

A century of Hope for Justice:

Report on Targeted Attacks Against Hazaras in Afghanistan



Afghanistan Human Rights Center

October 2024

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ABBREVIATIONS

AHRC	Afghanistan Human Rights Center
AIHRC	Afghanistan Independent Human Rights Commission
ANP	Afghan National Police
ANDS	Afghan National Directorate of Security
BBC	British Broadcasting Corporation
CEDAW	Convention of the Elimination of All forms of Discrimination against Women
CRC	Child Rights Convention
GoIRA	Government of Islamic Republic of Afghanistan
HRW	Human Rights Watch
ICC	International Criminal Court
ISKP	Islamic State of Khorasan Province
NATO	North Atlantic Treaty Organizations
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan

AFGHANISTAN HUMAN RIGHTS CENTER

The Afghanistan Human Rights Center (AHRC) is a 501(c)(3) non-profit organization, registered and operating from New Haven, Connecticut, focused on monitoring, promoting, and protecting human rights in Afghanistan. The AHRC was established in 2022 by renowned human rights activists who have been forced into exile but bring with them over twenty years of experience in human rights work. The organization's primary aim is to monitor the human rights situation and advocate for the protection of the rights of Afghans by leveraging a vast local network of individuals who are capable and committed to defending human rights within Afghanistan. Drawing on the expertise and institutional knowledge gained from their previous roles at the Afghanistan Independent Human Rights Commission (AIHRC), where the current leadership and staff were formerly engaged, the AHRC positions itself as a continuation of Afghanistan's national human rights mechanism.

The AHRC's programs and infrastructure are built on a solid foundation of experience and expertise, which enables it to effectively monitor, document, and advocate for human rights, even under the most challenging circumstances. With adequate resources and support, the AHRC is well-positioned to fill the critical gap that currently exists in the monitoring, protection, and promotion of human rights in Afghanistan. The AHRC team in their previous term had produced over 300 thematic and national human rights reports that were widely utilized by various stakeholders in Afghanistan, showcasing their capability and expertise in human rights documentation and advocacy.

The AHRC's human rights database, which was developed based on the past three years of systematic documentation and analysis of human rights violations and abuses, serves as a comprehensive repository for human rights information. This well-established database continues to function as the primary storage and reference point for human rights documentation, ensuring that information is preserved and accessible for advocacy and accountability purposes.

EXECUTIVE SUMMARY

Hazaras in Afghanistan continue to be subject to persecution and violence. From 2015 until the present, targeted attacks on Hazaras have resulted in 4,329 casualties (1,363 killed and 2,966 injured). With the return of the Taliban to power on August 15, 2021, attacks against Hazaras escalated. Between August 2021 and October 2024, 28 targeted attacks against the Hazaras resulted in 359 deaths and 711 injuries.

The nature and characteristics of these attacks indicate that they are both targeted and systematic. This means that a group of individuals is deliberately and systematically attacking members of the Hazara community solely because of their ethnic and religious identity. The ISKP has claimed responsibility for the majority of these attacks. Their statements reveal that they organize these attacks with the intent to destroy the Hazara community. Some attacks have been attributed to the Taliban, while no one has claimed responsibility for others.

The pattern shows that the Hazaras are killed in mosques, shrines, buses, schools, education centers, markets and taken off of public buses. The continuous and escalatory pattern of attacks combined with persecution and discrimination against the Hazaras under the Taliban create an early warning condition that should be carefully considered.

The victims of these attacks have been members of the Shia Hazara community, consisting primarily of innocent civilians. Most victims were ordinary members of the Hazara community, including school students, university students, athletes, teachers, religious figures, workers, and travelers.

In the past decade, these attacks have included attacks on at least 8 schools and educational and cultural centers; 21 attacks on mosques, religious centers and the killing of Shia clerics; more than 20 cases of attack on passengers and public transportation vehicles carrying Hazaras; more than a dozen attacks on sports clubs, playgrounds, markets, and weddings; and hundreds of cases of abductions, torture, and killings of Hazara civilians.

Geographically, the majority of these attacks have occurred in Hazara-populated areas. These attacks have been carried out in the provinces of Kabul, Herat, Balkh, Kunduz, Baghlan, Kandahar, Ghor, Daikundi, Ghazni, Wardak, Zabul, Samangan, Urozgan, Sar-e Pol, and Nangarhar. The highest number of attacks has been recorded in the western part of Kabul.

Research by the AHRC reveals that despite widespread and ongoing attacks against the Hazaras, none of the perpetrators have been prosecuted or brought to justice. The judicial and legal authorities in Afghanistan have not addressed these cases or prosecuted the perpetrators of these attacks. Furthermore, the International Criminal Court, of which Afghanistan is a member, has yet to investigate or address the cases of targeted killings of Hazaras. No comprehensive and impartial investigation has been undertaken by any legal mechanism (domestic or international).

Human rights violations in Afghanistan should not be normalized by people or civil society inside or outside of the country. Violations of human rights must be documented to ensure accountability, learn from the past, and prevent repetition in the future. The international community and the UN must take actions and establish mechanisms such as a fact-finding commission to promote accountability and justice and end the culture of impunity for sustainable development and peace.

INTRODUCTION

This report focuses on the targeted and systematic attacks against the Hazaras in Afghanistan. It is the product of extensive research and investigation by the Afghanistan Human Rights Center's monitors, who have gathered precise data on attacks against Hazaras over the past two decades. The report provides a brief account of dozens of attacks against Hazaras between 2010 and October 2024, which contextualizes the ongoing atrocities against Hazaras in Afghanistan. We present a legal analysis of these attacks within the framework of international human rights laws, including the Rome Statute, the Convention on the Prevention and Punishment of the Crime of Genocide, and other relevant international conventions.

In August 2021, the Taliban toppled the Afghanistan constitution-based government and ever since the country's human rights situation has deteriorated. The Taliban systematically dismantled two decades of progress in democracy and human rights through violence and repression. Their regime imposes strict laws and policies of exclusion, oppression, and discrimination on the vast majority of the population and oppresses and excludes women from public life.

Women, in particular, have been systematically stripped of their rights. From the outset, Taliban leadership has instructed and implemented policies aimed at restricting women rights, and freedoms. Afghanistan's women, who make up nearly half the population, now live under conditions widely recognized as "gender apartheid." They are barred from education beyond the sixth grade, denied access to higher education, prohibited from working, restricted from traveling without a male guardian, and prevented from participating in public gatherings, visiting recreational sites independently and even speaking out.

The Taliban have also brutally crushed opposition, targeting former members of government including, judiciary, prosecutors, civil society and national security forces and those affiliated with groups like the National Resistance Front. They torture or kill anyone perceived as a threat and do so in open violation of international human rights and humanitarian law. The Taliban's crimes are being committed with total impunity and immunity, and none of these crimes have been investigated and prosecuted. Torture in prisons, detention centers and enforced disappearance are among the crimes committed with total impunity. Freedom of expression, assembly and association are denied and media outlets are heavily censored. Human rights activists, journalists, civil society activists, and political advocates face constant harassment, detention, and intimidation.

Justice and judiciary mechanisms have been degraded to instruments of oppression and an arm of the cruel regime in denying Afghans human rights. The Taliban, without regard to Afghanistan's international obligations, have restored their brutal punishments under pretext of Qessas and Hoodod. Through their brutal and unfair but swift trials, they have convicted numerous people to death penalty, revenge by blood, and flogging and lashing.

Afghanistan's ethnic, religious, and linguistic minorities, particularly the Hazara and Shia communities, endure the brunt of systematic discrimination, exclusion, and persecution. The Taliban's policies and actions marginalize these groups, excluding them from essential aspects of social, economic, and political life. Without a real and immediate change, the situation could further deteriorate to be even more dangerous, with the rise of ethnic tensions and propaganda, escalating violence and target killings, discrimination and persecution and lack of international intervention.

The lack of leadership in addressing grievances and chronic prejudice against the Hazara minority makes the situation boiling under surface for greater catastrophe.

In addition to documenting the violence targeted at Hazaras, we place this systematic persecution in the context of the Rome Statute, the International Convention on the Prevention and Punishment of the Crime of Genocide, and other international human rights documents. Based on the AHRC's analysis of the situation of the Hazaras in Afghanistan and considering international human rights standards, the Hazaras are at risk of mass atrocities which may result in genocide. The report concludes with specific recommendations to the international community and the United Nations, calling for decisive actions to prevent further attacks and protect those at risk.

HISTORICAL BACKGROUND

The Hazara people in Afghanistan are a minority group with Asiatic features and distinctive look scattered across the provinces in central, north, northeast, west and southwest of Afghanistan. The Hazaras predominantly follow Shia Islam and have faced persecution for over a century. Their religious and ethnic differences with other groups in Afghanistan increase their vulnerability to religious extremists. The spread of religious radicalism and ethnic conflicts among the various ethnicities in Afghanistan have led to systematic and targeted attacks against the Hazaras.

The oppression of the Hazara ethnic group during the reign of Abdul Rahman Khan from 1891 to 1903 began with a fatwa for Jihad and resulted in hundreds of thousands of victims. King Abdul Rahman Khan was under protection of the British Empire in India and played his role in establishing a buffer state between the British empire and the Russian. King Abdul Rahman's war against the Hazaras was in many ways a genocide. Historians believe that approximately 60 percent of the Hazara population was destroyed and Hazaras were cleansed from their villages and lands¹. This war also resulted to the enslavement of women and children, forced displacement, torture, and the murder of countless innocent people.

In 1924, King Amanullah Khan ended slavery in Afghanistan and freed the Hazaras enslaved by his grandfather, Amir Abdulrahman Khan. But his monarchy was toppled by King Habibullah Kalakani who reinstated a Fatwa against the Hazaras in 1929.

