



Australian Government
Refugee Review Tribunal

Country Advice

Afghanistan

Afghanistan – AFG37401 – Supporters of
Abdullah Abdullah– Panjshir Province –
Governor Hajji Bahlol Bahej – Afghan
Diplomats – Overseas Abductions – Critics
of Government and Karzai
29 September 2010

1. Are supporters of Dr. Abdullah Abdullah (including government employees) at risk of harm in Afghanistan because of that support?

No information was located indicating that supporters of Abdullah Abdullah, in general, fear harm for expressing their support. Information regarding the treatment of government employees specifically espousing support for Abdullah Abdullah was not located.

Abdullah Abdullah was dismissed from his position as Foreign Minister by President Karzai in 2006. In 2009 he ran unsuccessfully against Karzai in presidential elections. In May 2010 he announced plans to create a formal, national democratic opposition organisation as a vehicle to challenge Karzai's policies in the future. Abdullah Abdullah's (considered a Tajik) current base of support in the National Parliament is within the United Front party, which is characterised as a broad (mostly Tajik but also some Pashtun), popular opposition party to Karzai's supporters. (Note Karzai has not formed his own party, but draws core support from the Pashtun-based Hizb-e-Islam party).¹

In a study by the Afghanistan Research and Evaluation Unit Briefing Paper Series, entitled *Why Afghanistan's 2009 Elections were (and were not) a Disaster*, a survey of several provinces did not reveal any instances of harm to supporters of Abdullah Abdullah. In fact, the study found that most voters chose candidates who they hoped would deliver better services or voted along regional or ethnic lines. Abdullah Abdullah garnered many Tajik votes due to his maternal lineage. In a comment about government workers, the report stated that: '...patronage networks within the government still tend to work along regional and ethnic lines. As long as voters continue to feel that they are being provided for by certain

¹Katzman, K, 2010, *Afghanistan: Politics, Elections, and Government Performance*, Congressional Research Service Report for Congress, 14 September, pp. 4-5 <http://www.fas.org/sgp/crs/row/RS21922.pdf> - Accessed 27 September 2010 – Attachment 1.

leaders, particularly those leaders with whom they share a region of origin or ethnicity, they will continue to vote within these blocs.’²

When Abdullah Abdullah campaigned for the Presidency against Karzai crowds of local communities turned out to show their support for his candidacy indicating no specific fear of harm for this activity. In all sources located, the electorate only expressed fear of harm from the Taliban and other insurgents who sought to disrupt the entire elections process with violence. No media accounts, interviews, or polls of individuals were located expressing a specific fear of harm emanating from showing support for Abdullah Abdullah.

A 28 July 2009 report on local television station *Tolo* reported that Jack Dempsey, who is head of the US Institute for Peace offices in Kabul said that “a competitive election shows that democracy is evolving in Afghanistan, and that its citizens believe they can change things by going to the ballot box...” The same report, however, does indicate the possibility of pressure on public servants to support the Karzai administration, stating that ‘Karzai’s opponents complain that government workers are doing the president’s campaigning for him, something his spokespeople deny’³ There is, however, no further elaboration on this statement.

Some sources of information indicate that it is likely that endemic corruption in Afghan society produces pressure on public servants. An 18 November 2009 *BBC News*⁴ article entitled *Afghan Corruption a Political Obstacle* refers to an Integrity Watch Afghanistan survey reporting that ‘Corruption networks...have spread in the administration and now constitute a wide and interwoven web of heterogeneous groups that use their positions largely for private or small group gains and effectively block reform’. The survey also reported one individual reporting that favouritism based on corrupt gains was in operation at one unidentified ministry of government. Reports such as these, indicate that public servants expressing support for a rival candidate who are challenging the status quo (such as Abdullah Abdullah), are likely to meet with resistance within government offices. While numerous reports indicated that factions supporting candidates such as Abdullah Abdullah operated openly at higher levels of government it is not clear that this permissive environment operated in lower ranks. That said, there was no indication that harm would extend beyond having a negative affect on a public servant’s career advancement.

