

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: Please provide me with an overview of the current situation in the Norwak area, especially:

1. [Which group or party is effectively in control of it \(I am particularly interested in knowing what sway the Taliban have in that area\)?](#)
2. [What is their known or likely attitude to Hazaras/Shi'a Muslims?](#)
3. [What is their known or likely attitude to westernised young returnees?](#)
4. [If a Hazara needed to seek protection from the state \(eg local police/security forces\), is there any evidence that that protection might be refused at present? If so why?](#)
5. [Are family members of people who supported the Sepah faction of Hezb-e-Wahdat at risk from any source locally?](#)
6. [What is the current situation in Kabul in terms of safety and general ability to find work/accommodation security for a young Hazara returnee without family support?](#)

RESPONSE

1) Which group or party is effectively in control of Norwak in Chil Baghtoo (his spelling), in Jaghori district of Ghazni province (I am particularly interested in knowing what sway the Taliban have in that area)?

The answer to this question is provided in the following sections:

- 1.1 [Nowrak village and area](#)
- 1.2 [Who is in control of Norwak?](#)
- 1.3 [Who is in control of the Pashai \(Pashaye\) area?](#)
- 1.4 [Who is in control of Baba?](#)
 - a. [Commander Khodadad Irfani](#)
 - b. [Hussein Ali Muradi](#)
- 1.5 [Who is in control of Jagouri district?](#)

- 1.6 [Influence of Taliban in Norwak and Jaghori district](#)
 - a. [Assessment of the Taliban's current strength and the security situation in Afghanistan](#)
- 1.7 [The Taliban in Ghazni Province in 2006](#)
- 1.8 [The Taliban in Zabul Province in 2006](#)

1.1 Nowrak village and area

Nowrak, also spelt Nawrak, is a village located at 33.05' N and 67 15'E. (No village called Norwak was located). It is located near another village called Chehelbaghtuy Pasha'i. (There is another village called Chehelbaghtuy Uqi a little to the north, indicating that Chehelbaghtuy may be a name for the general area.) Nowrak and Chehelbaghtuy Pasha'i are located in a small side valley not far from the town of Baba, which is the main town in the southwest of Jaghori district (see maps by the UN-AIMS, Encarta and DIGO at Attachment 1). Other villages shown in this side valley are Madok, Ahankushta, Loda, and the smaller Shahjoy, Qalday, Sangtol, Numqol, Malekak and Maysa.

According to the Encarta map, Nowrak is located about 20km southwest of Sange-Masha, which the capital of Jaghori district, and 11km north of the large village of Baba (also called Qarya Baba or Qaryeh-ye Baba). (These are straightline distances, road distances would be longer). Nowrak is 6km from a main road which runs from Sange-Masha through Baba and into Zabul province's Day Chopan district. A map of Zabul's Day Chopan and Arghandab districts is attached which shows the location of Nowrak and Baba in relation to the Pashtun inhabited districts of Zabul (Attachment 36). The provincial border is only 9km south of Nowrak. (Baba is shown on most maps as being in Zabul although most reports list it as part of Jaghori, and, as a Hazara village, it is more closely connected to Hazara populated Jaghori rather than Pashtun populated Zabul.)

Note: there are other villages called Nowrak, in the Sharjoi district of Zabul province as well as in Uruzgan province.

1.2 Who is in control of Norwak?

No information was found relating to the small valley in which Norwak is located, apart from possibly the information on the [Pashai area](#) below. Information is included in sections 1.4 and 1.5 on who is in control of the large nearby village of [Baba](#) and of [Jaghori district](#) generally.

1.3 Who is in control of the Pashai (Pashaye) area?

There is a subtribe of the Jaghori Hazaras called the *Pashai* (*Pashay*, *Pashaye(s)*, *Pashayi*) (Mousavi, S.A. 1997, *The Hazaras of Afghanistan: An Historical, Cultural, Economic and Political Study*, New York, p.42) who occupy a region in neighbouring Malistan district which may extend to the village of Chehelbaghtuy Pasha'i, which neighbours Nowrak. Both Nowrak and Chehelbaghtuy Pasha'i are very close to the border of Malistan. Mousavi also speaks of a 'Pashay' area in Jaghori (p.54). Although no definitive mapping of the Pashai region was found, it could include Nowrak, and the following may therefore be relevant.

In 2003, the UNHCR reported that the area was in control of local commanders of the *Nasr* faction of *Hezb-i Wahdat*, who were targeting returnees, particularly members of other factions:

Villagers in a Pashayi area reported land occupation by local commanders of the Nasr faction. Some returnees were reported to have been targeted upon return by members of the Nasr faction. Victims are allegedly former members of Nasr who left the movement, or persons associated with Harakat (Hazara- led group), Hezb- i- Wahdat/Aqbari and previous regimes, including the Taliban. Abuses include harassment, detention and extortion.

In the districts of Malistan and Jaghori, predominantly the villages of Balakh San, Kushanak, Maknak and Pashai, villagers reported widespread extortion by armed groups, either independent or members of the Nasr faction. Some inhabitants were subjected to private detention after failing to pay up to 3 million Afghanis (old currency, approximately US\$ 62).

(UNHCR 2003, *Returnee Monitoring Report: Afghanistan Repatriation: January 2002 – March 2003*, March, p.11 Attachment 2)

No other information was found on this area.

1.4 Who is in control of Baba?

Baba (also called Qarya Baba or Qaryeh-ye Baba) is mentioned by many applicants as an important village in the southwest of Jaghori district. It is close to Norwak, as mentioned above.

UNHCR advice, dated 16 September 2003, in relation to Baba village, states:

Qarya Baba (known also under Deh Baba), is located to the West of Jaghori centre, and has an estimated population of 2,000 families, belonging to *Attai* tribe. There is no check post in this location, and Qarya Baba and two neighbouring villages are reportedly under control of **Hussein Ali Muradi**, apparently son of **Commander Irfani**.