During the civil wars of the 1990s, the Hazara people were not safe, and countless civilians who were not involved in the fighting were killed. In February 1993, forces affiliated with the Etihad Islami and the Jamiet Islami parties raged the Afshar Silo and killed tens of Hazara individuals in the Afshar area



¹ JONTHAN L. LEE, Afghanistan; A History From 1260 to The Present, 399

of Kabul². According to investigations by Human Rights Watch, 70 to 80 residents of Afshar were killed while attempting to flee on the roads. Around 800 residents of Afshar were detained, of which 700 to 750 went missing, and more than 5,000 homes were looted and pillaged³.

In August 1998, with the Taliban's takeover of Mazar-i-Sharif, the Hazara people were subjected to widespread, systematic, and targeted mass killings⁴. On August 8, 1998, the city fell under the control of the Taliban. On this day, Taliban fighters indiscriminately targeted civilians, shooting anyone they saw on the streets and everywhere. Following this, they systematically began house-to-house searches, looking for Hazaras. Their primary objective was to search homes in predominantly Hazara population area⁵.

Mullah Abdul Manan Niazi, the Taliban governor of Balkh province at the time, openly spread hatred against the Hazaras in his speeches, which were broadcasted on local radio. He labeled the Hazara Shia as infidels (Kafer)⁶. In one of his speeches, Niazi warned the Hazaras, saying, "Wherever you go we will catch you. If you go up, we will pull you down by your feet, if you hide below, we will pull you up by your hair. Anyone who hides a Hazara in their home will also be eliminated."⁷ According to Human Rights Watch, over 2,000 Hazara people were killed in the city of Mazar-i-Sharif⁸. Local estimates are much higher and could be over 8000 people.

From 1997, the Taliban imposed economic sanctions against the Shamali plains in north of Kabul and the Hazara areas. These sanctions included prevention of foods, and other commodities to enter these two areas. For the Hazaras traveling from one city to another, a specific permit was required. The economic sanctions on the Hazara areas resulted in malnutrition, food shortages and deaths of vulnerable people.

In the last six months of 1998, when the Taliban controlled many provinces of Afghanistan, hundreds of Hazara passengers were abducted and killed in the "Kandi Posht" area of Shah Joy district in Zabul province. Most of these passengers were traveling along the Kabul-Ghazni-Kandahar-Herat highway. According to investigations by some human rights teams, it was reported that over 800 Hazara individuals were killed in "Kandi Posht." The teams' research indicated that Hazaras were stopped and taken off from buses and vehicles or hotels in Shah Joy and their bodies were dumped in the Kandi Post valley.

On January 7, 2001, Taliban forces entered the "Yaka Olang" district of Bamiyan province after the withdrawal of the forces of the Wahdat Islami party. After capturing this district, they deliberately killed over 300 Hazara individuals, all of whom were civilians. Among the victims, 73 women and children who had sought a safe shelter in a mosque, were killed⁹. Several hundreds of Hazaras were killed in multiple attacks against the Hazaras in Bamiyan, notably center of Bamiyan. The Taliban destroyed almost all historic sites and Budha Statues located in Bamiyan. Bamiyan province was destroyed and the rage of the Taliban fury did not spare even one house from Shashpol to Yakawlang, burning and destroying them all.

² Human Rights Watch, "Blood-Stained Hands, 95 and 96

³ Ibid

⁴ Human Rights Watch, Afghanistan: The Massacre in Mazar-i Sharif, 6

⁵ Ibid, 7

⁶ Ibid, 11

⁷ Ibid, 11

⁸ Ibid, 2

⁹ Amnesty International, Afghanistan: Massacre in Yaka Olang, 3 and 4

ATTACKS ON HAZARAS: 2001 – 2021

After 2001 and collapse of the Taliban regime, the security situation in general and the status of Hazaras in particular improved with the formation of a new government. With the adoption of the constitution in 2004, for the first time in the country's history, all citizens of Afghanistan were considered equal, and any form of discrimination among Afghan citizens was prohibited¹⁰.

Despite Afghanistan's constitution prohibiting discrimination among citizens and the ratification of main international human rights conventions, Hazaras continued to face various forms of discrimination. For example, “Sawabuddin Makhkash” an official in the office of president were tried because of his discriminatory actions against the Hazaras. He received two years of jail time¹¹.

In addition to discrimination in governmental and non-governmental institutions, discriminatory behaviors against Hazaras existed among ordinary members of society. While all ethnic groups in Afghanistan suffered from discriminatory behaviors against each other, discrimination against Hazaras was more pronounced than that against other groups. The history of discrimination and hatred against this ethnic group was long-standing. Humiliation, insult, and the use of derogatory and offensive language against members of the Hazara community among other groups in society were undeniable.

The spread of insecurity, coupled with the government's failure to prevent religious extremism, had led terrorist groups to attract and recruit more individuals. The promotion of religious extremism through religious schools (madrassa), had resulted in an increase in terrorist attacks, particularly against the Hazara community. In 2006 and 2007, insecurity gradually intensified, and Taliban activities increased year by year. In 2015, with the emergence of the ISKP group known as the Islamic State of Khorasan Province (ISKP) in certain areas of Afghanistan, targeted attacks against the Hazaras began, carried out by ISKP and, in some cases, by the Taliban. According to the AHRC findings, the majority of the attacks -46 attacks- were carried out by the ISKP, 9 attacks by the Taliban, one attack jointly by ISKP and the Taliban, one attack by Lashkar Jhangavi and the rest have remained unknown. The ISKP primarily conducted its attacks in Hazara-majority areas, and such attacks have continued until today.

Despite the fact that some attacks have not been documented, the number and methods of these attacks indicate that they were widespread and systematically organized against the Hazara ethnic group. The majority of these attacks were carried out with unimaginable brutality and cruelty. Attacks on maternity hospitals and girls' schools and manners of killing such as beheading, mutilations and torture indicate that perpetrators have deliberately chosen these strategies to destroy the Hazara community.

The vast majority of these attacks have occurred in areas where the population is predominantly Hazaras. Even in some other regions (where the majority population consists of non-Hazaras ethnic groups), Hazara individuals have still been victims of these attacks. In several instances, the perpetrators of these attacks have first separated the Hazaras from others before killing them. Additionally, most of these attacks have been claimed by the ISKP, which has clearly stated in

¹⁰ Afghanistan Constitution, Article 22, 2004

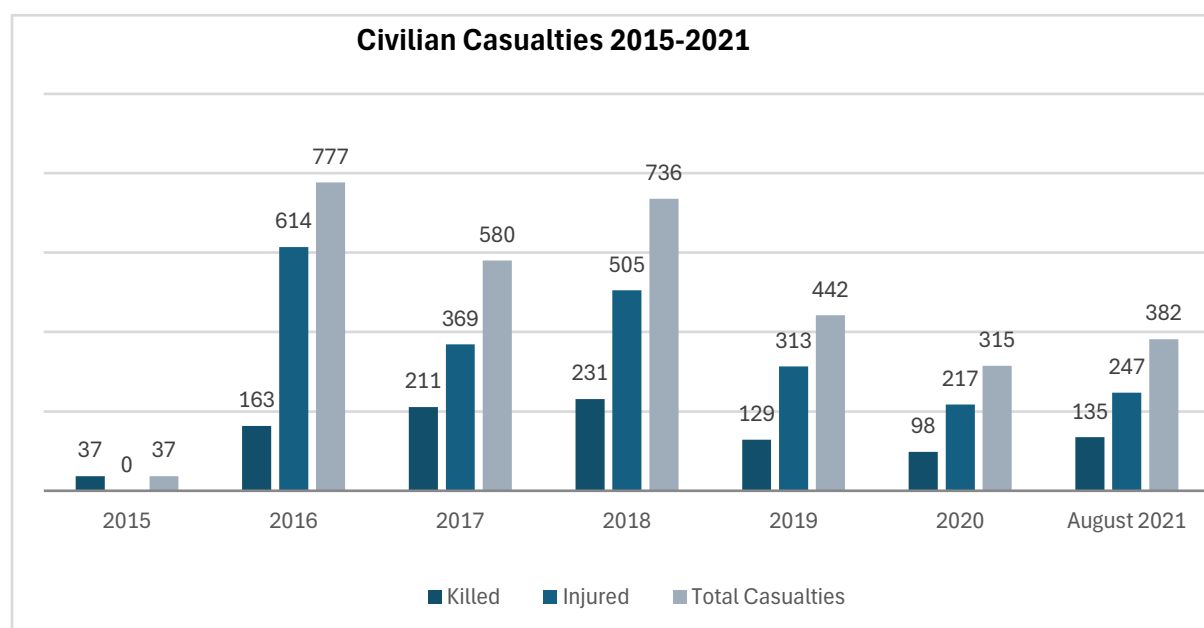
¹¹ BBC PERSIAN, Available on: <https://www.bbc.com/persian/afghanistan-46936804>

multiple statements on its website that the target of these attacks was the Hazaras and Shia Muslims.

During the republic period, from early 2015 until August 15, 2021, targeted and systematic attacks against the Hazaras resulted in 1,004 deaths and 2,265 injuries. These attacks included suicide bombings, bomb explosions, shootings, and kidnappings.

UNAMA reports confirm the extent of attacks during this period. In 2017, UNAMA documented 8 attacks, resulting in 418 casualties (161 killed and 257 injured)¹². In 2018, UNAMA recorded 19 attacks against the Hazaras, resulting in 747 casualties (223 killed and 524 injured)¹³. In 2019, UNAMA documented 10 attacks against the Hazaras, leading to 485 casualties (117 killed and 368 injured)¹⁴. In 2020, 10 attacks against the Hazaras were conducted, which resulted in 308 casualties (112 killed and 196 injured)¹⁵. In the first six months of 2021, UNAMA identified 20 attacks against the Hazara people were carried out by various groups that resulted in 500 casualties (143 killed and 357 injured)¹⁶.

