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**This report was prepared for a Hazara asylum seeker.  
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#### **MY EXPERTISE**

1. I, Liza Schuster, am a Reader in the Department of Sociology, City University London and have been employed as a researcher at both the University of Oxford, and the London School of Economics. I began conducting fieldwork in Afghanistan in September 2012, and except for six months in 2013, I lived in Kabul until August 2015. From August 2014-August 2015 I was also the Research Manager at the Afghanistan Centre at Kabul University (ACKU), Kabul, Afghanistan, offering courses in Research Methodology and mentoring Afghan academic staff and students. In Afghanistan, I conducted research into both the consequences of forced return for Afghan migrants and their families and into the migration decision-making process, before leaving to take up my post again at City University London. In 2016, I made a number of short visits (December 2015-January 2016; June-July 2016, August 2016), before returning again at the end of September to commence another 18 month research project funded by the Economic and Social Research Council – Arts and Humanities Research Council (UK). This project is indirectly funded by the Global Challenges Research Fund and was awarded in response to an Urgent Forced Displacement Call. For 14 of the next 18 months I will split my time between ACKU and the Ministry for Refugees and Repatriation.

2. I received my PhD in Political Science on Political Asylum in Britain and Germany from the University of Southampton in 1998, and have published extensively on asylum, refuge and migration, including *The Use and Abuse of Political Asylum in Britain and Germany* (see attached CV). More recently, I have published on forced return to Afghanistan (Schuster and Majidi 2013, 2014). I have also published a number of articles in online journals on this topic, and provided expert reports/testimony in France and Norway. Some of these have been translated into French. I am consulted by immigration lawyers and representatives of Refugee Councils in Australia, Belgium, Denmark, France, Norway and Switzerland.

3. I have worked with Afghan refugees (the overwhelming majority from the Hazara ethnic group) in Paris, France since 2008 and in Afghanistan (largely in Kabul and in Baghlan province) since 2011. I have lived with Afghan families (again the majority were Hazara and Tajik, though I have also been a guest in Pashtu homes, and received guests from all ethnicities in my Kabul home). Over a period of four years, I hosted Hazara and Tajik in my home in Paris. Over these years, I have become familiar with Hazara history and culture. I have also witnessed first-hand the discrimination, hostility and insecurity to which they are subject, and which I detail below (see **Hazara and Taliban**). As the historical discrimination and persecution of the Hazara is now documented, I will confine my remarks to the current situation in Afghanistan and specifically Kabul.

4. I made my first visit to Afghanistan in July 2011. This was followed by a 1 year Leverhulme Fellowship which funded six months fieldwork in Afghanistan (September 2012 - March 2013) and 6 months as a guest researcher (Chercheur Invité) at the Centre des Etudes des Relations Internationales at Sciences Po, Paris. During that first research visit to Afghanistan (2012-2013), I spent three months in Kabul and three months in Pule Khumri in Baghlan Province (hosted by a Hazara family), interviewing those who had been deported and their families.

5. I also visited Mazar-i-Sharif, Samangan in the North, and Herat and Islam Qala on the Iranian-Afghan border. In September 2013 I returned to Kabul, where I continued to work and live for a further two years. I have also travelled in Parwan (through Dare – Ghorband), Kapisa and Bamyan provinces, and returned to Baghlan and Herat provinces on a number of occasions (the latter only accessible by air). However, on visits in 2016, the deteriorating security situation meant I was unable to leave Kabul, and access to Bamyan is now also safely possible only by air. It has never been possible for me access other Hazara areas such as Daikundi, Ghazni or Maidan Wardak. On my 3<sup>rd</sup> visit this year in August, I was obliged for the first time to stay in a secure hotel, and travel in an armoured vehicle with security guards. As a result, I understood better how much more constrained and partial a view of Afghan society foreign officials and NGO workers have of Afghan society.

6. My research project in Afghanistan was an exploration of the consequences of deportation for those deported to Afghanistan and for their families. Findings have been published in the journal *Migration Studies* (Schuster and Majidi 2013), the *Journal of Ethnic and Migration Studies* (Schuster and Majidi 2014) and I have a book manuscript in preparation. In conducting this research I interviewed those recently returned, their families as well as government officials, INGO representatives, members of diplomatic missions and members of the police and military. I have also a wide network of contacts with non-migrant Afghans and those who have returned voluntarily.

### **HAZARA (AND RELATIONS WITH TALIBAN)**

13. For the sake of the Tribunal, I wish to briefly clarify an error of fact in the 2007 refusal letter, para. 18, which would have had a bearing on the original claim and to contest statements made in ASL 2734, p.4-5. Para. 18 of the refusal letter states: 'it is not

considered credible that someone of Hazara ethnicity, actively recruited other Hazara people to fight for the Taliban, or would collect taxes to aid the Taliban, when the Taliban were waging a war against the Hazara people themselves'. However, when Hazara areas came under Taliban control, this is exactly what happened, as those who refused to convert to Sunni Islam and to work with the Taliban were threatened with death. I subsequently confirmed this with other Hazara colleagues and friends who had lived in Baghlan during the Taliban period, who told me that for many there was no choice though I was unable to assess how widespread it was, the impression given was that it was not unusual. They also told me that it was not a sin to pretend to convert in order to save one's life. Specifically for this report, I asked Mr. C about this and he replied (26/08/2016) 'Some local commanders of Harakat and other smaller groups who were marginalised by Wahdat did in fact work for the Taliban... After most of the Hazara areas fell to the Taliban in 1997-8. In areas currently under Taliban control, this continues to be the case. Nonetheless, the fact that someone did collaborate with the Taliban would be a source of shame and could create problems for the family. It is also plausible that that family history, would offer a pretext for persecution by anti-Taliban forces even today.

**14.** Members of the Afghan Hazara minority group continue, in spite of significant improvements in their situation since 2001, to suffer discrimination in terms of education and employment, even in Kabul. The parts of the city where most Hazara live are neglected by the government, and improvements are largely financed by the Hazara community themselves. Sections of other communities (e.g. Pashtun, Tajik, Turkmen, Uzbek) are also neglected. This is a society in which next to nothing is done for the poorer sections of society. However, the Hazara suffer not just because of poverty, but also because most are physically distinctive and mostly Shia (there are a small number of Sunni Hazara, and a small number of Shia Tajik) in an overwhelmingly Sunni population. As a result of their religion and the large numbers of Hazara in Shia Iran, they are closely associated with a neighbor largely distrusted by other sections of Afghan society.

**15.** It is very difficult (impossible) in Afghanistan to gather reliable statistics on any issue, and on ethnic groups in particular. There has been no census since 1979, so it is not even possible to be sure of the size of the Hazara population in Afghanistan in general, or in Kabul in particular. Most estimates (CIA factbook, Afghan Central Statistics Organisation, Asia Foundation) place them at between 9%-19% of the total population, but in the light of massive displacement, return and repeated displacement, and the difficulties of collecting data there is no way to know for sure (so that Refusal letters citing population figures for Afghanistan are misleading – even the CIA World Factbook figures are merely estimates).

**16.** Hazara are concentrated in certain areas of central Afghanistan (most notably in the province of Bamiyan), and some districts of other provinces (parts of Baghlan, Balkh, Daikundi, Ghazni, Ghor, Herat, Maidan Wardak, Uruzgan). There are also Hazara

populations in a number of other provinces. Within Kabul, the same pattern is evident. The western parts of the city, Dashti-Barchi, Afshar and Pole Kosht, are almost exclusively Hazara, others (Pole Sorkh, Pole Sukhta, Deh Bori, Omid Sabz) are largely Hazara, but there are areas where the population is more mixed (this pattern is also obvious for other ethnic groups). There is an excellent Masters dissertation by Mohammad Ali Karimi (University of Ottawa, 2011) which details the spatial exclusion of Hazara to Western Kabul. Like Karimi, I have witnessed some of the abuse directed at Hazara, including educated colleagues referring to them as 'ugly', 'no noses', 'monkeys' and (because of their religion), as qaffirs. In the following section, due to the absence of reliable statistics, the empirical data on which I rely is qualitative, drawn from my own observation (2011-2015) and relevant research and media reports (referenced).

### **17. Education**

More than any other ethnic group in Afghanistan the Hazara have embraced educational opportunities at every level, and, though there continues to be a significant gender gap, Hazara girls are also more likely to attend primary, secondary and higher education than girls of any other ethnic group. Government institutions provide very poor quality education, are overcrowded and teaching is done in three shifts per day, teachers are underpaid and unable to survive from teaching alone (<https://www.afghanistan-analysts.org/too-few-badly-paid-and-unmotivated-the-teacher-crisis-and-the-quality-of-education-in-afghanistan-2/>). In Hazara areas, government provision is particularly bad, but the Hazara community has built its own schools, and currently the school with the best results in the country is Maktab Marafat in Dashti Barchi (at which I taught for one term in 2012), and it has the highest rate of success in the Kankor, the University entrance exam (<https://marefat.wordpress.com/about/> ; <https://www.afghanistan-analysts.org/cheating-and-worse-the-university-entry-kankur-exams-as-a-bottleneck-for-higher-education/>). Nonetheless, much of the optimism reported for example in this NYT article (<http://www.nytimes.com/2010/01/04/world/asia/04hazaras.html>) from 2010 has since dissipated as Hazara hopes and expectations for their community have been unfulfilled.