No reports of abuses committed by this Commander has been collected. However, natives of Jaghori met in the Centre of Ghazni explained that instances of robberies were – as elsewhere in the district – common and that bitterness was prevalent between followers of Nasr group and other such as Harakat or Hezb-e-Wahdat (Aqbari), the latest not appreciating the control of *Nasr* members over the district (through Hissani). (UNHCR Kabul 2003, *Reply to RRT Request from Field Officer, Ghazni*, 26 September – Attachment 3)

Note, the UNHCR prefaces its advice with the following caveat: ‘FO [UNHCR Field Officer] has not been to the above mentioned village but has collected from the Centre of Ghazni information on this location, from native of Jaghori district – these elements of information remain therefore unconfirmed’. No more recent information was found in relation to Baba village.

The two personalities mentioned above are Commander Irfani and his son Hussein Ali Muradi. Below is some information on these people, who appear to have retained positions of power in and beyond the district:

1.4 (a) Commander Khodadad Irfani [also spelt Khudadad and Erfani or Urfani]

Khodadad Irfani has been an important *Hezb-i Wahdat* commander in Jaghori district (and Ghazni province) for many years. After the fall of the Taliban, he was one of the main commanders in the district. He is associated with the *Nasr* (Khalili) faction of *Hezb-i Wahdat*. For information on him and his influence up until October 2004, see the attached research response (RRT Country Research 2004, *Research Response AFG17045*, 25 October [Attachment 4](#)).

In recent years Khodadad Irfani has also become involved in national politics, serving as a Ghazni representative on the Constitutional Loya Jirga in 2003-4, and standing unsuccessfully in October 2004 for the post of second Vice-President of Afghanistan with the Presidential candidate Abdul Hadi Khalilzai, and again in September 2005 for the National Assembly (*Wolesi Jirga*) (where he gained only 1.2% of the provincial vote – see the [Joint Electoral Management Body website](#)).

It should also be noted that he has been accused of human rights abuses in Jaghori district. In 2003, Human Rights Watch noted:

In **Ghazni** province, U.N. officials confirmed cases, based on their own field investigations, of kidnappings, rape, and forced marriages of girls and women, mainly **in districts under the control of Hezb-e Wahdat forces, including Jaghori, Malistan, Qarabagh, and Sharistan districts:**

There are serious abuses: kidnapping, rape, forced recruitment. This exists in all areas. **In Jaghori, there is this commander Irfani.** In Malistan, Commander Qasemi, who is with Khalili. In Sharistan, there is commander Etumadi—he is linked with the kidnapping of young girls.

(Human Rights Watch 2003, *“Killing you is a very easy thing for us”*: *Human Rights abuses in Southeast Afghanistan*, Vol.15, No.05(C), July, pp.26-7 – Attachment 5)

A 2005 news report on the Mr Irfani’s election campaign in Jaghori includes accusations that Mr Irfani committed mass killings and cooperated with the Taliban:

Mr Irfani denied any involvement with the Taleban regime, and insisted his objective was to bring peace among the country’s tribes.

But the reality is otherwise. A former mujahideen commander fighting the Soviet troops, he surrendered to the Taleban and moved to Kabul. According to a local official who requested not to be named, Mr Irfani is completely financed by interior minister Ahmad Jalali’s party and, during the Taleban period, he established a secret relationship with them.

The fresh memory of mass killings carried out by Mr Irfani, the latest of them in a nearby rocky mound where 35 civilians were killed during the late 1990s, helps maintain fear among the local electorate.

“People here are still afraid of Irfani and others like him because they think they can return to power,” said Wahriz Hazrat, 36, one of the four minority independent candidates running in the district. “Irfani was a Taleban agent, together with Gulam Waseq, the head of the Taleban for Hazara areas.

(Daniels, Alfonso 2005, ‘Taleban bid to stall vote’, *The Scotsman*, 17 September <http://thescotsman.scotsman.com/index.cfm?id=1950862005> – Accessed 4 December 2006 – Attachment 6)

UNHCR advice from 2003 and 2004 about Mr Irfani was as follows:

Erfani is the Commander that is currently and de facto controlling Jaghori district of Ghazni province and affiliated with Hezb-e-Wahdat (Khalili). He is a native Hazara and used to be one of the two representatives of Jaghori district at the provincial shura level. He also used to be the head of the military shura in Jaghori (which is said to gather around 15 commanders). Erfani has however been isolated by the provincial authorities and Commander Ahsani has officially been appointed in 2003 as the Jaghori Chief of Jaghori Police. He has also been ordered by the provincial authorities to stay away from any role that would portray him as the representative of Jaghori district. He remains however to be an important figure for Hezb-e-Wahdat in Ghazni Province (UNHCR Afghanistan 2004, UNHCR advice 'Compilation of COI on Afghanistan Relevant in the Context of Refugee Status Determination in Australia', 22 March – Attachment 7).

As a general comment on regional strongmen, Human Rights Watch, in July 2006, stated:

While factional fighting and overt violence has decreased in areas outside the south and southeast, insecurity remains high because of the near absolute impunity with which regional strongmen are able to act. The rule of law and the justice system remain very weak in Afghanistan, so it is not enough for incidents of actual violence to decrease for the sense of insecurity to lessen. The problem of impunity must first be addressed.

South of the southwest-northeast line described above, all three sources of direct insecurity torment ordinary Afghans. Warlords in southern and southeastern Afghanistan have assumed many senior government and security posts. After the Taliban were overthrown, many warlords took on the mantle of government authority by rebranding themselves as security forces without changing how they operate. (Human Rights Watch 2006, *Lessons in terror: Attacks on education in Afghanistan*, HRW website, July pp.19-20 – Attachment 30)

1.4 (b) Hussein Ali Muradi

Although there are no reports of Hussein Ali Muradi prior to the UNHCR advice above at [1.4](#), two very recent reports place him as fighting against the Taliban in neighbouring Zabul province.

The first report in August 2006 calls him “district chief” of Arghandab district, naming him “Ali Muradi” (“Taliban militants assault 2 district centers in S. Afghanistan’ 2006, People’s *Daily Online*, 26 August http://english.people.com.cn/200608/26/eng20060826_297059.html – Accessed 4 December 2006 – Attachment 8).

