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On issues of safety for Hazaras of Afghanistan

1. I am Emeritus Professor of Diplomacy at The Australian National University, where I served as Professor of Diplomacy from 2003-2021. I have published extensively on Afghan politics since 1982, and am author of *Rescuing Afghanistan* (London: Hurst & Co., 2006); *The Afghanistan Wars* (London and New York: Macmillan, 2002, 2009, 2021); *What is a Refugee?* (New York: Oxford University Press, 2016); *Transition in Afghanistan: Hope, Despair and the Limits of Statebuilding* (New York: Routledge, 2018); and *Diplomacy, Communication, and Peace: Selected Essays* (New York: Routledge, 2021). 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); *Political Order in Post-Communist Afghanistan* (Boulder: Lynne Rienner, 1992); *Afghanistan: Politics and Economics in a Globalising State* (London: Routledge, 2020); and *The Decline and Fall of Republican Afghanistan* (New York: Oxford University Press, 2023); 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 have provided expert opinions in multiple cases for Afghan refugees seeking protection in Australia and in several other countries including the U.S.A.

2. The fall of the Afghan government to forces of the extremist Taliban movement on 15 August 2021 has made it extremely unsafe to return members of the Hazara ethnic minority to Afghanistan. The violent tactics of the Taliban comfortably fall within meaningful definitions of terrorism (see William Maley, 'Terrorism and insurgency in Afghanistan', in M. Raymond Izarali and Dalbir Ahlawat (eds), *Terrorism, Security and Development in South Asia: National, Regional and Global Implications* (London: Routledge, 2021) pp.140-156). On 10 September 2024, then US Vice-President Harris described the Taliban as a 'terrorist organization' (<https://abcnews.go.com/Politics/harris-trump-presidential-debate-transcript/story?id=113560542>), and on 28 March 2025, US Vice-President Vance reportedly described the Taliban as one of the 'worst terrorist organisations in the world' (<https://www.afintl.com/en/202503297256>). Scarcely less damning, but also accurate, is Peters' description of the Taliban as a 'multinational criminal cartel' (Gretchen S. Peters, 'Taliban's takeover of Afghanistan raises narcotics threat in the region', *Global News*, 9 September 2021). The Taliban in power have a long history of directing extreme violence against Hazaras. Some 2,000 Hazaras were killed in just three days in August 1998 in Mazar-e Sharif, in a massacre that the respected author Ahmed Rashid described as 'genocidal in its ferocity' (Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (New Haven: Yale University Press, 2000) p.73). The Australian National University's Atrocity Forecasting Project ranks Afghanistan as number 1 in its 'Top 15 countries at risk of the onset of genocide or politicide' in 2024-2026 (<https://politicsir.cass.anu.edu.au/research/projects/atrocity-forecasting/forecasts>), and Hazaras are overwhelmingly the most likely candidates for such attacks. It is a fundamental misconception to see the Taliban as a source of 'security'; as Ahmad Shuja Jamal, former Editor-in-Chief of the *Georgetown Public Policy Review*, rightly put it on social media on 8 October 2021, 'Governments have monopoly of force. Talibs have monopoly of violence. This informs their concept of security: There is to be no crime except that by Talibs, no theft except that by Talibs, no killing except that by Talibs.' He described this as a model of 'public administration through fear'.