**18.** There have been ethnic tensions in Kabul University with Hazara students complaining of discriminatory treatment by University staff and Professors. This led in May 2013 to student protests and a hunger strike (<http://stream.aljazeera.com/story/201305282100-0022788>). The previous year sectarian clashes between Sunni and Shia students left one Hazara student dead and 30 students injured (<http://www.rferl.org/content/three-universities-close-in-kabul-after-sectarian-clashes/24780754.html>). While there has not been similar violence, Hazara students find themselves discriminated against in marking and grades. Due in part to the discrimination, but also to the shortage of places in government universities, there has been a massive expansion in the number of for-profit and not-for-profit universities (<https://www.afghanistan-analysts.org/publication/aan-papers/bureaucratic-policies->

and-patronage-politics-prospects-and-challenges-of-private-higher-education-in-afghanistan/). While many of these are mixed, some have been founded and cater specifically to the Hazara community as a way of avoiding discrimination (e.g. Ibn Sina and Gowarshad Universities), though they are open to students from other ethnicities. I have visited both, and though there is a great deal of ambition and effort evident, they are small and massively under-resourced. In August this year (2016), while discussing the possibility of creating a course at Ibn Sina University, an ethnic Uzbek and an ethnic Pashtu colleague both spoke disparagingly of these institutions as “Hazara Universities”. Whatever the quality of the education offered by these universities (public and private), there has been a significant increase in the number of Hazara graduates in Kabul (and Bamiyan, Herat and Mazar). However, there has also been a huge increase in frustration and resentment as the effort expended and expense incurred by these students and their family rarely leads to employment, not only because of high unemployment, but also because of discrimination and structural inequalities.

## **19. Employment**

Overwhelmingly, recruitment in Afghanistan is conducted through personal networks. This form of nepotism is built into the structures of Afghan society and impacts disproportionately on those groups who have traditionally been excluded from education and employment. When a position becomes available, if it is not earmarked for a member of the manager’s network, other employees will begin lobbying for members of their networks. This is understandable since unemployment is high: the most recent estimate by Sarajuddin Isar (formerly of Afghan Central Bank, currently PhD candidate in Political Economy at SOAS, London) puts it at 60%, while during a recent conversation with a senior advisor in the Ministry of Labour (15 August 2016), it was put at 10%, with underemployment at 29%, but with women largely excluded from the workforce.

**20.** Hazaras have limited access to professional networks because of historical and current discrimination. Having worked in an organization (ACKU) committed to equal opportunities, I have seen and heard the reactions of non-Hazara to Hazara appointments. This has sometimes manifested as grumbles about Hazara ‘not knowing their place’ or ‘taking over’, on other occasions as complaints about ‘Hazara lovers’ in the organization or most often as ‘jokes’. On other occasions and elsewhere, I have heard Hazara referred to as donkeys fit only to push carts, or grow potatoes (a reference to the main crop in Bamiyan). Non-Hazara taxi drivers have sometimes refused to take me to Hazara areas while others have warned me about staying overnight in such areas, describing all Hazara as drug addicts and thieves.

**21.** Certainly, with few regular jobs available, the majority of the Hazara population remains trapped in poverty and employed in menial work including as carters, drain clearers and carters. However, Hazaras have also organized to overcome such discrimination, setting up their own businesses, including media companies (such as Tolo) and in particular using links to Hazara strongmen such as Khalili and Mohaqeq to

access contracts and financing. As with all other groups in Afghanistan – without those kinds of connections, it is not possible to access employment or set up a business. Professor Maley’s assessment of young Hazaras applies equally to young men of other ethnicities “An Hazara who is returned to Kabul without social connections is likely to end up destitute, or be exposed to gross exploitation or criminal predation” (<http://www.scribd.com/doc/204142851/Maley-Hazaras-Kabul-Opinion-February-2014>).

## **22. *Politics and Public life***

More than at any other time in the past, the Hazara are visible in public life, in particular on television. The head of the Afghanistan Independent Human Rights Commission is a Hazara woman – Sima Samar. And Hazara politicians, most notably Khalili and Mohaqeq, were given high level Cabinet positions in the post-Taliban government under President Karzai. However, Hazara political influence has declined significantly since the elections in 2014: currently there are only three Hazara in cabinet, but all in small Ministries: Mahmoud Baligh (Public Works, where Mr.B’s son works), Wahidi (Comms and IT), Humayoon Rasa (Commerce and Industries). The poorest and least resourced Ministry, Ministry of Refugees and Repatriations, is run by Hussain Alemi Balkhi, a Shia Sayed who studied in Iran. In the three key security ministries, not one of the deputies is Hazara. Much of the blame for this must lie with Khalili nor Mohaqeq, neither of whom are skilled politicians. In discussion with Hazara at all social levels in 2014 & 2015, I queried why support was being given to these two men, known to be corrupt and to have profited from land grabs, rather than Bashar Dost, for example, who is known to be clean and is widely respected. The response was that there was a strong chance that civil war would return and the Hazara would experienced fighters to defend them.

**23.** Having said that, the response of these leaders to recent events has seriously damaged their credibility in their own community. In November 2015, seven Hazara were kidnapped, including two women and a child and all were beheaded. The murder of the women and a child profoundly shocked the community and led to the largest public protest seen in Kabul. The fear and vulnerability felt by this community brought tens of thousands on to the streets of Kabul, but also highlighted their powerlessness (<http://www.npr.org/2015/11/11/455657480/protesters-flood-kabul-streets-after-beheading-of-7-afghan-hazaras>). The protesters, including families of the victims, brought the bodies of the victims to the gates of the Presidential Palace and asked the President to come to speak to them. They waited for several hours, before a small group tried to scale the Palace wall and were fired on (<https://www.facebook.com/8am.af/videos/991161194261099/>; <https://www.afghanistan-analysts.org/the-zabul-seven-protests-who-speaks-for-the-victims/>). The presence of people from different ethnic groups demonstrated for the first time a sense of ethnic solidarity in the face of 2015’s increased violence. However, the response of Mohaqeq, the highest ranking Hazara in Ghani’s government, to the demonstrators (brutally and crudely telling them they weren’t the only ones who had

suffered and attempting to delegitimise the protest by questioning the motives of the organisers - [http://www.pajhwok.com/en/2015/11/12/protest-leaders-promoting-personal-agenda-alleges-mohaqiq?utm\\_source=twitterfeed&utm\\_medium=twitter](http://www.pajhwok.com/en/2015/11/12/protest-leaders-promoting-personal-agenda-alleges-mohaqiq?utm_source=twitterfeed&utm_medium=twitter)) has increased the Hazara community's sense of vulnerability.

**24.** During the ongoing protests against the re-routing of an electricity pipeline that would have bypassed Hazarajat, footage emerged of Khalili agreeing to a request from Ashraf Ghani to persuade the Enlightenment Movement (a social movement of young Hazara) to call off the 23 July 2016 demonstration in exchange for political favours and money (see next section). Khalili was unable to deliver, but the broadcast of video footage of the meeting on television has compounded the sense of disillusionment with the established Hazara political leaders, just as those preparing to challenge it have been killed.

### **25. Security for Hazara in Kabul**

Inside Kabul, the first significant large scale attack on the Hazara since 2011 (when a suicide bomber attacked the Abu Fazl Mosque, which claimed more than 70 lives), took place on 23 July 2016 when the demonstration called by the Enlightenment Movement was attacked by Daesh. 80 people were killed and 270 injured. Many of those killed were the new, educated generation of Hazara, who were challenging the older, corrupt generation of Hazara leaders. This was a serious body blow to the community, which is still reeling.

Other groups targeting the Hazara include Hekmatyar Gulbuddin's Pashtu Hizbi Islami, sometime Taliban ally, who announced support for Daesh in July 2015

(<http://www.ibtimes.com/gulbuddin-hekmatyars-hezb-e-islami-announces-support-isis-afghanistan-combat-taliban-1996462>). To underline the point made at para.13 above,

Gulbuddin's Hizbi Islami and Mazari's largely Hazara Wahdat were briefly allies in 1993.

In 2013, Gulbuddin announced in his Eid al-Fetr message, referring to Hazara:

"foreigner's slaves must know that their excitement for Americans will end and they will get unforgettable lessons. The day -when oppressed people of Afghanistan arise- will arrive to obtain their usurped rights; then at the time; those excited for the foreigners and those usurpers of Afghanistan will find no place of asylum in the East, west, north, south and centre of the country and will lose their lands and recently developed country towns. Some of them will flee to Iran; where Iranian will humiliate them as they have been doing in the past".

**26.** Ironically, the progress that Hazara have made in education and their higher profile in public life has made them vulnerable to anti-government elements who see them as supporters and main beneficiaries of the international forces/community in Afghanistan, and the target of resentment by (some, not all) members of other ethnic groups. In particular, in West Kabul there has been a massive growth in construction by Hazara developers, including most notoriously the new suburb of Shahrak Omid Sabz (a huge tract of land grabbed by the brother of Khalili, former vice-President) though this also

makes the developers vulnerable to kidnapping.

## **27. Security Concerns outside Kabul**

It is on the roads that most attacks against Hazara occur. Of the 3 dozen extended Hazara families known to me personally, most come from provinces such as Baghlan, Balkh, Bamiyan, Daikundi, Ghazni, Ghor, Herat, Uruzgan or Wardak. Of those, only those from Baghlan or Balkh would regularly visit their province of origin, because travel was too dangerous, in particular for men (<http://www.tolonews.com/en/afghanistan/24586-three-kidnapped-youths-released-after-ransom-paid> ; <http://www.theguardian.com/australia-news/2016/mar/14/hazara-asylum-seeker-to-be-forcibly-deported-from-australia-to-afghanistan> ; <http://www.bbc.com/news/world-asia-28481282>). Others would only travel for emergencies (family bereavements or illnesses). On a visit to Bamiyan in 2013, I travelled on the only safe road of three possible roads but was obliged to wear a burqa, and when, crossing Parwan on the Dare Ghorband road, a group of men in civilians attempted to stop the car, the Hazara driver decided it would be safer to put his foot down. Two days later, there was a shootout at a similar checkpoint targeting a Hazara family whose two year old daughter was killed. Members of 'my' Hazara family who were trying to get to Bamiyan witnessed the incident and turned back to Kabul.