A second report from September 2006 names him “Hasan Ali Moradi”, and notes his promotion from district security commander to district chief. This report also notes he is originally from Jaghori, and that he took over the district chief responsibilities from his father, who is not named but would be Erfani, according to the information above. The report gives this extra information about the family:

[Zabol Security Commander Nur Mohammad Paktin said] “The Arghandab District chief resigned his post and left the district before his resignation was accepted by the government. He handed over all his responsibilities to **his son, Hasan Ali Moradi**, who was the district security commander.”

Paktin added: “Nearly all personnel of the district were members of one family. The security commander and all the district personnel left the district with weapons and vehicles. Taking advantage of the opportunity, the Taleban entered the district. However, they did not seize any equipment.”

The security commander of Zabul also told AIP that the security commander and

other members of his family who had jobs in Arghandab [District] intended to flee to **Jaghori, the place of their origin**, but altogether 35 of them were arrested in Shahjoy area of Zabol Province and are currently under investigation. The Taleban announced yesterday that they seized the Arghandab District and torched it ('Afghan official confirms fall of southern district to Taleban' 2006, BBC Monitoring South Asia (Source: Pakistan-based Afghan Islamic Press news agency), 7 September – Attachment 9)

Note that this report claims that Muradi was arrested and may no longer be in control of the Baba area. No further reports have been found.

1.5 Who is in control of Jagouri district?

Though there are few reports of the situation in Jaghori since 2004, the district was dominated up until that time by commanders of the *Nasr* (Khalili) faction *Hezb-i Wahdat*. An independent head of district, not affiliated with any faction of the *Hezb-i Wahdat*, Zafar (Zafer) Sharif was appointed in June 2003 and remained in the position in September 2005 (UNHCR Afghanistan 2004, UNHCR advice 'Compilation of COI on Afghanistan Relevant in the Context of Refugee Status Determination in Australia', 22 March – Attachment 7: McGeough, Paul 2005, 'Mrs Bakhtiari is one of ours, say Afghan', *The Sydney Morning Herald*, 28 September Attachment 10), but no more recent reports of the district power structure were found.

A March 2004 compilation of recent UNHCR advice states describes the situation in Jaghori:

Jaghori district, Ghazni

In Jaghori district, an official District Administrator was appointed end June 2003, by Central and provincial government. The new head of the district – Mohammad Zafar Sharif – native of Sang-e-Masha, centre of the district, is a former army officer, and was previously working with a local NGO. He is an educated man, apparently not connected to any party, especially with any branch of *Hezb-e-Wahdat*. He was warmly welcomed by the population who gathered in the district capital and pledged to put an end to the rule of weapons.

It is worth noting that the previous Security Commander – Mohammad Anif Hissani – was confirmed as the official district Police Chief. He belongs to *Hezb-e-Wahdat* (Khalili), *Nasr* faction, and was apparently confirmed on his post under close control of the provincial Governor. He has distanced himself from the Head of Garrison and is apparently co-habiting with the District Administrator.

According to official provincial sources, more than sixty policemen, recruited among militias of Hissani are officially working under his command and are not reported to have created difficulties to the local people so far. In the district, the recruitment process for the national army has not started yet, as in most districts of the province.

Even though the District Administrator's personal position is still weak, he has enjoyed a good reputation since he took office and benefits from support from the provincial governor and the people, tired of the rule of armed elements.

During 2003 abuses are committed by local militias, rallied to *Nasr* faction, motivated by money. However, anyone perceived to be opposed to their rule – especially *Harakat* or *Hezb-e Wahdat* (Aqbari) could be a potential victim of their abuses...

...Erfani is the Commander that is currently and de facto controlling Jaghori district

of Ghazni province and affiliated with Hezb-e-Wahdat (Khalili). He is a native Hazara and used to be one of the two representatives of Jaghori district at the provincial shura level. He also used to be the head of the military shura in Jaghori (which is said to gather around 15 commanders). Erfani has however been isolated by the provincial authorities and Commander Ahsani has officially been appointed in 2003 as the Jaghori Chief of Jaghori Police. He has also been ordered by the provincial authorities to stay away from any role that would portray him as the representative of Jaghori district. He remains however to be an important figure for Hezb-e-Wahdat in Ghazni Province (UNHCR Afghanistan 2004, UNHCR advice 'Compilation of COI on Afghanistan Relevant in the Context of Refugee Status Determination in Australia', 22 March – [Attachment 7](#)).

The UNHCR has not been in a position to provide such detailed information since they closed their office in Ghazni city in 2004. Since Jaghori district is relatively remote and access to the district is through areas where the Taliban are active and fighting is occurring, there have been few reports of the situation inside the district. News reports indicate that several people have been killed by insurgents travelling to or from the district, but apart from drought and flood, there has been little news of the situation within the district.

News reports relating to security which mention the district follow:

Reports on attacks in or on roads to Jaghori

In September 2006, a UN agency stated access to Jaghori was difficult due to deteriorating security and threats of insurgent attacks:

Due to the deteriorating security in Ghazni province, food assistance could not be delivered in three of the four flood-affected districts. Due to threats of insurgent attacks, WFP was only able to distribute 16 tons of the 68 tons of food committed for **Jaghuri district**. WFP is in consultation with the Afghan Red Crescent Society (ARCS) to find ways for a secure and timely distribution in these insecure areas.

(United Nations World Food Programme 2006, *World Food Programme Emergency Report 2006: Report No. 35 / 2006*, 1 September <http://www.reliefweb.int/library/documents/2006/wfp-emergency-01sep.pdf> – Accessed 5 December 2006 – p.18 – Attachment 11)

On 1 September 2006, the Taliban closed Jaghori District road to traffic for 12 hours where it passed through neighbouring Qarabagh District. The report continues

According to a security official in Ghazni who wished to remain anonymous, the Taleban had closed the Jaghori District road to traffic on Friday afternoon [1 September] but the security officials reopened it on Saturday morning. According to eyewitnesses, the Taleban beat those people who shaved their beards or had government officials' phone numbers, on charges of cooperating with the government.