Reports indicate that members of the press were the only sector of the population clearly harmed for expressing support for Abdullah Abdullah. The 2010 Freedom House report⁵ stated that journalists faced increasing threats in 2009. Threat of harm included physical attacks, intimidation, and harassment by security services directed by incumbent officials. Amnesty International⁶ also identified only this sector where individuals were subjected to

²Coburn, N. & Larson, A., 2009, *Voting Together - Why Afghanistan’s 2009 Elections were (and were not) a Disaster*, Afghanistan Research and Evaluation Unit Briefing Paper Series, November p.16
http://www.areu.org.af/index.php?option=com_docman&Itemid=26&task=doc_download&gid=712 - Accessed 28 September 2010 – Attachment 2.

³‘Karzai Rivals Make Gains Ahead Of Afghan Vote’ 2009, *Tolo TV* website
http://tolo.tv/index.php?option=com_content&task=view&id=257&Itemid=42 - Accessed 27 September 2010 – Attachment 3.

⁴Reynolds, P. 2010, ‘Afghan corruption a political obstacle’, *BBC News*,
http://news.bbc.co.uk/2/hi/south_asia/8366371.stm - Accessed 27 September 2010 – Attachment 4.

⁵Freedom House 2010, *Freedom in the World – Afghanistan (2010)*, June
<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7765> – Accessed 10 September 2010 – Attachment 5.

⁶Amnesty International 2010, *Annual Report – Afghanistan*, 28 May – Attachment 6.

harm, stating: ‘Media workers faced intimidation and interference from supporters of President Karzai and other candidates, in particular rival presidential candidate, Abdullah Abdullah.’

2. In what period was Hajji Bahlol Bahej Governor of Panjshir province? What are his current circumstances? How influential is he?

Relief Web⁷ reports that Panjshir became a province in 2004 when President Karzai created the province to honour the late Commander Ahmad Shah Mosoud who fought against the Taliban. Several sources⁸ strongly indicate that Hajji Bahlol Bahej was governor from the 2004 time frame until the Spring of 2010. Unfortunately, no definitive sources were located specifying exact dates of his incumbency.

The most current information located concerning Hajji Bahlol Bahej is a *Roz News Agency* report from 30 March 2010, which reports that hundreds of people in the Anabah area of Panjshir demonstrated in support of the former governor, after he was dismissed by President Karzai for declaring support for Karzai’s rival Abdullah Abdullah during the 2009 presidential election.⁹ No information was located after this date indicating his activities or occupation. Precise information about the date of his start and removal from office was not located and the best information¹⁰ indicated that he is ‘long serving’ (possibly since around the time that province was formed in 2004) and was removed from office in Spring 2010. He was replaced with a new governor, named Kiramuddin Keram.¹¹

During the time that Hajji Bahlol Bahej was Governor of Panjshir Province he was regularly praised by Coalition Forces and development teams for standing out amongst other provinces. Sources gauging his influence were difficult to locate, however, he held office during a period when the province was hailed as an example of positive achievements. He has been linked to many development projects lauded by Western countries for positive impact. It is reasonable to assume his influence was great enough to carry these projects forward and no reports were located indicating that he used strong arm techniques or other harmful methods to influence communities.

No reports were located indicating that Governor Hajji Bahlol Bahej used his influence in a negative way or that he was linked to any nefarious activities. During the time period that he held office, many reports were located indicating that he attended ceremonies and press events highlighting positive nation-building projects in the province and several projects were even held up as examples for other provinces to follow. As governor of Panjshir it is very

⁷ ‘Islamic Republic Of Afghanistan Final Report Presidential And Provincial Council Elections’ 2009, European Union Election Observation Mission, 20 August

[http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/SNAA-7Z28FN-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/SNAA-7Z28FN-full_report.pdf/$File/full_report.pdf) - Accessed 27 September 2010 – Attachment 7.

⁸ ‘Panjshir Province’ Medlibrary.org website http://medlibrary.org/medwiki/Panjshir_Province - Accessed 28 September 2010 – Attachment 8.