**28.** A woman with whom I spent a great deal of time in Dashti Barchi, explained she had to travel to Ghazni in 2014 in a group of other women to visit a dying relative without her husband or sons because the risk of the Taliban stopping the bus and killing or kidnapping the male members of the family was too high. She described being stopped on one journey and seeing Hazara men separated from the other passages before being killed. This was not shared as part of an interview or to describe the difficulties facing Hazara, but was just part of a general conversation, and I heard similar stories from other Hazara over the years. On another occasion, when visiting the same family, I overheard a conversation about the woman's nephew who had been trying to get to Kabul to start university, but who had been taken off the bus by Taliban and beaten and interrogated before being allowed to leave. That road is the main highway that links Kabul to Kandahar through Ghazni, and I have heard similar experiences recounted by young men forcibly removed from Norway, Denmark and Britain who were trying to get to family members in those provinces. They had been deported to Kabul, but were unable to find accommodation or employment because they had no social networks. All had decided to risk the journey to Ghazni because they had managed to contact someone who would put them up until they could leave the country.

**29.** 2015 was notable for the number of attacks on Hazara travellers (<http://worldhazaracouncil.org/en/wp-content/uploads/HazaraTargetKilling20151.pdf>). Since spring 2015, travel to Baghlan and Balkh has also steeply declined (for the first time

I was unable to make my my own regular journey to visit my host family in Pule Khumri, Baghlan when I returned to Kabul December 2015-January 2016, and I have not been able to return since). Starting in spring, 31 Hazara were kidnapped, 19 of whom were subsequently released in exchange for prisoners, though the details remain unclear (<http://foreignpolicy.com/2015/05/11/kidnapped-afghan-hazara-passengers-released-author-says-pakistan-knew-about-bin-laden-raid-former-tamil-nadu-chief-minister-acquitted-in-indian-court/>; <http://www.bbc.com/news/world-asia-32686953> ). This has been followed by further kidnappings and murders over the following 12 months (see article by Ahmad Shuja, HRW <http://www.rawa.org/temp/runews/2015/05/29/kidnaps-and-murders-could-presage-isis-style-slaughter-in-afghanistan.phtml>).

30. Many of the Hazara families with whom I lived in Baghlan province have joined family members in Kabul or left the country. These latest displacements were triggered by the agreement in September 2015 between Mangal, the Minister for Borders and Tribal Affairs, and the Taliban to leave them in control of Dande Ghori (<http://www.tolonews.com/afghanistan/23869-gulab-mangal-defends-controversial-dand-e-ghori-deal?lang=en>; <http://www.tolonews.com/en/afghanistan/24770-taliban-regains-ground-in-dand-e-ghori> ), a Baghlan district that abuts the road to Mazar and Kunduz, and by the subsequent fall of Kunduz. These two events were linked in the minds of those Hazara families who feared that Pule Khumri, the provincial capital would also fall. It has not, and a number of families have since returned.

31. It has been argued in a specific report prepared for the Australian government on the situation of Hazara in Afghanistan that “no part of the country can be considered free from conflict-related violence...Ethnic tensions exist throughout the country at a local level and can result in sporadic violence ... the threat of conflict-related violence faced by Hazaras is similar to that faced by members of other ethnic groups.” (<http://www.theguardian.com/australia-news/2016/mar/14/hazara-asylum-seeker-to-be-forcibly-deported-from-australia-to-afghanistan>). This position fails to take account of the particular situation of the Hazara, the fact that they are visibly different, that they do not belong to the Sunni majority, that their loyalty to Afghanistan is called into question and that it is not possible over a brief 15 year period to eradicate centuries of discrimination.

32. In the last 18 months the security situation in Afghanistan has seriously deteriorated across the country and for all groups. The UNAMA report on civilian casualties in 2015 described it as the worst on record. Winter 2015/6 did not see the usual hiatus in Taliban attacks, but on 14 April they announced the start of their spring offensive and ‘This announcement was followed by reports of dozens of attacks for which the Taleban **claimed responsibility**, including in Baghlan, Badghis, Faryab, Ghazni, Helmand, Kandahar, Kunar, Laghman, Logar, Nangarhar, Parwan, Sar-e Pul and Zabul within the first 48 hours’ (<https://www.afghanistan-analysts.org/operation-omari-taleban-announces-2016-spring-offensive/>) (for further details on the general security situation,

see below).

**33.** Currently, Hazara in Afghanistan, including Kabul, together with other groups fear the country is sliding towards chaos. But as a distinctive minority, who do not share the majority religion, and who have been particular beneficiaries of the international community and the last 15 years, they are particularly worried that they will be singled out for persecution and punishment by Daesh, the Taliban and other anti-government forces. The massacre in July 2016 seems to confirm their worst fears.

### **CURRENT CONDITIONS IN BAGHLAN**

**34.** The following report from the Naval Postgraduate School, Programme for Culture and Conflict Studies (<http://www.nps.edu/Programs/CCS/Baghlan/Baghlan.html> ) states:

Baghlan has suffered from ineffective governance since 2001 with nine different governors attempting to bring stability and security to the province. The current governor, Munshi Abdul Majeed, replaced Haji Mohammad Akbar Barakzai, who was appointed in January 2009. A recent series of suicide bombings, factional fighting, and criminal activity has continued to plague Baghlan, including its provincial capital, Pul-i-Khumri. Majeed is a former Hezb-i-Islami commander and native of Baghlan province who has served as the governor of Badakshan for several years before replacing Akbar Barakzai [***since this report the Governor has changed again – on 13 October 2015, Abdul Sattar Barez took over the role***]

**35.** Baghlan is an important province linking Kabul in the South to nine Northern provinces, including Kunduz where there is current fighting. On August 14, 2016 Dahan-e-Ghori [just to the west of Pule Khumri and neighbouring ] fell to the Taliban after days of fighting and there is continuing fighting in Baghlan-e-Markazi (<http://www.aljazeera.com/news/2016/08/taliban-overruns-district-afghanistan-baghlan-160815073521937.html>). In fact, there has been heavy fighting in Dahan-e-Ghori for more than a year, and a recent news report noted that all roads to the provincial capital had been closed for the last six months (February to August 2016) (<http://www.pajhwok.com/en/2016/08/10/taliban-attack-dehna-ghori-pushed-back-baghlan-governor>). This is significant because Baghlan is strategically important: the main electricity supply to the country goes through this province (one reason for routing the new line through Bamyan). It also means the Taliban control access to Mr. X's village of Chesme Sir.

**36.** A particular risk for those who have spent significant time in a European country is that they may be seen as 'contaminated' by their experiences in Europe. Baghlan is a rural province and the main towns of Pule Khumri and Baghlan are 'provincial'. While changing dress would be relatively easy, returning after years in Europe, Mr X will find it more difficult to hide changes in attitudes, behaviour, speech and values (and the stress if he is suffering from mental health issues would be very great), and this

would make him vulnerable to those hostile to Western influences. The following is an extract from an article I published 2013 with Majidi:

***Life in the West is sometimes seen by community members as having 'contaminated' the teenagers and young adults who left for the UK at a young age and returned with visible and invisible signs of their cultural change (clothing, behaviour, accent etc.). Life in the UK is perceived as having had a negative impact on their development. In the case of one young man interviewed in 2009 and again in 2011, from Paghman district in Kabul province, his return home led to clashes arising from his changed perspectives:***

They all bother me because I went to the UK. They say I lost my culture, became a kafir . . . all sorts of insults. Another deportee – Habib – returned and was killed in our village last year. I left because I no longer felt safe. But now I have no employment, no stable income, no skills, no future and no family by my side. (Najib, 22)

***...Where those deported are seen as shamed or contaminated, access to...networks may be withdrawn. Without networks to offer support and employment opportunities, integration into a community is almost impossible (Schuster & Majidi 2013).***

Paghman District is much closer to Kabul than Baghlan Province, so I believe the risk would be at least as great. Catherine Gladwell of Refugee Support Network (RSN) encountered the same issue on her field trip:

***A quarter of the boys tracked had experienced harm or difficulties as a result of being viewed as 'Westernised outsiders'. Several boys encountered difficulties due to being seen as having lapsed in their practice of Islam (<http://www.fmreview.org/detention/gladwell#sthash.ABHFuYHp.dpuf>)***

**37.** In the article with Majidi, I noted a further risk for those forcibly returned (and those who return voluntarily). Criminals have been targeting recent returnees from Europe and Australia assuming that they must have money and refusing to believe they have been deported without any resources (see Schuster and Majidi 2013a). This has led to violent robbery and kidnappings. Kidnappers usually target wealthy Afghans, but even the perception of having access to money may put someone at risk.

(<http://www.rawa.org/temp/runews/2014/01/21/sharp-rise-in-kidnappings-in-afghan-province.html>; [http://www.washingtonpost.com/world/asia\\_pacific/in-model-afghan-city-kidnappings-surge/2013/04/24/2cf88976-a6b4-11e2-9e1c-bb0fb0c2edd9\\_story.html](http://www.washingtonpost.com/world/asia_pacific/in-model-afghan-city-kidnappings-surge/2013/04/24/2cf88976-a6b4-11e2-9e1c-bb0fb0c2edd9_story.html))

**38.** This phenomenon is corroborated by Catherine Gladwell of RSN (see para. 19 above) who visited Afghanistan and followed up what happened to young Afghan men who had been in contact with the organisation in the UK:

*Some [of those returned] were mugged due to a perception that returning from Europe must mean returning with money. One boy was kidnapped and held to ransom until his family sold additional land to finance his release. (<http://www.fmreview.org/detention/gladwell>).*

## **RISK ON RETURN TO KABUL**

39. Commentators who refer to Kabul as a large anonymous city are judging it on the basis of small enclaves around Shar-e-Nau, or from the inside of armoured SUVs. In fact, outside the centre, it really is a collection of villages in which the social structures of villages in the provinces are replicated to an extraordinary degree. In these areas, traditional cultures and norms are preserved and policed. It is true that there is a growing urban middle class, but they constitute a tiny minority of the urban population and they live in compounds and gated communities. Most Hazara live in West Kabul, in Dashti Barchi and the newer suburbs radiating out from it.

40. Professor Maley's assessment of young Hazaras applies equally to young men of other ethnicities "An Hazara who is returned to Kabul without social connections is likely to end up destitute, or be exposed to gross exploitation or criminal predation" (<http://www.scribd.com/doc/204142851/Maley-Hazaras-Kabul-Opinion-February-2014>). I would be particularly worried about returning someone with mental health issues to Kabul without strong family ties in the city. As described below, social networks are essential to survival in Afghanistan.