The Taleban also warned taxi drivers of the Jaghuri-Ghazni highway not to listen to music on their car radios unless they want to be punished in accordance with Shari'ah law.

('Taleban up to their old tricks regarding beards, music in east Afghan province' 2006, *BBC Monitoring South Asia* (Source: Afghan independent Aina TV), 4 September – Attachment 12)

Another report notes that the Taliban have stopped cars on this road many times, including in November 2006 ('Gunmen display Taleban behaviour on Afghan highway' 2006, *BBC Monitoring South Asia* (Source: Afghan independent Aina TV), 4 November – Attachment 13). On 27 August 2006, four people travelling on this road from Jaghori to Ghazni were kidnapped and a soldier and an Afghan aid worker were later killed. ('Bodies of kidnapped Afghan soldier, ex-NGO employee, discovered', 2006, *BBC Monitoring South Asia* (Source: Afghan independent Pajhwok news agency website), 30 August – Attachment 14).

In May 2006, three doctors working at Jaghori Hospital were kidnapped. They were released after a gun battle in which 20 insurgents were killed. ('Afghan interior minister sees cautious progress on improving security' 2006, *BBC Monitoring South Asia* (Source: Afghan newspaper Anis), 9 May – Attachment 15).

Also in May a policeman from Jaghori was killed by Taliban insurgents in neighbouring Qarabagh district. The report notes:

The attackers left a paper with the deceased warning government employees to quit their jobs, otherwise they will face the same fate. Mullah Muhammad Anas Sharif, who claims to be Taleban commander in Ghazni, told Pajhwok Afghan News they killed the policeman because he was spying for the American forces against the Taleban.

Attacks on government targets and employees have become rampant in recent weeks in the southern Ghazni province.

('Taleban kill two Afghan policemen in Ghazni Province' 2006, *BBC Monitoring South Asia* (Source: Afghan independent Pajhwok news agency website), 26 May – Attachment 16).

For more reports of Taliban attacks close to Jaghori, see the next three sections.

1.6 Influence of Taliban in Norwak and Jaghori district

No reports were found of Taliban or insurgent activity inside Jaghori district.¹ While not currently present in Jaghori district, the Taliban/insurgents are operating at an increasingly effective level in the Pashtun-populated districts which neighbour Jaghori, such as Day Chopan and Arghandab districts in Zabul province and Qarabagh, Moqor and Gelan districts in Ghazni province, as well as other parts of Ghazni and Zabul, to the extent that they claim to control a number of districts in these provinces. Some reports on Taliban attacks in Ghazni and Zabul appear in the sections below:

[1.7 The Taliban in Ghazni Province in 2006](#)

[1.8 The Taliban in Zabul Province in 2006](#)

¹ Historically the Hazaras, who make up almost 100% of the population of Jaghouri district, did not support the largely Pashtun Taliban and the Taliban were only able to enter Hazara areas against the opposition of Hazara militias (See Marsden, P., 2001, *Afghanistan: Minorities, Conflict and the Search for Peace*, Minority Rights Group, London, November, pp. 25, 30, also 17-25 – Attachment 35). By contrast, the Taliban have traditionally been able to operate more easily in Pashtun areas, where they have been able to gain the support of the Pashtun population. This appears to still be the case, with increasing Taliban activity reported in the Pashtun districts close to Jaghouri district: in Zabul, Ghazni and Uruzgan provinces.

1.6 a An Assessment of the Taliban's current strength and the security situation in Afghanistan

The International Crisis Group gives this assessment of the current strength of the insurgency:

Fierce battles rage in southern Afghanistan, insurgent attacks in the east creep towards the provinces surrounding Kabul and a new campaign of terrorist violence targets urban centres. (intro.)

Afghanistan's growing insurgency well and truly challenges attempts by President Hamid Karzai's government to assert authority over at least one-third of the country. It has diverted vital resources and attention at what otherwise is a time of promise and rebuilding. It also risks igniting factional and ethnic tensions and emboldening criminal elements amid a growing tide of lawlessness. The violence is not a new phenomenon but the result of a failure of the international intervention in 2001/2002 to break the cycle of decades of conflict. Today the Afghan government and international community are facing not one but a series of inter-linked challenges ... The insurgency in the southern provinces and the eastern borderlands and mounting terror strikes in Kabul and other urban centres present a real and immediate challenge to state and regional stability.(p.1)

"High risk" areas were just a few islands on UN Risk Maps as recently as the start of 2003. Joined by a new "extreme" risk category, they have since steadily expanded to cover nearly all the east and south, including the length of the border with Pakistan, slicing the country almost in half on a diagonal slant. (p.5)

A qualitative and quantitative change in the violence dates to around the final months of 2005. Since then the wave of suicide attacks and remote controlled bombs has grown unrelentingly. As of 22 October 2006, there had been 106 suicide bombings, or attempts, for the year – 22 in September alone. There were seventeen suicide attacks in the whole of 2005. (p.6)

In mid-July 2006 the Taliban gained control over the district centres of Garmser and Naway-i-Barakazayi in Helmand, which international and local security forces recaptured a few days later. District centres in Zabul, Uruzgan and Farah – as well as Garmser a second time – were later claimed by insurgents and again retaken. In some areas where the state has a limited presence, the fighting is often over little more than district headquarters buildings, in many cases vacated by the district governor and other officials as insurgents approach. Such seizures, however short-lived, have propaganda value. There is talk of insurgents running a court system and naming their own provincial "officials". But what really matters to the insurgents is not holding their ground but access to sanctuaries and supplies. Within southern and eastern Afghanistan, the insurgents have continually demonstrated that swathes of territory outside the district centres are largely under their sway.

The conflict is spreading now to the western provinces of Ghor and Nimroz and the southern areas of Daikundi province. The insurgents also appear to be pushing into the central region, with fears that Wardak and Logar may become safe havens for terror attacks on Kabul. By attacking urban centres that they do not control, the insurgents hope to demonstrate that their reach extends beyond traditional power bases; hence the attacks on Herat city in the west and Kunduz in the north, which saw its first suicide bombing on 27 June 2006. (pp.7-8)

(International Crisis Group 2006, *Countering Afghanistan's insurgency: No quick fixes*, 2 November – Attachment 17).