These attacks have occurred across various provinces, including Kabul, Herat, Balkh, Daikundi, Kunduz, Kandahar, Urozgan, Baghlan, and Sar-e Pul. The persistent nature of these targeted attacks underscores the ongoing plight of the Hazara community in Afghanistan, highlighting their vulnerability amidst the broader changes in the country's political landscape.



The systematic and targeted attacks against the Hazaras have had a direct impact on all aspects of their lives. Survivors of these attacks face severe psychological trauma and economic hardships. The

¹² U.N. Assistant Mission in Afghanistan, Afghanistan [hereinafter UNAMA], Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2017, 41

¹³ UNAMA, Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2018, 29

¹⁴ UNAMA, Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2019, 47

¹⁵ UNAMA, Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2020, 55

¹⁶ UNAMA, Protection of Civilians in Armed Conflict Midyear Update: 1 Jan to 30 Jun 2021, 5

lives of other members of the Hazara community have also been affected by these attacks. Such violence severely restricts the access of the Hazara people to their rights to education, work, health, freedom of movement, and other political, civil, economic, social, and cultural rights.

The Hazaras have been targeted on highways, in public transport vehicles, mosques, educational and cultural centers, schools, sports facilities, wedding halls, funerals, workplaces, hospitals, and commercial centers. Almost nowhere in Afghanistan deemed safe for the Hazaras. This section provides an overview of the recent targeted attack against Hazaras in Afghanistan.

A. Attacks on Schools and Educational and Cultural Centers

The schools and educational and cultural centers located in predominantly Hazara population have been continuously targeted, and as a result of these attacks, hundreds of boys and girls killed and injured. This section briefly reviews these cases.

- December 21, 2017:

A remote-controlled bomb exploded outside a library in a Hazara neighborhood of Herat, resulting in four deaths and 10 injuries. ISKP claimed responsibility for this attack¹⁷.

- December 28, 2017:

A suicide bomber attacked the “Tebyan Cultural and Educational Center” in western Kabul, killing 42 and injuring 77 others. Among the victims were five children. The casualties included male and female students who were attacked while attending their classes¹⁸. ISKP claimed responsibility for the attack through the Amaq new agency.

- August 15, 2018:

A suicide bomber entered the “Mawood Educational Center” and detonated explosives inside a classroom, killing 40 people, including 14 girls, and injuring 67 others. The attack occurred while students were in class. ISKP claimed responsibility for this attack¹⁹.

- October 8, 2019:

ISKP detonated explosives hidden in a classroom at Ghazni University, resulting in 27 civilian casualties including 20 female students. This attack was also claimed by ISKP²⁰.

- October 24, 2020:

A suicide bomber detonated an explosive vest inside the “Kawsar-e-Danesh” educational center in western Kabul, killing 40 students and injuring 79 others. The attack occurred while students were in class²¹. ISKP claimed responsibility for this attack.

¹⁷ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2017, 41

¹⁸ Ibid

¹⁹ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2018, 30

²⁰ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2019, 48

²¹ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2020, 48

- May 8, 2021:

One of the deadliest attacks of the year occurred at Syed al-Shuhada School in Dasht-e-Barchi, Kabul. As students exited the school, a bomb planted in a vehicle exploded near the exit, followed by a second explosion at the main gate and a third slightly further away. This series of attacks killed 85 people, including 42 girls, 28 women, 9 men, and 3 boys, while at least 216 others were injured²². No group claimed responsibility for the attack.

B. Attack on Places of Worship and Shia Clerics

Most of the attacks have targeted places of worship and religious centers of the Shia Hazara community. Attacks on mosques, religious centers and the killing of Shia clerics have been recorded. The majority of these attacks have occurred during prayer time, Ashura commemoration, and other religious ceremonies. Given the large gatherings of people at these events, the number of civilian casualties has been very high.

- December 6, 2011:

An Ashura ceremony at the “Abul-Fazl” shrine in downtown Kabul was targeted in a suicide attack, resulting in 54 deaths and 164 injuries. Simultaneously, a planted bomb exploded during an Ashura ceremony in Mazar-i-Sharif, killing 6 and injuring 20 others. The responsibility for the attack on the Ashura ceremony at the Abul-Fazl shrine was claimed by Lashkar-e-Jhangavi²³. At the time of the attack, a person named “Malik Ishaq” was leading Lashkar-e-Jhangavi in Pakistan. Malik Ishaq was arrested in Pakistan in the summer of 2012.

- October 11, 2016:

Four armed attackers stormed the Sakhi shrine in Kabul and opened fire on civilians commemorating Ashura. The attackers initially killed three caretakers of the shrine before entering the premises. This attack resulted in 19 deaths and 60 injuries²⁴. On December 15, 2016, Afghanistan's former National Directorate of Security announced the arrest of those responsible for the attack on civilians mourning Ashura at the Sakhi shrine, mentioning the detention of 10 individuals led by someone named “Obaidullah²⁵.” ISKP claimed responsibility for the attack.

- October 12, 2016:

A bomb planted at the entrance of a Shia Mosque in the “Khwaja Ghulak” area of Balkh district detonated, killing 18 people and injuring 67 others²⁶. The attack occurred while

²² UNAMA, Protection of Civilians in Armed Conflict, Midyear Update: 1 January to 30 June 2021, 5

²³ BBCPERSIAN, Dec 6, 2011, Available on: https://www.bbc.com/persian/afghanistan/2011/12/111206_k02-kabul-attack-reax

²⁴ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2016, 34

²⁵ Tolo News, NDS Arrest 10 Daesh Suspects who ‘Plotted’ Sakhi Shrine Attack, Dec 15, 2016, Available on: <https://tolonews.com/afghanistan/nds-arrests-10-daesh-suspects-who-%E2%80%98plotted%E2%80%99-attack-sakhi-shrin>

²⁶ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2016, 34

mourners were gathered at the mosque for Ashura. No group claimed responsibility for this attack.

- November 21, 2016:

A suicide bomber detonated explosives inside the Baqir al-Uloom Mosque in the sixth district of western Kabul, resulting in the deaths of 40 Shia Hazaras and injuring 74 others²⁷. Local residents had gathered at the mosque to attend a religious function. ISKP claimed responsibility for this attack.

- Nov 22, 2016:

A remote-controlled bomb exploded in Razaiya mosque, a Shia Muslim worship place in Herat city. Four Shia worshippers were injured in this incident. No group claimed responsibility for the attack²⁸.

- January 1, 2017:

A bomb planted in the Imam Muhammad Baqir Mosque, in the sixth district of Herat city, resulted in one death and four injuries²⁹. Although no group claimed responsibility for the attack, local security officials alleged that ISKP was involved.

- May 12, 2017:

An explosion caused by a remote-controlled bomb inside a Shia Mosque in Herat resulted in seven deaths and 17 injuries³⁰. ISKP claimed responsibility for this attack.

- June 15, 2017:

A suicide bomber attacked the Al-Zahra Mosque in western Kabul when civilians held a Ramadan night worshiping, killing five and injuring seven others³¹. Worshippers had gathered for prayers on this significant night. ISKP claimed responsibility for this attack as well.

- August 1, 2017:

Two suicide bombers attacked the Jawadiya Mosque in the Baqirabad neighborhood of Herat, opening fire on worshippers before detonating their explosives. This attack resulted in 29 deaths and over 60 injuries³². No group claimed responsibility for the attack.

- August 25, 2017:

Armed men stormed the Imam Zaman Mosque in the Qala Najara area of northern Kabul and opened fire on worshippers. The attack left 35 Shia worshippers dead and 65 injured, including 13 women who were targeted on the second floor of the mosque³³. ISKP claimed responsibility for this attack.

²⁷ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2016, 34

²⁸ Ibid, 35

²⁹ Azadi Radio, Available on: <https://da.azadiradio.com/a/28209512.html>

³⁰ UNAMA, Protection of Civilians in Armed Conflict, Midyear Report 2017, 48

³¹ Ibid

³² Tolo News, Death Toll In Herat Mosque Attack Rises To 29, Available on: <https://tolonews.com/afghanistan/explosion-targets-mosque-herat>

³³ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2017, 28

- September 29, 2017:

A suicide attack near a Shia Mosque in Qala Fathullah in northern Kabul resulted in five deaths and 20 injuries. The attacker disguised himself as a shepherd with a flock of sheep but detonated his explosive belt after being stopped by security forces. ISKP claimed responsibility for this attack³⁴.

- October 20, 2017:

A suicide bomber entered the Imam Zaman Mosque in the Pul-e Khoshk area of Dasht-e-Barchi, initially opening fire on worshippers before detonating his explosives. This attack killed 39 and injured 45 others³⁵. ISKP claimed responsibility for this incident³⁶.

- August 3, 2018:

The Khwaja Hassan Mosque in Gardez, Paktia, was attacked by two suicide bombers, resulting in 29 deaths and 81 injuries. The attackers first opened fire inside the mosque before detonating their explosive vests. The attack happened as worshippers were leaving after Friday prayers³⁷. The victims were all Sayed Shia civilians. ISKP claimed responsibility for the attack.

- July 5, 2019:

A remote-controlled bomb exploded inside the Mohammadia Mosque, which is frequented by Shia worshippers in Ghazni, killing 2 and injuring 22, most of whom were children. ISKP claimed responsibility for this attack. ISKP claimed responsibility for this attack³⁸.