41. The *UNHCR Eligibility Guidelines for assessing the International Protection Needs of Asylum-seekers from Afghanistan* (2016) offer guidance on assessing the reasonableness of internal relocation, noting that particular attention must be given to:

- (i) the availability of traditional support mechanisms, provided by members of the applicant's extended family or members of his or her ethnic group;
- (ii) access to shelter in the proposed area of relocation;
- (iii) the availability of basic infrastructure and access to essential services in the proposed area of relocation, such as sanitation, health care and education;
- (iv) the presence of livelihoods opportunities, including access to land for Afghans originating from rural areas; and
- (v) the scale of internal displacement in the proposed area of relocation.

**The next paragraphs address the issue of internal relocation, in particular to Kabul, in the light of these guidelines and my own experience of Kabul.**

**42. Re (i)** From my experience of Afghan social relations (confirmed in the work of anthropologists such as Alessandro Monsutti 2005, 2006 and Kristian Harpviken 2009), relocation to an area where one does not have the support of a network is very difficult. The small number of successfully reintegrated returnees I have interviewed are those with dense family networks in Kabul itself with the resources to fund in one case a university education and in the other two cases to set up the young men in business (a fast food restaurant and a mobile phone shop).

*Internal relocation' is often proposed by courts in Europe as a solution for those who cannot be returned to their areas of origin, or to their homes. However, 'internal relocation' in the Afghan context is [extremely difficult, and for many people] impossible, due the essential role played by family networks. Without networks to offer support and employment opportunities, integration into a community is almost impossible. A report published in 2007 by Saito and Hunte shows the challenges of complex reintegration, which include the risks of social exclusion and discrimination, the lack of any skills that could fit with the Afghan labour market even if there were employment opportunities, and the difficulties of meeting material needs during 'reintegration'. In Afghanistan, there is little other choice but to go back to where individuals have social connections.* (Schuster & Majidi 2013b).

**43. Re (ii)** Accommodation (and property) in Kabul is extremely expensive. There is a growing rental market, but it is normally families that rent apartments. It is difficult to find a single room, they cost around \$100 per month, and landlords make ask for up to six months rent in advance. Most of those who come to Kabul to work or study stay with members of their extended family. Increasingly, but still rarely, groups of young men will rent a room together. Young men I have interviewed who have been deported have had to stay at the IOM run reception centre at Jangalak, Wasil Abad, but they are asked to leave after a few days (two weeks on average). In an interview with the manager of the centre at the beginning of April 2014, he told me that in general those deported from the UK did not stay there. He speculated that this was probably because they left quickly to try and return to Europe, via Iran and or Pakistan, or in some cases, unable to stay in Kabul without contacts, they risked returning to home villages. This echoes my own findings.

**44.** In response to a request from the BBC mid-June 2015, I tried to reconnect with some of those who had been forcibly returned, but all of my contacts had left for other countries or disappeared. However, a colleague had heard about some who were sleeping under Pule Sorkh bridge with the drug addicts. A few days later he went to try and locate them, but they had been moved on. However, he found a third – all three are now drugs users, and street homeless. Since then, hundreds of these people were loaded into buses and taken to a decommissioned based on the outskirts of Kabul. During a visit

in June 2016, I asked whether any more returnees had been spotted there. However, although the people who had been bussed out had largely made their way back, he had not been able to return to see if there were any men who had been forcibly returned from Europe among them.

**45. Re. (iii)** Kabul's population has exploded from 500,000 to 7 million + in the space of 15 years (even bearing in mind the unreliability of statistics – the numbers have exploded), as a result of the largest repatriation operation in history. Many of the 5.7 million people who have returned from Iran and Pakistan, and the 1.2 million IDPs who have been displaced inside Afghanistan have been unable to return to their original homes and a significant number of these have settled around Kabul (UNHCR <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486eb6>). Hence, Minister Balkhi's announcement that Kabul could not host those originally from dangerous provinces to which they could not return, and a plea for the forced removals to stop (see annex 3).

**46.** The basic infrastructure, including sanitation, education and health have not kept pace with this extraordinary growth. There are daily power cuts, the water is contaminated and many of the schools (and some Universities) run 3 short shifts a day. There are many hospitals in the city, but like schools, most of these are private, run for profit and are inadequately staffed by poorly qualified doctors and nurses. Having accompanied two families deported from Norway to Kabul in 2014 to hospital I have seen this first hand. In one case, the doctor having found nothing wrong with an 8 year old child, prescribed (as a cost of \$140) vitamins, a calcium supplement and a supply of needles to inject saline solution. In another case, a young woman with eye problems was given injections of glucose, while another with chronic anaemia was sent home carrying a saline solution drip (prescribed for everything from headaches, to low blood pressure to gastric troubles). Reference is sometimes made to the availability of treatment and medication in MedCOI. I am shocked by their findings. I find it difficult to believe the person writing these reports has actually visited the Alaudin facility, the Ministry of Public Health's 60-bed psychiatric hospital. It is the only public national referral mental health hospital for all of Afghanistan, while also serving the needs of all psychiatric patients in Kabul. 'It faces extreme under-funding, limited staffing and insufficient technical capacity' (International Medical Corps, 2011). The hospital, long notorious for its dilapidated and unhygienic state, has only 60 beds (WHO 2006); while experts say at least a 300-bed facility is needed. It was also criticized in a 2010 assessment by the IMC for not providing follow-up treatment post-discharge and for the high relapse rates of mental health patients. In 2016, the dirt and dust in the buildings (and the filthy, no longer white coats of the staff), the full beds, to which some patients are tied, provide a clear indication of the inadequacy of treatment available. I have spoken to members of the families of three people who had spent time there before they were removed. The

patients are brought here when their families cannot cope and are usually suffering from Schizophrenia or drug addiction. The other hospitals referred to are private clinics, very expensive and with no guarantees as to the quality of the treatment or facilities. To suggest that there is adequate treatment available for PTSD in Kabul is disingenuous to say the least.

47. The same document made reference to the availability of drugs in Afghanistan, and that is certainly true, although there is also widespread evidence of drugs being out of date and counterfeit (Lalani et al 2015 (available at <http://ajtmh.org/cgi/doi/10.4269/ajtmh.14-0394>; Bashaar et al. (2015) 'Community pharmacists' attitudes toward the quality and price of locally manufactured generic medicines in Kabul, Afghanistan', *Journal of Pharmaceutical Policy and Practice* 8:16, p.3; see also <http://www.theguardian.com/world/2015/jan/07/counterfeit-medicine-afghanistan-corruption-border-controls-drugs-poor>). Harper & Stroute (2011, 29, available at <http://apps.who.int/medicinedocs/documents/s18434en/s18434en.pdf>), noted that 'The market presence of substandard and counterfeit medicines is likely to be significant and should be considered a public health menace requiring urgent attention'. This means that while the branded drugs cited may well be available, it will be difficult when filling a prescription to be sure that they are not counterfeit. Though that article is now 5 years old, I have witnessed the ongoing problems with medication. It is usual when visiting families who are less well educated for a large bag of medication to be produced so that I can check the expiry dates, explain the dosage and say whether or not I think the drugs are fake from Pakistan. A further problem is with prescribing itself. When drugs are prescribed, patients frequently fail to understand how they are supposed to take them or what precisely they are for. I am not a doctor, but on about 1 out of every 3 occasions, the medication is clearly not indicated for the symptoms (vitamins for arthritis pain, pain killers for infections etc). The medical system in Afghanistan is in crisis (though of course there are also a number of dedicated and committed medical personnel, they are operating in extremely challenging conditions) and anyone who can afford to do so goes abroad: the middle and upper classes to India, and the poorer classes to Pakistan. Those who cannot fly travel many hours in taxis or buses, enduring extreme conditions because there is no faith in the Afghan health system.

48. **Re (iv)** As mentioned above interactions between strangers meeting for the first time inevitably begin with establishing identity and trying to find common acquaintances or family members. Trust in Afghanistan has been severely tested through more than three decades of war, and until or unless someone's identity has been established, they will be unable to find somewhere to stay, or someone to give them employment or support. Unless someone has access to support networks, he will find it difficult, perhaps impossible, to find livelihood opportunities. Professor Maley draws attention to a study by Kantor and Pain that emphasises the centrality of relationships to livelihoods in rural

Afghanistan, and the points they make apply equally to urban areas (Paula Kantor and Adam Pain, *Securing Life and Livelihoods in Afghanistan: The Role of Social Relationships*, Kabul: Afghanistan Research and Evaluation Unit, December 2010). Even in Kabul University, people were usually employed on personal recommendations. In the absence of a functioning social security system, where there is a death among the workforce, even government posts, it is common for someone from the deceased's family to be offered the vacant position and I have seen posts given to a niece and a brother. This leads to enormous frustration especially among the growing number of first generation graduates who do not have contacts in white collar jobs to give them the necessary recommendation, and who see unqualified and unsuitable individuals receive sinecures.

**49. Re (iv)** Employment for everyone is scarce even in Kabul (conservative estimates put it at 48%), and when people do find work it is very poorly paid. Qualified teachers, engineers and other professionals are often unemployed, and where they do have work, they frequently subsidise their incomes by working as unlicensed taxi drivers to make ends meet. While those who have spent time in Europe may have gained valuable skills, it is unfortunately the case that jobs are mostly given to members of a social network rather than the most qualified person. Without a network it is not possible to find work.

**50. Re. (v)** The 2016 *UNHCR Eligibility Guidelines* offered the following comments on relocation to urban areas:

*Where the proposed area of relocation is an urban area where the applicant has no access to pre- identified accommodation and livelihood options, and where he or she cannot reasonably be expected to be able to fall back on meaningful support networks, the applicant would likely find him- or herself in a situation comparable to that of other urban IDPs. To assess the reasonableness of such an outcome, adjudicators need to take into account the scale of internal displacement in the area of prospective relocation, and the living conditions of IDPs in that location. Relevant considerations in this regard include the fact that IDPs are considered to be among the most vulnerable groups in Afghanistan, many of whom are beyond the reach of humanitarian organizations; as well as available information to the effect that urban IDPs are more vulnerable than the non-displaced urban poor, as they are particularly affected by unemployment; limited access to adequate housing; limited access to water and sanitation; and food insecurity*

**51.** The level of poverty in Kabul should not be underestimated. Most streets around Kabul are dotted with women in burkhas, some with children, or the elderly or disabled, who sit or stand in the potholes, hoping drivers will throw money at them. These are mostly IDPs who have come to Kabul from other provinces and have no support in Kabul. A person alone who would end up destitute or worse.