A UN update of September 2006 on the situation in Afghanistan gives this information on security:

2. Since my previous report (A/60/712-S/2006/145), the most significant development in Afghanistan has been the upsurge in violence, particularly in the south, south-east and east of the country. Security has, once again, become the paramount concern of a majority of Afghans. It is estimated that over 2,000 people, at least one third of them civilians, have lost their lives in the fighting since the start of 2006. This represents a three- to four-fold increase in the rate of casualties compared to 2005. The number of security incidents involving anti-Government elements has increased from fewer than 300 per month at the end of March 2006 to close to 500 per month subsequently.

3. The growing number of casualties in the south can be attributed both to a rise in anti-Government attacks and to a corresponding increase in offensive military operations being conducted by the Afghan National Army and its international ... In the south-east, where major military operations are only just getting under way, insurgent activity has been conducted largely unchecked. Suicide attacks continue to be a highly emotive issue and are widely reported in the international media. The phenomenon is now well established in Afghanistan. The number of suicide attacks already stood in mid-August at 65, against 17 such incidents during all of 2005.

4. While previous reporting periods have been marked by progressive and significant deteriorations in the security situation, the recent upsurge of violence represents a watershed. At no time since the fall of the Taliban in late 2001 has the threat to Afghanistan's transition been so severe. In addition to a quantitative spike in their activities, a qualitative shift was detected in the operations and coordination of the insurgent forces' intent on overthrowing the Government through violent means. (pp.1-2)

41. The human rights implications of the deteriorating security situation are grave and civilians have at times become indirect victims of attacks by insurgents and military forces. In the spring and summer of this year, major military and combat operations between insurgent groups and the military in the south have internally displaced at least 450 families in Uruzgan and Kandahar provinces. (p.9)
(UN Security Council 2006, *The situation in Afghanistan and its implications for peace and security*, A/61/326-S/2006/727, 11 September – Attachment 18)

Human Rights Watch, in July 2006, advised:

Insecurity in Afghanistan is most dire in the country's south and southeast, although it is by no means limited to those areas. The problem is particularly acute outside of larger urban areas and off major roads, where an estimated 70 percent of Afghans reside and where U.S. forces, the International Security Assistance Force led by the North Atlantic Treaty Organization (NATO), and Afghanistan's small but growing security forces rarely reach.

Three different (and at times overlapping) groups are broadly responsible for causing insecurity in Afghanistan: (1) opposition armed forces, primarily the Taliban and forces allied with the Taliban movement or with veteran Pashtun warlord Gulbuddin Hekmatyar, (2) regional warlords and militia commanders, ostensibly loyal to the central government, now entrenched as powerbrokers after the flawed parliamentary elections of October 2005, and (3) criminal groups, mostly involved in Afghanistan's booming narcotics trade—a trade which is believed to provide much of the financing

for the warlords and opposition forces. Each of the above groups attempts to impose their rule on the local population, disrupt or subvert the activity of the central government, and either divert development aid into their own coffers or block development altogether. (p.8)

Direct insecurity increased sharply in Afghanistan in 2005 and early 2006. The first half of 2006 (January to June) witnessed the greatest number of conflict-related deaths in Afghanistan since the fall of the Taliban, with nearly 1,000 people, both civilians and combatants, killed in conflict-related incidents in the first six months of the year.(p.18)

While factional fighting and overt violence has decreased in areas outside the south and southeast, insecurity remains high because of the near absolute impunity with which regional strongmen are able to act. The rule of law and the justice system remain very weak in Afghanistan, so it is not enough for incidents of actual violence to decrease for the sense of insecurity to lessen. The problem of impunity must first be addressed. (p.19)

(Human Rights Watch 2006, *Lessons in terror: Attacks on education in Afghanistan*, HRW website, July pp.19 – Attachment 30)

1.7 The Taliban in Ghazni Province in 2006

A number of reports indicate that the Taliban are operating in and at times controlling many of the Pashtun districts of Ghazni. They are also acting to close roads through this districts to Hazara districts (as described in section 1.5 above).

The Institute of War and Peace Reporting recently reported “A fierce Taleban-led insurgency in recent months has placed Ghazni, which lies just 135 km south of Kabul, among the most volatile provinces in southern Afghanistan. (Younus, Borhan 2006, ‘Taleban call the shots in Ghazni’, Institute of War and Peace Reporting , *ARR*, No. 213, 15 May – Attachment 19)

The International Crisis Group’s recent report describe the current situation of the insurgency in Ghazni province:

The conflict is not just in far-flung, remote areas. The southern districts of **Ghazni**, just two hours drive from Kabul, are now considered off-limits to outsiders, with Taliban and government authorities vying for control of the roads. International humanitarian workers are not to be seen in even the provincial centre, Ghazni city, and local staff of aid agencies have taken down their signs.

One such worker was a passenger in a taxi stopped by a group of men in dark turbans at a check post in the Qarabagh district of Ghazni on 27 August 2006: “They told us we should not play or listen to music. They were searching for NGO cards or any documents that showed a relationship to the government”. The district head of education had been kidnapped and killed just days earlier.

(International Crisis Group 2006, *Countering Afghanistan’s insurgency: No quick fixes*, 2 November, pp.5-6 – Attachment 17).

