

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

Research Response Number: AFG17479
Country: Afghanistan
Date: 9 September 2005

Keywords: Afghanistan – Herat Province – Tajiks – Shias – Returnees from Australia

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

Questions

1. On Herat generally, what is the general security situation and control by the government now? Are there independent assessments available to indicate whether the security situation at present is improving, stable or deteriorating?
 2. Who is Ismail Khan and what is his current situation? Is there evidence of people being targeted for being involved in the death of Mirvais Sadigh?
 3. What is the situation for Tajiks and for Shias in Herat generally?
 4. With regard to Nahia-e-doo, Bazaar-e-Khosk, Herat Province, can you provide a map showing its location?
 5. What is the ethnic composition in Nahia-e-doo, Bazaar-e-Khosk, Herat Province?
 6. What is the security situation in Nahia-e-doo, Bazaar-e-Khosk, Herat Province, particularly for Tajik Shias, and what is the role of Seyad Mohammad Kherka?
- Is there any evidence that the Taliban, Sunnis or others would target:
7. people, particularly Shia, who had been in Australia and/or had applied for refugee status?
 8. children of returnees who speak English, and that such children would have to attend “illegal Shia schools” and that they could not attend Sunni schools?
 9. women who leave the house unaccompanied or their daughters?
 10. returnees generally and are they considered to be wealthy and thus become targets of extortion?

RESPONSE

- 1. On Herat generally, what is the general security situation and control by the government now? Are there independent assessments available to indicate whether the security situation at present is improving, stable or deteriorating?**

Security

According to a report of the UN Secretary General to the UN Security Council dated 12 August 2005 in “most of the western region minor factional clashes and criminal activity

continued to be reported” (UN Security Council 2005, *The situation in Afghanistan and its implications for international peace and security: Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan: Report of the Secretary-General*, 12 August, A/60/224-S/2005/525. p.15 – Attachment 1).

An article dated 21 July 2005 in *The Irish Examiner* reports that “Herat has been spared much of the violence that has wracked Afghanistan’s southern and eastern provinces since March” (‘Two bombs go off in Afghanistan’ 2005, *The Irish Examiner*, 21 July – Attachment 2).

According to the UNHCR June 2005 *Update of the Situation in Afghanistan and International Protection Considerations* none of the six registered political parties operating in the Western region have opened a branch office in Herat for security reasons.

Of the six registered parties operating in the Western region, two have registered complaints with the provincial verification team against the provincial government, for refusing to allow them to open offices in Herat. Moreover, none of these parties have opened a branch office in Herat, despite the fact that they have offices in other parts of the country. Most have noted that the environment in the area is neither secure nor conducive for such activity (UNHCR 2005, *Update of the Situation in Afghanistan and International Protection Considerations*, June, p.20 – Attachment 3).

The UNHCR June 2005 *Update of the Situation in Afghanistan and International Protection Considerations* also reports that Adraskan, Chist-e-Sharif, Farci, Karukh, Shindand and Koshk-e-Kohne districts of Herat province are areas “where (non-formal) armed groups, continue to be present and active, factional fighting has taken place intermittently, and where high levels of indiscriminate actions by commanders are reported, such as illegal taxation for different reasons, forcible recruitment to armed groups or for labor purposes or payment of money instead, illegal occupation and confiscation of immovable property” (UNHCR 2005, *Update of the Situation in Afghanistan and International Protection Considerations*, June, pp.59-60 – Attachment 3).

Taliban

An article dated 17 August 2005 by Radio Free Europe/Radio Liberty reports that the “neo-Taliban have not been known to be active in Herat” (Tarzi, Amin 2005, ‘As Neo-Taliban Denies Involvement’, *RFE/RL Newslines Southwestern Asia and the Middle East*, Vol. 9, No. 155, 17 August <http://www.rferl.org/newslines/2005/08/6-SWA/swa-170805.asp> – Accessed 3 September 2005 – Attachment 4).

Sources consulted suggest that Shindand is the only district in Herat where the Taliban are active. Shindand is marked on the attached map (HIC (UN) 2002, ‘Hirat Province Map’, May – Attachment 5).

An article dated 16 March 2005 by *The Afghan Islamic Press News Agency* reports that the Taliban claimed responsibility for blowing up a vehicle via remote control in Shindand district, killing all the American soldiers on board (‘Taleban claim responsibility for blast killing US soldiers in Afghan West’ 2005, *BBC Monitoring South Asia*, source: *The Afghan Islamic Press News Agency*, 17 March – Attachment 6).

An article dated 20 June 2005 by *Pajhwok Afghan News* reports that remnants of the Taliban and al-Qaeda are hiding in Zirkoh neighbourhood, Shindand district (Behnam, Sadiq &

Khursand, Khalida 2005, 'Highway police chief gunned down; four hurt', *Pajhwok Afghan News*, 20 June – Attachment 7).

An article dated 20 June 2005 by *Hindokosh News Agency* reports that the Commander of a Security Checkpoint was killed and four soldiers wounded in a rocket attack in Shindand district by the Taleban.

Shindand District has previously seen many bloody clashes between the supporters of Amanollah and Esmail Khan, former governor of Herat. It is now under the control of national police and army. Security checkpoints have suffered many terrorist attacks since the end of the aforementioned clashes. Travellers always complain about insecurity on Herat-Shindand highway ('Taliban kill security officer in western Afghan district' 2005, *BBC Monitoring South Asia*, source: *Hindokosh News Agency*, 21 June – Attachment 8).

Herat Provincial Governor

According to a *Janes' Intelligence Review* on 11 September 2004 Karzai sacked Ismail Khan, long time Herat leader, and appointed Sayed Muhammad Khairkhwa, "a Pashtun who until then had served as Afghan ambassador to Ukraine" (Davis, Anthony 2004, 'Karzai dismisses Ismail Khan', *Janes' Intelligence Review*, 22 September – Attachment 9).

According to the British Agencies Afghanistan Group (BAAG) *Afghanistan: Monthly Review September 2005* Khairkhwa "is a Herati and former Jihadi figure" (British Agencies Afghanistan Group 2004, *Afghanistan: Monthly Review September 2005*, September – Attachment 10).

The BAAG *Afghanistan: Monthly Review June 2005* reports that on 24 June 2005 Kabul's Governor Syed Hussain Anwari was transferred to Herat (British Agencies Afghanistan Group 2005, *Afghanistan: Monthly Review June 2005*, June – Attachment 11).

The Middle East Intelligence Bulletin provides the following information on Sayyed Hussein Anwari.

Anwari is a Shi'ite from the Harakat-e Islami (Islamic Movement) party of Sheikh Mohammed Asef Mohseni. During the mujahideen administration in Kabul, Anwari was the minister of labor and has remained with the Northern Alliance ever since. Ethnically, Anwari is a sayyed, a group which traces its lineage back to the Prophet Muhammed (Sirrs, Julie 2001, 'What's Next for Afghanistan?', *Middle East Intelligence Bulletin*, Vol. 3, No. 11, November – Attachment 12).

According to the Ministry of Foreign Affairs of Afghanistan, Sayed Hussain Anwari was the Agriculture Minister in the Transitional Administration of Afghanistan (Ministry of Foreign Affairs of Afghanistan 2003, *Transitional Islamic State of Afghanistan List of the members of the Cabinet of Ministers* – Attachment 13).

A report dated 5 July 2005 on *Sada-ye Jawan Radio* provides information on Governor Anwari's priorities for Herat ('New Afghan governor outlines priorities for western province' 2005, *BBC Monitoring South Asia*, source: *Sada-ye Jawan Radio*, 6 July – Attachment 14).

An article dated 6 July 2005 by *Pajhwok Afghan News* reports that Governor Anwari has warned "of using force to disarm private militia commanders if they refused to surrender their

weapons peacefully under the general disarmament plan” (‘Herat governor warns of forced disarmament’, *Pajhwok Afghan News*, 6 July – Attachment 15).

Herat Security Commander/Head of Herat Police Department

An article dated 4 April 2005 by Radio Free Europe/Radio Liberty reports that former Security Chief of Kabul, General Baba Jan has become the Security Commander of Herat.

The Herat daily “Etefaq-e Islam” on 27 March hailed the appointment of Baba Jan in that city, citing his experience in security issues. However, the Kabul weekly “Rozgaran” lamented on 23 March that with crime rates rising “every day,” Afghan Interior Minister Ali Ahmad Jalali opted to confront the crisis simply by transferring certain “security commanders from one province to another.”

Pointing to Baba Jan and Khakrezwal, “Rozgaran” asked why the two commanders should be moved to other provinces “if they could not ensure” security in Kabul and Balkh (Tarzi, Amin 2005, ‘Musical Chairs with Afghan Security Chiefs’, *RFE/RL Afghanistan Report*, Vol. 4, No. 11, 4 April – Attachment 16).