⁹ ‘Roz News Agency Carries Afghan News Summary for 30 Mar 10’ 2010, *Roz News Agency*, 30 March, Open Source Center.com website https://www.opensource.gov/portal/server.pt/gateway/PTARGS_0_0_200_203_121123_43/content/Display/SAP20100330436003#index=1&searchKey=1824669&rpp=10 - Accessed 28 September 2010 – Attachment 9.

¹⁰ ‘Panjshir Province’ Freebase website http://nobelprizes.jewlib.www.jewlib.freebase.com/view/en/panjshir_province -- Accessed 28 September 2010 – Attachment 10.

¹¹ ‘Panjshir Province’ Medlibrary.org website http://medlibrary.org/medwiki/Panjshir_Province - Accessed 28 September 2010 – Attachment 9.

likely that he wielded positive influence over these developments and projects. These projects included infrastructure developments, law and order programs, and counter narcotics successes.

Some examples of development projects are listed below:

- In January 2010, the Panjshir Ministry of Justice and members of the Independent Afghanistan Bar Association hosted the first 'Rule of Law' training conference to build capacity in the administration of justice in Panjshir. This program was the first of its kind in the region and was chosen by Coalition Forces to serve as a model for training in neighbouring provinces.¹²
- In January 2009 the Afghanistan Minister for Counternarcotics awarded Governor Hajji Bahlol Bahej and the province a Good Performance Initiative award for virtually eradicating poppy growing. In remarks at the time of the ceremony, a US Lt. Col Mark Stratton stated "Panjshir Province is a model province and sets the example and standard for other provinces in Afghanistan to follow." The provincial government was awarded US\$1.4 million in 2009 for achieving 'poppy-free status'.¹³ The governor, along with province officials, was credited for investing the money in five development projects, including irrigation and agricultural systems.¹⁴
- On 23 July 2008, US Fed News reported that Governor Hajji Bahlol Bahej made several remarks at the opening of a 3,000 student high school in the Anaba district of Panjshir. He stated that his goal since becoming governor was to providing educational opportunities in every community in the province. The article also states that the governor has focussed on providing schools and teachers in the province during his term in office.¹⁵

Information was located indicating that Hajji Bahlol Bahej does have past military experience as a commander with the Mujahideen fighting Taleban elements and his statements reflect pro - Western ideals. A US Department of Defence press release in 2006 quoted his strong criticism and reaction to Taleban attacks on development convoys at the time. Hajji Bahlol criticised Taleban attacks on equipment to be used for roads and schools, stating 'education and agriculture are keys to helping people improve their livelihood'. He stated his goals for the province were precisely these two issues and road building was key to their achievements.¹⁶

3. Deleted.

¹²Stamm, J. 2010, 'Panjshir "Model" for Rule of Law Training' International Security Assistance Force Afghanistan, 3 February <http://www.isaf.nato.int/article/news/panjshir-model-for-rule-of-law-training.html> - Accessed 28 September 2010 – Attachment 11.

¹³'Panjshiris benefit from poppy-free status' 2009, Headquarters United States Forces Afghanistan 22 January <http://www.cjtf82.com/en/press-releases-mainmenu-326/1572-panjshiris-benefit-from-poppy-free-status.html> - Accessed 27 September 2010 – Attachment 12.

¹⁴ 'Panjshiris benefit from poppy-free status' 2009, US Central Command website press release, 22 January <http://www.centcom.mil/press-releases/panjshiris-benefit-from-poppy-free-status> - Accessed 28 September 2010 – Attachment 13.

¹⁵ Torango, J. 2008, 'Afghan Governor Speaks at Alma Mater's Grand Opening' *American Forces Press Service* US DoD website <http://www.defense.gov/news/newsarticle.aspx?id=50573> - Accessed 28 September 2010 – Attachment 14.

¹⁶'Extremists Attempt to Delay Afghan Road Progress' 2006, US Department of Defense US Central Command Releases 20 July FACTIVA.