C. Attack on Passengers and Buses

Hazaras are targeted on highways and in public transportation. The public transportation vehicles are mostly targeted by magnetic bombs or improvised explosive devices (IEDs). On highways, their vehicles are stopped, and they are either abducted or shot on roadside. The pattern of these attacks show that perpetrators identify the Hazaras among other passengers and deliberately target them. In some cases, the perpetrators have checked everyone's face against their identification cards (Hazaras are easily identifiable by their facial features). Since 2010, more than 20 cases of attack on passengers and public transportation vehicles carrying Hazaras have been recorded. The actual number of these attacks may be higher, because documenting all such cases which often occur in remote and insecure areas, is very difficult.

- June 24, 2010:

The bodies of 11 civilians, all of whom were Hazara, were found in the Baghchar area in Urozgan-e-Khas, Urozgan province, they were beheaded, and their heads were placed beside

³⁴ BBC PERSIAN, Available on: <https://www.bbc.com/persian/afghanistan-41440444>

³⁵ BBC PERSIAN, Available on: <https://www.bbc.com/persian/afghanistan-41698369>

³⁶ Tolo News, Death Toll Rises To 39 In Kabul Mosque Attack, Available on: <https://tolonews.com/afghanistan/death-toll-kabul-mosque-attack-rises-over-30>

³⁷ BBC PERSIAN, Available on: <https://www.bbc.com/persian/afghanistan-45046232>

³⁸ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2019, 48

their bodies. According to locals and police officials in Urozgan, the perpetrators of this act were the Taliban³⁹.

- July 25, 2014:

A group of gunmen stopped two minibuses in Bad Gah area, Chegcharan district, Ghor province, dividing the passengers into two groups based on their identity. The gunmen separated 14 Hazaras from 32 others. They tied the hands of the Hazara passengers, and opened fire on them by the roadside, while releasing the remaining passengers. Fourteen people were killed in this attack⁴⁰, including a bride and groom who had recently been married. No one claimed responsibility for this attack, and the Taliban denied involvement; however, government officials attributed the incident to the Taliban. A few months later, a man named “Qari Rahmatullah” was arrested by national security forces and identified as the main perpetrator behind the murder of the 14 Hazara travelers. It was reported that Qari Rahmatullah had joined ISKP a few months prior to his arrest.

- September 5, 2015:

Unknown gunmen stopped two vehicles carrying 13 Hazara civilians in the Zari district of Balkh province. The attackers lined the Hazara civilians up and opened fire on them⁴¹. No group claimed responsibility for this attack. The pattern of this incident was similar to the killings in Ghor, and other part of the country, resembling the action of ISKP and the Taliban.

- January 6, 2017:

Armed assailants attacked coal miners in the “Tala wa Barfak” district of Baghlan province, killing nine and injuring three others. All the laborers were Hazara individuals from Daikundi province traveling back home from work. Their vehicle was stopped in the Anar Dara area of Baghlan, and gunfire was directed at them⁴². No group claimed responsibility for this attack.

- July 24, 2017:

A powerful bomb exploded in a vehicle carrying employees of the Ministry of Mines in western Kabul, killing 35 and injuring 57 others. The attack occurred during peak traffic hours in a crowded area, with most victims being Hazara employees. Additionally, other individuals passing by were also killed and injured. The Taliban claimed responsibility for this attack in a press release⁴³.

- June 2, 2019:

³⁹ Reuters, Police find 11 beheaded bodies in Afghan south, Available on: <https://www.reuters.com/article/us-afghanistan-beheading-idUSTRE65O2ML20100625/>

⁴⁰ UNAMA, Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2014, 66

⁴¹ Aljazeera, Gunman Kill 13 civilian passengers in north Afghanistan, Available on: <https://www.aljazeera.com/news/2015/9/5/gunmen-kill-13-civilian-passengers-in-north-afghanistan>

⁴² The New York Times, Gunmen Attack Hazara Miners in Afghanistan, Killing at Least 9, Available on: <https://www.nytimes.com/2017/01/06/world/asia/afghanistan-hazara-miners-attack.html>

⁴³ The Guardian, Afghanistan: dozens dead in Kabul bombing targeting government workers, Available on: <https://www.theguardian.com/world/2017/jul/24/afghanistan-dozens-dead-kabul-bombing-politicians>

ISKP detonated a magnetic bomb in a bus carrying Hazara students in western Kabul. A second explosion targeted first responders arriving at the scene, resulting in 1 death and 10 injuries⁴⁴. ISKP claimed responsibility for this attack.

- October 20, 2020:

A minivan carrying Hazara passengers struck a roadside bomb on the highway between Maidan Shar and Bamiyan, resulting in 11 civilian deaths and 9 injuries⁴⁵. No group claimed responsibility for this attack.

- March 14, 2021:

Two magnetic bombs exploded in passenger vehicles in the sixth district of western Kabul, killing 5 people, including 4 women and a child, one of whom was pregnant⁴⁶. No group claimed responsibility for this attack.

- April 1, 2021:

Four Hazara passengers traveling from “Lal wa Sarjangan” district to the capital of the Ghor province were shot by Taliban members in the Shina Pass, resulting in their deaths. Among the victims was a teacher⁴⁷.

- June 1, 2021:

Two separate bomb explosions in urban buses in Dasht-e-Barchi, Kabul, resulted in 10 deaths and 12 injuries⁴⁸. ISKP claimed responsibility for these attacks.

- June 3, 2021:

Two minibuses in the southwestern area of the sixth district of Kabul, predominantly Hazara, were targeted, leading to 8 deaths and 9 injuries. Four individuals were killed in the first attack, with another four killed hours later in a second attack⁴⁹. ISKP claimed responsibility for these incidents.

- June 12, 2021:

Two minibuses were targeted by magnetic bombs in western Kabul, resulting in 7 deaths and 6 injuries. The explosions occurred two kilometers apart on Kateb Street⁵⁰. No group claimed responsibility for these attacks.

⁴⁴ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2019, 48

⁴⁵ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2020, 45

⁴⁶ The New York Times, Afghan War Casualty Report: March 2021, Available on: <https://www.nytimes.com/2021/03/04/world/asia/afghan-casualty-report-march-2021.html>

⁴⁷ SALAMWATANDAR, more information is available on: <https://swn.af/ghor-residents-protest-the-shooting-of-four-passengers/>

⁴⁸ Associated Press, Bombs in Afghan capital Kabul kill at least 10, wound 12, Available on: <https://apnews.com/article/islamic-state-group-kabul-ea33674c5db415c9a43d993e02fcbbba>

⁴⁹ DWAN, 8 killed in double Afghan minibus blasts, Available on: <https://www.dawn.com/news/1627333/8-killed-in-double-afghan-minibus-blasts>

⁵⁰ Aljazeera, Seven killed in twin van bomb blasts in Afghanistan's Kabul, Available on: <https://www.aljazeera.com/news/2021/6/12/seven-killed-twin-van-bomb-blasts-afghanistan-kabul>

D. Abductions

Abduction and hostage taking along the roads towards Hazara-populated areas have significantly affected the lives of the Hazara community. Because of the risk of abduction, it is hard for them to travel freely. They are targeted in various ways on the roads including shooting, kidnapping, and roadside bombs. The cases of abduction are more than those mentioned in this report. Since these incidents typically occur in remote and insecure areas, documenting such cases is challenging. Furthermore, most of abductees families do not want to report these incidents in order to protect the lives of their loved ones.

According to UNAMA reports, in 2015, 224 Hazara civilians abducted in 26 abductions cases were documented and, in 2016, 16 incidents involving the abduction of 85 Hazara civilians⁵¹. In 2016, five of the Hazara abductees were killed including 3 in Sare Pul, one in Ghor, and one in Baghlan provinces⁵². UNAMA documented the abduction cases in Baghlan, Urozgan, Sare Pul, Daikundi, Maidan Wardak, and Ghor provinces. Based on this report anti-government armed groups were involved in these incidents. In this section we briefly describe cases of abduction that resulted in casualties (deaths and injuries).

- February 23, 2015:

Thirty-one Hazara travelers were abducted by unknown armed individuals on the highway between Kabul and Kandahar in Zabul province⁵³. Two buses carrying these passengers and travelers were stopped and hijacked. The Islamic Movement of Uzbekistan claimed responsibility for the kidnapping and demanded the release of their prisoners from the Afghan government in exchange for the passengers' freedom. They killed seven of the hostages.⁵⁴ On April 7, a video showing the beheading of one of the hostages was released⁵⁵. Ultimately, after several months, 19 of the hostages were freed in exchange for the release of some prisoners. The Islamic Movement of Uzbekistan allied and operate under protection of the Taliban.

- April 14, 2015:

Taliban members abducted 14 Hazar civilians, in the Ajristan district of Ghazni province. Later, four of them were beheaded. Additionally, six other individuals were abducted by unknown assailants, and their bodies were found, beheaded in the Ajristan district⁵⁶.

- Sep 2015:

⁵¹ UNAMA, Afghanistan Protection Civilians in Armed Conflict, Annual Report 2016, 67

⁵² Ibid

⁵³ BBC News, Afghanistan kidnap: Gunman seize 30 Hazara men in Zabul, Available on: <https://www.bbc.com/news/world-asia-31600476>

⁵⁴ Over a Century of Persecution: Massive Human Rights Violation against Hazaras in Afghanistan, By: M. Hussain Hasrat, Feb 2019, 22

⁵⁵ BBC News, Afghan kidnap video: Hostage beheaded 'by Uzbek gunmen', Available on: <https://www.bbc.com/news/world-asia-32200835>

⁵⁶ The New York Times; "Taliban are said to target Hazaras", Available on: <https://www.nytimes.com/2015/04/23/world/asia/taliban-are-said-to-target-hazaras-to-try-to-match-ISKP-brutality.html>

The Taliban abducted five Hazara civilians on Sar-e Pul – Jawzjan highway⁵⁷ and later killed three of them in brutal manner⁵⁸.