According to UNHCR advice, Baba Jan is of Tajik ethnicity (UNHCR 2004, ‘List of heads of provincial police departments of Afghanistan’, 25 March – Attachment 17).

The *Historical Dictionary of Afghanistan* provides the following information on Baba Jan.

BABA JAN, LIEUTENANT GENERAL ABDUL WAHED. Major military commander of Burhanuddin Rabbani’s party [Jam’iat-i Islami-yi Afghanistan] after the fall of the Marxist regime in 1992. He defected with Abdul Rashid Dostum from the Kabul regime and thus contributed to the downfall of the Najibullah government. He was a member of the Parcham faction of the People’s Democratic Party of Afghanistan (PDPA) and chief of General Staff of the Armed Force, January 1980-January 1984. For a short time he was caretaker at the ministry of national defense. He was elected an alternate member of the PDPA central committee and served as head of Kabul military academy and as ambassador to Berlin (1985-1988). He was educated in military schools in Kabul, Turkey, and the USSR. He is a recipient of the “Order of the Golden Star” (Adamec, Ludwig W. 2003, *Historical Dictionary of Afghanistan* (3rd Edition), Scarecrow Press, Maryland, pp.47-48 – Attachment 18).

An article dated 5 July 2005 in *Pagah* reports that Ayub Salangi has been appointed as the new Security Commander of Herat (‘New security commander of Afghan Herat province appointed’ 2005, *BBC Monitoring South Asia*, source: *Pagah*, 5 July – Attachment 19).

An article dated 10 April 2005 by *Agence France Presse* reports that Salangi is a Tajik from northern Afghanistan (Morarjee, Rachel 2005, ‘Afghan city mourns its lost children, looks back to Taliban’, *Agence France Presse*, 10 April, Afghan Online Press website – Attachment 20).

An article dated 4 April 2005 by Radio Free Europe/Radio Liberty reports that General Mohammad Ayyub Salangi was formerly the Security Commander of Wardak and then Kandahar (Tarzi, Amin 2005, ‘Musical Chairs with Afghan Security Chiefs’, *RFE/RL Afghanistan Report*, Vol. 4, No. 11, 4 April – Attachment 16).

Herat Intelligence Chief

An article dated 15 August by *Pajhwok Afghan News* reports that “Col Habibollah replaced Gen Azizur Rehman Mayel as Herat intelligence chief” (“Two overnight blasts scare residents of western Afghan city’ 2005, *BBC Monitoring South Asia*, source: *Pajhwok Afghan News*, 15 August – Attachment 21). No information as to Habibollah’s ethnicity or political affiliations was found amongst the sources consulted.

Afghan National Army (ANA)

An article dated 10 April 2005 by The Coalition Press Information Center (Public Affairs) reports that “the remaining members of the Afghan Militia Force’s 4th Corps handed over official authority for the protection of Herat, Badghis, Farah and Ghor provinces to the 207th Regional Corps of the Afghan National Army” (Combined Forces Command 2005, ‘ANA Accepts Responsibility for Western Provinces’, Coalition Press Information Center (Public Affairs), 10 April, Afghan Online Press website – Attachment 22).

International Forces & Herat Provincial Reconstruction Team (PRT)

The BAAG *Afghanistan: Monthly Review May 2005* reports that on 31 May 2005 Italy took over responsibility for the Herat PRT from the US-led coalition (British Agencies Afghanistan Group 2005, *Afghanistan: Monthly Review May 2005*, May – Attachment 23).

A report dated 21 July 2005 on *Sada-ye Jawan Radio* notes that there are over 6,000 international peacekeepers deployed in Herat (‘Afghan authorities say they have thwarted attack near western airport’ 2005, *BBC Monitoring Newsfile*, source: *Sada-ye Jawan Radio*, 21 July – Attachment 24).

2. Who is Ismail Khan and what is his current situation? Is there evidence of people being targeted for being involved in the death of Mirvais Sadigh?

Ismail Khan is currently the Afghan Minister of Energy. No evidence of people being targeted for their involvement in the death of Mirvais Sadeq was found amongst the sources consulted.

The *Historical Dictionary of Afghanistan* provides the following information on Ismail Khan.

MUHAMMAD ISMA’IL KHAN. Mujadein commander affiliated with the Jam’iat-i Islami. He was the “Amir” of Herat, Badghis, Ghor, and Farah Provinces and built a good military organization. He was born in 1942 in Shindand (now Farah) Province), the son of Muhammad Aslam. After completing his elementary education in Shindand, he continued his education at Kabul Military School and the Military Academy. He was a second lieutenant in the 17th Division stationed in Herat when he defected and participated in the uprising of March 15, 1979. When the uprising was suppressed, he fled to Iran and made his way to Pakistan, where he joined the forces of Burhanuddin Rabbanni. In 1987 he was said to have received stinger missiles that helped him to secure control of much of Herat Province. He was promoted to general by Sebgatullah Mujaddidi and called himself “Amir” showing ambitions for autonomous rule. Isma’il Khan was captured by Abdul Malik and surrendered to the Taliban forces in 1997. He managed to escape to Iran and was able to establish himself as the predominant warlord in western Afghanistan after the fall of the Taliban regime (Adamec, Ludwig W. 2003, *Historical Dictionary of Afghanistan* (3rd Edition), Scarecrow Press, Maryland, p.259 – Attachment 18).

Wikipedia provides the following information on Ismail Khan.

Ismail Khan (b. 1946) was the governor of Herat province, Afghanistan. During the Soviet invasion of Afghanistan of 1979, Khan was an officer in the Afghanistan army, reaching the rank of Mujahedin commander. He has been described as “shrewd, short, and with an elfin smile.” His human rights record as governor is said to be decent when compared to other governors, although his record is reportedly still terrible. However, after the airing in January 2004 on television of women singing, Khan sided with the Afghan Supreme Court opinion that such broadcasts should be banned.

After becoming governor of Herat the first time, he was forced to flee to Iran after the Taliban took over authority in 1996. Two years later, while organising opposition to the Taliban, he was handed over to the Taliban by old adversaries. Then in March 2000 he escaped and worked as a low-profile member of the Northern Alliance.

During the Afghan Transitional Administration, Khan was military commander of western Afghanistan, until August 13, 2003 when President Hamid Karzai decreed that officials could no longer hold both military and civil posts. In September 2004 he was also removed from the post of governor for Herat province; although Khan was offered the post of minister of mines and industry in the central government, he declined. Several people were reportedly killed during protests against his removal.

He boasts a provincial army of 25,000 men.

On March 21, 2004, an assassination attempt against Khan, allegedly ordered by General Abdul Zaher Nayebeddah, was reported to have failed. Shortly thereafter, Mirwais Sadeq — Khan’s son and Afghanistan’s civil aviation minister — was killed by Nayebeddah’s forces, and severe fighting broke out between the two factions in Herat. After hours of fighting in which about 100 people were reported killed, Khan’s forces claimed to be once again in control of the city.

Khan is one of the most religiously conservative warlords. He was slower than other leaders in lifting the restrictions imposed by the Taliban, and has retained many of them. Some of his men have been known to carry out “virginity tests”, in Herat’s public areas, on women found walking alone. He is widely suspected of withholding much of the customs duties collected at the Iranian border from the central government. Khan maintains close ties with the Iranian government (Wikipedia 2005, ‘Ismail Khan’, 16 July http://en.wikipedia.org/wiki/Ismail_Khan – Accessed 30 August 2005 – Attachment 25).

The UK Home Office provides the following information on Ismail Khan.

Tajik [25y] On 9 December 2004, IWPR noted that Ismail Khan was a major figure in Jamiat-e-Islami and was ruler of the western city of Herat, which he ran as a private fiefdom for many years. He was dismissed from his position as formal governor in September 2004. “Once known by the less exalted title of Captain Ismail – he was a junior Afghan army officer when the jihad against Soviet occupation began – Ismail Khan took power in the western provinces of Herat, Ghor, Farah and Nimroz after the collapse of the Russian-backed government of Najibullah and awarded himself the title of Amir. Imprisoned by the Taleban for three years, he escaped and eventually regained control of his traditional stronghold. He maintained a distance from Karzai’s interim administration, and particularly irked Kabul by holding on to the substantial customs revenues earned on the border with Iran.” [73d] Appointed Minister of Energy in new cabinet of December 2004. [67] (UK Home Office 2005, *Afghanistan Country Report*, April – Attachment 26).

Ismail Khan still enjoys support in Herat.

