australia's main parties'. Australia presently is facing the prospect of a hung parliament after the weekend's federal election. While each case should be tested fairly, the party that forms government should show leadership by immediately lifting the

suspension, to process claims promptly and in a manner that is now transparently free from political agendas.

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