

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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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.

Questions

- 1. Are there any reports of harm or mistreatment towards supporters of Haji Qadir in Kabul, particularly in Surobi District of Kabul province?**
- 2. Are there any reports of harm or mistreatment towards anti-Taliban Pashtuns in Kabul, particularly in Surobi District of Kabul province?**

RESPONSE

- 1. Are there any reports of harm or mistreatment towards supporters of Haji Qadir in Kabul, particularly in Surobi District of Kabul province?**

One report was found of harm directed towards supporters of Haji Qadir in Kabul City. Other reports mention incidents taking place around Qadir's native Jalalabad in Nangarhar province. The district of Surobi is about midway between Kabul City and Jalalabad, the capital of Nangarhar province, and the main connecting road runs through it.

An August 2004 UN security report mentions an unsuccessful plot to assassinate persons who had gathered in Kabul to commemorate Qadir's death:

Another attack in Kabul was prevented on 29 July 2004. Explosives material was discovered on a cart in Azide Square in Macro rayon. The cart was placed in a location where cabinet members and jihad figures were stopping to commemorate the death of Haji Abdul Qadir, the Minister of Public Work who was assassinated on that spot two years ago. After that police discovered other explosives on a motorcycle close to the place they found the first explosives (UNHCR 2004, *Information Update: Afghanistan 1-15 August 2004: Issue 63*, 15 August – Attachment 1).

A July 2005 report discusses the naming of streets after military commanders, and mentions violence towards Qadir's tomb:

Haji Qadir, a former vice-president and military commander, who was assassinated in 2002, has his own crossroads. Qadir's legacy is also disputed. In his native Jalalabad, he is buried alongside of King Amanullah, who ruled in the Twenties but died in 1960. This has so offended some Afghans that they have repeatedly tried to blow up his tomb (Saeed, A.B.& Nasrat, A.N. 2005, 'Where streets have no name', *Institute for War and Peace Reporting*, 22 July – Attachment 2).

A February 2004 report by the Norwegian Refugee Council indicates that after Qadir's death there was ongoing violence in Jalalabad:

The assassination of Haji Qadir has created tensions between local commanders in the Jalalabad area, resulting in violent incidents and restricting UN and aid agency movement. The UN has suspended missions to Laghman following a violent incident between local commanders. Tensions in the northern region have reduced somewhat over the past month, following the recent establishment of a Security Commission representing the different factions, local government and the United Nations (Norwegian Refugee Council/Global IDP Project 2004, *Profile of Internal Displacement: Afghanistan*, 2 February – Attachment 3).

The following reports do not refer directly to recent violence towards supporters of Haji Qadir. However, they are of relevance because they discuss Qadir's power base in the Jalalabad area; his family members, some of whom still hold power; their possible past involvement in the drug trade; recent reports of violence committed by them; and past enmity against them by the Taliban.

A 1999 report by respected Afghanistan expert Barnett Rubin discusses the clan's involvement in the drug trade:

The Arsala clan (Haji Abdul Qadir and his brothers) was at the center of the commercial development of Jalalabad, profiting from Nangarhar province's skyrocketing opium production and using the Jalalabad airport as a center for the import of goods from Dubai for smuggling into Pakistan in alliance with Afghan and Pakistani Pashtun truckers and the local administration of the NWFP (1999) (Rubin, Barnett 1999, *The Political Economy of War and Peace in Afghanistan*, <http://www.eurasianet.org/resource/afghanistan/links/rubin99.shtml> – Accessed 4 February 2004 – Attachment 4).

A more recent report also mentions this involvement, but states that Qadir was afterwards responsible for a crackdown on the drug trade, which may have led to his assassination:

The late Haji Abdul Qadir, who served as minister of public works and governor of Nangarhar, stressed that if a systematic plan is not put into effect, whatever progress has been made thus far will come full circle and the farmers will again resort to poppy farming to eke out a living. "I think that the international community, or the countries who are saying that they want to stop poppy cultivation, they are not entirely honest. Even after the collapse of President Mohammad Najibollah's regime [in 1992], we tried to stop the cultivation of poppy here. But these countries that promised to help and support the farmers, they did not keep their word," Qadir once said.

Qadir was assassinated in July 2002 in Kabul, though the assassins have not been apprehended. Many speculate that their motive may have been the former mujahid's crackdown on the drug trade. "Qadir had amassed his personal fortune in the 1990s from opium taxes and from getting a percentage from smugglers for goods going between Dubai and Pakistan, using Jalalabad as the transit point," said a well-placed Afghan who asked not to be named (Goudsouzian t. & Tarzi, A. 2003, 'Nip it in the bud: Afghanistan's opium industry', *RFE/RL Afghanistan Report, Volume 2. No.7*, 20 February – Attachment 5).