## **CURRENT SECURITY SITUATION IN KABUL**

**51. In terms of security, the situation in Afghanistan is extremely volatile and should be judged on the basis of the many current and up-to-date assessments easily accessible.**

52. According to a UN Security Council report to the General Assembly (1 September 2015):

*Anti-Government elements also continued to undertake high-profile attacks in the country's capital and in provincial capitals. Although they ostensibly targeted the Government and international forces, the brunt of the attacks continued to be borne by civilians. Significant attacks in the first part of the reporting period included one on the National Assembly on 22 June and attacks on international military convoys in Kabul on 30 June, 7 July and 22 August, as well as suicide attacks on Afghan military and Government targets in the provincial capitals of Kandahar (25 May), Jalalabad (31 May), Lashkar Gah (30 June) and Khost (12 July). Following the announcement of the death of Mullah Omar, the city of Kabul experienced a string of attacks between 7 and 10 August, including suicide attacks in the vicinity of an Afghan National Army base, the police academy, an international military base and Kabul International Airport, which resulted in over 55 individuals killed and over 330 injured.*

53. The 2015 Annual Report on Protection of Civilians in Armed Conflict, prepared in coordination with the Office of the UN High Commissioner for Human Rights (OHCHR), notes that: 'Anti-Government Elements focused on population centres (cities, towns, and large villages) – simultaneously challenging Government control of such centres while carrying out regular, deadly suicide attacks in major cities, particularly **Kabul**' (February 2016:6)... 'In the central region, notably in **Kabul city**, complex and suicide attacks caused an 18 per cent increase in civilian casualties. For example, two suicide attacks in Kabul city on 7 August [2015] caused 355 civilian casualties (43 deaths and 312 injured) - the highest number of civilians killed and injured in one day since UNAMA began systematically recording civilian casualties in 2009' (February 2016: 9) [the fatalities were exceeded by almost 50% in April 2016, see §17 below, and almost 100% in July 2016].

54. In February / March 2015 the insurgents began their spring offensive and have continued to stage fatal attacks throughout the intervening months. Some of the most shocking include the Kabul attack on Parliament in June 2015, which although it did not generate many casualties, offered clear proof that the Taliban could enter the most secure environments.

55. In August 2015, Brigadier General Shoffner (Resolute Support Deputy Chief of Staff for Communications) articulated a widespread feeling in Afghanistan that, in particular in Kabul, security had certainly worsened in the last year: "Kabul has strategic significance for the insurgency and there are really two main reasons for this. The first is that it is the

visible symbol of the government's authority. It's the capital city. The second is that the attacks receive wide media coverage and it's what the insurgents want." He noted that insurgent attacks have increased in Kabul compared to the past year, and that militants want to show that the Afghan government is not able to ensure people's safety. Hours after Shoffner's statement a suicide car bombing rocked the capital, killing at least 12 people and injuring over 60 – including women and children (<http://www.tolonews.com/en/afghanistan/21041-attacks->

**56.** The past 12 months have seen regular fatal attacks in Kabul:

07/08/2015 Three suicide attacks kill 50, injure hundreds – (<http://www.tolonews.com/en/afghanistan/20812-kabul-residents-hold-candlelight-vigil-for-blast-victims>)

10/08/2015 Suicide attack kills 5, injures 16 – airport road, Kabul

15/10/2015 Attack on vehicle in Kote Sangi area – three civilians injured, at least one child killed

11/10/2015 Pule Arter explosion – attack on military convoy (close to Ansari high school for girls) injures three including child (<http://www.theguardian.com/world/2015/oct/13/afghan-forces-repel-taliban-attack-on-ghazni-as-offensive-spreads>)

08/10/2015 restaurant attacked in Deh Bori, three injured, two guards killed

05-06/10/2015 Two suicide blasts near Russian embassy in Darulaman, battle goes on through the night – suicide bombers target Kabul home of former Governor of Helmand, seven police and one guard injured, families evacuated, power cut, 15 casualties, no fatalities (<http://www.valuewalk.com/2015/10/kabul-hit-by-twin-suicide-blasts> <http://www.tolonews.com/en/afghanistan/21739-security-forces-kill-3-suicide-bombers-after-all-night-clash-in-kabul/>)

11/11/2015 Protest following beheading of seven Hazara, including child, ends with police firing on crowd attempting to storm the Palace – 10 protestors injured (<http://www.tolonews.com/en/afghanistan/22292-10-protestors-injured-after-security-forces-opened-fire>; [http://www.securitycouncilreport.org/monthly-forecast/2015-12/afghanistan\\_15.php?print=true](http://www.securitycouncilreport.org/monthly-forecast/2015-12/afghanistan_15.php?print=true))

11/11/2015 Seven civilians, including a child and woman, were injured in a suicide car bombing that targeted British troop carriers in Kabul.

<http://www.tolonews.com/en/afghanistan/21824-seven-injured-in-kabul-suicide-bombing-on-foreign-troops>

24/11/2015 Seven children killed by mine found on building site in Kabul (<http://edition.cnn.com/2015/11/24/asia/afghanistan-violence/index.html>)

28/11/2015 Attack on ANA vehicle carrying IEC personnel in Kabul, driver killed, guard injured (<http://www.tolonews.com/en/afghanistan/22556-kabul-blast-leaves-one-dead>)

As noted by the UN Security Council 'The security situation in Afghanistan remains dire, with the Taliban carrying out a spate of attacks in Kabul and other parts of the country in early 2016, causing high levels of casualties to civilians and security forces' ([http://www.securitycouncilreport.org/monthly-forecast/2016-03/afghanistan\\_16.php](http://www.securitycouncilreport.org/monthly-forecast/2016-03/afghanistan_16.php)).



Unusually winter 2015/6 did not see the usual lull in attacks, but Nowroz (March 2016) saw an uptick in attacks across the country (see excellent report by Felbab-Brown, 2016), attacks that have since continued including in Kabul, which witnessed the following large scale attacks (and many other smaller attacks) this year.

1/1/2016: the Taliban exploded a bomb and engaged in a firefight at a restaurant in Kabul, leading to the death of a child and wounding 15 others.

4/1/2016: a bomb-filled truck exploded at a facility for workers in Kabul, killing one civilian and injuring another 22 civilians.

20/1/2016: a Taliban suicide bomber attacked a bus carrying media personnel in Kabul on 20 January, killing seven people and wounding more than 20; (<http://www.securitycouncilreport.org/monthly-forecast/2016-03/afghanistan16.php>)

1/2/2016: A police facility in Kabul was struck by a suicide bomber on, resulting in the deaths of more than 20 police officers (<http://www.bbc.com/news/world-asia-35459074>),

27/2/2016: 15 people killed (<http://www.aljazeera.com/news/2016/02/suicide-bomber-kills-11-eastern-afghanistan-160227062901757.html>)

15/4/2016: multiple coordinated attacks across Kabul, including Presidential Palace (<http://www.ndtv.com/photos/news/multiple-attacks-across-kabul-12795#photo-166872>)

19/4/2016: 64 killed in attack at Pul-e-Mahmud, Kabul (<http://www.bbc.com/news/world-asia-36091046>)

25/5/2016: 11 killed during morning rush hour (<http://www.independent.co.uk/news/world/middle-east/taliban-suicide-bomber-kills-eleven-commuters-in-kabul-during-morning-rush-hour-a7048211.html>)

20/6/2016: 14 people killed in central Kabul <http://www.bbc.com/news/world-asia-36573343>

30/6/2016: 27 police cadets killed, more than 40 wounded (<http://www.reuters.com/article/us-afghanistan-blast-idUSKCN0ZG0UY>).

23/7/2016: 80+ killed and at least 230 injured during peaceful demonstration by Hazaras protesting discrimination (<http://www.bbc.com/news/world-asia-36877928>).

24/8/2016: 16 killed, 50+ wounded in attack on American University campus, Darulaman, Kabul <http://www.tolonews.com/en/afghanistan/26939-devastated-family-buries-their-hardworking-son>

6/9/2016: 41 killed in attack on charity Care Hospital and Ministry of Defense, many more injured [https://www.washingtonpost.com/world/kabul-shaken-by-attacks-on-international-charity-and-defense-ministry/2016/09/06/6e9f34ea-7403-11e6-be4f-3f42f2e5a49e\\_story.html?utm\\_term=.410d1ea46011](https://www.washingtonpost.com/world/kabul-shaken-by-attacks-on-international-charity-and-defense-ministry/2016/09/06/6e9f34ea-7403-11e6-be4f-3f42f2e5a49e_story.html?utm_term=.410d1ea46011)

\*11/10/2016: 14 people killed and wounded dozens more at a shrine in Kabul (<http://www.bbc.com/news/world-asia-37621502>)

\*21/11/2016: 30 worshippers killed, 80 injured at Shiite Shrine <http://www.reuters.com/article/us-afghanistan-blast-idUSKBN13G0OS27>

27/11/2016: 5 Afghans, one Briton killed in attack on British diplomats <https://www.theguardian.com/world/2014/nov/27/kabul-suicide-attack-uk-embassy-six-dead>

21/12/2016: 8 killed and 6 others were wounded when 3 Taliban gunmen attacked the Dashti Barchi home of the MP for Helmand Province, Mir Wali, in Kabul. <http://www.reuters.com/article/us-afghanistan-attack-idUSKBN14A1W1>

10/1/2017: 30 killed in 2 explosions near the Parliament in Darulaman, dozens injured <http://www.bbc.com/news/world-asia-38567241>