- An article dated 19 January 2005 in *Stars and Stripes* reports that Ismail Khan “came home to a hero’s welcome Tuesday, with upward of 2,000 people and a small detachment of US soldiers on hand to greet him.” The article notes that Ismail Khan “remains the most popular figure on this side of the country” (Dougherty, Kevin 2005, ‘Ex-Warlord ‘I.K.’ is OK with Afghans’, *Stars and Stripes*, 19 January, Afghan Online Press website – Attachment 27); and
- An article dated 1 May 2005 by *Associated Press* reports that during a demonstration against the killing of a woman and her daughter in Herat city protesters called for the reinstatement of Ismail Khan (‘Violence in western Afghan city left three dead, 11 wounded, official says’ 2005, *Associated Press*, 1 May, Afghan Online Press website – Attachment 28).

Ismail Khan’s son Mirwais Sadeq (also known as Mirwais Sadiq and Mirwais Saddiq) was killed on 21 March 2004 in Herat. Attachment 29 is a compilation of news articles reporting on the killing of Mirwais Sadeq (UNHCR 2004, *Chronology of Events in Afghanistan, March 2004*, March – Attachment 29).

A *Herat TV* report dated 30 March 2004 reports that the delegation assigned to investigate the “martyrdom” of Mirwais Sadeq released “some 110 Abdol Zaher Nayeبزada’s men” from Herat prison. The report continues stating the “remaining prisoners will be released after their cases have been studied” (‘Afghan government delegation secures release of Herat prisoners’ 2004, *BBC Monitoring South Asia*, source: *Herat TV*, 31 March – Attachment 30).

A *Radio Afghanistan* report dated 3 April 2004 reports that 26 prisoners suspected of involvement in the death of Mirwais Sadeq were released from Herat prison (‘Government delegation releases prisoners in western Afghan Herat Province’ 2004, *BBC Monitoring Newsfile*, source: *Radio Afghanistan*, 4 April – Attachment 31).

A *Radio Afghanistan* report dated 16 September 2004 reports that 12 prisoners who were accused of killing Mirwais Sadeq were released from prison.

Mohammad Gol, the deputy commander of Herat’s Division No 17, who was also among the prisoners, said that they had been tortured and beaten in prison. He said that 27 officers of the division have been in prison since 2 Hamal [21 March], and the rest of them are still in prison, other than the 12 released (‘Suspects in killing of Afghan Herat governor’s son released from jail’ 2004, *BBC Monitoring Newsfile*, source: *Radio Afghanistan*, 17 September – Attachment 32).

An article dated 23 March 2005 by *The Voice of the Islamic Republic of Iran* reports that on the anniversary of the death of Mirwais Sadeq, his father Ismail Khan criticised the government for taking no steps to prosecute his murderers (‘Afghan minister says government does nothing to find his son’s killers’ 2005, *BBC Monitoring South Asia*, source: *Voice of the Islamic Republic of Iran*, 24 March – Attachment 33).

3. What is the situation for Tajiks and for Shias in Herat generally?

Shias

UNHCR advice dated 18 March 2004 provides the following information on the number and location of Shias in Herat.

Q 1. Numbers of Shia in Herat City?

According to Shaikh Najafi, one of the Shiite leaders in Herat Province, a recent census of the population has not taken place. Therefore no one knows for sure what the correct number of Shiites in Herat province is. He estimates that it might be around 25-30% in the City of Herat and 10-15% in the various districts of Herat province. According to the last population census, which took place in 1978, 30% of Herat society may be Shiite. The most Shiite populated areas in Herat are Herat City, Enjil, Karukh, and Ghuryan districts. According to the population census department, they estimate the current population of Herat city around 800,000 persons (UNHCR Afghanistan 2004, 'Afghanistan: Shias in Herat (Cisquest Ref No 7055)', 18 March – Attachment 34).

According to the *Historical Dictionary of Afghanistan* the Farsiwan ethnic group who are Shia Muslims live in Herat.

FARSIWAN. An ethnic group of some 600,000 Farsi-speaking Shi'a Muslims living near the Iranian border, in Herat, Kandahar, Ghazni, and scattered over southern and western Afghan towns. They are of Mediterranean stock and are mostly engaged in agriculture. Pashtu-speakers refer to all Dari-speakers as Farsiwan (Adamec, Ludwig W. 2003, *Historical Dictionary of Afghanistan* (3rd Edition), Scarecrow Press, Maryland, p.109 – Attachment 18).

According to the *Historical Dictionary of Afghanistan* the Qizilbash ethnic group who are Shia Muslims live in Herat.

QIZILBASH. Meaning "red heads" (T.), a people named after the color of pleats in their turbans. They were one of seven Turkic tribes who revered the Safavid ruler Ismail (r. 1499-1524) as both spiritual and temporal ruler. The Persian ruler Nadir Shah Afshar stationed a rear guard (*chandawol*) of Qizilbash troops at Kabul on a campaign to India. They are Shi'a and were quartered in an area called Chandawol today. Estimate at about 30,000, they no longer speak their original Turkic dialect and live mainly in the cities of Herat, Kabul, and Kandahar. As an ethnic and religious minority, the Qizilbash have tended to be politically inactive to avoid discrimination, but have held prominent positions in government services and commerce. They held military positions until the 1860s, the end of Amri Dost Muhammad's reign (one of his wives was a Qizilbash) (Adamec, Ludwig W. 2003, *Historical Dictionary of Afghanistan* (3rd Edition), Scarecrow Press, Maryland, pp.317-318 – Attachment 18).

An article dated December 2003 in *Le Monde Diplomatique* reports that the "many Shia of Herat are kept away from centres of power, as are the Pashtuns. When the emergency *loya jirga* (grand council) was elected in June 2002, all the western provinces' delegates were loyal to Khan" (Bousac, Julien 2003, 'Afghanistan: emirate of Herat', *Le Monde Diplomatique*, December <http://mondediplo.com/2003/12/08Bousac> – Accessed 1 September 2005 – Attachment 35). This situation may have changed given that Anwari, the new Governor of Herat is a Shia. For more information on Anwari please refer to Question 1.

According to UNHCR advice dated 18 March 2004 "Shiite mosques operate freely in Herat, without facing problems."

Mr. Wusoqi, the leader of Shiite community in Herat was in Iran for medical treatment. According to Mr. Najafi his deputy, 105 mosques, and Takayas (Shiite gathering centres) are freely operational in Herat. He confirmed that they can practice their Shiite ceremonies without any problem. Some of Sunni families send their children to these centres/schools as well, to make sure that they receive a higher quality of education.

Shiite community celebrated the 2nd of March, 10th of Moharam (Ashura, the martyrdom day of the grandchild of the Prophet Mohamed and who is called Hussain) in Herat freely, peacefully, and with full support of Herat authorities and huge presence of Sunni community members as well (UNHCR Afghanistan 2004, 'Afghanistan: Shias in Herat (Cisquest Ref No 7055)', 18 March – Attachment 34).

According to UNHCR advice dated 18 March 2004 Shias believe that they are underrepresented in the Herat Government Administration. Please note that since this advice Ismail Khan has been replaced as Governor and therefore it may not be current.

Herat provincial and district administration consist of more than 250 key posts. Out of those, three posts (Heads of water supply, traffic departments, and the principle of one girl school) have been dedicated to the Shiite community. Shiites however believe that they are underrepresented in the government administration

The Shiites are not the only group that feels at a disadvantage in running the affairs of the province. Other minorities such as educated people, professionals, Pashtuns, and etc...are also suffering from such discrimination. The posts in Herat have been monopolized by the current Governor and his supporters, who are affiliated to Jamiat-e-Islami political party. Most of the key posts have been occupied by the close friends, relatives, and followers of Ismail Khan, the governor of Herat (UNHCR Afghanistan 2004, 'Afghanistan: Shias in Herat (Cisquest Ref No 7055)', 18 March – Attachment 34).

UNHCR advice dated 18 March 2004 notes that “[a]ccording to the interviewees, none of Shiite community member has been denied the possibility of having permits to have their own businesses, or they have never been faced with problem or difficulty in the process of business for the reason of being Shiite” (UNHCR Afghanistan 2004, 'Afghanistan: Shias in Herat (Cisquest Ref No 7055)', 18 March – Attachment 34).

Islam is still an important part of life in Herat. This was illustrated in an article dated 2 May 2005 by *Reuters* which reports that two Afghan journalism students at Herat University have been expelled after they were accused of “humiliating” Islam. The article notes that their case has been referred to the Prosecutor’s Office (‘Two Afghan students expelled on blasphemy charge’ 2005, *Reuters*, 2 May, Afghan Online Press website – Attachment 36).

Question 2 of RRT Research Response AFG17439 dated 5 August 2005 provides information on the situation of Shias in Afghanistan (RRT Country Research 2005, *Research Response AFG17439*, 5 August – Attachment 37).