3. There is also a long history of persecution of and discrimination against members of the Hazara Shiite minority in Afghanistan more generally (see Niamatullah Ibrahim, *The Hazaras and the Afghan State: Rebellion, Exclusion and the Struggle for Recognition* (London: Hurst & Co., 2017); Mehdi J. Hakimi, 'The Genocide of the Hazaras', *Virginia Journal of International Law*, vol.63, 2023, pp.19-31.) In recent times, the disposition of extremists to strike at them did not disappear – and, importantly, it preceded the emergence of the terrorist group 'Islamic State' (ISIS/ISKP) which also now has a foothold in Afghanistan (see Mehdi J. Hakimi, 'Relentless Atrocities: The Persecution of Hazaras', *Michigan Journal of International Law*, vol.44, no.2, 2023, pp.157-217). This was tragically demonstrated on 6 December 2011, when a suicide bomber attacked Shiite Afghans 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. Similarly, Hazaras were targeted when a major rally on 23 July 2016 of supporters of the *Junbesh-e Roshanayi* (Enlightenment Movement) turned out to be the bloodiest protest rally in the history of the country. As the protestors moved to set up tents at the Dehmazang Square of Kabul, two suicide bombers detonated their explosive vests among a crowd of the Movement's supporters. According to a UN investigation, the attack, responsibility for which was claimed by the 'Islamic State' group (*Daesh*), killed 86 of the protestors and injured 413 others (*Special Report: Attack on a Peaceful Demonstration in Kabul, 23 July 2016* (Kabul: United Nations Assistance Mission in Afghanistan, October 2016)). Hazaras did not, however, have to be politically active to be targeted. For example, on 17 August 2019, family and friends of a young Afghan couple, Mirwais Alani, 25, and Raihana, 18, gathered at a wedding hall in Kabul to celebrate their marriage. At around 11.40 pm, a suicide bomber named Abu Asim al-Pakistani detonated his explosive charge in the midst of the mostly-Hazara guests, killing 80 and wounding more than 100 of those present (Mujib Mashal, Fatima Faizi and Fahim Abed, 'One Minute It Was an Afghan Wedding. The Next, a Funeral for 63', *The New York Times*, 18 August 2019). And on 12 May 2020, five gunmen broke into a hospital in the Kabul suburb of Dasht-e Barchi, an Hazara-dominated neighbourhood. They headed straight for the maternity ward, where they systematically slaughtered young mothers, children and medical staff. By the time the Afghan security forces had killed the attackers, some 18 newborn babies were left motherless (Mujib Mashal, 'Born Into Carnage, 18 Afghan Babies Face an Uncertain Future', *The New York Times*, 13 May 2020).

4. Unfortunately, the targeting of Hazaras was not limited to fringe or splinter groups. 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 were, however, of no military significance, and the attacks made more sense as symbolic strikes 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 protestors 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 discredited the narrative that they constituted 'safe' areas to which Hazaras could reasonably be expected to return.

5. Since 15 August 2021, the Taliban have been involved in further massacres of Hazaras, prompting the Secretary-General of Amnesty International to warn that 'These targeted killings are proof that ethnic and religious minorities remain at particular risk under Taliban rule in Afghanistan' (*Afghanistan: Taliban responsible for brutal massacre of Hazara men – new investigation* (London: Amnesty International, 19 August 2021)). The Taliban have also been involved in 'ethnic cleansing' operations, most prominently in the provinces of Daikundi, where large numbers of Hazaras live, and in Uruzgan. The Taliban have sought to dress these up as 'land disputes', but forced evictions have occurred without any kind of legal basis or process, highlighting the essentially-political character of the exercise (see Sune Engel Rasmussen and Ehsanullah Amiri, 'Taliban Evict Hazara Shiite Muslims From Villages, Rewarding Loyalists', *The Wall Street Journal*, 30 September 2021). The suppression of free media in Afghanistan has meant that many atrocities have gone unreported. For example, a detailed account of a massacre of Hazaras in Daikundi in November 2022 came to light only because one of the victims was the uncle of Dr. Farkhondeh Akbari, Postdoctoral Research Fellow in Gender and Security at Monash University in Australia, who was able to help interview witnesses and share their testimony through Genocide Watch (see Abdul Rauf Hakimi, 'Taliban Murders Entire Hazara Family in Daikundi, Afghanistan', *Genocide Watch*, December 2, 2022).