4. Deleted.

5. Any reports of government critics being abducted and made to return to Afghanistan?

Professor Amin Saikal, Director of the Centre for Arab and Islamic Studies at the Australian National University College of Arts and Sciences responded to a request for information from the Tribunal on this matter. He stated that he was unaware of any instances matching these circumstances.¹⁷

6. Are critics of Karzai's links with corrupt politicians being targeted for harm in Afghanistan?

No information was located indicating that critics of President Karzai's alleged links with corrupt politicians are harmed. Afghanistan is rated the second most corrupt nation in the world by Transparency International¹⁸ and Karzai has been criticised from all corners for permitting corrupt officials to continue in their government positions as he attempts to rebuild the nation with many competing interests and priorities. As such, there are countless examples of accusations and criticism of him, though many believe the problems are even beyond Karzai's control¹⁹. Several reports were located regarding Karzai dismissing leaders in his government over policy disagreements. While some of these dismissals were sudden and sometimes themselves criticised, no mention of harm or further repercussions were located.

No information was located indicating that critics of Karzai are personally harmed. In fact, the ability to openly criticise Karzai is institutionalised and freely exercised in the National Assembly (Parliament). The 14 September 2010 Congressional Research Service report on governance in Afghanistan reports that this institution increasingly presses for honest and competent governance and has exercised great influence over Karzai by rejecting his nominees for higher offices on these grounds.²⁰ Karzai also does not dispute the corruption problem in Afghanistan. Numerous foreign leaders have pressed him to address this problem and he has supported initiatives to improve the overall situation.²¹

Karzai's modus operandi does not indicate a culture of retaliating with harm against critics and sometimes a conciliatory approach is taken. An example of this is Ashaf Ghani, who was an election challenger in 2009 and who was hired by the Karzai administration after the

¹⁷ Saikal, A. 2010, Email to RRT Country Advice Service 'Re Afghan abductions and returns and diplomats' 28 September – Attachment 16.

¹⁸ Transparency International *Annual Report 2009*

http://www.transparency.org/publications/publications/annual_reports/ti_ar2009 - Accessed 28 September 2010 – Attachment 17.

¹⁹ Katzman, K, 2010, *Afghanistan: Politics, Elections, and Government Performance*, Congressional Research Service Report for Congress, 14 September, p. 31 <http://www.fas.org/sgp/crs/row/RS21922.pdf> - Accessed 27 September 2010 – Attachment 1.

²⁰ Katzman, K, 2010, *Afghanistan: Politics, Elections, and Government Performance*, Congressional Research Service Report for Congress, 14 September, p. 4 <http://www.fas.org/sgp/crs/row/RS21922.pdf> - Accessed 27 September 2010 – Attachment 1.

²¹ Katzman, K, 2010, *Afghanistan: Politics, Elections, and Government Performance*, Congressional Research Service Report for Congress, 14 September, pp. 13 <http://www.fas.org/sgp/crs/row/RS21922.pdf> - Accessed 27 September 2010 – Attachment 1.

election to work on government reforms and institution building. This former World Bank official, a vocal critic of Karzai prior to the election, is now considered a key Karzai adviser.²²

Many sources indicate that Karzai is likely guilty of protecting corrupt politicians from investigations to the dismay of critics.²³ The only reference to potential serious harm that was located was in regard to Afghan Government prosecutors of corruption. A 26 August 2010 *New York Times* article entitled 'Key Karzai Aide in Corruption Inquiry is Linked to CIA' reported that Western officials have expressed increasing frustration with the political resistance encountered by Afghan prosecutors attempting to investigate high officials. An unnamed source of the *New York Times* reported that he was concerned for the morale and safety of Afghan anti-corruption prosecutors. Speaking about a specific high profile investigation of a close aide to Karzai named Mohammed Zia Salehi, he was quoted stating: "They are scared for their lives. They are scared for their families. If it continues, they will eventually give up the fight".²⁴

The 2010 US Department of State *Country Report on Human Rights Practices – Afghanistan*²⁵ reported on the treatment of critics of the Karzai administration, but limited comments to the treatment of high-level officials. The types of harm noted in the report consisted of dismissal or suspension from office, and included only one actual example of it occurring. The report stated: 'At year's end member of parliament (MP) Malalai Joya remained suspended from parliament for her 2007 criticism of her fellow MPs during a televised interview. Other members of parliament expressed criticism of government policies without incident'. The absence of reports of harm may indicate that a certain amount of criticism is tolerated. At the same time, circumstances for mid-level and lower level public servants, however, may be different and the absence of any reports may not necessarily mean that criticism is well-tolerated in the lower ranks by political appointees heading up departments. It is likely that, in Afghan society as in most, criticising a political appointee in a supervisory position may truncate a career path.