Tajiks

A US Central Intelligence map dated 1997 indicates that Pashtun (Durrani and Ghilzai), Aimak¹ and Tajiks are the major ethnic groups in Herat, while Qizilbash and Turkmen are

¹ **AIMAQ.** The name of an ethnic group of some 800,000 Sunni Muslims who speak Dari (Afghan Persian) with some Turkic admixture. The word either means “nomad” (in Turkic) or “administrative district” (in Mongol). They are also called Chahar Aimaq and include the Jamshidis, Firuzkuhis, Taimanis, and the Sunni Hazaras of Qala-i Nau. They were at times independent or allied with a Durrani prince ruling in Herat. Amir Abdul Rahman severely curbed the power of the Aimaq chiefs and put them under the control of the governor of Herat. They tribes are seminomadic and dwell in conical felt yurts. They raise sheep and cattle and are concentrated primarily in Herat, Ghor, and Badghis Provinces (damec, Ludwig W. 2003, *Historical Dictionary of Afghanistan* (3rd Edition), Scarecrow Press, Maryland, p. 24 – Attachment 18).

minor ethnic groups in Herat (US Central Intelligence Agency 1997, 'Ethnolinguistic Groups in Afghanistan', Perry-Castañeda Library, University of Texas website – Attachment 38).

The BAAG *Afghanistan: Monthly Review October 2005* reports that 57.8% of Heratis voted for Karzai while 33.7% voted for Qanouni.

Of particular interest is the fact that a majority (57.8%) of Heratis voted for Karzai, which suggests that the replacement of Ismail Khan, as Governor of Herat, was not as unpopular as might have been thought. The fact that Qanouni received 33.7% of the votes suggests that the Tajik population of the area represents a sizeable element (British Agencies Afghanistan Group 2005, *Afghanistan: Monthly Review October 2005*, October – Attachment 39).

According to a Conflict Studies Research Centre report dated June 2005 the problems in Herat are "Pashtun/Tajik in nature" (Smith, Ben 2005, *Afghanistan Where Are We?*, Conflict Studies Research Centre, Central Asian Series 05/30, June, p.8 – Attachment 58).

No other information on the situation of Tajiks specifically in Herat was found amongst the sources consulted.

Question 3 of RRT Research Response AFG17450 dated 19 August 2005 provides information on Tajik representation in Afghan politics (RRT Country Research 2005, *Research Response AFG17450*, 19 August – Attachment 40).

4. With regard to Nahia-e-doo, Bazaar-e-Khosk, Herat Province, can you provide a map showing its location?

No Nahia-e-doo, Bazaar-e-Khosk, Herat was found amongst the sources consulted. Bazaar-i-Khush is a main street in the old city of Herat.

Please find four maps attached:

- Afghanistan Map (HIC (UN) 2002, 'Afghanistan District Maps', May – Attachment 41);
- Herat Province Map (HIC (UN) 2002, 'Hirat Province Map', May – Attachment 5);
- Herat City Map (Afghanistan Information Management Service 2005, 'Hirat City Map', June <http://www.aims.org.af/maps/urban/hirat.pdf> – Accessed 29 August 2005 – Attachment 42); and
- Herat Old City Map (Hopper, Kenny 1998, 'Herat: The Old City Map', Perry-Castañeda Library, University of Texas website http://www.lib.utexas.edu/maps/world_cities/herat_98.jpg – Accessed 29 August 2005 – Attachment 43).

Bazaar-i-Khush is marked on the attached map of the old city of Herat (Hopper, Kenny 1998, 'Herat: The Old City Map', Perry-Castañeda Library, University of Texas website http://www.lib.utexas.edu/maps/world_cities/herat_98.jpg – Accessed 29 August 2005 – Attachment 43). According to UNHCR advice dated 18 March 2004 there are two famous Shia mosques on Bazaar-e-Khush, Imam Jafer-e-Sadiq with 65 students and Hazrat-e-Zainab with 100 students (UNHCR Afghanistan 2004, 'Afghanistan: Shias in Herat (Cisquest Ref No 7055)', 18 March – Attachment 34).

5. What is the ethnic composition in Nahia-e-doo, Bazaar-e-Khosk, Herat Province?

According to a National Geographic Society map, the ethnic composition of Herat City is 85% Tajik, 10 % Pashtun, 2% Hazara, 2% Uzbek and 1% Turkmen (National Geographic Society 2003, 'Afghanistan Map', source: Thomas Gouttierre and Matthew S. Backer – Attachment 44).

Please note that this map is dated 2003 and since then a number of returnees of unknown ethnicities have settled in Herat City.

- “Thousands of returnees have chosen major cities such as Jalalabad, Kandahar, Herat, Mazar and Kabul as their residence in order to benefit from their facilities and social services” (United Nations Development Programme 2005, *Security With A Human Face: Challenges And Responsibilities*, 21 February, p.37 – Attachment 45); and
- “Most cities are currently experiencing a steady flux of urban returned refugees and internally displaced persons” (The UNHCR June 2005 Update (UNHCR 2005, *Update of the Situation in Afghanistan and International Protection Considerations*, June, p.36 – Attachment 3).

A number of news articles from a range of sources suggest that Herat City has a significant Shia population; however, the articles differ as to the actual number of Shias.

- “Shiite Muslim Herat” (‘Taliban Desert Afghan Capital’ 2001, *Yale Daily News*, source: *Associated Press*, 13 November <http://www.yaledailynews.com/article.asp?AID=17157> – Accessed 1 September 2005 – Attachment 46);
- “But Khan is a Sunni, while the Herat majority is Shiite” (Suyono, Joko & Qudsy, Zuhaid-El 2001, ‘After the Taliban, Old Dangers Resurface – The Rise of Warlords’, *Tempo*, 2 December, Wordpress.org website <http://www.worldpress.org/Asia/392.cfm> – Accessed 1 September 2005 – Attachment 47);
- “The Persian-speaking city, with its large Shia minority, was anathema to the Taliban who were Pashtu speakers and Sunni Muslims” (Lamb, Christina 2001, ‘Literature comes out of the closet in Herat’, *Telegraph*, 16 December <http://news.telegraph.co.uk/news/main.jhtml?xml=/news/2001/12/16/wsew16.xml> – Accessed 1 September 2005 – Attachment 48);
- “Today, however, more than a quarter of Herat’s population is Shiite, and their numbers are growing, Shiite leaders said. Shiites run the largest religious school in the province, Sadeqya, which has more than 500 students” (Witt, April 2003, ‘As US Retreats, Iran Puts Its Money Into Afghan Province; Herat Gets Electricity Supply and Funds for School and Roads’, *The Washington Post*, 17 June – Attachment 49); and
- “According to Shaikh Najafi, one of the Shiite leaders in Herat Province, a recent census of the population has not taken place. Therefore no one knows for sure what the correct number of Shiites in Herat province is. He estimates that it might be around 25-30% in the City of Herat” (UNHCR Afghanistan 2004, ‘Afghanistan: Shias in Herat (Cisquest Ref No 7055)’, 18 March – Attachment 34).

6. What is the security situation in Nahia-e-doo, Bazaar-e-Khosk, Herat Province, particularly for Tajik Shias, and what is the role of Seyad Mohammad Kherka?

An article dated 5 April 2005 in *The Stars and Stripes* provides information on the prosperity and culture of Herat City.

“There are two words I would use to describe Herat,” said Sgt. 1st Class David Stansberry, serving his second tour in country. “Prosperity and cultural.”

In other words, Herat doesn’t look like most of Afghanistan. It has modern buildings, paved streets and basic infrastructure. Its people, while approximating the cultural mix that makes up the country, seem a little different as well.

“The people seem to be more interested in developing their economy than shooting bullets at each other,” said Maj. Tim Butts, the Task Force Longhorn engineer. “It’s a very rich province, probably the richest in country.”

...But, “Herat has been, and probably will be, the cultural capital of Afghanistan,” Stansberry said. “There are a lot of things to see and do here. If we get security to where it should be, tourism could be a big boon to this area.”

A good portion of the city’s current success can also be attributed to Ismael Khan, formerly an autocratic ruler of the area who is now a minister in the federal government.

“You could say some other things about his rule, but he definitely got the roads fixed and city power here,” said Staff Sgt. Terry Welch, a public affairs officer serving his second stint in Herat (Harris, Kent 2005, ‘Herat, the mecca of Afghan culture’, *Stars and Stripes*, 5 April, Afghan Online Press website – Attachment 50).

An article dated 13 May 2005 by the Institute of War & Peace Reporting provides information on the “quieter, calmer pace of life” in Herat City as compared to Kabul City. The article also notes the decline in services since Ismail Khan left for Kabul.

The differences between the two cities strikes you immediately: leafy avenues compared with dusty thoroughfares, clean streets instead of heaps of rubbish, and perhaps most shocking of all, working traffic lights which actually appear to have the power to stop drivers, instead of chaos.

I’m definitely not in Kabul any more. In fact, I don’t even feel like I’m in Afghanistan.