The following documents report increasing Taliban attacks within Ghazni province, including Moqor and Qarabagh districts which border Jaghori district:

- ‘Among A Resurgent Taliban’ 2006, CBS News, 5 September <http://www.cbsnews.com/stories/2006/09/05/eveningnews/main1969626.shtml> – Accessed 1 December 2006
- Moreau,R., Yousafzai, S., and Hirsh, M. 2006, ‘Afghanistan: Is Victory Turning to Defeat?’, *Newsweek*, 2 October <http://www.msnbc.msn.com/id/14975282/site/newsweek/print/1/displaymode/1098> – Accessed 1 December
- Maykuth, Andrew 2006, ‘Taliban Rampage in Ghazni’, *Philadelphia Inquirer*, 10 September http://www.philly.com/mld/inquirer/news/special_packages/afghanistan/15480301.htm?template=contentModules/printstory.jsp – Accessed 1 December 2006
- ‘29 Taliban militants, 2 French soldiers killed in past 2 days in Afghanistan’ 2006, Xinhua News Agency, 27 August http://news.xinhuanet.com/english/2006-08/27/content_5011058.htm – Accessed 4 December 2006 (Attachment 23)

1.8 The Taliban in Zabul Province in 2006

The Taliban have been reported operating in all districts of Zabul for a number of years and have claimed to control some districts at various times. The following documents report increasing Taliban attacks within Zabul province, including Arghandab and Day Chopan districts which border Jaghori district:

- ‘29 Taliban militants, 2 French soldiers killed in past 2 days in Afghanistan’ 2006, Xinhua News Agency, 27 August http://news.xinhuanet.com/english/2006-08/27/content_5011058.htm – Accessed 4 December 2006 (Attachment 24)
- ‘Afghan official confirms fall of southern district to Taleban’ 2006, BBC Monitoring South Asia (Source: Pakistan-based Afghan Islamic Press news agency), 7 September – Attachment 9)
- International Crisis Group 2006, *Countering Afghanistan’s insurgency: No quick fixes*, 2 November, p.7 (Attachment 17). “District centres in Zabul, Uruzgan and Farah – as well as Garmser a second time – were later claimed by insurgents and again retaken.”

2) What is their known or likely attitude to Hazaras/Shi’a Muslims?

The sources in question 1 indicate that the most likely forces to be in control of the Nowrak area are militias allied to the Nasr faction of the *Hezb-i Wahdat* and possibly under control of Commander Ibrahim. Given that the *Hezb-i Wahdat* are a Hazara/Shi’a Muslim party, it would be expected that this party would have favourable attitudes to Hazaras/Shi’a Muslims.

It is also noted in question 1 that Taliban insurgents are presenting a growing threat to districts surrounding Jaghori district and roads into the district. While the Taliban have traditionally displayed hostility towards Hazaras and Shi’a Muslims, no reports have been found to indicate that the insurgents are currently targeting these groups. The ICG notes that “Afghanistan’s growing insurgency ... also risks igniting factional and ethnic tensions” (International Crisis Group 2006, *Countering Afghanistan’s insurgency: No quick fixes*, 2 November, p.1 Attachment 17).

Most reports indicate that the Taliban are currently targeting persons associated with the government authorities or foreign organisations such as NGOs. See:

- UN Security Council 2006, *The situation in Afghanistan and its implications for international peace and security: Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan: Report of the Secretary-General*, 7 March, A/60/712-S/2006/145. p.10 – Attachment 25): “Violence and threats against local officials, religious leaders, teachers and staff and facilities of the education system have continued and intensified, in particular in the south and south-east of the country.”
- International Crisis Group 2006, *Countering Afghanistan’s insurgency: No quick fixes*, 2 November, p.6 (Attachment 17). “targets have included government officials ... and those seen to support Kabul in any capacity, including religious figures. Schools, often the only sign of government presence in rural areas, have also been increasingly hit.”
- ‘Bodies of kidnapped Afghan soldier, ex-NGO employee, discovered’, 2006, *BBC Monitoring South Asia* (Source: Afghan independent Pajhwok news agency website), 30 August (Attachment 14).
- ‘Taleban kill two Afghan policemen in Ghazni Province’ 2006, *BBC Monitoring South Asia* (Source: Afghan independent Pajhwok news agency website), 26 May – Attachment 16).

3) What is their known or likely attitude to westernised young returnees.

The question of westernised returnees to Afghanistan, especially Hazaras, was dealt with in a recent Research Response which is attached (Question 5 of RRT Country Research 2006, *Research Response AFG30446*, 16 August – Attachment 24). In relation to Jaghori district, the UNHCR stated in February 2004:

How effective is police force in providing protection against criminal activity if it is directed at perceived wealthy and westernised returnees. **Not very effective.**
Westernized and wealthy returnees could be targeted, particularly for their wealth, and if they transcend rather strongly the norms of the society.
(UNHCR Kabul 2004, UNHCR Responses To DIMIA Case Managers’ Questions For UNHCR, 14 February – Attachment 26)

In relation to the growing threat that Taliban insurgents are presenting to districts surrounding Jaghori district and roads into the district (noted in question 1), it is also noted that when the Taliban had closed the Jaghori District road to recently, they punished those who followed perceived “unislamic” practices such as shaving off their beards or listening to music on their car radios. (‘Taleban up to their old tricks regarding beards, music in east Afghan province’ 2006, *BBC Monitoring South Asia* (Source: Afghan independent Aina TV), 4 September – Attachment 12).

No further information was found on this topic in relation to Jaghori district or the *Hezb-i Wahdat*.

4) If a Hazara needed to seek protection from the state (eg local police/security forces), is there any evidence that that protection might be refused at present? If so why?

Most reports indicate the police in Afghanistan are understaffed, underpaid, undertrained and often corrupt or inefficient. The ICG state:

The Afghan National Police (ANP) ... Often little more than private militias, they are regarded in nearly every district more as a source of insecurity than protection. Instead of gaining the confidence of communities, their often-predatory behaviour alienates locals further.

The dismal state of policing has resulted in growing support for enhancing traditional tribal policing systems (arbakai). Many fear that such calls, which emanated from the palace in June 2006, reek of the dying days of the Soviet-backed Najibullah regime and its desperate attempt to hold onto power. "It is like watching the rivers run backwards", lamented a government official in **Ghazni**.

Ad hoc efforts are already happening in some provinces. **The Ghazni provincial police chief said he could call upon 500 militia.** ... Command and control as well as funding of such militias remain unclear, with the money often appearing to come from governors' discretionary funds.

ICG p.17 International Crisis Group 2006, *Countering Afghanistan's insurgency: No quick fixes*, 2 November, p.17 – Attachment 17).