While a great deal of information was located indicating that prominent Afghans openly criticise Karzai and accuse his administration of corruption without fear of harm, very little information was located describing the situation of lower level bureaucrats. The 2010 Congressional Research Service report did state that nation building and government reform efforts are under way to professionalise the public service and some of these goals are designed to prevent cronyism and political repercussions for openly criticising the administration. These include 'instituting merit-based performance criteria, basing hiring on qualifications rather than kinship and ethnicity, and weeding out widespread governmental corruption'.²⁶ Karzai's support for these anti-corruption measures reflect his

²² Katzman, K, 2010, *Afghanistan: Politics, Elections, and Government Performance*, Congressional Research Service Report for Congress, 14 September, pp. 12, 31-32 <http://www.fas.org/sgp/crs/row/RS21922.pdf> - Accessed 27 September 2010 – Attachment 1.

²³ Katzman, K, 2010, *Afghanistan: Politics, Elections, and Government Performance*, Congressional Research Service Report for Congress, 14 September, p. 6 <http://www.fas.org/sgp/crs/row/RS21922.pdf> - Accessed 27 September 2010 – Attachment 1.

²⁴ Filkins, D. & Mazzetti, M. 2010 'Karzai Aide in Corruption Inquiry Is Tied to C.I.A.', *New York Times*, 25 August <http://www.nytimes.com/2010/08/26/world/asia/26kabul.html> - Accessed 28 September 2010 – Attachment 18.

²⁵ US Department of State 2010, *Country Report on Human Rights Practices – Afghanistan*, 11 March Attachment 19.

²⁶ Katzman, K, 2010, *Afghanistan: Politics, Elections, and Government Performance*, Congressional Research Service Report for Congress, 14 September, p. 12 <http://www.fas.org/sgp/crs/row/RS21922.pdf> - Accessed 27 September 2010 – Attachment 1.

acknowledgement of the problem and acceptance, on some level, of criticism in this area. The development of institutions to address corruption also indicates that there is some mechanism for critics in Afghan to express their views, and pursue change, even in the public service.

Recent public service reforms under Karzai to address corruption include:

- The Afghanistan Civil Service Commission is currently addressing training, standardising job descriptions, salaries, bonuses for public servants.
- Japan and Singapore are funding Afghan civil service training on good governance and anti-corruption measures.
- At 28 January 2010 conference in London, the government of Afghanistan committed to 32 different steps to tackle corruption. These commitments were pledged again in Kabul on 20 July 2010 and include the establishment of several government agencies and offices to monitor, investigate, and prosecute corruption crimes, and also increase coordination with foreign law enforcement organisations against corruption.²⁷

While it is always possible that individual circumstances may vary, another indication that critics of Karzai may not be harmed for speaking out against corruption in the Karzai administration, is the very public government campaign promoting efforts to address corruption. An article carried in the 7 July 2010 *Sydney Morning Herald*²⁸ entitled 'Corruption in Afghanistan won't Disappear Overnight' was attributed to Muhammad Sabir Siddiqi, identified as an advisor to the Director-General of the High Office Of Oversight and Anti-Corruption (HOO). Siddiqi lists numerous programs and admits that progress is poor, however, among several recommendations is strengthening the legal framework in Afghanistan and particularly '...raising awareness among public officials...' Strong public statements to this effect would indicate that at least some parts of the government in Afghanistan would stand against serious harm coming to critics of corruption even among public service employees

Sources indicate that critics of Karzai do risk being fired from their government positions. The US military newspaper *Stars and Stripes* reported on 16 June 2010 that two high-level, outspoken critics against corruption in the Karzai administration resigned when Karzai disagreed on particular steps to fight corruption. The article mainly addressed frustrations experienced by high-level officials trying to illuminate corrupt practices. Comments in the article by a lawyer mentoring Afghan prosecutors for the UN Office on Drugs and Crime included that: "Whether from inside their office or externally, there is always intervention and if they don't follow, they will be fired."²⁹ A 28 June 2010 article in *The Washington Post*

²⁷ Katzman, K, 2010, *Afghanistan: Politics, Elections, and Government Performance*, Congressional Research Service Report for Congress, 14 September, pp. 13, 17-19 <http://www.fas.org/sgp/crs/row/RS21922.pdf> - Accessed 27 September 2010 – Attachment 1.