Herat, the capital of the province of the same name, has long been known for a quieter, calmer pace of life than exists in the capital. Former governor Ismail Khan, who ruled the province as his personal fiefdom, made sure the city was clean, orderly and well-run.

With electricity available 24 hours a day, clean streets, and lots of parks, I can easily understand why “I love Karzai” is scrawled on almost every available surface in the city – including the five shaky minarets that are all that is left from the once-magnificent 15th century Musalla complex.

...Given the level of insecurity elsewhere, an outsider can easily ask what’s not to love.

But what seems like paradise to a visitor feels like a city on the decline to its residents, especially since Ismail Khan left for Kabul to take up the post of minister of water and energy.

“When Ismail Khan was governor, the city was clean. If even a one-metre stretch of road was damaged, it would be repaired the same day,” said Farhad, 22, a resident of Herat.

Deputy governor Mir Abdul Khaliq admits that construction projects moved more quickly when Ismail Khan was in town. “We used to be able to spend the money we received in customs duties on the city,” he said.

...Local residents say the decline in the city’s revenues has affected other municipal services as well.

There are fewer traffic police on the streets, and taxi drivers say that the officers recently went on strike to protest low wages. Privately, drivers say that the new city authorities are no longer allowing the traffic police to accept kickbacks from taxi drivers, which prompted the walkout.

...But to a Kabul resident used to the free-for-all traffic patterns of the capital, Herat’s drivers may be fast but still seem remarkably well-behaved (Amani, Wahidullah 2005, ‘Letter from Herat’, *IWPR’S Afghan Recovery Report No. 172*, 13 May – Attachment 51).

The following news articles provide information on the security situation in Herat City over the past six months.

An article dated 11 March 2005 by *The Voice of the Islamic Republic of Iran* reports on the “increase in armed robberies and other thefts in Herat city”. Shopkeepers are “asking why their shops, which are located right in front of security checkpoints, have been burgled” (‘Afghanistan: Herat shopkeepers complain at spate of burglaries’, *BBC Monitoring South Asia*, source: *Voice of the Islamic Republic of Iran*, 12 March – Attachment 52).

An article dated 28 March 2005 by *The Herat News Centre* reports that there were 90 murder cases in Herat over the past year (‘Afghan commander pledges to ensure security in western province’ 2005, *BBC Monitoring South Asia*, source: *Herat News Centre*, 30 March – Attachment 53).

An article dated 25 April 2005 by *BBC News* reports that “Afghan police say they have foiled a suicide bomb attack after they stopped a car loaded with explosives and arrested its driver” in Herat city (‘Afghanistan ‘bomb attack foiled’ 2005, *BBC News*, 25 April, Afghan Online Press website – Attachment 54).

An article dated 1 May 2005 by *Associated Press* reports that two days of violence in Herat left three civilians dead and 11 wounded.

One of the fatalities was an elderly man shot in the chest on Saturday during a demonstration against the killing the previous day of a woman and her daughter in downtown Herat, ministry spokesman Mohammed Zahir Azimi said.

He said security forces had fired into the air during the protest, when marchers stoned government buildings and burned three vehicles, and that the man was hit “accidentally.”

...Protesters on Saturday’s march called for the reinstatement of former Herat Gov. Ismail Khan, a regional strongman fired last year and shifted to a Cabinet post in Kabul, and chanted slogans against the U.S. presence in Afghanistan.

Azimi said a soldier from the American-trained Afghan National Army accidentally shot the 36-year-old woman and her daughter, 11, during a row with three policemen after refusing to let them enter an event in a city park.

Seven people suffered bullet wounds when security forces opened fire to try to disperse a spontaneous protest, Azimi said. Four more were hit when security forces tried to control Saturday's follow-up demonstration. Six remain in hospital with serious injuries ('Violence in western Afghan city left three dead, 11 wounded, official says' 2005, *Associated Press*, 1 May, Afghan Online Press website – Attachment 28).

An article dated 17 May 2005 by Radio Free Europe/Radio Liberty reports that a man has been arrested for "distributing leaflets urging people to hold a large demonstration in Herat on 17 May" (Radio Free Europe/Radio Liberty 2005, 'Security Forces In Western Province Arrest Suspect For Inciting Unrest', *Daily Afghanistan Report*, 18 May, Afghan Press Online website – Attachment 55).

The AKE² *Afghanistan Security Briefing* dated 20 May 2005 lists Herat city, Hous-e-Karbas area and Baghi Dasht area of Herat city as flashpoints (AKE 2005, *AKE Afghanistan Security Briefing*, 20 May, International News Safety Institute website – Attachment 56).

The *AKE Afghanistan Security Briefing* dated 27 May 2005 lists Herat city as a flashpoint (AKE 2005, *AKE Afghanistan Security Briefing*, 27 May, International News Safety Institute website – Attachment 57).

An article dated 5-6 June 2005 in *Erada* reports that "a policeman fatally shot one of his colleagues and an unidentified woman at a security post in a park" and "a policeman was left seriously injured after unidentified gunmen opened fire on him in the Takht-i-Zafar park" in Herat City on 5 June 2005 ('Cop, Woman Gunned Down in Herat' 2005, *Erada*, 5-6 June, Institute of War & Peace Reporting website – Attachment 59).

The *AKE Bespoke Intelligence Report* dated 10 June 2005 lists Herat City and the Takht-e-Safar area of Herat city as flashpoints (AKE Intelligence 2005, *AKE Bespoke Intelligence Report*, 10 June – Attachment 60).

An article dated 23 June 2005 in *Arman-e-Milli* reports that "[s]ixteen potential nominees for parliament from the western province of Herat have been temporarily removed from the candidates' list for allegedly possessing arms or controlling armed men" ('Herat candidates barred from elections' 2005, *Arman-e-Milli*, 23 June, Afghan Online Press website – Attachment 61).

An article dated 9 July 2005 by *The Voice of the Islamic Republic of Iran* reports that the "security commander of Herat Customs Department was killed after being shot nine times by unidentified people". Col Nasar Ahmad Paikar, Head of the Crime Office of the Herat Security Command, "believes the motive behind the killing is not political" ('Afghanistan: Herat customs security chief shot dead' 2005, *BBC Monitoring South Asia*, source: *Voice of the Islamic Republic of Iran*, 10 July – Attachment 62).

² [AKE Limited](#) "was founded by Andrew Kain in 1991, to provide security and political risk management to businesses, NGOs and the media. The company provides a wide and integrated range of services, intelligence, training, products and technology. Much of our equipment and technology is exclusive to us and the result of extensive research, innovation and development. Our security risk specialists are ex-Special Forces and are experienced in hazardous and hostile environments throughout the world."

A report dated 20 July 2005 on *Sada-ye Jawan Radio* reports that “Officials of Herat Province Security Command have discovered and averted a possible attack to the south of Herat airport” (‘Afghan authorities say they have thwarted attack near western airport’ 2005, *BBC Monitoring Newsfile*, source: *Sada-ye Jawan Radio*, 21 July – Attachment 24).

An article dated 21 July 2005 in *The Irish Examiner* reports that two small bombs exploded outside the Police Chief’s Office and near the Governor’s Residence in Herat city.

The bombs were thought to have been laid by local people embroiled in a political struggle between local strongmen, Anwari said. No suspects have been arrested, but an investigation is underway, he said (‘Two bombs go off in Afghanistan’ 2005, *The Irish Examiner*, 21 July – Attachment 2).

A report dated 21 July 2005 on *Sada-ye Jawan Radio* provides information on Governor Anwari’s news conference on the recent insurgency in Herat city.

[Correspondent] At a news conference, Herat Governor Sayed Hosayn Anwari said a few frustrated political groups were behind the recent insurgency in Herat. However, he did not reveal the names of these groups. He commented on the suicide attack carried out two days ago, the discovery of several rockets targeting ISAF [International Security Assistance Force] at Herat Airport, and some explosions last night. He said that these attacks were planned and organized by a number of political circles.

[Anwari] These attacks were certainly aimed at destabilizing security. We do not believe that these recent attacks were carried out by Afghanistan’s main enemies. However, we believe that the perpetrators are a number of frustrated and ignorant people in Herat city.

[Correspondent] Two explosions – one in the vicinity of the Herat Security Command and another in front of Herat provincial headquarters – rocked Herat city last night. The blasts caused some damage, but no casualties have been reported to date (‘Afghan governor says security heightened after Herat security incidents’ 2005, *BBC Monitoring South Asia*, source: *Sada-ye Jawan Radio*, 21 July – Attachment 63).

An article dated 13 August 2005 by *Pajhwok Afghan News* reports that a bomb fitted in a rickshaw parked on the main road leading to Herat Airport exploded, killing and injuring no one.

No group has accepted responsibility for the attack.

