

## Refugee Review Tribunal

### AUSTRALIA

#### RRT RESEARCH RESPONSE

**Research Response Number:** AFG17458  
**Country:** Afghanistan  
**Date:** 15 August 2005

Keywords: Afghanistan – Kabul – Parwan Province – Hazaras – Communists – Najibullah Regime

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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#### Questions

1. Where is Dahah Karizak, Torkman, Parwan and can you provide a map?  
With regard to Kabul, and also Dahah Karizak, Torkman, Parwan:
2. In Dahah Karizak, Torkman, Parwan, what is the situation for Hazaras?
3. In Dahah Karizak, Torkman, Parwan, what would be the situation for someone identified with the Najibullah regime, in particular the communist youth organisation Sazman-i-Jawanan?
4. In Dahah Karizak, Torkman, Parwan, what is the situation for someone who has abandoned Islam, or is thought to have done so?
5. In Kabul, what is the situation for Hazaras?
6. In Kabul, what would be the situation for someone identified with the Najibullah regime, in particular the communist youth organisation Sazman-i-Jawanan?
7. In Kabul, what is the situation for someone who has abandoned Islam, or is thought to have done so?
8. Is there any support for the claim that Mullahs have issued fatwas against Hazaras living in Australia?

#### RESPONSE

Note: For the purposes of this RRT Country Research Response the spelling is as per the source document as there are spelling variations translating into English.

#### 1. Where is Dahah Karizak, Torkman, Parwan and can you provide a map?

References to Turkman or Torkaman in Parwan province were found in two districts, Surkhi Parsa and Chaharikar. It was agreed to research the Surkhi Parsa district.

“Dahah Karizak” appears to be in the Surkhi Parsa district of Parwan province. In the attached map two villages, Dahane Karezak and Karizak, were found which may refer to Dahah Karizak. For ease of reading this area has also been enlarged (‘Surkhi Parsa District’ 2002, *AIMS*, August – Attachment 1; ‘Surkhi Parsa District’ 2002, *AIMS*, August – Attachment 2).

According to an Australian Defence Force map a river, Darreh-ye Torkaman, flows near the village of Karizak (Australian Defence Imagery & Geospatial Organisation 1989, Afghanistan – Attachment 3).

UNHCR also refers to a village named Dara Tarkman in Surkh Parsa:

Villages such as Dara Tarkman (25,000), Dara sarkh (20,000), Dara Parsa(10,00) and Lolanj (5,000) are the most populated villages.

Dara Tarkman has five big villages (Dolati Khani, Ali Khani, Khadiar, Sherak and Allah Dad) (UNHCR 2002, *District Profile: Parwan Province – Lolinge (Surkh Parsa) District*, 9 June – Attachment 4).

Further information on Dara Tarkman and its location were not found in sources consulted.

## **2. In Dahah Karizak, Torkman, Parwan, what is the situation for Hazaras?**

Little information was found in the sources consulted on the situation for Hazaras in this area.

The UNHCR states that Surkh Parsa district (also known as Lolinge) has an ethnic composition mix of Hazara and Tajik (UNHCR 2002, *District Profile: Parwan Province – Lolinge (Surkh Parsa) District*, 9 June – Attachment 4).

One news article mentions that Parwan province has a Tajik majority (‘Networking and personality are the key to campaigning, Afghan-style’ 2004, *Agence France Presse*, 3 October – Attachment 5).

Of interest may be the two attached UNHCR 2004 advices which refer to the control of Surkh-Parsa and Parwan province respectively (UNHCR 2004, *Afghanistan: Information On Dai Kundi, Jaghori, Jarez/Maidan, Surkh Parsa, Kandahar, Lal Ghor Districts And Provinces*, 15 January – Attachment 6; UNHCR 2004, *Parwan Province (CISQUEST Ref No. 6998)*, 6 April – Attachment 7).

## **3. In Dahah Karizak, Torkman, Parwan, what would be the situation for someone identified with the Najibullah regime, in particular the communist youth organisation Sazman-i-Jawanan?**

No information was found in the sources consulted on this specific question.

Of interest is the attached recent RRT Country Research Response which covers the issue of ex-communists in Afghanistan generally (RRT Country Research 2005, *Research Response AFG17441*, 26 July – Attachment 8).