A UN update of March 2006 on the situation in Afghanistan gives this information on the police:

18. The Afghan National Police has limited ability to project itself outside Kabul. Once deployed to the regions, police officers lack sufficient leadership, equipment and facilities to perform their role. They lack premises, vehicles and communications equipment and salary structures. This situation is compounded by the absence of a functioning judicial and penal system.

(UN Security Council 2006, *The situation in Afghanistan and its implications for international peace and security: Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan: Report of the Secretary-General*, 7 March, A/60/712–S/2006/145. p.5 – Attachment 25)

A more recent UN update states:

Government corruption at the provincial and district levels, particularly within the police and the judiciary, has alienated local populations (p.3)

31. The Afghan National Police force continues to make modest strides in its overall development as a dependable public security provider. ...

34. The challenges facing the Afghan National Police remain daunting: command and control arrangements are weak; administrative and logistical support capacity lags behind operational capability; lack of discipline is common; corruption remains rampant; and disregard for human rights and due process are also major concerns. As a result, the level of public trust in the police remains very low. The Government continues to struggle to provide adequate equipment and logistical support to the Afghan National Police. (pp.7-8)

(UN Security Council 2006, *The situation in Afghanistan and its implications for peace and security*, A/61/326–S/2006/727, 11 September – Attachment 18)

In relation to Jaghori district, the UNHCR stated in February 2004:

How effective is law and order in Jaghori and location of police force. **The official district administrator of Jaghori is Mr. Zafar Sharif. Nevertheless, the authorities do not have complete control over the district, particularly the remote areas. Persons carry their own weapons and therefore resort to them to settle their own problems and disputes.**

How effective is police force in providing protection against criminal activity if it is directed at perceived wealthy and westernised returnees. **Not very effective. Westernized and wealthy returnees could be targeted, particularly for their wealth, and if they transcend rather strongly the norms of the society.**
(UNHCR Kabul 2004, UNHCR Responses To DIMIA Case Managers' Questions For UNHCR, 14 February – Attachment 26)

Also in relation to Jaghori district, the UNHCR stated in March 2004:

How effective is law and order in Jaghori and existence of police force. **The district administrator was appointed by the central government. However there is still a lack of rule of law and no professional police force throughout the province.**

Is government, ANA or US forces protection against Taliban incursions provided to Hazaras in the Jaghori District or elsewhere in Ghazni Province? **The coalition forces have their base in Ghazni Canter but not in Jaghori district. They visit Jaghori from time to time, and are accompanied by ANA personnel from the 14th Division based in Ghazni Center. There are no reports of Taliban incursions into Jaghori since November 2001.**

(UNHCR Kabul 2004, UNHCR Kabul Responses To DIMIA Case Managers' Questions For UNHCR, 11 March Attachment 27)

Two previous responses on the police are attached:

- RRT Country Research 2004, *Research Response AFG16776*, 4 June (Attachment 28)
- RRT Country Research 2005, *Research Response AFG17262*, 5 April (Attachment 29)

5) Are family members of people who supported the Sepah faction of Hezb-e-Wahdat at risk from any source locally?

For information on the position of members of Sepah in Jaghori up until October 2004, please see Question 3 of *Research Response AFG17045* (RRT Country Research 2004, *Research Response AFG17045*, 25 October – Attachment 4). A March 2004 compilation of UNHCR advice stated about the situation in Jaghori:

During 2003 abuses are committed by local militias, rallied (sic) to Nasr faction, motivated by money. However, anyone perceived to be opposed to their rule – especially Harakat or **Hezb-e Wahdat (Aqbari)** could be a potential victim of their abuses...

(UNHCR Afghanistan 2004, UNHCR advice 'Compilation of COI on Afghanistan Relevant in the Context of Refugee Status Determination in Australia', 22 March – Attachment).

In 2003, the UNHCR reported:

Villagers in a Pashayi area reported land occupation by local commanders of the Nasr faction. Some returnees were reported to have been targeted upon return by members of the Nasr faction. Victims are allegedly former members of Nasr who left the movement, or persons associated with Harakat (Hazara- led group), **Hezb- i- Wahdat/Aqbari** and previous regimes, including the Taliban. Abuses include harassment, detention and extortion.

(UNHCR 2003, *Returnee Monitoring Report: Afghanistan Repatriation: January 2002 – March 2003*, March, p.11 Attachment 2)

and:

... natives of Jaghori met in the Centre of Ghazni explained that instances of robberies were – as elsewhere in the district – common and that bitterness was prevalent between followers of Nasr group and other such as Harakat or **Hezb-e-Wahdat (Aqbari)**, the latest not appreciating the control of *Nasr* members over the district (through Hissani). (UNHCR Kabul 2003, *Reply to RRT Request from Field Officer, Ghazni*, 26 September – Attachment 3)

No further information on this precise question was found. Human Rights Watch, in July 2006, advised:

While factional fighting and overt violence has decreased in areas outside the south and southeast, insecurity remains high because of the near absolute impunity with which regional strongmen are able to act. The rule of law and the justice system remain very weak in Afghanistan, so it is not enough for incidents of actual violence to decrease for the sense of insecurity to lessen. The problem of impunity must first be addressed.

(Human Rights Watch 2006, *Lessons in terror: Attacks on education in Afghanistan*, HRW website, July pp.19 – Attachment 30)

6) What is the current situation in Kabul in terms of safety and general ability to find work/accommodation security for a young Hazara returnee without family support.

For information on the position of security for Hazaras in Kabul, please see Question 1 of *Research Response AFG17262* (RRT Country Research 2005, *Research Response AFG17262*, 5 April – Attachment 29). Information on the importance of family networks for employment and security follows.

In July 2003 the UNHCR continued to advise against internal flight or relocation within Afghanistan:

This advice takes into account that the traditional family and community structures of the Afghan tribal system constitute the main protection and survival (coping) mechanism. The protection provided by families, extended families and tribes is limited to areas where family or community links exist, in particular in the place of origin or habitual residence. The presence of assisted IDP camps should by no means be used to assume an internal relocation alternative. Although the security situation in Kabul is better than elsewhere because of the presence of ISAF, certain persons could still be targeted in Kabul, if the persecutors intend to target them (UNHCR 2003, *Update of the Situation in Afghanistan and International Protection Considerations*, July, Para 109 – Attachment 31).