...This is the first explosion to target the coalition forces in Herat City (‘Soldier crushed to death; bomb explodes in Herat’ 2005, *Pajhwok Afghan News*, 13 August – Attachment 64).

An article dated 15 August 2005 by *Pajhwok Afghan News* reports that two hand grenades hurled at the Herat Intelligence Department’s building missed their target and hit homes causing no damage (‘Two overnight blasts scare residents of western Afghan city’ 2005, *BBC Monitoring South Asia*, source: *Pajhwok Afghan News*, 15 August – Attachment 21).

An article dated 18 August 2005 by *Pajhwok Afghan News* reports that in Herat three men broke into the house of the Regional Coordinator of the Joint Electoral Management Body (JEMB) “at 2am, stabbed him and looted 25,000 afghani.” The Provincial Chief of the Herat Crime Branch ruled out “political intrigue” (Sarwaryar, Ahmad Ihsan 2005, ‘JEMB official stabbed in Herat’, *Pajhwok Afghan News*, 18 August – Attachment 65).

A report dated 27 August 2005 on *Herat TV* reports on a clash between National Army troops and police in Takht-e-Safar Park in Herat city wounding one ('Local Herat TV reports clash between Afghan army and police in town' 2005, *BBC Monitoring South Asia*, 28 August – Attachment 66).

The following information relates to the security of Shias in Herat city.

UNHCR advice dated 18 March 2004 provides the following information on the harassment of Shias in Herat city.

As we checked with the leaders of Shiite community in Herat individually and collectively. After the defeat of the Taliban, no harassment of Shiite people was reported. They are happy and treated equally with other community members (UNHCR Afghanistan 2004, 'Afghanistan: Shias in Herat (Cisquest Ref No 7055)', 18 March – Attachment 34).

The following information relates to **Seyad Mohammad Kherka**, a Sunni.

Seyad Mohammad Kherka may be Sayed Muhammad Khairkhwa the former Governor of Herat. For information on Sayed Muhammad Khairkhwa please refer to Question 1.

7. Is there any evidence that the Taliban, Sunnis or others would target people, particularly Shia, who had been in Australia and/or had applied for refugee status?

For information on the Taliban in Herat, please refer to Question 1.

For information on Shias in Herat province and Herat city please refer to Questions 3, 5 and 6.

Very few Afghans who have been in Australia and/or applied for refugee status have returned to Afghanistan. There is also no indication as to where in Afghanistan they returned to.

According to the June 2005 UNHCR *Update of the Situation in Afghanistan and International Protection Considerations* the "total number of assisted returnees, based on tripartite agreements or under regular government programmes, as of 1 January 2004 from Switzerland, Austria, Australia, Germany, Denmark, Norway, UK, Finland, Netherlands, Greece, Sweden, Indonesia, Belgium, Italy and France stands at 743 persons" and the "total number of deportations in 2004 stands at 484 persons" including 3 from Australia (UNHCR 2005, *Update of the Situation in Afghanistan and International Protection Considerations*, June, p.40 – Attachment 3).

On 13 April 2005 Dr Jonathan Goodhand, in a video conference on Afghanistan for the RRT, provided the following information on the treatment of Westernised or secular returnees.

There is also, to some extent, a reaction against expatriate Afghans. So radical Islam or however one chooses to describe it (some people call it Islamic fundamentalism), will continue to have an important and ongoing role in politics in Afghanistan.

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

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

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

There is a lot of resentment around people coming back, particularly in terms of the pressure on land and resources, and so pretexts are created to point the finger at these people, and one of those pretexts may be Islam, it may be their kind of past political connections and so on, but the underlying issue could quite easily be either one around resources or a personalised kind of long running history of enmity.

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

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

So I think, you know, that that would be dangerous for people to go back into that kind of a context and be openly, if you like, "un-Islamic". In Kabul it would be easier for that, for somebody to kind of perhaps have a more liberal lifestyle, but certainly in rural areas it would be extremely difficult.

THE CHAIRMAN: Melbourne, any further questions? Sydney, do you have any further questions? Okay. I have got just one follow-up question, Dr Goodhand, if you can shed some light on. A lot of our applicants have been in Australia for quite a long time, so consequently we were wondering would someone who had lived in a western country and returned to Afghanistan, in particular to Ghazni, encounter discrimination or persecution because of their perceived western taint?

DR GOODHAND: There is certainly a growing animosity and resentment towards expatriate Afghans coming back and walking into kind of relatively high paying positions and taking resources. I mean, anywhere there has been a war and there are people who have stayed and there are people who have left, when people return there is always, (almost always) tensions and resentment towards those who come back.

One sees this, in particular, in Kabul, with the return of a lot of technocrats but certainly in Kabul, I think it is a big issue because of the perception that the better qualified, the English

speaking, the computer trained Afghans coming back and are taking relatively high paid positions.

In Ghazni, I think that certainly there would be a much more profound question around adjustments and because the difference between the lifestyle the person would have experienced in Australia and they would come back to in rural Ghazni would be much more profound and certainly that person is likely to stand out more. I think a lot of this though, comes back to whether this person is bringing in resources or competing for resources, and then if it is around trying to reclaim land, for instance, this being used then, that would become much more of a tension inducing issue (Dr Goodhand, Dr Jonathan 2005, *Transcription of Video Conference between RRT Melbourne, RRT Sydney and Dr Jonathan Goodhand on 13 April 2005*, 13 April – Attachment 67).

8. Is there any evidence that the Taliban, Sunnis or others would target children of returnees who speak English, and that such children would have to attend “illegal Shia schools” and that they could not attend Sunni schools?

For information on the Taliban in Herat, please refer to Question 1.

English

No information on the proportion of Afghans, in Herat or Afghanistan generally, who can speak English was found amongst the sources consulted.

An article dated 15 August 2005 by the Institute of War & Peace Reporting reports that young Afghans are flocking to English language courses as it is “seen as key to a future in well-paying jobs.”

Ten-year-old Asad doesn’t look any older than his age, but he has already been offered work by several non-governmental organisations, NGOs. His secret? A strong command of English and some computer skills.

...Every day outside this and hundreds of other centres in the capital and elsewhere, dozens of students gather in groups, practising their English or discussing computer programmes as they wait for classes where between 30 and 40 students, both male and female, work together.

The centres have mushroomed in the past four years, although some go back much further.

...Today, a total of 760 computing and English language centres throughout Afghanistan are registered with the education ministry, according to Sadruddin Ashrafi, the ministry’s head of curriculum matters. Of these, he said, 235 are in Kabul.

...Ashrafi believes many more centres exist but are not registered. And he complains that many ignore ministry guidelines for fees – a complaint echoed by some students, including Mariam.

...“Learning English and how to use computers is very important in the current situation because if you don’t know these subjects, you will not be accepted anywhere,” Ajmal, a smartly-dressed 16-year-old student on level two courses, told IWPR.

...Those who see a job with the civil service as a more secure long-term prospect also believe they will need English and computer skills, which they think will secure them a better starting salary than the average 1,800 afghanis, around 35 US dollars, per month paid to those without them.

...Walking with classmates at the end of a lecture at the same university, 25-year-old Farima, a third-year language student, summed up her view on the matter, “Learning the English language means your bread and butter” (Ghafari, Salima 2005, ‘English and IT Open Doors’, *IWPR’S Afghan Recovery Report No. 182 Part 2*, 15 August – Attachment 68).

According to Edward Caraballo, an American independent filmmaker who is currently in Pili-Charkhi prison for “running a private jail and torturing hostages” and reported in *The New York Times* on 24 July 2005, young Afghans “all want to learn English” and “become Westernized.”

“The young people all want to learn English here,” he said. “They want to become Westernized. The top three requests I get at every corner are -- No.3: do I have any American cigarettes? No.2: do I have an American magazine for them? And the top request is: ‘Please take me to America’” (Gall, Carlotta 2005, ‘Journalists Jailed for a Year in Kabul Feels Abandoned by US as He Seeks Ways to Survive’, *The New York Times*, 24 July – Attachment 69).

An article dated 12 February 2005 by the US Embassy Kabul reports that an American Corner, which provides English-language materials, is operating in Herat.

U.S. sponsored American Corners provide English-language materials on American history, culture, politics and economics as well as Internet resources, English language classes and seminars on topics related to the U.S. This is the second of five American Corners to be opened in Afghanistan. The other American Corners are in Mazar-e-Sharif, Jalalabad and Herat (US Embassy Kabul 2005, ‘Ambassador Khalilzad Opens American Corner at Kabul University’, 12 February, US Department of State website <http://www.state.gov/r/pa/ei/pix/b/sa/af/2005/42269.htm> – Accessed 7 September 2005 – Attachment 70).

Shias & Schools

UNHCR advice dated 18 March 2004 provides the following information on Shias accessing schools in Herat.