7/2/2017: 21 killed in attack on Supreme Court, dozens injured [https://www.nytimes.com/2017/02/07/world/asia/afghanistan-suicide-bombing-supreme-court.html?\\_r=0](https://www.nytimes.com/2017/02/07/world/asia/afghanistan-suicide-bombing-supreme-court.html?_r=0); <http://www.tolonews.com/afghanistan/un-condemns-kabul-supreme-court-bombing>

1/3/2017: 22 killed, 100 injured in attack on Police Academy <http://www.tolonews.com/afghanistan/blast-reported-kabul>

7/3/2017: 50 killed, 91 injured in attack on hospital  
<http://www.tolonews.com/afghanistan/did-someone-let-attackers-kabul-hospital>

13/3/2017: 1 killed, 20 injured in attack on minibus  
<http://www.euronews.com/2017/03/13/afghanistan-blast-one-dead-and-nearly-20-injured-in-deadly-minibus-explosion>

57. I was in Kabul for a number of these attacks, and hearing rumours that casualties were much higher than reported, I raised the issue with a senior contact in the Justice Department and an experienced journalist (who has worked for the New York Times). Both said yes, the casualties were significantly higher, but government sources were already concerned about the demoralizing effect of these attacks. With reference to UNAMA figures, it was noted that UNAMA requires three verifiable sources, and these are not always available. When I asked why journalists were not following up on this, it was explained that, unlike in Europe, for example, the dead are often not taken to hospital or a morgue. In many cases, they are immediately taken home to be washed and will be buried the following morning. Eventually, the figure will be corrected, but it will take months.

58. Such attacks:

can properly be regarded as indiscriminate in the sense that, albeit they may have specific or general targets, they inevitably expose the ordinary civilian who happens to be at the scene to what has been described in argument as collateral damage. The means adopted may be bombs, which can affect others besides the target, or shootings, which produce a lesser but nonetheless real risk of collateral damage' (Kelly, April 2015 (1.3.2) accessed at <https://www.ein.org.uk/blog/judicial-analysis-article-15-c-qualification-directive-and-international-protection-issues#ref9>).

The impact of these attacks on the morale of the city is considerable, and although 'normal' life and everyday activities continue, women with whom I have spoken have regularly referred to the constant, nagging fear that their husbands and children will not return when they leave the house.

59. The attack by Daesh in July is particularly worrying. The Institute for the Study of War in a backgrounder by Harleen Gambhir from 3 December 2015 states:

*'The Islamic State of Iraq and Al-Sham (ISIS)'s affiliate in the Afghanistan-Pakistan region is effective, operational and positioned to expand... These violent conditions will likely facilitate Wilayat Khorasan's recruitment, attacks, and territorial expansion. Afghanistan's precarious unity government has not maintained effective security as international forces have drawn down. Wilayat Khorasan's growth gives ISIS additional strategic resiliency outside of Iraq and Syria and will intensify the global competition between ISIS and al-Qaeda (AQ), which is also present in the area'*([http://www.understandingwar.org/sites/default/files/ISIS%20in%20Afghanistan\\_2.pdf](http://www.understandingwar.org/sites/default/files/ISIS%20in%20Afghanistan_2.pdf)).

According to AFP reports, the UN announced that ISIS have a presence in 25 of Afghanistan's 34 provinces (<http://www.straitstimes.com/asia/south-asia/isis-gaining-ground-in-afghanistan-un-report> ), though it remains difficult to ascertain how much of this presence is due to disgruntled sections of the Taliban simply re-branding themselves – in particular in order to gain access to resources. The attack in Kabul in July 2016 is unusual but is certainly evidence of their capacity to strike with dramatic and fatal consequences.

**60.** As well as casualties, the increasing violence has led to a sharp and significant increase in internally displaced people: in the first six months of 2016, the conflict displaced 157,987 Afghans from their place of origin, a 10 per cent increase compared to the same period in 2015 and resulting in an estimated 1.2 million conflict-induced Internally Displaced Persons (IDPs) in Afghanistan (UNAMA 2016a). The UNHCR guidelines (2016) recommend that levels of displacement are an important indicator of levels of generalized violence.

**61.** In line with the increasing violence and casualties, fear and anxiety about the future has risen amongst the population. As noted by The Asian Foundation (TAF)'s most recent 'Survey of the People, published on 19 November 2015 "optimism about the country's overall direction has dropped: 57.5% of Afghans now say that things are moving in the wrong direction, up from 40.5% in last year's survey, and the highest percentage to say so since the study began", unsurprising perhaps given that "[t]he survey was conducted in the midst of the country's deadliest fighting season since the Intervention in 2001, which saw heavy loss of life for both the Afghan National Defense and Security Forces (ANDSF) and civilians." (<http://acsor-surveys.com/research/the-asia-foundation-releases-2015-survey-of-the-afghan-people/>). The decline in confidence in the government, its capacity to provide security, and the conditions for economic stability if not growth, and the growth of fear for the future is widespread and visible in particular during the demonstrations seen in Kabul in the last 12 months.

**62.** Currently, the Taliban/insurgents are active in 32 out of 34 provinces (see Annex 1 & 2) and the security forces are have to battle for control of many districts. Almost all provinces have seen a sharp decline in security and an increase in attacks and casualties (see UNAMA 2016).

**63.** For all these reasons: the growing confidence of the Taliban, the arrival of ISIS/Daesh, the weakness of the National Unity Government, and a growing sense of despair following the euphoria of the first round of the Presidential elections in April 2014 – Afghanistan is in an extremely fragile and volatile situation. Fear and pessimism are widespread, and there is little evidence of hope that the situation will improve. This pessimism is shared by the U.N. According to Nicholas Haysom (UN special envoy to Afghanistan) if Afghanistan merely survives 2016, the United Nations mission in the country will consider it a success (Eltaf Najafizada,

<http://www.bloomberg.com/news/articles/2016-03-16/afghanistan-s-goal-for-this-year-is-just-to-survive-un-says>).

## **SUFFICIENCY OF PROTECTION**

**64.** It is true that currently there exists a national police force and national security structure, and that the security forces (Afghan National Police [ANP], Afghan National Security Forces [ANSF], Afghan National Army [ANA] and Afghan Local Police [ALP]) have increased in numbers in recent years, and increasingly taken responsibility for security. In 2014 in particular, the population's confidence in these forces increased considerably, especially given their success around the elections – although there were significant numbers of attacks, they were not as ferocious as feared. However, 2015 & 2016 have seen confidence in embattled security forces decline, especially following the fall of Kunduz in September 2015, and news in the past couple of months of more districts in the South and North falling to the Taliban. Giustozzi & Ali's (2016) analysis of the state of the ANA following the ISAF withdrawal argues that corruption, incompetence and nepotism were key factors in Kunduz. They are also the reasons for the public's lack of trust in the security forces.

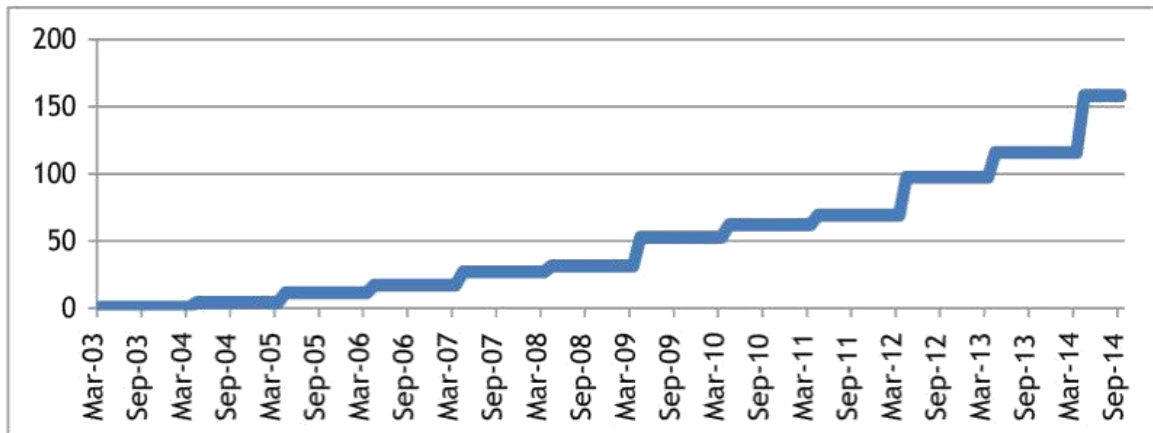
**65.** The priority for the security forces is the general security of the country and the cities, rather than individuals. The Afghan police and Special Forces do manage to foil many attacks but the Taliban are still capable of conducting operations in the capital, including on 25 March 2015, when a Vehicle Born IED (VBIED) was detonated in Police District 2 near the Ministry of Finance and the Presidential Palace, killing 6 and injuring 31 civilians. In July 2016, the government tried to ban the TUTAP demonstration by the Enlightenment Movement that was attacked because it could not guarantee security. The measures they put in place (blocking streets with containers) made quick access for the emergency services very difficult and contributed to the high number of fatalities (80) and further undermined the government's legitimacy.

**66.** The ANSF are suffering themselves and their casualties have increased sharply as they have taken over sole responsibility for security (UNHCR 2016: 11). Felbab-Brown of the Brookings Institute (2016: 9) suggests that:

the casualty rate might have been 28 percent higher in 2015 than in 2014, a year when at least some top-level U.S. military officers considered the ANSF casualty rate unsustainable. In 2014, more than 20,000 soldiers and support personnel were lost due to deaths and injuries as a result of combat, desertions, and discharges. Long facing even more pressure from the Taliban than has the Afghan military, the police lost almost a quarter of its members in 2015, some 36,000, many through desertions'.

Giustozzi and Ali (2016) are sure that ANA casualties for 2015 are increasing in line with casualties in the previous years:

Graph 2: Monthly ANA KIA rates, March 2003-September 2014



Source: Afghan MoD

*cited in Giustozzi, A & Ali, M. A., 2016: 4*

For fear of the demoralising effect of such high figures, General Azimi, the Ministry of Defence spokesman announced that they would not publish the number of ANSF deaths in future in order to safeguard morale (though from my experience talking to members of the public, this strategy is counter-productive: people do not trust any of the figures in the media) (<http://online.wsj.com/articles/SB10001424127887324665604579081193199072318>).