A September 2004 interview with the governor of Nangarhar of that time [in June 2005 he was moved to become the governor of Kabul] is of interest as he was a brother of Haji Qadir, and discusses how to discourage opium production:

Haji Din Mohammad, a former mujahedin fighter from the Khales faction of Hizb-e Islami, became governor of the eastern province of Nangarhar after the assassination of his brother, Haji Abdul Qadir, in July 2002. Din Mohammad is also the brother of slain commander Abdul Haq. In an exclusive interview with RFE/RL in Kabul on 27 August, he talked about “Afghan-style” democracy and the need to start rehabilitating opium farmers before they sow seeds for the next season (Goudsouzian, T. 2003, ‘Nangarhar province governor talks about elections, drugs, and security’, *RFE/RL Afghanistan Report, Volume 3. No.31*, 1 September – Attachment 6).

A September 2004 Human Rights Watch report on warlords in Afghanistan contains a large section on Jalalabad which mentions members of Qadir’s clan as being involved in criminal activities:

Jalalabad and Eastern Areas

Human Rights Watch found serious problems in the east of the country. In the eastern provinces of Nangahar and Laghman, including Nangahar’s capital, Jalalabad, Afghan militia forces remain under the de facto control of military commanders, including Hazrat Ali, who cooperates with U.S. and coalition forces operating in the area, and Haji Zahir, the son of the Haji Qadir a former mujahidin commander and member of President Karzai’s cabinet who was assassinated in Kabul in 2002. Hazrat Ali and Haji Zahir’s commanders throughout the Nangahar area operate criminal enterprises and continue to engage in numerous human rights abuses, including the seizure of land and other property, kidnapping civilians for ransom, and extorting money—as Human Rights Watch has previously documented.⁷ As noted below, U.S. and coalition forces continue to cooperate with these forces in operations against the Taliban and other insurgent groups. The governor in Nangahar, appointed by President Karzai, Haji Din Mohammad, remains powerless to stop the worst effects of the factional abuses—even those of forces under Haji Zahir, who is allied with him and with the Karzai government. Two of Hazrat Ali’s most infamous commanders, Commander Musa and Commander Sami (whose abuses have been documented by both Human Rights Watch and the AIHRC) have continued to operate with impunity. Complaints about militia forces committing land seizures, car thefts, and arbitrary arrests continue to be collected by the AIHRC.⁸ Hazrat Ali and Haji Zahir’s forces have both been involved in political abuses, including past threats against Loya Jirga candidates and purchasing of votes. Human Rights Watch received repeated and consistent evidence in 2002 and 2003 about Loya Jirga candidates being threatened during both conventions’ delegate elections, both directly by factional representatives and indirectly, for instance, by receiving anonymous threatening telephone calls. UNAMA local staff reported during the 2003 election that several Loya Jirga candidates were intimidated by factional agents—some of whom were leaving bullets at the doors of candidates’ houses, or threatening notes. One female candidate withdrew her candidacy in December 2003 after bullets were left in front of her house (Human Rights Watch 2004, *The Rule of the Gun: Human Rights Abuses and Political Repression in the Run-up to Afghanistan’s Presidential Election*, September – Attachment 7).

Other reports confirm that Haji Qadir and his brother were well known enemies of the Taliban.

A 2001 report states that the Taliban accused Qadir’s brother Abdul Haq of carrying out an espionage mission for the CIA and British intelligence. Qadir is referred to as a “senior Northern Alliance official” (Branigin, W. 2001, ‘Airstrikes On Kabul Intensify’, *The Washington Post*, 28 October. <http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A63250-2001Oct27¬Found=true> – Accessed 6 February 2004 – Attachment 8)

A *Jane's* report from 2001 calls Haji Qadir a “key Pushtun ally” of Massoud of the Northern Alliance (Davis, A. 2001, ‘Afghanistan: Prospects for war and peace in a shattered land’, *Jane's Intelligence Review*, 1 August – Attachment 9).

Of interest is a 2004 report stating that a man was sentenced to death for Qadir's killing, and two more men were sentenced to prison terms (‘Man sentenced to death for killing Afghan minister’ 2004, *Reuters*, 29 June – Attachment 10).

2. Are there any reports of harm or mistreatment towards anti-Taliban Pashtuns in Kabul? [Particularly the Surobi district, including reports of general security in the area.]