- Oct 13, 2015:

One of the most notorious and horrific incidents involved the kidnapping of seven Hazara travelers on the Kandahar-Kabul highway in October 2015. Among the seven hostages were two women and an eight-year-old girl. Nearly a month later, between 6 and 8 November⁵⁹, all of these individuals were brutally beheaded by an armed group affiliated with ISKP using metal wire⁶⁰. The eight-year-old girl, named Shukria Tabasum, was later memorialized during large public protests against this incident, which were called "Tabasum" movement.

- September 1, 2016:

The Taliban fighters stopped two civilian vehicles carrying around 40 passengers in Dawlat Yar district of Ghor province. The gunmen identified and separated five Hazara civilian, who were students, from non-Hazara passengers and abducted them. The Taliban beheaded one of the students after his family failed to provide the ransom, they demanded for his release⁶¹. The other four students were freed on October 25.

E. Attack on Sports Clubs and Playground

Since 2018, at least three attacks on sports and recreational centers and playground are recorded. Most of the victims of these attack were youths, exercising in these centers. Two attacks in west of Kabul and one Herat city are recorded.

- September 5, 2018:

A suicide bomber entered the Maiwand Sports Club in Dasht-e-Barchi, Kabul, shooting at athletes inside the gym. Following this, a vehicle packed with explosives detonated nearby, resulting in 30 deaths and 106 injuries⁶². ISKP claimed responsibility for this attack.

⁵⁷ Azadi Radio, Available on: <https://da.azadiradio.com/a/27235115.html>

⁵⁸ UNAMA, Afghanistan Protection Civilians in Armed Conflict, Annual Report 2016, 67

⁵⁹ UNAMA, Afghanistan Annual Report 2015, Protection of Civilians in Armed Conflict, 49-50

⁶⁰ The New York Times; "Afghan fighters Loyal to ISKP Beheaded 7 Hostages, Officials Say", Available on: <https://www.nytimes.com/2015/11/10/world/asia/afghan-fighters-loyal-toISKP-beheaded-7-hostages-officials-say.html>

⁶¹ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2016, 81

⁶² UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2018, 22

F. Attack on Peaceful Protests

Attacks on public gathering, including protests, have been one of the methods used to target the Hazara community. Two attacks on peaceful protests, mostly young Hazaras attended, occurred in 2016 and 2018. The attack on “Enlightenment Movement” protest, one of the deadliest attacks, severely undermined the activities of civil movements in Afghanistan. After these two attacks, no more protest took place, despite protests being one the peaceful ways for people to participate in public policies.

- July 23, 2016:

One of the bloodiest attacks occurred during a protest by the "Enlightenment Movement" at the Dehmazang square in Kabul. Two suicide bombers detonated explosives among the crowd, resulting in 85 deaths and 413 injuries⁶³. A woman and four children were killed as well. ISKP claimed responsibility for this attack⁶⁴. Hundreds of Hazara individuals, primarily young men and women, participated in this peaceful demonstration, which was organized to advocate for a power transmission project from the north to the south of the country to pass through Bamiyan and not via the Salang route. The incident was investigated by a fact-finding commission headed by the Attorney General and its findings were submitted to the president and security council. No actions were instructed.



A SCENE OF SUICIDE ATTACK TARGETED ENLIGHTENMENT MOVEMENT, IMAGE COURTESY OF WALI KOHSAR/APF

⁶³ UNAMA, Special Report: Attack on a Peaceful Demonstration in Kabul, 23 July 2016, 8

⁶⁴ Ibid

- November 12, 2018:

A suicide bomber detonated an explosive vest near demonstrators at the Pashtunistan Square in Kabul, killing 6 protesters and injuring 20 others. This demonstration was held in response to the Taliban's attacks on the Jaghori and Malistan districts. ISKP claimed responsibility for this attack⁶⁵.

G. Attacks on Workers and Markets

Hazara workers and their workplaces are also not safe. Perpetrators attack in busy neighborhoods of cities, such as markets. Roads with heavy traffic are also targeted through the use of magnetic bombs planted vehicles on the road, as explained in the section “Attacks on Passengers and Public Transport Vehicles”.

- March 4, 2021:

Unknown gunmen attacked the residence of laborers at a plaster factory in Nangarhar, resulting in the deaths of 7 individuals, all Hazara Shiites who had traveled from Kabul, Bamiyan, and Balkh for work⁶⁶. ISKP claimed responsibility for this attack.

- November 24, 2020:

Two separate explosions from planted mines in the center of Bamiyan city resulted in 14 deaths and 50 injuries, including three children⁶⁷. No group claimed responsibility for this attack.

H. Attack on Commemoration Ceremonies

Large commemoration ceremonies have also been targeted. One of the largest commemoration ceremonies was the annual commemoration of the death of “Abul Ali Mazari”, the former leader of Wahdat Islami party. After these ceremonies have been attacked in 2019 and 2020, they were no longer held.

- March 9, 2018:

A suicide attacker detonated his explosive vest in a crowd gathered to commemorate the anniversary of Abdul Ali Mazari’s death in western Kabul. At least seven civilians were killed, and 15 more were injured. ISKP claimed responsibility for the attack⁶⁸.

⁶⁵ Aljazeera, Kabul: Suicide bomber target protesters demanding security, Available on:

<https://www.aljazeera.com/news/2018/11/12/kabul-suicide-bomber-targets-protesters-demanding-security>

⁶⁶ Associated Press, Afghan official: Gunmen kill 7 workers, bomb kills doctor, Available on:

<https://apnews.com/article/religion-islamic-state-group-7e70ce339c7a33efa51833e4841e6ef5>

⁶⁷ BBC PERSIAN, Available on: <https://www.bbc.com/persian/afghanistan-55061632>

⁶⁸ Reuters, Suicide bomb kills at least seven at Shi’it gathering in Kabul, Available on: <https://www.reuters.com/article/us-afghanistan-blast/suicide-bomb-kills-at-least-seven-atshiite-gathering-in-kabul-idUSKCN1GL0WI/>

- March 21, 2018:

A suicide bomber attacked a Nowruz celebration at the Karte Sakhi shrine in Kabul, where mostly Shia people gathered. The attack resulted in 35 deaths, including 6 children, and injured 65 others. ISKP claimed responsibility for this attack⁶⁹.

- March 7, 2019:

A rocket attack during a gathering commemorating the death anniversary of Abdul Ali Mazari resulted in 11 deaths and 95 injuries. The event was attended by hundreds from western Kabul and several political leaders. ISKP claimed responsibility for this attack⁷⁰.

- March 6, 2020:

Two armed attackers opened fire on a gathering commemorating the anniversary of Abdul Ali Mazari's death in western Kabul. The attack resulted in 33 deaths and 79 injuries⁷¹. ISKP claimed responsibility for this assault.

I. Attack on Wedding Parties

One of the deadliest attacks by ISKP was a suicide attack in a wedding hall in western Kabul, which is briefly described below.

- August 17, 2019:

One of the deadliest attacks of the year occurred during a wedding reception in western Kabul, where a suicide bomber targeted a crowd predominantly composed of Hazaras and Shia attendees. This attack resulted in 91 deaths and 143 injuries. The wedding took place at the Dubai Hall in the sixth district of Kabul. ISKP claimed responsibility for this attack⁷².

J. Attack on Voter Registration Center

The attack on the National ID card distribution center took place when the deadline for election registration was approaching. One of the requirements for election registration was having a National ID card. Therefore, a large number of people had gathered at the center.

- April 22, 2018:

A suicide bomber detonated explosives at the entrance of a Voter ID Card distribution center in Dasht-e-Barchi, Kabul, killing 60 people, including 23 women and 11 children, and injuring 138 others, including 65 women and 17 children. This attack occurred as people gathered to

⁶⁹ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2018, 29

⁷⁰ Aljazeera, Death toll rises to 11 in attack on Shia gathering in Kabul, Available on:

<https://www.aljazeera.com/features/2019/3/8/death-toll-rises-to-11-in-attack-on-shia-gathering-in-kabul>

⁷¹ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2020, 56

⁷² UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2018, 29

obtain ID cards, a necessary step for registering to vote. ISKP claimed responsibility for this attack⁷³.

K. Attack on Maternity Hospital

In attacks on maternity hospitals, mothers in labor and newborn babies have been killed. These attacks demonstrate that the perpetrators of targeted attacks against the Hazaras are opposed to their existence and survival.

- May 12, 2019:

One of the most horrific attacks of the year occurred at the Doctors Without Borders maternity hospital (MSF) in western Kabul. This brutal attack led to the deaths of 24 individuals, including newborns, mothers, and midwives, and injured 16 others. Armed attackers stormed the hospital, shooting at everyone present. Among the victims were 16 mothers and 2 infants⁷⁴. No group claimed responsibility for the attack.

L. Murder

Hazara civilians have been deliberately targeted during armed conflicts. Hazaras have been kidnapped, tortured and killed in the Urozgan-e-Khas district, Urozgan province for a long time by armed groups linked to the Taliban. Their properties have been looted and their houses and trees burned. According to local residents, the massacre and threats have forced the Hazaras to flee from Baghchar village in Urozgan-e-Khas in 2010⁷⁵.

- August 3, 2017:

The village of Mirza Olang in the Sayad district of Sar-e Pol province was attacked jointly by Taliban and ISKP fighters, resulting in 36 deaths, all of whom were Hazara. Among the dead were 27 civilians, including one woman and four children, while the remaining casualties were pro-government armed individuals⁷⁶. Most civilian victims were killed while trying to flee. This case was investigated by the Attorney General Office (AGO) and was referred to the Afghanistan security council and the ICC.