Dr. Jonathan Goodhand, in an April 2005 seminar to the RRT, refers to the matter of Hazaras and whether they will be victimised on return because of their ethnicity or communist or westernised background. Also mentioned is the fear of persecution because of association with the Najibullah regime. He advised:

So just to finish off on the very specific question at the end, it is difficult to talk in generalised terms about whether Hazaras returning will be victimised because they are Hazaras or because of their allegedly communist or westernised background. These issues have to be seen in an individual context. These things can become major problems or they can be used as pretexts, for instance, to prevent returnees from coming back and claiming their land. But clearly there are communists who are actually in the current government and have seemed to be able to manage. There are others who have been persecuted because of this background. So each case has to be taken individually, and it is certainly not possible to make a kind of universal law or rule about this. So I think I will finish off there and - because I have just about overrun my time and open it up for questions...(Goodhand, Jonathan 2005, *Seminar: Afghanistan*, Refugee Review Tribunal, 13 April, pp.10-11 – Attachment 9);

and

MALE SPEAKER: I have a question, if I may. A number of claim to fear persecution because they come from Ghazni and have an association either personally or through their family with either the Najibullah regime or one of the Hazara political or militia groups that did not join Hizbi Wahdat. Could you comment on that situation please?

DR GOODHAND: I can make a kind of a broad comment. I don't know enough specifically. I would have to spend some time on the ground to answer this with any kind of degree of confidence. But one could certainly see this as being a problem given the current political dispensation in Ghazni, given the background of the person in charge now with their very strong kind of Jihadi credentials and association with the Northern Alliance. One could hypothesise that certainly a Najibullah association or from one of the other Hazara militia groups would not be perceived in a positive light. But that is basically as much as I can comment on that (Goodhand, Jonathan 2005, *Seminar: Afghanistan*, Refugee Review Tribunal, 13 April, p.12 – Attachment 9).

One reference was found to the Sazman-i Jawanan. A European Union report states:

In 1988 Najibullah created the *Gard-e-Khas* (later re-named *Gard-i-Milli*). This paramilitary volunteer unit mainly consisted of members of the PDPA's youth organisation, the Sazman-I-Jawanan. The *Gard-e-Khas* too was responsible for protecting senior officials belonging to the Communist regime. In that capacity, the unit played an important role in suppressing the coup staged by Lieutenant-General Tanai in 1989...(Council of the European Union 2001, *Afghanistan: – Security services in Communist Afghanistan (1978-1992)* AGSA, KAM, KhAD and WAD, 26 April, p.15 – Attachment 10).

A 2001 RRT Country Research Response also refers to the Democratic Youth Organisation of Afghanistan (DYOA) of the People's Democratic Party of Afghanistan (PDPA) (RRT Country Research 2001, *Research Response AFG14654*, 16 May, quest. 2 – Attachment 11).

#### **4. In Dahah Karizak, Torkman, Parwan, what is the situation for someone who has abandoned Islam, or is thought to have done so?**

No information was found on this specific question was found in the sources consulted. The following information, however, may be useful.

In respect of Parwan province, after the alleged US abuse of the Koran at Guantanamo Bay, it was reported that it was one of the provinces in which there were demonstrations. In addition,

residents and intellectuals of Parwan issued a statement that those responsible should be punished by Islamic law ('Ulema call on Karzai to bring justice to culprits desecrating Koran' 2005, *Pajhwok Afghan News*, 16 May – Attachment 12; 'Three more dead in Afghan anti-US protests' 2005, *Agence France Presse*, 12 May – Attachment 13).

More generally, Dr. Goodhand responded in April 2005:

FEMALE SPEAKER: So would the situation then be the same for returnees who are perhaps more secular, who aren't as religious as they were when they left Afghanistan? Would that be an issue coming back, not visiting the mosque, perhaps drinking alcohol, having more secular views rather than religious?

DR GOODHAND: It depends, there is strong pressure to conform in Afghan society, you know, in lots of ways. So not conforming is frowned upon and could be dangerous for the person not to do so but clearly it is different for a person going back to Kabul than it is to going to rural Ghazni. In rural Ghazni it would certainly be frowned upon for somebody to kind of say that they were an atheist and to be un-Islamic in their practices.

So I think, you know, that that would be dangerous for people to go back into that kind of a context and be openly, if you like, "un-Islamic". In Kabul it would be easier for that, for somebody to kind of perhaps have a more liberal lifestyle, but certainly in rural areas it would be extremely difficult (Goodhand, Jonathan 2005, *Seminar: Afghanistan*, Refugee Review Tribunal, 13 April, p.13 – Attachment 9).