The following news reports describe violent incidents over the last year in Surobi, or other matters affecting security in the area.

A July 2005 report states that Surobi National Security Department officials seized 12kg of explosives and five mines which were to be used in terrorist attacks (‘Security officials seize explosives to be used in attack on Afghan capital’ 2005, *BBC Monitoring South Asia*, 24 July – Attachment 11).

Another July report states that police had thwarted a rocket attack against a major hydropower dam in Surobi near Kabul. The dam was the city's main source of electricity (‘Police thwart attack on hydropower dam’ 2005, *Associated Press*, 20 July – Attachment 12).

A June 2005 report states that Pakistani nationals “with explosives and criminal documents” had been arrested in Surobi, among other locations. They were thought to be involved in terrorist activities by the Taliban and Al Qaida (‘Afghan paper lists Taleban training camps, activities in Pakistan’ 2005, *BBC Monitoring South Asia*, 26 June – Attachment 13).

A May 2005 report describes the arrest of three members of an “anti-government group” who were arrested in the bazaar in Surobi with mines and explosives (‘Afghan officials arrest three people planning bomb attack on Kabul market’ 2005, *BBC Monitoring South Asia*, 16 May – Attachment 14).

A March 2005 report describes an attack on highway police on the Kabul-Jalalabad highway near Surobi (‘Insurgents attack Afghan police near Kabul’ 2005, *BBC Monitoring South Asia*, 25 March – Attachment 15).

Another March report describes an attack on the electricity pylon between Kabul and Surobi, which was blown up and temporarily stopped the power to Kabul city (‘Afghan capital's power supply hit as electricity pylon blown up’ 2005, *BBC Monitoring South Asia*, 5 March – Attachment 16).

A September 2004 report states that a cache was discovered in Surobi, containing explosives, mortars, missiles and ammunition (‘Afghan security discover explosives' cache near Kabul’ 2004, *BBC Monitoring South Asia*, 30 September – Attachment 17).

A February 2004 report states that five Afghan aid workers were killed when they were ambushed closed to Surobi ('Five Afghan aid workers killed in ambush' 2004, *Agence France Presse*, 26 February – Attachment 18).

List of Sources Consulted

Internet Sources:

Google search engine

UNHCR *REFWORLD* UNHCR Refugee Information Online

Databases:

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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. UNHCR 2004, *Information Update: Afghanistan 1-15 2004: Issue 63*, 15 August.
2. Saeed, A.B.& Nasrat, A.N. 2005, 'Where streets have no name', *Institute for War and Peace Reporting*, 22 July.
3. Norwegian Refugee Council/Global IDP Project 2004, *Profile of Internal Displacement: Afghanistan*, 2 February.
4. Rubin, Barnett 1999, *The Political Economy of War and Peace in Afghanistan*, <http://www.eurasianet.org/resource/afghanistan/links/rubin99.shtml> – Accessed 4 February 2004.
5. Goudsouzian t. & Tarzi, A. 2003, 'Nip it in the bud: Afghanistan's opium industry', *RFE/RL Afghanistan Report, Volum 2. No.7*, 20 February.
6. Goudsouzian, T. 2003, 'Nangarhar province governor talks about elections, drugs, and security', *RFE/RL Afghanistan Report, Volume 3. No.31*, 1 September.
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8. Branigin, W. 2001, 'Airstrikes On Kabul Intensify', *The Washington Post*, 28 October. <http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A63250-2001Oct27¬Found=true> – Accessed 6 February 2004.
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10. 'Man sentenced to death for killing Afghan minister' 2004, *Reuters*, 29 June.
11. 'Security officials seize explosives to be used in attack on Afghan capital' 2005, *BBC Monitoring South Asia*, 24 July.
12. 'Police thwart attack on hydropower dam' 2005, *Associated Press*, 20 July.
13. 'Afghan paper lists Taleban training camps, activities in Pakistan' 2005, *BBC Monitoring South Asia*, 26 June.
14. 'Afghan officials arrest three people planning bomb attack on Kabul market' 2005, *BBC Monitoring South Asia*, 16 May.
15. 'Insurgents attack Afghan police near Kabul' 2005, *BBC Monitoring South Asia*, 25 March.
16. 'Afghan capital's power supply hit as electricity pylon blown up' 2005, *BBC Monitoring South Asia*, 5 March.
17. 'Afghan security discover explosives' cache near Kabul' 2004, *BBC Monitoring South Asia*, 30 September.
18. 'Five Afghan aid workers killed in ambush' 2004, *Agence France Presse*, 26 February.