²⁸ Siddiqi, M. 2010, 'Corruption in Afghanistan won't disappear overnight' *Sydney Morning Herald* 6 July <http://www.smh.com.au/opinion/politics/corruption-in-afghanistan-wont-disappear-overnight-20100706-zytl.html> - Accessed 28 September 2010 – Attachment 20.

²⁹ Cahn, D. & Gisick, M. 2010, 'Afghan corruption runs deep and the cost is high' *Stars and Stripes* 6 June <http://www.stripes.com/news/afghan-corruption-runs-deep-and-the-cost-is-high-1.107342> - Accessed 28 September 2010 – Attachment 21

entitled 'US Officials say Karzai Aides are derailing Corruption Cases Involving Elite'³⁰ supports the assessment that criticism of corruption problems is common, that the Karzai administration has supported several programs and cooperative efforts to reduce corruption, but prosecutions against high level officials will often be thwarted by the administration. Some critics have resigned in protest, others have been pressured to stop investigations, and others have likely been dismissed due to irreconcilable differences with government policy. In this atmosphere, it logical to conclude that mid-level public servants, depending on their actions, may risk similar harm, and at the very least experience pressures to conform.

As mentioned in question one, the media is the only segment of the population that sources indicate has been harmed for criticising the Karzai administration. The 2010 US Department of State *Country Report on Human Rights Practices – Afghanistan*³¹ reports that violence against journalists and the threat of violence were used to suppress criticism in the press. Journalists were singled out for suffering from government pressure, including harassment, intimidation and threats of violence. The record, however is mixed, as the same report states that television broadcasters 'appeared to avoid some of the restrictions imposed on print journalism', reporting that every local television station carried at least one satirical program openly criticizing government officials.

7. Is there any evidence that Afghan diplomats unsuccessfully seeking asylum have been harmed on return to Afghanistan for making their embassy "lose credibility"?

Professor Amin Professor Saikal, Director of the Centre for Arab and Islamic Studies at the ANU College of Arts and Sciences responded to a request for information from the Tribunal on this matter.³² He stated that he was unaware of any instances matching these circumstances. He commented that in a related matter: 'there has lately been some controversy about the recall of the Afghan ambassador to the US, Mr Javad, who has claimed that his appointment has been terminated without any prior notice and that he is considering his options, including returning to Afghanistan.' An article on this incident carried by Radio Free Afghanistan elaborates on the controversy; explaining that photos of the Ambassador showing him hosting parties at the Afghan Embassy portrayed women in short sleeves and the consumption of alcohol. The Afghan Foreign Ministry may have determined that these images threatened the Embassy's credibility.³³

³⁰ Miller, G & Londono, E. 2010, 'U.S. officials say Karzai aides are derailing corruption cases involving elite', *Washington Post*, 28 June <http://www.washingtonpost.com/wp-dyn/content/article/2010/06/27/AR2010062703645.html> - Accessed 28 September 2010 – Attachment 22.

³¹ US Department of State 2010, *Country Report on Human Rights Practices 2009 – Afghanistan* 11 March – Attachment 19.

³² Saikal, A. 2010, Email to RRT Country Advice Service 'Re Afghan abductions and returns and diplomats' 28 September – Attachment 16.

³³ 'What Led Kabul To Sack Ambassador To U.S.?' 2010, Radio Free Afghanistan website, 2 September http://www.rferl.org/content/What_Led_Kabul_To_Sack_Ambassador_To_US/2146650.html - Accessed 28 September 2010 – Attachment 23.

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