There are no restrictions on the access of Shiites to school. They have free access to school without any discrimination. Each school in Herat has a certain number of Shia students. After the defeat of the Taliban from Herat, discriminatory incidents against Shiite minority in Herat have not been reported. Students up to grade six, who studied in Shiite mosques, approach educational department and after passing in the examination they are enrolled in the official schools (UNHCR Afghanistan 2004, ‘Afghanistan: Shias in Herat (Cisquest Ref No 7055)’, 18 March – Attachment 34).

An article dated 14 March 2005 by *IRIN* reports that a “national campaign to boost girls’ enrolment was launched in Afghanistan over the weekend as the country prepares for a new school year.”

According to UNICEF, on average 60 percent of girls under 11 – more than 1 million – are still not attending lessons.

Out of some 5 million children enrolled in schools throughout the country girls made up just 35 percent, the World Bank said in its recent report on education in Afghanistan.

But there are big regional differences in attendance levels. In major cities like Kabul, Herat, Mazar-e Sharif and Badakshan, the situation is better, with about 50 percent of girls going to schools in 2004, the MoE said ('Afghanistan: New campaign to encourage girls into school', *IRIN*, 14 March – Attachment 71).

An article dated 25 March 2005 by *Pajhwok Afghan News* reports that "returnees who acquired their educational qualifications in Pakistan and Iran have complained that the provincial department of education in western Herat is not recognizing their qualifications for enrolment into high school" ('Returnees claim home provinces will not accredit their qualifications' 2005, *Pajhwok Afghan News*, 25 March – Attachment 72).

Section 5.270 to 5.282 of the April 2005 UK Home Office *Afghanistan Country Report* provides information on the Afghan educational system. It is included as Attachment 26 (UK Home Office 2005, *Afghanistan Country Report*, April – Attachment 26).

9. Is there any evidence that the Taliban, Sunnis or others would target women who leave the house unaccompanied or their daughters?

For information on the Taliban in Herat, please refer to Question 1.

The following information relates to Herat.

Human Rights Watch interviewed a women's rights activist in Herat on 9 August 2005. She commented on the positive changes for women in Herat since the removal of Ismail Khan.

One women's rights activist and civic educator talked about the greater freedoms that women in Herat have enjoyed since the removal of Ismael Khan, one of Afghanistan's most powerful warlords, as governor of the western region. She said, "Women can go to the market. Women can work in different offices, there were threats before. Women...are not threatened like before, before there were problems or threats if you wanted to make an international trip, now women are freely traveling. Very, very positive changes have occurred" (Human Rights Watch 2005, *Campaigning Against Fear: Women's Participation in Afghanistan's 2005 Elections*, 17 August, p.6 – Attachment 85).

An article dated 19 June 2005 in *Pagah* reports that women's rights are being violated severely yet "we have merely chanted slogans and have done nothing but hold meetings and seminars to read out articles".

Women's rights have been abused and oppressed in various ways and we have witnessed this bitter fact over past years.

But we have merely chanted slogans and have done nothing but hold meetings and seminars to read out articles, despite the fact that five women have been killed in Herat Province over the past two weeks. [Passage omitted: details of the killings]

Such cases have become commonplace. The relevant officials and the judicial system have simply chanted slogans but have not taken any serious measures to tackle this problem effectively ('Afghan paper says slogans, seminars failing to end violation of women's rights' 2005, *BBC Monitoring South Asia*, source: *Pagah*, 20 June – Attachment 73).

An article dated 1 May 2005 provides information on women learning to drive in Herat.

A new plan in Herat to teach women to drive and give them licenses is at once a symbol of the official rights women continue to win in Afghanistan and a reminder of the difficulties they confront in exercising those freedoms.

...Inaugurated a few weeks ago, the driving program is part of a flowering of liberties here that followed the central government's dismissal in September of the provincial governor, Ismail Khan, a religiously conservative strongman who proved almost as repressive toward women as the Taliban militia he replaced.

Now, for the first time in memory, shops in Herat are hiring women to sell their wares. Women's fitness clubs are popping up along the city's leafy avenues.

And ever more women are trading their burqas, the head-to-toe garment worn in public, for an Iranian-style shawl, or chador, which covers the hair and body but not the face.

Yet it remains unclear how much use the new drivers – a mix of college students and middle-age schoolteachers – will get out of their licenses and how society will treat them when they are on the road.

For a start, most of the nearly 50 participants come to class in burqas.

...Technically, no law prohibits women from driving in Afghanistan.

But in addition to passing a practical test, all license applicants in Herat must take a two-week course on traffic rules. Teaching women alongside men is unthinkable here.

A separate class did not exist for women.

Afzali said his first proposal to offer such a course was quickly quashed by Khan, the then-governor.

After Khan left office, Afzali was suddenly deluged with requests from women seeking a license, he said (Aizenman, N.C. 2005, 'Afghan women cautious as right to drive accelerates/New Herat plan for licenses faces societal opposition', *Washington Post*, 1 May – Attachment 74).

The UK Home Office *Afghanistan Country Report* was published in April 2005, and includes references to a number of sources, including the Human Rights Watch, Institute of War & Peace Reporting and Radio Free Europe/Radio Liberty. Please note that the sources referred to are dated 9 December 2004, 4 February 2005 and 17 August 2005. The UK Home Office *Afghanistan Country Report* provides the following information on the situation of women and girls in Herat.

6.236 On 9 December 2004, the Institute for War and Peace Reporting (IWPR) reported that Ismail Khan, who had run Herat as a private fiefdom for many years, had been dismissed from his position as formal governor in September 2004. [73d]

6.237 In their October 2004 report, "Between Hope and Fear", Human Rights Watch (HRW) reported that "Under the administration of the recently deposed governor Ismail Khan, women and girls in Herat had little freedom to engage in public life or to travel freely, at times even being subjected to virginity tests." [17j] (p7)

6.238 A Radio Free Europe/Radio Liberty (RFE/RL) report dated 4 February 2005 reported that

“Self-immolation by women in the western Afghan province of Herat continues to alarm officials and aid workers more than a year after a delegation from Kabul investigated the trend. The delegation determined that within just a few months, at least 52 women in the province had burned themselves to death -- often to escape an abusive marriage. Afghan doctors and officials say at least 184 women brought to Herat’s regional hospital are thought to have set themselves on fire during the past year -- and more than 60 have died as a result. The real number of self-immolation suicides and attempted suicides is likely to be even higher because only those brought to a hospital are being registered.” [29d]

6.239 The RFE/RL report also noted that there were several teenagers in a Herat hospital recovering from burns they say they received when their mother-in-laws poured boiling water on them. The views of Zama Coursen-Neff, a researcher with Human Rights Watch were reported. “Coursen-Neff says that, regardless of whether a woman is burned because of attempted suicide or attempted murder, both instances demonstrate a lack of choice for women in Herat and the failure of the provincial government to provide protection for those in abusive, forced marriages” [29d] (UK Home Office 2005, *Afghanistan Country Report*, April – Attachment 26).

The following information relates to female representation in Afghan politics.

According to the Afghanistan Research and Evaluation Unit, one of the 18 Presidential candidates was female, Masooda Jalal (Reynolds, Andrew & Wilder, Andrew 2004, *Free, Fair or Flawed: Challenges for Legitimate Elections in Afghanistan*, Afghanistan Research and Evaluation Unit Briefing Paper, September, p.18 – Attachment 75). According to the 2004 Afghan Elections Project website Jalal came in sixth place winning 1.1% of the vote (‘Results by Votes’ 2004, Afghan Elections Project website, 3 November – Attachment 76).

According to Human Rights Watch three of the 27 members of the new Afghan Cabinet are women.

Karzai appointed three women to positions that carefully conformed to traditional gender roles: Massouda Jalal became Minister of Women’s Affairs, Amina Afzali, Minister of Youth, and Sediqa Balkhi, Minister of Martyrs and the Disabled. Karzai failed to appoint women to any internally powerful cabinet positions, even ones where women had previously held positions, such as the Ministry of Health. Human Rights Watch interviewed a woman in Herat province who said, “Women’s presence in parliament will only be symbolic as it is in the cabinet, if opportunities and security are not provided for independent women candidates” (Human Rights Watch 2005, *Campaigning Against Fear: Women’s Participation in Afghanistan’s 2005 Elections*, 17 August, p.10 – Attachment 85).

According to Human Rights Watch women are guaranteed 68 of the 249 seats in the *Wolesi Jirga* (House of the People), half of the seats appointed by the President to the *Meshrano Jirga* (House of Elders) and a quarter of seats in Provincial Councils.