- October 28 to November 11, 2018:

In late October, the Taliban attacked the districts of Jaghori and Malistan, leading to clashes with former government security forces. Civilian casualties were reported, with 20 civilians

⁷³ Ibid

⁷⁴ Doctors Without Borders, Afghanistan: One year after the massacre in maternity ward, Available on: <https://www.doctorswithoutborders.org/latest/afghanistan-one-year-after-massacre-maternity-ward>

⁷⁵ Etilaat e Roz daily, Available on:

<https://www.etilaatroz.com/175056/%D9%87%D8%B2%D8%A7%D8%B1%D9%87%D9%87%D8%A7%DB%8C-%D9%88%D9%84%D8%B3%D9%88%D8%A7%D9%84%DB%8C-%D8%AE%D8%A7%D8%B5-%D8%A7%D8%B1%D8%B2%DA%AF%D8%A7%D9%86/>

⁷⁶ UNAMA, Mirza Olang Report, 139, 4, Available on: <https://unama.unmissions.org/sites/default/files/english.pdf>

killed and 6 injured in Jaghori, and 4 killed and 7 injured in Malistan. The Taliban reportedly targeted at least two mosques and 40 residential homes in these districts⁷⁷.

- July 6, 2021:

During an attack on Malistan district in Ghazni province, Taliban fighters killed 9 people between July 4 and 6 after seizing the "Mundarakht" village. Six victims were shot, while three others died from severe torture, including one who was strangled with a scarf, and his hands were sliced off⁷⁸.

ATTACKS ON HAZARAS UNDER THE TALIBAN: 2021 – 2024

On August 15, 2021, the Taliban toppled the constitution-based government of Afghanistan and took control of Kabul. The Afghan security forces, including the Afghan National Army, Afghan National Police, and National Security Directorate, disintegrated. In the initial days of their rule, the Taliban released all prisoners, including those affiliated with ISKP, from jails and detention centers. They also initiated disarmament efforts, claiming to provide nationwide security and stating that no armed groups existed in the country.

Despite a reduction in overall active fighting and civilian casualties compared to the period before August 15, 2021, targeted and systematic attacks against the Hazara community continued unabated. The security situation for Hazaras has not changed, and this ethnic group live in insecurity and fear, facing targeted and systematic attacks.

Since the Taliban's return to power, discrimination against the Hazaras has expanded in a formal and systematic manner. The majority of Hazara employees have been dismissed from government positions, and there are no Hazaras in the Taliban cabinet. The Ja'fari sect, which was previously recognized in the Afghan constitution, has been abolished. The personal status law for the Shia has been annulled. There have been numerous restrictions on the observance of rituals during the month of Muharram for Shia Hazaras. The seizure of Hazara properties in Urozgan and Daikundi provinces has increased, often facilitated by Taliban intimidation.

While discrimination against other ethnic groups is also present in the Taliban's policies, discrimination against Hazaras and Shiites is significantly more pronounced. This discrimination is part of the official policy of the Taliban and is clearly reflected in the written orders of the group's leaders. The Taliban aim to eliminate Hazaras from all levels of society. Numerous reports by the UN Special Rapporteur on human rights in Afghanistan indicate that non-Pashtun ethnic groups, in particular Hazaras, face widespread deprivation, bias, and discrimination⁷⁹.

In June 2022, the Taliban announced a ban on the teaching of Ja'fari jurisprudence at Bamiyan University, the only University in the Central Part of Afghanistan. They ordered that Hanafi

⁷⁷ UNAMA, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2018, 19

⁷⁸ Amnesty International, Afghanistan: Taliban responsible for brutal massacre of Hazara men-new investigation, Aug 19, 2021, Available on: <https://www.amnesty.org/en/latest/news/2021/08/afghanistan-taliban-responsible-for-brutal-massacre-of-hazara-men-new-investigation/>

⁷⁹ United Nations, Situation of human rights in Afghanistan, submitted by the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, Pa 46, Sep 1, 2023, A/78/338.

jurisprudence be taught instead⁸⁰. Previously, Ja'fari jurisprudence was taught at Bamiyan University, where the majority of population in the province and students are Hazaras.

Additionally, multiple reports have emerged about the collection of books related to Shiite branch from libraries and bookstores. Enforced displacement of people, seizure of their properties in the regions of Urozgan and Daikundi, detention of Hazara women and girls in Kabul, and their torture in Taliban prisons, as well as ongoing hate propaganda against Hazaras and Takfir (excommunication) of Hazaras by some Taliban-affiliated clerics, became a new normal. Hate against Hazaras and Shiites is spread through social media to dehumanize, discriminate and create a basis for their elimination.

For example, “Noor Ahmad Islam Jar”, the Taliban governor of Herat province, wrote and published a book in Arabic in 2021 titled "مباحث في العقيدة الماتريديه المسمى معتمد ماتريد من معتقد ماتريد". In this book, on page 174, the Taliban governor refers to "Shiism" as "the grave-worshipping and takfiri sect" and claims that it has historically been an ally of infidels⁸¹.

The discrimination against the Hazaras manifested further in the case of mass arrest of Hazara women by the Taliban. The Taliban initiated a brutal campaign against the Hazara women and women from Panjshir who defied the Taliban policy of gender discrimination. The Hazara women arrest demonstrate the double victimization of Hazara women, both because of their gender and ethnicity.

On April 4, 2024, Abdullah Montaqim, the Taliban district governor for Malistan district in Ghazni province, called Shiites 'polytheists' in a public speech attended by the people of the district⁸². Similarly, on May 24, 2024, Mawlawi Muzammel, the Taliban's head of the Department for Promotion of Virtue and Prevention of Vice in Jaghori district of Ghazni province, stated in a cultural gathering that the residents of this district are alien to Islamic culture⁸³. Likewise, the Taliban enforcers of virtue, while advising professors and students in Bamiyan university, called Shiites 'apostates' and declared that they would guide them to the righteous path⁸⁴.

Additionally, the hate speech from some Taliban clerics against Hazara Shiites occasionally appears on social media. In these video clips, they claim that Shiites are infidels. While verifying these videos is difficult, the dissemination of these unverified videos indicates that a number of extremists or radical religious groups are intentionally spreading hate against the Hazaras, either overtly or covertly, with the aim of targeting them.

For example, Mawalawi Abubakr Safi, who is a Sunni cleric living outside of Afghanistan, claimed in a live video program on a social media platform that Shia people in Kandahar sprinkle their urine on their food. He added that if Shia people have ability, they will do anything against you, even peeling your skin off⁸⁵ (paraphrased).

The spread of hate speech against Hazara and Shia incite public and create the context and conditions for mass atrocities. The propaganda of religious extremist motivates armed groups to

⁸⁰ U.S Department of State, Afghanistan 2022 Human Rights Report, 19, Available on: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/afghanistan/>

⁸¹ Afghanistan International, Available on: <https://www.afintl.com/202312045354>

⁸² Hasht e Subh Daily, Available on: <https://8am.media/fa/the-district-governor-of-the-taliban-in-malestan-ghazni-called-shiites-polytheists/>

⁸³ Etilaat e Roz daily, Available on: etilaatroz.com/213919/خوشونت-نسلکشانه-و-نفرتیر-اکنی/

⁸⁴ Etilaat e Roz daily, Available on: <https://www.etilaatroz.com/146551/detention-and-apostate-of-hazara-students-the-taliban-have-hired-an-informant-in-bamyian-university/>

⁸⁵ The video is available on YouTube: <https://www.youtube.com/watch?v=mPX7tv8fK8U&t=52s>

target the Hazaras even more than before. Therefore, the targeting of Hazaras for ideological motivations is a serious and real threat.

According to findings of the AHRC, from August 15, 2021, to October 2024, there have been a total of 28 targeted and systematic attacks against the Hazara people. These included 2 attacks against educational and cultural centers, 10 against worshipers and clerics, 13 attacks against passengers and transportation, 3 against sports club and recreational centers, and the rest were attacks that resulted in murder and destruction of farms and properties. According to the AHRC's database, these attacks resulted 1,070 civilian casualties (359 killed and 711 injured). The majority of these attacks have been claimed by the ISKP, while some have been carried out by the Taliban, and a few have not been attributed to any group.

Current attacks on Hazaras focus on Hazara neighborhoods, schools, and gatherings.

A. Attacks on Education and Cultural Centers

The bombing of education centers has continued under the Taliban, especially where girls are present.

- April 19, 2022:

Three consecutive explosions occurred in the Dasht-e-Barchi area of Kabul, in front of the "Abdul Rahim Shahid" school and the Mumtaz educational center, resulting in the deaths of 18 people and injuring more than 50 others⁸⁶. The explosion of the bomb planted at the entrance of Abdul Rahim Shahid school happened as students were leaving. The majority of the victims of both attacks were school children. No group took responsibility for these attacks⁸⁷

- September 30, 2022:

A suicide attack on Kaaj Educational Center in Dasht-e-Barchi, Kabul city, killed 54 people and wounded 114 others. Most of them were young women and girls (48 females including three children killed, 67 females including 9 children wounded). This attack remained unclaimed 92.⁸⁸ No group claimed responsibility for the attack.

⁸⁶ UNAMA, Human rights in Afghanistan 15 Aug 2021 – 15 Jun 2022, 11, Available on:

https://unama.unmissions.org/sites/default/files/unama_human_rights_in_afghanistan_report_-_june_2022_english.pdf

⁸⁷ BBCPERSIAN, Apr 20, 2022, Available on: <https://www.bbc.com/persian/afghanistan-61161690>

⁸⁸ UNAMA, Impact of Improvised Explosive Devices on Civilians in Afghanistan, 10



A VIEW OF CLASSROOM IN KAAJ EDUCATIONAL CENTER AFTER ATTACK, IMAGE COURTESY OF KABUL TIMES

B. Attacks on Worshippers and Clerics

Shia mosques and clerics have been the subject of bombings in the wake of the Taliban takeover.