On 18 June 2003, Dr William Maley in a seminar on Afghanistan spoke about relocation to Kabul:

[E]mployment and economic livelihood in Afghanistan is not based on the kind of open labour market that we have in Australia. For example, if I were forced to flee Canberra for Brisbane, I'd buy the *Courier Mail*, I'd start looking in the jobs column. I could market my services such as they are—to employers and could try that way to reintegrate myself in a local labour market, obtain income and re-establish life.

In a situation like the Afghan, access to employment and income is much more based on connections and ties within family and lineage networks to start with but then through networks and acquaintances and people with whom one is familiar through occupational encounters. The difficulty with sending people to another city in Afghanistan is that, given the breakdown of the national market in Afghanistan during the 1980s, people relocated from very specific areas from which they originate to any other areas in the country do not have the connections which are necessary for them to break into the system and establish livelihoods...

The notion that one can relocate people from one area to another—which in principle sounds like a viable option—does not take into account the difficulties of people who do not have the kind of connections necessary to link them in to the basic starting level of economic viability (Maley, Dr William 2003, *Transcript of a seminar on Afghanistan given at the Refugee Review Tribunal*, 18 June – Attachment 32).

The Danish fact-finding mission to Kabul in 2002 received a number of opinions which emphasised that fundamental protection is dependent on personal and social networks:

The source advised that the availability of networks in the form of relatives is vital for a person's ability to live in a given area...In larger cities the need for relatives in the area where people wish to live is not quite as strong. But the source stressed that generally speaking, it is necessary for Afghans to have relatives in the area where they wish to settle.

In the towns a network in the neighbourhood is necessary in order to get protection. As regards personal networks in the town, many of the people who have returned – and who do not have a network – are especially at risk of being raped and assaulted...

Concerning the importance of networks, DACAAR [Danish Committee for Aid to Afghan Refugees] said that persons/families without networks are extremely vulnerable and exposed. There is no judicial or police protection in the country, only personal networks. Even though many people have fled Afghanistan, there are still networks...

CCA [Cooperation Centre for Afghanistan] said that for people, who are returning to the towns, the social network is less important in terms of being able to settle in towns other than the place of origin. The general problem, that everybody has to face, is the lack of employment, the economic situation in general and the lack of educational facilities for children...

ICG [International Crisis Group] mentioned that it is very difficult for returned refugees or internally displaced people to settle in areas, other than their areas of origin, and where they do not have a network. Accordingly, it is extremely difficult to settle in other regions, even when (e.g. as a Pashtun) people are settling in an area populated by a dominating ethnic group to which the person belongs. It will be impossible for Hazaras to settle in an area dominated by Pashtuns (Danish Immigration Service 2003, *The Political, Security and Human Rights Situation in Afghanistan Report on fact-finding mission to Kabul and Mazar-i-Sharif, Afghanistan and Islamabad, Pakistan 22 September – 5 October 2002*, 7 March, Sec.4.5.1 pp.39-40 – Attachment 33).

The Danish fact-finding mission to Kabul in 2004 updated its 2002 advice on the importance of personal and social networks:

5.5 Freedom of movement and the importance of a network

All sources consulted were of the opinion that it is difficult to settle down in any town in Afghanistan if one does not have a helping network. In addition various sources were of the opinion that people who are persecuted in one area have difficulty in obtaining protection elsewhere. In this relation many sources referred to a case where a Pakistani/Afghan couple had been exposed to persecution and threats from their own families due to their marriage. The couple had tried to settle in various places in Afghanistan, but they were finally forced to flee the country.

The IOM explained that Afghans from country districts are migrating to larger cities to look for work and housing. The source mentioned that apart from Kandahar, the population in the large towns is ethnically mixed. In spite of this it is rare that people try to settle down in towns where they do not have a network or where they have not lived earlier. The source was nevertheless of the opinion that the Afghan people are very mobile and do not have problems in settling down in a new place if possible.

The UNHCR explained that Kabul is the only town in Afghanistan where one can survive economically without having a network, but this requires a certain level of professional experience in order to get a job within a NGO or the like. The situation for single women however is complicated (see section 6.2.5).

The UNHCR found that an internal flight alternative is not possible in Afghanistan. The organization was of the opinion, that it is only possible to settle down in an area if there is a network that can assist in the establishment process and provide protection. One cannot use Kabul or any other city as an internal flight alternative if one has a conflict somewhere else in the country, because the networks of clans and the political networks are very closely linked up throughout Afghanistan, and the central government are not able to offer protection.

The UNHCR pointed out that women are dependent of a network in order to settle down in another place in the country. As a result, they do not have a real opportunity to move to another part of the country to avoid a forced marriage, etc. The UNHCR mentioned in this connection the case of the young Pakistani/Afghan couple that they are trying to resettle abroad. Further the UNHCR explained that it is necessary to have very good connections in order to return to the southern or southeastern Afghanistan in order to get the necessary protection against the Taliban.

The CCA declared that if one for any serious reason has got the negative attention of a warlord e.g. General Dostum, one will not be safe anywhere in Afghanistan not even in Kabul.

The Lawyers Union of Afghanistan stated that it depends entirely on a persons network as to whether one is protected. This is due to the fact that in case of a conflict people turn to the most powerful person in their local area with their problem.

(Danish Immigration Service 2004, *The political conditions, the security and human rights situation in Afghanistan: Report on fact-finding mission to Kabul, Afghanistan 20 March – 2 April 2004*, November, Sec.5.5, pp.43-44 – Attachment 34)

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Region Specific Links

<http://www.pajhwak.com/> Pajhwok Afghan news agency

Topic Specific Links

<http://www.jaghori.afghan20.com/>

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Search Engines

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Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. Three maps showing Nowrak/Nawrak:
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