In the final candidate list, although 25 percent of seats are reserved for women, female candidates represent about 12 percent of the candidates for the Wolesi Jirga (328 out of 2707) and 8 percent of the candidates for Provincial Councils (247 out of 3025). In the period after the deadline for submitting candidate nominations and the finalization of the candidate lists in July, 281 potential candidates withdrew and 17 were excluded. Fifty-one of the withdrawals were women, a disproportionately high number given the relatively low number of candidates. Some women cited procedural issues for their withdrawals, such as relatives who worked in the election commission or their unwillingness to step down from current jobs. But as will be discussed in more detail later, many women also voiced concern about security threats, barriers to campaigning in rural areas, and financial constraints (Human Rights Watch

2005, *Campaigning Against Fear: Women's Participation in Afghanistan's 2005 Elections*, 17 August, pp.8-9 & 11 – Attachment 85).

A Human Rights Watch report dated 17 August 2005 provides extensive information on Afghan women's participation in the 2005 elections. The following extracts relate to Herat.

There have been improvements in major cities, for example, Kabul and Herat, but the challenges of reconstruction and continuing insecurity mean that an environment where women and girls are able to realize their full range of rights remains far from reality.

...Women in western Herat province describe a more open environment after the former governor Ismael Khan was removed, but intimidation by local commanders remains a concern especially in rural areas.

...Candidates in Mazar-e Sharif and Herat complained about students being threatened by school officials to vote a certain way.

... A human rights worker in Herat province said, "Commanders are very influential. Most women didn't run for parliament because of this." A women's rights activist who has developed strong credentials throughout Afghanistan said she did not become a candidate because her family had suffered violent intimidation in the past after she helped conduct research for a report on human rights abuses against women. She said, "Ismael Khan's people created problems for me and the new governor of Herat is also against me. I was afraid. I didn't want to create more problems for myself and my family."

...Even in areas without significant Taliban presence, women face real difficulties in venturing into rural areas. An independent woman candidate in Herat province said, "There is no use traveling there. Some districts are not safe for women to travel. Some people don't like women candidates. I travel with two male relatives and some women" (Human Rights Watch 2005, *Campaigning Against Fear: Women's Participation in Afghanistan's 2005 Elections*, 17 August, pp.6, 16, 22 & 23-25 – Attachment 85).

The following information relates to the situation of women in Afghanistan.

RRT Research Response AFG23448 dated 4 November 2004 and RRT Research Response AFG17237 dated 14 March 2005 provide information on the situation of women in Afghanistan (RRT Country Research 2004, *Research Response AFG23448*, 4 November – Attachment 77 and RRT Country Research 2005, *Research Response AFG17237*, 14 March – Attachment 78).

Section 6.167 to 6.246 of the April 2005 UK Home Office *Afghanistan Country Report* provides extensive information on the situation of women in Afghanistan. It is included as Attachment 26 (UK Home Office 2005, *Afghanistan Country Report*, April – Attachment 26).

An Amnesty International report dated May 2005 provides extensive information on the situation of women in Afghanistan. It is included as Attachment 79 (Amnesty International 2005, *Afghanistan: Women still under attack – a systematic failure to protect*, May, ASA 11/007/2005 – Attachment 79).

Pages 52-55 of the UNHCR June 2005 *Update of the Situation in Afghanistan and International Protection Considerations* provides information on the situation of women in

Afghanistan. It is included as Attachment 3 (UNHCR 2005, *Update of the Situation in Afghanistan and International Protection Considerations*, June, p.20 – Attachment 3).

10. Is there any evidence that the Taliban, Sunnis or others would target returnees generally and are they considered to be wealthy and thus become targets of extortion?

For information on the Taliban in Herat, please refer to Question 1.

The following information relates to the treatment of wealthy returnees.

According to Phillippe Leclerc of the UNHCR, Hazaras who are perceived as wealthy will be targeted.

Q: The majority of our cases are young Hazara and they claim that if they are returned, they will be targeted, robbed and even killed and they won't find any support whatsoever.

A: They will be targeted if they are perceived as being wealthy. If you come back from any industrialised country you are easily seen to be wealthy; in reality a lot of these people may come back with a package but most of them have sold their houses or they are indebted, so this money does not go far as they pay off debts or try to acquire a house.

There has been a risk of robbery or extortion, especially if you do not have protection of strong groups or individuals. Killing would be exceptional. They are now appointing new district governors in those areas where such trends exist, especially in Jaghori, and it seems this has been done with a lot of consultation between Hezbi Wahdat, Nasr and the governor. It seems that this will solve part of the difficulties that people are experiencing (Leclerc, Philippe 2003, *DIMIA Onshore Protection and CIS researchers question and answer verbatim transcript*, July – Attachment 80).

UNHCR Kabul has provided two pieces of advice on the effectiveness of the Ghazni police force in providing protection against criminal activity directed at perceived wealthy and westernised returnees. The advice, which appears below, is contrary.

UNHCR Kabul provided the following information on 17 February 2004:

How effective is police force in providing protection against criminal activity if it is directed at perceived wealthy and westernised returnees.

Not very effective. Westernized and wealthy returnees could be targeted, particularly for their wealth, and if they transcend rather strongly the norms of the society (UNHCR 2004, 'UNHCR information on Shola E Jawid, Hezbe Wahdat, Ghazni Province and Hazaras', 17 February – Attachment 81).

UNHCR Kabul provided the following information on 11 March 2004:

How effective is police force in providing protection against criminal activity if it is directed at perceived wealthy and westernised returnees.

Returnees are not specifically targeted for criminal activities (UNHCR Kabul 2004, 'UNHCR Kabul Responses to DIMIA Case Managers' Questions for UNHCR', 11 March – Attachment 82).

Clarification was received from the UNHCR on 5 April 2004.

Returnees would not be targeted for criminal activities specifically because they are returnees per se. Also returnees (and others) will not be targeted simply because they are wealthy. Since criminal activities are on the rise in general, returnees could be subjected to criminal activities, but not more than other Afghans (UNHCR Afghanistan 2004, 'Clarification of UNHCR Response on Security of Westernised Afghan Returnees', 5 April – Attachment 83).

Please note that while the 14 February 2004 UNHCR advice as it relates to wealthy returnees no longer stands, there is nothing to indicate that the rest of the advice is obsolete. Therefore returnees could be targeted "if they transcend rather strongly the norms of society" (UNHCR 2004, 'UNHCR information on Shola E Jawid, Hezbe Wahdat, Ghazni Province and Hazaras', 17 February – Attachment 83).

The following information relates to the treatment of returnees in Afghanistan including Herat.

UNHCR advice dated 18 March 2004 provides the following information on the treatment of returnees in Herat.

Q 6. Returns from Iran – **UNHCR** figures indicate 43,000 returnees from Iran to Herat – number of Shias in this group? And resettlement situation for these returnees

There is no indication of religion or sect in the border monitoring questionnaire to record the numbers of Shiite returnees from Iran. Therefore, **UNHCR** sub-office Herat does not know the number of Shiite returnees from Iran. The returnee monitoring exercise in the Western region indicates generally that returnees as a group do not experience discrimination on the basis of the fact that they are returnees, but that they also face problems like others.

With regard to their reintegration, after the defeat of the Taliban, **UNHCR** has not been reported of any problem related to protection concerns. They are welcomed by the community members and authorities as well. The leaders of Shiite community confirmed that in the interview that we have conducted with them recently (UNHCR Afghanistan 2004, Afghanistan: Shias in Herat (Cisquest Ref No 7055)', 18 March – Attachment 34).

UNHCR conducted returnee monitoring in Kabul, Mazar-i-Sharif, Herat and Jalalabd between September and December 2004. The results are as follows.

UNHCR conducted, during September to December 2004, returnee monitoring in the cities of Kabul, Mazar-i-Sharif, Herat and Jalalabad, interviewing over 1,200 returnee households in different districts of each city. The large majority of those interviewed returned to where they were living before exile with about 11% in total who returned to urban areas rather than their places of previous residence. Reasons given for not returning to areas of origin were, in order of priority, security and lack of economic opportunity. In terms of sources of income, the largest number of interviewed returnees (45%) stated that daily wage labour has been the main and first source of income in urban areas after their return. Self-employment/small business was named as the second option to secure income (12%). 11% of the returnee households in urban areas indicated not having any regular source of income. Vulnerability to income failure is the result of almost complete immersion in the cash economy and the reliance on urban labor markets. For unskilled and less literate labor force, access to opportunities is usually limited to the informal sector which is very competitive. Job opportunities for unskilled persons are unreliable, irregular and subject to high seasonal variance and people with less competitive power, such as the elderly, people with disabilities and other health problems, and women in general are particularly susceptible to loss of

income and indebtedness (UNHCR 2005, *Update of the Situation in Afghanistan and International Protection Considerations*, June, p.36 – Attachment 3).

Question 5 of RRT Research Response AFG17437 dated 2 August 2005 provides information on the situation of returnees to Afghanistan (RRT Country Research 2005, *Research Response AFG17437*, 2 August – Attachment 84).

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