

Flygtningenævnets baggrundsmateriale

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Afghanistan – Researched and compiled by the Refugee Documentation Centre of Ireland on 16 August 2011

Recent information (post August 2010) on the treatment of failed asylum seekers returned to Afghanistan.

The most recent *UNHCR* eligibility guidelines document for asylum seekers from Afghanistan, in a section headed “Summary Regarding Generalized Violence”, states:

“More specifically, based on information known and available to UNHCR at the time of writing, the situation in Helmand, Kandahar, Kunar, and in parts of Ghazni and Khost provinces has reached such a high: (i) number of civilian casualties; (ii) frequency of security incidents; and (iii) number of persons displaced due to the armed conflict, that the situation is recognized by UNHCR as one of generalized violence. Therefore, Afghan asylum-seekers, formerly residing in Helmand, Kandahar, Kunar, and in parts of Ghazni and Khost provinces may be in need of international protection under complementary forms of protection on the basis of a fear of serious and indiscriminate harm arising from the situation of generalized violence.” (UN High Commissioner for Refugees (17 December 2010) *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, p.38)

An *IRIN News* report states:

“Worsening insecurity, poor socio-economic opportunities at home and a growing sense of anxiety about the future of their country are the main push factors for Afghan asylum-seekers and migrants, according to aid agencies.” (IRIN News (31 March 2011) *Migration: Afghan asylum-seekers hit by tighter immigration rules*)

The Afghanistan country page on the *Refugees International* website, In a paragraph headed “Current Humanitarian Situation”, states:

“Afghanistan’s extreme poverty, coupled with recurrent conflict and natural disasters, have left the majority of its citizens extremely vulnerable and unable to cope. In 2010 alone, over 100,000 people have been displaced from their homes. There are now over 319,000 internally displaced people in Afghanistan, a number that has been rising over the past two years according to the United Nations. Refugees returning from Iran and Pakistan are also vulnerable and continue to face an uncertain future.” (Refugees International (undated) *Afghanistan*)

A document published by the *Internal Displacement Monitoring Centre*, in a section titled “Protection concerns”, states:

“The return processes can also be dangerous as IDPs who try to reclaim their property are likely to face conflicts over land and resources. Those who have been in direct association or contact with pro-government forces may be targeted by the insurgency, illustrating the dangers civilians face when military forces are directly involved in humanitarian assistance. IDPs who had received aid and employment

opportunities from progovernment forces in Helmand were threatened by the Taliban when they returned, causing their secondary displacement. IDPs including children who fled from areas controlled by the insurgency have also been suspected by progovernment forces of loyalty to opposition groups. Since 2001, an unknown number of internally displaced children have been arrested by Afghan or international military forces. Some of these children were ill-treated during their detention.” (Internal Displacement Monitoring Centre (11 April 2011) *Afghanistan: Need to minimise new displacement and increase protection for recently displaced in remote areas*, p.6)

A *Refugees International* document, in a section headed “Persisting and Growing Humanitarian Needs”, states:

“While displaced Afghans tend to return home soon after fighting ends, trends in the north indicate that people may be displaced for longer as the primarily non-Pashtun ethnic groups fear a Taliban resurgence. Near Mazar e-Sharif, displaced families indicated they would not return after the Taliban gained footholds and began to forcibly recruit young men, confiscate property and threaten locals. ‘My wheat fields are ready to harvest, but I’m not going back,’ said one farmer. Another IDP said, ‘We can’t go back. The Taliban are suspicious of us and will accuse us of spying for the government.’” (Refugees International (1 December 2010) *Afghanistan: In a Time of Conflict*)

An article published by *The Australian* refers to criticism of the Australian Department of Foreign Affairs and Trade as follows:

“Refugee advocate Phil Glendenning, director of the Edmund Rice Centre, said he was ‘staggered’ by the DFAT assessment. Mr Glendenning said Hazaras in Afghanistan sent back during the Howard government years were telling him that the ‘situation on the ground is less safe than it ever has been, particularly those in Ghazni province’. ‘A couple of days ago, the lieutenant governor of Ghazni province was assassinated by a suicide bomb. Most of the Hazaras who are waiting in Australian detention centres are from Ghazni province,’ he said. Associate Professor at the Centre for Immigration and Multicultural Studies at the Australian National University, James Jupp, also said he thought the assessment was ‘a bit over the top’. ‘I don’t think anybody’s having a golden age at the present moment. You’d have to have a strong imagination to believe that,’ he said. Professor Jupp wondered how well informed the Australian embassy was. ‘How would they actually know?’ he asked. ‘Most of our embassies in small Asian countries have a small staff - you can’t travel very freely in Afghanistan.’ DFAT’s assessment has also been questioned by the ANU’s Afghan expert, Professor William Maley, who says Hazaras have faced persecution in Afghanistan since the 19th century. ‘There is no reason to believe that the underlying factors (both ethnic and sectarian) fuelling hostility towards Hazaras have dissipated,’ Professor Maley said in June.” (The Australian (1 October 2010) *Refugee groups say government advice on Hazara asylum-seekers is wrong*)

An article on Hazara asylum seekers published by the Australian magazine *The Monthly* states:

“Yusuf Hamid arrived in Australia in late 2001 amid a hysterical public debate over a surge in boat arrivals. In August that year, ahead of a highly charged election, the Howard government had refused permission for the Norwegian freighter MV Tampa to enter Australian waters carrying 438 Afghans rescued from a foundering fishing boat. In October asylum seekers on another sinking boat had been wrongly accused of throwing their children overboard. Then, as now, there was little public sympathy

for 'queue jumpers' such as Hamid. He was shipped to Nauru and detained there for about a year before being deported back to Afghanistan in 2003. By this time the Taliban had been ousted and the US-backed Hamid Karzai installed as interim president pending democratic elections. But already the Taliban was re-grouping and preparing its comeback. As Hamid soon learned, Taliban commanders in his native Ghazni Province were bent on revenge against those they branded traitors. 'The Taliban were looking for those guys who returned from Australia. They thought that those people who returned from Australia were working with the foreigners.' A month after returning to his village, Hamid says he was captured by a Taliban posse, beaten unconscious and left for dead." (The Monthly (1 June 2011) *Comment: Hazara Asylum Seekers*)

This article also states:

"The Edmund Rice Centre, a Catholic advocacy group, has tracked the fortunes of some 270 rejected asylum seekers in 22 countries, and documented several cases of Afghans hunted down and killed after their return. One case reported by the centre's director, Phil Glendenning, is that of Mohammed Hussain, a Hazara and former mujahideen fighter in the anti-Soviet jihad in the 1980s, who fled Afghanistan under Taliban rule. After being refused refugee status in Australia, Hussain went back to his village in Ghazni - the same province that Hamid comes from and faces returning to. There, in late 2008, Hussain was cornered by a Taliban gang and thrown down a well in front of 35 members of his family. A grenade was thrown down after him, decapitating him. Glendenning, who met Hussain in Kabul before he died, says, 'He had told people this would happen if he was sent back [to Afghanistan].'" (ibid)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre 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. Please read in full all documents referred to.

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