67. According to a remarkably accurate forecast by the Center for Strategic Studies *Independent Assessment of the Afghan National security Forces* (2014):

**the security environment in Afghanistan will become more challenging after the drawdown of most international forces in 2014, and [...] the Taliban insurgency will become a greater threat to Afghanistan’s stability in the 2015–2018 timeframe than it is now...** In the 2015–2016 timeframe, we assess that the Taliban are likely to try to keep military pressure on the ANSF in rural areas, expand their control and influence in areas vacated by coalition forces, encircle key cities, conduct high-profile attacks in Kabul and other urban areas, and gain leverage for reconciliation negotiations. In 2016–2018, once the insurgency has had time to recover from the last several years of U.S. and NATO operations, a larger and more intense military effort will become increasingly likely. **We conclude that the ANSF will continue to have significant gaps in capability that will limit their effectiveness after 2014.** (<http://www.cna.org/sites/default/files/research/CNA%20Independent%20Assessment%20of%20the%20ANSF.pdf>)

68. This assessment included ‘the pillars of the Afghan National Police (ANP), which are the Afghan Border Police (ABP), Afghan National Civil Order Police (ANCOP), Afghan Uniform Police (AUP), and Afghan Anti-Crime Police (AACP); the Afghan Local Police (ALP);’. Against this background, it is unreasonable to expect the security forces to be

able to offer individual protection to the majority of Afghan citizens.

**69.** However, it is not only the ability, but also the willingness of the security forces that have been called into question. As noted above, the ANSF have improved in recent years, but continue to be plagued by accusations of corruption. In their careful, but devastating critique of the ANA, Giustozzi & Ali (2016: 5) cite an ANA Commander in Balkh:

Since these foreign advisers left the battalions, there are no schedules, and the commanders are not behaving well with their soldiers. When the foreign advisers were there, there was no corruption, but now there is a lot of corruption in these battalions.

Closely related to corruption, is the problem of nepotism, where competence matters significantly less than contacts (2016:11). Giustozzi & Ali point to a further problem, citing an MoD general, a lack of coordination between the Army and the Police:

There is no coordination between the Afghan army and Afghan police at all. One of the reasons why the Taliban are becoming powerful against Afghan forces is the lack of coordination between the Afghan army and police. I have information that when the Taliban attack a police post near an Afghan army post, the Afghan army will not support the police. The same is true when the Taliban attack an Afghan army post—the police will not support the ANA (2016: 13).

**70.** The Afghan Local Police [ALP] was established in 2010 at the behest of the US government (who funds it) as an armed defence force at village-level without police powers to “secure local communities and prevent rural areas from infiltration of insurgent groups”. It was an attempt to bring the different militias maintained by warlords across the country under the control of the government. However, 5 years later, the review of the ALP programme ordered by President Ghani reportedly resulted in the identification of 2,200 ALP under the control of local powerbrokers (UNAMA 2016: 68). Since their creation, they have suffered a disproportionately higher level of casualties than their army counterparts mainly because of poor equipment, training and planning, but in the second quarter of 2016, casualties dropped to the still significant 295 from 403 during the same quarter last year (<http://www.reuters.com/article/us-afghanistan-police-idUSKCN0ZPOEK>).

**71.** However, as documented by Human Rights Watch and UNAMA, the ALP are committing significant human rights abuses across the country, including intimidation, beating, illegal detentions and child rape (<http://www.reuters.com/article/us-afghanistan-police-idUSKCN0ZPOEK>). In March 2015, Human Rights Watch have published a 106 page report into the culture of impunity<sup>1</sup> that leaves Afghans without

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<sup>1</sup>The report focused on eight of Afghanistan’s 34 provinces (Balkh, Ghazni, Kandahar, Kunduz, Paktiya, Paktika, Takhar and Uruzgan). Similar abuses occur right across the country and describes in detail the torture, arbitrary detention, sexual abuse and extrajudicial killings conducted by senior figures and their men from different ethnic groups. The report relies on 125 interviews and corroboration from Afghan and foreign

protection (Human Rights Watch, **"Today We Shall All Die": Afghanistan's Strongmen and the Legacy of Impunity**, available at:

<http://www.refworld.org/docid/54f6c1e44.html> [accessed 6 March 2015]. The report includes accounts of ALP abuses, such as the one cited at para.11 above, or the following:

***It is hard to say who the local people fear more, though: their 'defenders' — ALP and other militias— or the Taliban themselves. According to a resident, shortly before the elections, many houses in the area were looted by Mir Alam's commanders, including Commander Qadirak. As residents had feared what the Taleban might do to them on Election Day, they fled the area, only to return and find their houses ransacked by Mir Alam's militias. (p.58)***

72. As the report continued:

***More than 13 years after the overthrow of the Taliban government, Afghans continue to suffer serious human rights abuses by government and military officials and their agents. Perpetrators are rarely held to account and the victims are rarely able to gain legal redress. This impunity hinges on the inability or unwillingness of the Afghan government and its institutions, including the military, police, and courts, to challenge the strongmen and militias who operate throughout much of the country. The administration of former President Hamid Karzai installed many powerful warlords and failed to confront others, while many others have been funded by and worked alongside international forces, further entrenching them politically into the fabric of Afghan society. (p.1)***

73. Abuses were also described in the most recent UNAMA report though in less detail (2016, p.67-9). These include extrajudicial killings, severe beatings, theft and harassment perpetrated by members of the ALP on civilians, and the rape of women, girls and teenage boys (see, among others, US State Department report <http://www.state.gov/documents/organization/186669.pdf> ). Understandably, it is rare for Afghan citizens to report crimes to or seek protection from the security forces. This attitude softened after the first round of elections in April 2014, where there was an outpouring of gratitude to the security forces who were widely seen to have prevented large scale attacks in the two weeks up to and including election day (April 5), but since then this has abated.

74. During the preparation of a previous report, I took advantage of a meeting with a senior commander of one of the Special Forces Units (4.30pm 13/11/2014) to confirm the reluctance of people to go to the police. As a serving officer, the commander insisted that, if cited, he remain anonymous. For that reason, I have not given background detail

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officials, who have submitted evidence, including to the Afghanistan Independent Human Rights Commission. The latter compiled a comprehensive report which President Karzai blocked.

that might identify him. I attest to the accuracy of the following account, though it was not recorded. I have since heard the same views expressed by other contacts working in different government departments and members of the general public. I wrote up the notes within hours of the conversation. Because the commander had in the past expressed frustration at the release of people he and his men had arrested following the payment of bribes, I felt able to ask him to comment on the view that the Afghan police forces were largely concerned with overall security and rarely had the time, resources, training or inclination to investigate crime.

LS: ***Would it be unfair to say the police [ALP] can't really deal with crime, that they are more focused on security – on the threat from the Taliban, insurgents etc.?***

PC: (Reluctantly) ***well...yes. They are trying to secure the village or town itself, so they are not so concerned with what what's happening inside the village between the villagers. And you have to understand – it is only recently that Afghanistan has had a police force. People still haven't got used to the idea of going to the police – they will go to village elders. They still do what they have traditionally done.*** (The commander went on to describe an incident in his own family where a dispute over the recent elections escalated and a young man was shot. Eight months later [at the time of the interview], the dispute continues but the police have not been involved).

LS: ***What do you think of reports that the police, especially the ALP [Afghan Local Police] are just a private militia for powerful figures around the country?***

PC: ***Yeah, well, I guess that's true in lots of places. But the ALP are brand new and not educated. Even my guys aren't literate. They [the ALP] were an idea of General McCrystal's – I remember the conversations in 2010, and they have really only been functioning since 2011-12.***

LS: ***I have read that 90% of people would not go to the police.***

PC: ***Most people don't have police they can go to! Even in the most modern Afghan towns, most people won't go to the police about crimes – they will try to solve things their own way or the traditional way.***

LS: ***Is it true that people don't really trust the state or the police.***

PC: ***'The state' and 'the police' are pretty far from most people's experience in Afghanistan – it's not like Britain or the US!***

75. During a subsequent meeting (30 November 2014), discussing a wave of recent attacks in Kabul (10-30 November 2014), the commander was even more scathing, angrily describing the behavior of local police, citing examples of the police selling cars used in suicide attacks for scrap and stealing personal effects from some of the homes bombed in the attacks (he claimed to have found local police leaving the site of one attack with mobile phones and a laptop).

76. I witnessed an example of dealings with the police, as a colleague attempted to free

his father-in-law who was kidnapped in 2015. A ransom was paid to the kidnappers who then 'sold' him to the Taliban, who forced him to sign an agreement to pay 10% of the profits to them every month. Incredulous, I asked why he didn't go to the police. My colleague had been to the police who explained they did not have the resources to investigate, and he would have to pay them to try and release his father-in-law. The original kidnapper has a brother in Parliament so would in any case be immune to arrest and prosecution.

**77.** In a recent conversation (20 December 2015) with a senior Afghan advisor in the **Justice Sector Support Programme** (this is a USAID funded programme that advises and supports Afghanistan's Ministry of Justice) in his home in one of Kabul's secure, gated communities, he indicated that there was absolutely no guarantee that perpetrators would be brought to justice or the remaining family members of victims protected. He said that in spite of considerable effort and investment, the Justice system was simply not functioning.

**78.** President Ghani, on 20 March 2015, in response to allegations that police stood by and did nothing to stop the killing of Farkhunda (the young woman beaten to death and burnt outside the Shah Do Shamshir Mosque in Kabul on 19 March 2015), said that the incident revealed "a fundamental issue" — that security forces are too focused on the fight against the [Taliban](#) insurgency to concentrate on community policing (<http://abcnews.go.com/International/wireStory/afghanistan-buries-woman-beaten-death-mob-29818410>).