- October 8, 2021:

A suicide bomber attacked the Sayed Abad Mosque in Kunduz, resulting in 46 deaths and 143 injuries. The mosque was crowded with Hazara Shia worshippers attending Friday prayers⁸⁹. The attack was claimed by ISKP.



A VIEW OF THE MOSQUE AFTER ATTACK, IMAGE COURTESY OF REUTERS

- October 15, 2021:

Another suicide attack targeted the Fatemia Mosque in Kandahar, killing at least 50 people and injuring over 100⁹⁰. Among the victims was 52-year-old Ni'matullah Rajabi and his 16-year-old grandson, Maisam Rajabi. Tragically, just a week earlier, another son of Ni'matullah had died in the Kunduz Mosque attack. The Rajabi family lost three members from three

⁸⁹ ASSOCIATED PRESS, IS bomber kills 46 inside Afghan mosque, challenges Taliban, Oct 8, 2021, Available on: <https://apnews.com/article/afghanistan-prayer-religion-2b9d9863da38661ba6fa186a72ac5352>

⁹⁰ THE WASHINGTON POST, Suicide bombers hit Shiite mosque in Afghanistan killing dozens – the second such attack in a week, Oct 15, 2021, Available on: <https://www.washingtonpost.com/world/2021/10/15/afghanistan-kandahar-mosque-explosion/>

generation in a single week⁹¹, highlighting the deep sorrow and violence faced by the Hazara community in Afghanistan. No group claimed responsibility for this attack.

- April 21, 2022:

One day after the Kabul attack, a bombing occurred at a Shia Mosque in a neighborhood in Mazar-i-Sharif. This attack was carried out by a suicide bomber, resulting in the deaths of 26 worshippers and injuring 41 others⁹². However, officials at the Abu Ali Sina Balkhi hospital in Mazar-i-Sharif confirmed receiving 31 corpses and 87 wounded⁹³. This attack is considered one of the bloodiest since the Taliban's return to power. ISKP claimed responsibility for the attack.

- August 5, 2022:

A bomb blast occurred in the Sarkariz area, west Kabul near to a Shia Mosque, killed 8 people and wounded 18 others. The explosive devices were placed in a cart. ISKP claim responsibility for this attack⁹⁴.

- October 13, 2023:

In the city of Pul-e Khumri, a suicide bomber entered a Shia Mosque and detonated his vest among the worshippers, resulting in 21 deaths and 30 injuries. ISKP claimed responsibility for this attack⁹⁵.

- October 22, 2023:

A Shia cleric was shot dead in the Jabrayil area of Herat. On November 23, two Hazara religious clerics were also shot dead, and on December 1 of the same year, 6 people, including a Shia cleric, were killed and two others injured. Unidentified armed individuals opened fire on a rickshaw carrying the Shia clerics and fled the scene. No group claimed responsibility for these three attacks⁹⁶.

- April 29, 2024:

An armed attacker entered the Imam Zaman Mosque in the Andisha township of Guzarah district, Herat province, and opened fire on Shia worshippers during evening prayers. As a result of this attack, 6 people, including the mosque imam, two women, and a child, were killed⁹⁷. ISKP claimed responsibility for the attack.

- July 19, 2024:

⁹¹ Genocide Watch, ISKP Attacks Kill Three Generation of one Afghan Family, Nov 19, 2021, Available on:

<https://www.genocidewatch.com/single-post/the-string-of-ISKP-attacks-that-killed-three-generations-of-one-afghan-family>

⁹² UNAMA, Human rights in Afghanistan 15 Aug 2021 – 15 Jun 2022, 11, Available on:

https://unama.unmissions.org/sites/default/files/unama_human_rights_in_afghanistan_report_-_june_2022_english.pdf

⁹³ BBCPERSIAN, Apr 21, 2022, Available on: <https://www.bbc.com/persian/afghanistan-61174799>

⁹⁴ Tolo NEWS, Explosion Reported in Sarkariz Area of Kabul, Aug 6, 2022, Available on: <https://tolonews.com/afghanistan-179275>

⁹⁵ UNAMA, Human rights situation in Afghanistan October – December 2023 UPDATE, 5

⁹⁶ Ibid

⁹⁷ BBCPERSIAN, Apr 30, 2024, Available on: <https://www.bbc.com/persian/articles/cg30nxze9pzo>

Seven people were injured as a result of a bomb explosion at the shrine of Imamzada Yahya in Sar-e Pul during the observance of Muharram⁹⁸. Shia Hazaras had gathered at this shrine to commemorate Muharram. No group claimed responsibility for the attack.

C. Attacks on Transportation

Targeted attacks on Hazaras traveling in buses and vehicles have intensified under the Taliban regime.

- Oct 26, 2021:

Known gunmen murdered 5 Hazara civilians traveling between the Qarabagh and Jaghori districts. Local media said the victims were from Qarabagh and Jaghori districts⁹⁹. Signs of torture were observed on their bodies. No group claimed responsibility for the attack.

- November 13, 2021:

A magnetic bomb exploded in a minibus in the densely populated Dasht-e-Barchi area, resulting in the deaths of 6 people and injuring 7 others¹⁰⁰. The majority of the population in Dasht-e-Barchi are Shia Hazara. No group claimed responsibility for this attack.

- November 17, 2021:

A magnetic bomb in a minivan exploded in Naqash area of Dasht-e-Barchi, west of Kabul, resulting in the death of two people and injuring five others. The ISKP claimed responsibility for the attack¹⁰¹.

- December 10, 2021:

In two separate explosions, one occurring in a minibus, 2 people were killed and 4 others were injured in the Dasht-e-Barchi area¹⁰². No group took responsibility for this attack.

- January 22, 2022:

⁹⁸ Institute of Conflict Management (ICM), Afghanistan: Timeline (Terrorist Activities) – 2024, Available on: [Timeline Terrorist Activities, Afghanistan \(satp.org\)](https://www.icm.afghanistan.org/timeline)

⁹⁹ Ariana news agency, Shooting 5 Hazaras in Ghazni by unknown individuals, Oct 31, 2021, Available on: <https://ariananews.co/en/afghanistan/shooting-5-hazaras-in-ghazni-by-unknown-individuals/>

¹⁰⁰ REUTERS, Blast hits Shiite area of Afghan capital Kabul, Nov 13, 2021, Available on:

<https://www.reuters.com/world/asia-pacific/blast-hits-shiite-area-afghan-capital-kabul-residents-official-2021-11-13/>

¹⁰¹ BBC PERSIAN, Available on: <https://www.bbc.com/persian/afghanistan-59320354>

¹⁰² ALJAZEERA, Deadly blast hit Afghan capital Kabul, Dec 10, 2021, Available on: <https://www.aljazeera.com/news/2021/12/10/bomb-blast-kills-two-civilians-on-minibus-in-afghanistans-kabul>

A magnetic bomb exploded in a vehicle in the Haji Abbas area of Herat city, resulting in the deaths of 7 people and injuring 9 others¹⁰³. The population of the Haji Abbas area is mainly Hazara. ISKP claimed responsibility for the attack¹⁰⁴.

- April 26, 2022:

Five Hazara coal miner were shot dead by unknown gunmen in Dara-e-Suf district of Samangan province¹⁰⁵. The incident took place in Kotal-e-Reg area while they were travelling to Balk province. All the victims were Hazara from Dara-e-Suf district. No one claimed the responsibility for the attack.

- April 28, 2022:

In the city of Mazar-i-Sharif, in a neighborhood predominantly inhabited by Hazaras, an explosion from a planted bomb resulted in the deaths of 11 people and injuries to 19 others. The ISKP group claimed responsibility for this attack¹⁰⁶. April 2022 is recorded as the bloodiest month with four targeted attacks against Hazaras.

- April 30, 2022:

A magnetic bomb in a minibus exploded in west of Kabul, resulting in the death of 3 Hazara women and injuring 2 other women. The Estiqlal Hospital in Kabul city shared the data with local media. Nobody claimed the responsibility for the attack¹⁰⁷.

- May 25, 2022:

Three separate magnetic bomb explosions targeted public transport vehicles in areas with a predominantly Hazara population in Mazar-e-Sharif city of Balkh province. Overall, 9 people were killed and 15 others were injured in these attacks¹⁰⁸. ISKP claimed responsibility of the attacks.

- November 7, 2023:

A magnetic mine targeted a passenger bus in Dasht-e-Barchi, Kabul, resulting in 11 deaths and 21 injuries. The ISKP claimed responsibility for this attack¹⁰⁹.

- January 6, 2024:

¹⁰³ ALJAZEERA, Several killed in bus blast in western Afghanistan, Jan 22, 2022, Available on:

<https://www.aljazeera.com/news/2022/1/22/bomb-on-bus-kills-seven-in-western-afghan-city-officials>

¹⁰⁴ Reuters, Islamic State claims responsibility for attack in Herat, Afghanistan, Available on:

<https://www.reuters.com/world/asia-pacific/islamic-state-claims-responsibility-attack-herat-afghanistan-2022-01-23/>

¹⁰⁵ Hasht e Subh Daily, Unidentified Gunmen Shot Dead Five Hazara Passengers on Samangan Highway, Available on:

<https://8am.media/eng/unidentified-gunmen-shot-dead-five-hazara-passengers-on-samangan-highway/>

¹⁰⁶ UNAMA, Human rights in Afghanistan 15 Aug 2021 – 15 Jun 2022, 11, Available on:

https://unama.unmissions.org/sites/default/files/unama_human_rights_in_afghanistan_report_-_june_2022_english.pdf

¹⁰⁷ Etilaat e Roz daily, available on: [امار ابتدایی تلفات انفجار در غرب کابل؛ سه زن کشته و دوزن زخمی شدند - روز نامه اطلاعات روز \(etilaatroz.com\)](http://etilaatroz.com)

¹⁰⁸ The Khama Press, Series of Explosions Kill at least 9 and Wound Many in Mazar-i-Sharif, available on:

<https://www.khaama.com/series-of-explosions-kill-at-least-9-and-wound-many-in-mazar-e-sharif475843/>

¹⁰⁹ UNAMA, Human rights situation in Afghanistan October – December 2023 UPDATE, 5

Explosives planted in a minibus in the Dasht-e-Barchi area of Kabul exploded, resulting in the deaths of five civilians, including one woman, and injuring 20 others. The ISKP claimed responsibility for this attack¹¹⁰.