Reported incidents, by the US State Department, of blasphemy and discrimination against converts are:

...There was an unconfirmed report that the Taliban killed a former Muslim cleric on June 30, allegedly for preaching Christianity. Article 1 of the current, unreformed, penal code states that the code addresses only Tazir (less serious) crimes, and that the more serious categories of Qisas and Hudud crimes fall under Shari'a law. Blasphemy and apostasy (converting from Islam to another religion) fall under the latter category, and are - in theory - punishable by death (US Department of State 2004, 'Legal/Policy Framework' in *International Religious Freedom Report 2004 – Afghanistan*, 15 September – Attachment 14);

and

...During the reporting period, there were unconfirmed allegations that converts to Christianity faced societal discrimination and threats (US Department of State 2004, 'Restrictions on Religious Freedom' in *International Religious Freedom Report 2004 – Afghanistan*, 15 September – Attachment 14).

A recent Dutch report notes:

...There are occasional charges of blasphemy levied against liberal and secular writers or newspapers, which have caused a few people to flee the country... (Rubin, Barnett R., Hamidzada, Humayun and Stoddard, Abby 2005, 'Afghanistan 2005 and Beyond', *Netherlands Institute of International Relations*, April, p.20 – Attachment 15).

In relation to the Afghanistan Constitution, the US State Department's religious freedom report for 2004 states:

The new Constitution declares the country to be an "Islamic Republic." As with the

1964 Constitution, the new Constitution proclaims that Islam is the “religion of the state”; however, it does not prohibit the practice of other religions. The new Constitution also declares “no law can be contrary to the beliefs and provisions of the sacred religion of Islam.” It also states that, “followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law.” (US Department of State 2004, ‘Legal/Policy Framework’ in *International Religious Freedom Report 2004 – Afghanistan*, 15 September – Attachment 14).

The report continues:

...Since January 4, the new Constitution has been in effect; however, in practice, its provisions will only be fully enforceable once the long-term process of overhauling and reforming the government and judicial sector is completed...(US Department of State 2004, ‘Legal/Policy Framework’ in *International Religious Freedom Report 2004 – Afghanistan*, 15 September – Attachment 14).

Two attached RRT Country Research Responses, prepared in March 2004, cover questions of people who have turned away from Islam and also, those who have a liberal Muslim outlook (RRT Country Research 2004, *Research Response AFG16520*, 8 March – Attachment 16; RRT Country Research 2004, *Research Response AFG16483*, 1 March, quest. 7/pp.15-17 – Attachment 17).

### **5. In Kabul, what is the situation for Hazaras?**

There is little information in the sources consulted on the situation for Hazaras in Kabul.

Question 1 in the attached RRT Country Research Response includes advice on this question, citing information provided to the Tribunal by Ahmed Rashid (November 2004) and Dr. Jonathan Goodhand (April 2005) (RRT Country Research 2005, *Research Response AFG17439*, 5 August, quest. 1/pp.4-6 – Attachment 18).

An earlier April 2005 RRT Country Research Response provides information on the law and order situation in Kabul (RRT Country Research 2005, *Research Response AFG17262*, 5 April, quests. 1-2/pp.2-21 – Attachment 19).

### **6. In Kabul, what would be the situation for someone identified with the Najibullah regime, in particular the communist youth organisation Sazman-i-Jawanan?**

Information was not found in the sources consulted on this specific question.

See question 3 above.

### **7. In Kabul, what is the situation for someone who has abandoned Islam, or is thought to have done so?**

Information in the sources consulted on this specific question is scarce.

As indicated in question 4 above, Dr. Goodhand briefly refers to Kabul in his advice to the Tribunal in April 2005:

FEMALE SPEAKER: So would the situation then be the same for returnees who are perhaps more secular, who aren't as religious as they were when they left Afghanistan? Would that be an issue coming back, not visiting the mosque, perhaps

drinking alcohol, having more secular views rather than religious?

DR GOODHAND: It depends, there is strong pressure to conform in Afghan society, you know, in lots of ways. So not conforming is frowned upon and could be dangerous for the person not to do so but clearly it is different for a person going back to Kabul than it is to going to rural Ghazni. In rural Ghazni it would certainly be frowned upon for somebody to kind of say that they were an atheist and to be un-Islamic in their practices.