6. When the Taliban regime announced the names of its key ministers, the list was carefully parsed for any signs of 'inclusivity'. There were none. The ministry was overwhelmingly comprised of ethnic Pushtuns, and contained no women, no Hazaras, and no Shia. A number of members were on the 'sanctions list' compiled by the UN pursuant to UN Security Council Resolution 1988 of 17 June 2011; and the 'Interior Minister', Sirajuddin Haqqani, is leader of the terrorist 'Haqqani Network' (see Vahid Brown and Don Rassler, *Fountainhead of Jihad: The Haqqani Nexus, 1973-2012* (New York: Oxford University Press, 2013), and appears on the FBI 'Most Wanted' list as a 'specially-designated global terrorist' with a reward of US\$10 million on offer for information as to his whereabouts (<https://www.fbi.gov/wanted/terrorinfo/sirajuddin-haqqani>). Such a regime has no prospect of ruling with generalised normative support ('legitimacy'); high levels of violence, directed either at known opponents or at symbolic targets such as Hazaras, are very likely as a means of demonstrating the regime's coercive capacity. As far as the structure of the state in Afghanistan is concerned, whilst the Taliban issue decrees from their leader, there is no constitution of any sort in Afghanistan, no vestige of an independent judiciary, and as a matter of practical reality no rule of law

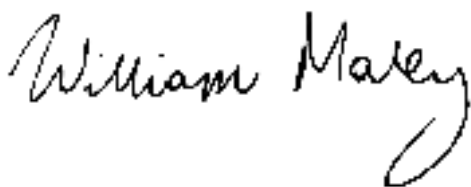
(<https://www.internationalaffairs.org.au/australianoutlook/taliban-rule-and-anti-constitutionalism/>). This means that those exposed to the risk of being killed, tortured, or subjected to other inhuman or degrading treatment, punishment or harassment on account of their Hazara ethnicity have no redress through any *legal* process to protect what would ordinarily be seen as their rights, and since there are no elections in Afghanistan – the Taliban having repudiated the idea of democratic choice – there is no *political* process for redress either.

7. With the Taliban asserting a right to control the whole country, and in the light of the successful military campaign that brought them to Kabul, there is now nowhere in Afghanistan that can be considered safe for Hazaras.

8. The emergence in Afghanistan of the group known as 'Islamic State', 'ISIS', 'ISKP' or 'Daesh', has recently attracted considerable notice. Reports that depict the Taliban and ISIS as intractable enemies are simplistic (see Niamatullah Ibrahim and Shahram Akbarzadeh, 'Intra-Jihadist Conflict and Cooperation: Islamic State-Khorasan Province and the Taliban in Afghanistan', *Studies in Conflict and Terrorism*, vol.43, no.12, 2020, pp.1086-1107). 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 have been profoundly disturbed to see 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. 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). Attacks on Shia persisted following the Taliban takeover: on 8 October 2021, a blast ripped through the Sayedabad Mosque in Kunduz, killing large numbers of Shia ('Blast hits mosque in northeastern Afghanistan, killing worshippers', *Reuters*, 8 October 2021).

9. The implications of these attacks are grave. They put on display a disposition 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 (see Tatiana Zerja *et al*, 'The Genetic Legacy of the Mongols', *American Journal of Human Genetics*, vol.72, no.3, March 2003, pp.717-721), and make up the vast bulk of the Shiite component of the Afghan population.

10. Pakistan, too, has become an increasingly hostile environment for Afghan refugees: (see *The Situation of the Hazara in Pakistan* (London: The Hazara Inquiry, January 2023). This is especially so given recent pressures on Afghans to leave Pakistan: see 'Komision-e huquq-e bashar: Ikhray-e panahjoyan-e Afghan az Pakistan janananra beh khatr miandazad', *Hasht-e sobh*, 21 Jawza 1402 [11 June 2023] (<https://8am.media/human-rights-commission-deporting-afghan-refugees-from-pakistan-endangers-their-lives/>). The deterioration in relations between the Afghan Taliban and Pakistan has inclined the Pakistani authorities to use the forced repatriation of Afghan refugees as a source of leverage against the Taliban. This is occurring at an accelerating pace (see Hadia Ziaei, 'Afghan Refugees in Pakistan Face Increased Harassment, Deportation', *ToloNews*, 7 February 2025), with catastrophic human consequences (Zia ur-Rehman, 'Families are Split as Pakistan Departs Thousands of Afghan Refugees', *The New York Times*, 30 April 2025). Pakistan should not be regarded as a 'second option' for removal of Hazara asylum seekers.



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