**79.** On World Refugee Day last year (20 June 2015), President Ghani made a speech about Afghan migrants around the world thanking those countries hosting them and then asked 'My request to those countries is that due to the current unstable situation of Afghanistan, please stop the forced deportation of Afghans' (video of the original speech available here:

<https://www.facebook.com/ashrafghani.af/videos/vb.34246523291/10153127721868292/?type=2&theater>). However, a politically weak President Ghani has since succumbed to significant political pressure from e.g. Prime Minister Cameron<sup>2</sup> and from Chancellor Merkel (<http://www.spiegel.de/politik/deutschland/afghanistan-will-abgeschobene-fluechtlinge-wieder-aufnehmen-a-1060647.html>) to accept forcible returns. On the objective measures detailed above and acknowledged by Afghan and International sources, there is insufficient protection for individuals or families facing security threats in Afghanistan — the security forces are too thinly stretched, and too weakened by corruption, incompetence and nepotism to be able to help. The Taliban surge in the past 12 months, and a series of successes across the country from Kunduz in the North to Helmand in the South and Jalalabad in the East have put enormous pressure on all the government's forces ensuring that the police are simply unable to protect ordinary Afghan citizens, and

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<sup>2</sup> Interviews with civil servants from the Ministry of Refugees and Repatriation (July 2016, and sight of letter from Acting Ambassador Chatterton-Dickson describing visits to Minister Rabbani, Minister Balkhi and a telephone call from David Cameron to Ashraf Ghani).

while there are a number of brave and conscientious police officers, too many constitute a threat to ordinary citizens.

**80.** On the basis of my conversation with Mr X, my reading of the documents in his case, my knowledge of Baghlan and Kabul, the information gathered for this report and the current security situation in Kabul, I would have extremely serious concerns for his life and safety if he were forcibly returned to Afghanistan.

**81.** I confirm that insofar as the facts stated in my report are within my own knowledge I have made clear which they are and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.

Signed: 

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## Annex 1

### Afghan refugee minister: Afghans should be treated on par with Syrians

Despite media reports claiming Germany wants more Afghan migrants to return to their homeland, Afghanistan's refugee minister tells DW why the EU country should accept more, instead of fewer, Afghan asylum seekers. 26/10/2015

<http://www.dw.com/en/afghan-refugee-minister-afghans-should-be-treated-on-par-with-syrians/a-18806357>



Notwithstanding several measures by European governments to curb the influx of refugees, hundreds of thousands of migrants continue to undertake perilous journeys to reach Germany and other EU nations.

In order to deal with the rapidly growing refugee numbers, German media reports claim that Berlin wants fewer Afghans - who make up the second-largest group of people seeking asylum in Germany - to come to Europe and more of them to return to their home country.

According to a report by German daily *Frankfurter Allgemeine Zeitung (FAZ)*, the German government wants the European Commission to negotiate a readmission agreement with Afghanistan for migrants whose asylum applications have been rejected.

The FAZ report added that Germany's Interior Ministry no longer views Afghanistan as being in the same situation as Syria, which is in the midst of a civil war.

The paper says the ministry views the security situation in parts of Afghanistan - such as Kabul and certain tribal areas - as relatively stable, meaning people could be sent back to these zones. In order to curb the refugee influx, Berlin also plans to launch a campaign to deter would-be migrants from coming to Europe, the article added.

However, in a DW interview, Afghan Minister of Refugees and Repatriations Sayed Hussian Alimi Balkhi says that Germany and other EU countries should avoid deporting Afghan asylum seekers. He stressed that security in the country has been deteriorating as terrorist groups such as the Taliban and "Islamic State" are gaining ground in Afghanistan and putting civilians at risk.

***DW: Is the Afghan government aware of the German government's alleged plans to deport Afghan refugees whose asylum applications have been rejected?***

Sayed Hussian Alimi Balkhi: We are not aware of such a decision. We have an agreement with the Germans on deportations, according to which they have to provide us a list of Afghan asylum seekers who they are planning to deport. We have not received such a list so far.

I met with a German government delegation in Geneva recently. In the meeting I stressed that the security in Afghanistan was deteriorating. I asked them explicitly not to deport any Afghan asylum seekers as the situation in Afghanistan was still very fragile. At the same time, I urged the German authorities to accept more Afghan refugees.

***What challenges do Afghan asylum seekers face in Germany?***

Just last week, I invited the German ambassador to Afghanistan to my office and officially requested the German government to avoid deportation of Afghan asylum seekers. During the meeting, I stressed that Germany should approve more asylum requests from Afghans based on conditions on the ground.

We all witnessed security incidents in Kunduz, Baghlan, Nangarhar, Sare Pul and Faryab provinces. Other Afghan provinces are also facing security challenges.

***If Germany starts deporting Afghans, how will the Afghan government react to the situation?***

We will act according to the agreement we have with the German government. According to the agreement, vulnerable Afghan asylum seekers, families that fall apart as a result of deportation, Afghans who come from unsafe areas, children and single mothers, cannot be deported from Germany.

Asylum seekers who do not fall under one of these five categories can only be deported if the Germans provide us a list of their names in advance and after we reach an agreement on how to proceed.

Deteriorating security is the main factor behind migration from Afghanistan. During my last meeting with EU officials, I highlighted the dangers that Afghans face in their country, calling on the EU states, including Germany, to approve more asylum requests from Afghans given the deteriorating security situation.

The Afghan government hopes that EU countries will understand the situation on the ground and show their support for Afghan immigrants.

***Will the Afghan government officially receive any deportees from Germany?***

We will only look into cases of deportations if they are according to the agreement we have with Germany. If any Afghan is deported in violation of the agreement, we will strongly request Germany to comply with the agreement.

***Does the Afghan government have the resources to provide services to potential Afghan deportees?***

We do not have any resources to help any potential deportees from Germany or any other European country.

***The German government classifies refugees from Syria as those in need of a "high rate of protection." That means they are given priority as compared to Afghans who only enjoy a "medium rate of protection" in Germany. Given the worsening security situation, do you believe the German government should classify Afghans as people in need of a "high rate of protection?"***

The IS terrorist group has presence in eastern Afghanistan. The group carries out executions and target killings everyday. Afghanistan faces the same problems as Syria and in some cases the problems are even more critical compared to Syria.

We have explained the security situation in Afghanistan to all EU countries and, therefore, ask them to process asylum requests from Afghans with the same priority level as any other conflict-ridden country, including Syria.

**Annex 2 Meeting with the Minister for Refugees and Repatriation 28 February 2015**

1. As a researcher studying forced removal to Afghanistan, and having met the previous Minister and his deputy, I was anxious to meet the new Minister and discuss his plans for the future, and in particular to clarify his position on returns as there were rumours circulating that he had announced a stop on all deportations.

2. A young Anglo-Afghan, working with Afghan asylum seekers in the UK who had returned to visit family in Kabul contacted me through a mutual acquaintance and met me to discuss his concerns for clients who were being returned. Some days later, he called me to say that he had a meeting with the Minister and would I like to accompany him.

3. Before the meeting I received a message from Eva Joly, MEP and Chair of the LIBE committee on Migrants Rights, who works as part of the Independent Monitoring Evaluation Committee (MEC) that had investigated corruption at the Ministry and we agreed that she would accompany us (she had another meeting scheduled at the Ministry immediately after our meeting with the rest of the MEC). We were also joined by Abdul Ghafoor, who monitors returns for the UK NGO Refugee Support Network.

4. At the Ministry, on Saturday 28 February, we met the Minister in his office with his interpreter and with some of the staff who had been in the Ministry under the previous

Minister. The meeting lasted 30 minutes. I began by introducing the four of us and explained that we had heard conflicting reports about a change in policy.

5. The Minister explained that he had sent a letter to the Ministry of Foreign Affairs to be forwarded to those European countries with whom Afghanistan has MoUs governing the forced removal of Afghan citizens: he mentioned explicitly the UK, Norway, Denmark, Sweden and Australia. Minister Balkhi told us that the letter asked that those countries refrain from forcibly returning Afghan citizens because there has been a significant deterioration in security in the past few years since these MoUs were signed, commenting that currently 80% of the country is insecure and unsafe.

6. The Minister made the point that since the foreign forces had handed over responsibility to the Afghan Security Forces, the security situation in Afghanistan had become unstable. He noted that the insurgents had rallied and were placing the security forces under enormous pressure in most Afghan provinces. He wants all removals suspended until the situation stabilizes.

7. According to the Minister, he is unwilling to continue operating the current MoUs until new ones are negotiated because the removing countries are breaching conditions: women and children and people who are mentally and physically unwell are being removed, as well as those who cannot be returned to their provinces of origin. The minister argued that only those who could safely be returned to their provinces of origin should be removed. According to him, it was not reasonable to expect Kabul to be able to receive all those who are forcibly returned (especially when they are from other provinces, and or have been born outside Afghanistan). In the Minister's view, only Bamiyan and Panjshir were safe<sup>3</sup>, but the roads to Bamiyan are not.

8. The Minister told us that the letter had not yet been sent to the partner countries: the Ministry of Foreign Affairs was studying it and would discuss it with the Minister for Refugees and Repatriation before sending it to those countries. However, I have since heard that the Norwegian government has confirmed to the media that they have received this letter.

9. The Minister also made reference to a second letter requesting the suspension of the removal of a family from Norway.

10. Before leaving, Mr Balkhi asked the four people present to please use their contacts to pressurize the Norwegian government to stop a charter flight due on 15th March and another March flight from UK. He was particularly keen that Ms Joly take his message to

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<sup>3</sup> See annex 2 for extract from a Triple Canopy report which substantiates Minister Balkhi's view. In the week covered by the report, there were security incidents in every province in Afghanistan except Bamiyan and Panjshir. Triple Canopy is a provider of mission support, security, training and advisory services to government agencies and multinational corporations in challenging locations.

the European Parliament.

11. To be clear: the Minister is of the opinion that no further deportations should take place until the MoUs have been revised. In the meantime, he said that unaccompanied women and children, those with mental and physical problems, those who are particularly vulnerable and those who come from dangerous provinces outside of Kabul will definitely not be allowed to disembark at Kabul airport.