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See also question 4 above.

### **8. Is there any support for the claim that Mullahs have issued fatwas against Hazaras living in Australia?**

No information was found in the sources consulted on this specific question.

Of interest is Dr. Goodhand's advice:

THE CHAIRMAN: Dr Goodhand, would you be able to comment on - some of our applicants claim that they state to the Tribunal they would be considered infidels and persecuted because they have now married a westerner. Would they be targeted by the local mullahs?

DR GOODHAND: I have spoken to colleagues about this very question and it is perhaps not a very useful response but it is actually a realistic one and that is, it all depends on the area and the local mullahs. Certainly, that scenario that you have painted is plausible and possible and I come across areas of Afghanistan, where those kind of situations have developed, and I alluded to earlier the kind of the radicalisation of Islam, which has been one of the characteristics of the conflict and how, Islam has become a banner issue that has been used and mobilised by a whole range of different groups and the Taliban were perhaps the most extreme manifestation of that.

But it is also, it has happened not only at the higher political levels but at the grass roots as well in terms of the changing role of mullahs and so, that situation is very plausible but it is also - would be inaccurate to kind of paint the picture that all mullahs would take that position. One of the people I spoke to on this has said, well actually an alternative way of looking at it would be, they would think, they would be respectful of someone coming from outside who had been successful and got some of the trappings of the west but I think it is tied up with a whole range of other things.

There is a lot of resentment around people coming back, particularly in terms of the pressure on land and resources, and so pretexts are created to point the finger at these people, and one of those pretexts may be Islam, it may be their kind of past political connections and so on, but the underlying issue could quite easily be either one around resources or a personalised kind of long running history of enmity (Goodhand, Jonathan 2005, *Seminar: Afghanistan*, Refugee Review Tribunal, 13 April, pp.12-13 – Attachment 9).

## List of Sources Consulted

### Internet Sources:

Google search engine

UNHCR      *REFWORLD*      UNHCR Refugee Information Online

### Databases:

Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

## List of Attachments

- 1 'Surkhi Parsa District' 2002, *AIMS*, August.
- 2 'Surkhi Parsa District' 2002, *AIMS*, August.
- 3 Australian Defence Imagery & Geospatial Organisation 1989, Afghanistan. (CD ROM)
- 4 UNHCR 2002, *District Profile: Parwan Province – Lolinge (Surkh Parsa) District*, 9 June.
- 5 'Networking and personality are the key to campaigning, Afghan-style' 2004, *Agence France Presse*, 3 October. (FACTIVA)
- 6 UNHCR 2004, *Afghanistan: Information On Dai Kundi, Jaghori, Jarez/Maidan, Surkh Parsa, Kandahar, Lal Ghor Districts And Provinces*, 15 January.
- 7 UNHCR 2004, *Parwan Province (CISQUEST Ref No. 6998)*, 6 April.
- 8 RRT Country Research 2005, *Research Response AFG17441*, 26 July.
- 9 Goodhand, Jonathan 2005, Seminar: Afghanistan, Refugee Review Tribunal, 13 April.
- 10 Council of the European Union 2001, *Afghanistan: – Security services in Communist Afghanistan (1978-1992) AGSA, KAM, KhAD and WAD*, 26 April, p.15.
- 11 RRT Country Research 2001, *Research Response AFG14654*, 16 May, quest. 2.
- 12 'Ulema call on Karzai to bring justice to culprits desecrating Koran' 2005, *Pajhwok Afghan News*, 16 May. (FACTIVA)

13 'Three more dead in Afghan anti-US protests' 2005, *Agence France Presse*, 12 May. (FACTIVA)

14 US Department of State 2004, *International Religious Freedom Report 2004 – Afghanistan*, 15 September.

15 Rubin, Barnett R., Hamidzada, Humayun and Stoddard, Abby 2005, 'Afghanistan 2005 and Beyond', *Netherlands Institute of International Relations*, April, p.20.

16 RRT Country Research 2004, *Research Response AFG16520*, 8 March.

17 RRT Country Research 2004, *Research Response AFG16483*, 1 March, quest. 7/pp.15-17.

18 RRT Country Research 2005, *Research Response AFG17439*, 5 August, quest. 1/pp.4-6.

19 RRT Country Research 2005, *Research Response AFG17262*, 5 April, quests. 1-2/pp.2-21.