- April 20, 2024:

A magnetic bomb planted in a bus at the Golayee Dawakhana station in Dasht-e-Barchi exploded, killing one person and injuring 10 others¹¹¹. After this attack, ISKP released a statement saying their target was a city bus carrying Hazara passengers who were passing through a security checkpoint, resulting in casualties among Hazara passengers and Taliban members¹¹².

- September 12, 2024:

Four unidentified armed individuals on two motorcycles brutally killed 14 civilians¹¹³, including a 16-year-old child, at the border between Ghor and Daikundi provinces, injuring 4 others in the attack. Thirteen of the victims belonged to the Hazara ethnic group from the small village of Qarowdal in the Sang Takht-o-Bandar district of Daikundi province, while one was from Ghor province. The victims were residents of Daikundi going to welcome two villagers returning home. These individuals were stopped by four gunmen. The gunmen lined the people up alongside the road to take pictures, then they shot to death the people.



THE PHOTO PUBLISHED ON AMAQ NEWS AGENCY, ISKP-AFFILIATED WEBSITE

Investigations by the AHRC indicate that several residents of this village were going to welcome two villagers returning home. These individuals were stopped by four gunmen a few kilometers from Qarowdal village at the "Khami" pass.

The armed individuals identified themselves as members of the Taliban and claimed to have reports indicating that among those stopped were soldiers of the former national army. They searched all these individuals, confiscating their phones and money. They then lined them up alongside the road to take pictures. Then they shot to death the people. To make sure nobody is alive, they go to everyone and shot them again. Afterward, all four gunmen mounted two motorcycles and headed toward the Dawlat Yar district of Ghor province.

¹¹⁰ UNAMA, Update on the human rights situation in Afghanistan January – March 2024 Update, 2

¹¹¹ Human Rights Watch, Attacks Target Afghanistan's Hazaras, Apr 30, 2024, Available on: <https://www.hrw.org/news/2024/05/03/attacks-target-afghanistans-hazaras>

¹¹² UNAMA, Update on the human rights situation in Afghanistan: April – June 2024, 2

¹¹³ NBC News, Gunmen kill 14 in a Shiite area of Afghanistan in one of the deadliest attacks this year, Sep 13, 2024, Available on: <https://www.nbcnews.com/news/world/afghanistan-islamic-state-isis-k-taliban-gunmen-shiite-attack-rcna171022>

Notably, the gunmen first separated the children from the adults and positioned them further away. ISKP claimed responsibility for this attack.

On October 20, 2024, a Taliban spokesman announced on his X account that the leader of ISKP in Ghor and another member of the group had been killed in the central part of Ghor¹¹⁴. He added that this group were involved in attacks on Shia citizens in Ghor province. The Taliban spokesman did not provide further details about the operation or the identities of the arrested persons. It remains unclear who the deceased truly were. Verifying this claim i

s also difficult due to the lack of free media in Afghanistan.

Reza, who injured in this incident said in interview with the AHRC: “We were 18 people. After taking our mobile phones, they lined us up under pretext of taking pictures. I was accidentally positioned in the middle of the line. When they opened fire from two sides of the line, I had around couple seconds to escape. They fired on me while I was running. Three bullets hit my hands and leg. A few steps further, I fell into a pit. I pretended to be dead. In this way, I survived.”

D. Attacks on Sports Clubs, Playgrounds, and Markets

Hazaras are attacked anywhere that they gather, including sports clubs, playgrounds and markets.

- April 1, 2022:

Two bombs exploded in a playground in the Jebrayil area, killing 5 people and injuring 25 others. The bombs were planted in a local playground before the games started. The victims of this attack were children and adults. No group claimed responsibility for this attack¹¹⁵. The residents of the Jebrayil area in Herat are mainly Hazara.

- October 26, 2023:

A mine planted inside a sports club in Dasht-e-Barchi, Kabul, exploded, leaving 8 dead and 35 injured. ISKP claimed responsibility for this attack, stating through a public announcement that their target was members of the Shia community¹¹⁶.

- January 11, 2024:

In the Dasht-e-Barchi area of Kabul, an explosion occurred in front of a crowded market, resulting in 3 deaths and at least 35 injuries. No group claimed responsibility for this attack¹¹⁷.

¹¹⁴ DW, Available on: <https://www.dw.com/fa-af/%D8%B7%D8%A7%D9%84%D8%A8%D8%A7%D9%86-%DB%8C%DA%A9-%D9%81%D8%B1%D9%85%D8%A7%D9%86%D8%AF%D9%87-%D9%88-%DB%8C%DA%A9-%D8%B9%D8%B6%D9%88-%D9%85%D9%87%D9%85-%D8%AF%D8%A7%D8%B9%D8%B4-%D8%AF%D8%B1-%D8%BA%D9%88%D8%B1-%DA%A9%D8%B4%D8%AA%D9%87-%D8%B4%D8%AF%D9%86%D8%AF/a-70559269>

¹¹⁵ ANADOLU AGENCY, Bom attack kills 5 in Afghanistan, Apr 1, 2022, Available on: <https://www.aa.com.tr/en/asia-pacific/bomb-attack-kills-5-in-afghanistan/2553001>

¹¹⁶ UNAMA, Human rights situation in Afghanistan October – December 2023 UPDATE, 5

¹¹⁷ UNAMA, Update on the human rights situation in Afghanistan January – March 2024 Update, 2

E. Murder

Arbitrary killings of Hazaras continue unabated.

- August 30, 2021:

Taliban fighters killed 13 Hazara individuals, including a 17-year-old child, in the Khidir district of Daikundi province¹¹⁸.

- June to August 2023:

Reports on attacks against the Hazaras and the destruction of homes and agricultural products belonging to Hazaras residing in the Urozgan-e-Khas district of Urozgan province show that between August 2021 to July 2024 over 21 people were killed in Joye Naw area of Urozgan-e-Khas district of Urozgan province. UNAMA office reported that between June and August 2023, 6 Hazaras from Urozgan-e-Khas were killed by unidentified gunmen¹¹⁹. Some media outlets quoted local people stating that a total of 13 residents were killed in several attacks¹²⁰. Residents in the Joye Naw village of Urozgan-e-Khas told the media that they had sent their documentation regarding the killings, arson of their land, and cutting of their trees to the UN office in Kabul and the UN special rapporteur on human rights in Afghanistan. The Taliban sent three commanders to investigate this issue, but the commanders who are from the area did not investigate the incidents and left the area without any outcome or anger to the victims.

¹¹⁸ Amnesty International, Afghanistan: 13 Hazra killed by Taliban fighters in Daikundi province – new investigation, Available on: <https://www.amnesty.org/en/latest/news/2021/10/afghanistan-13-hazara-killed-by-taliban-fighters-in-daykundi-province-new-investigation/>

¹¹⁹ UNAMA, Human rights situation in Afghanistan July – September 2023 UPDATE, 5

¹²⁰ Etilaat e Roz daily, Available on:

<https://www.etilaatroz.com/175056/%d9%87%d8%b2%d8%a7%d8%b1%d9%87%d9%87%d8%a7%db%8c-%d9%88%d9%84%d8%b3%d9%88%d8%a7%d9%84%db%8c-%d8%ae%d8%a7%d8%b5-%d8%a7%d8%b1%d8%b2%da%af%d8%a7%d9%86/>

LEGAL FRAMEWORKS

Both domestic courts in Afghanistan and international courts have the jurisdiction to address the cases of targeted and systematic attacks against the Hazaras. Domestic courts in Afghanistan have the authority to handle all crimes, including war crimes, crimes against humanity, and genocide. If domestic courts lack the will or capacity to address such crimes, the International Criminal Court (ICC) has jurisdiction under Article 17 of the Rome Statute to prosecute these offenses.

Despite this, none of the cases related to targeted and systematic attacks against the Hazaras have been addressed by either domestic or international courts, and none of the perpetrators of these attacks have faced judicial prosecution.

During the Republic between 2001 and 2021, Afghanistan justice mechanisms consisted of an independent court system, an independent attorney general bind by laws of the country. According to the constitution, Afghanistan court system featured a supreme court, appellate courts and preliminary courts. The attorney general of Afghanistan was part of the executive branch but independent in its actions. Afghanistan also passed laws and enacted regulations in accordance with international laws and treaties and fundamental tenants of Islam.

During this period, some reforms were implemented through the legislation and judicial mechanisms. In 2017, Afghanistan penal code was amended to criminalize war crimes, crimes against humanity, and genocide in accordance with the Rome Statute. The penal code came into effect in 2018. Additionally, a special department was established within the structure of office of Attorney General to address international crimes. The Supreme Court also had a public security division. Despite these reforms and structures within Afghanistan's judicial and law enforcement mechanisms, these mechanisms were not allowed by political interference to achieve their end goals.

During the Republic, Afghanistan's judicial mechanisms did not prosecute cases of targeted and systematic attacks against the Hazaras under any of four categories of international crimes. The court procedure rather prosecuted these cases and the perpetrators under the old penal code provision and under crimes against national security. Occasionally, Afghan security forces would announce the arrest of individuals involved in attacks against the Hazaras and Shiites, but after these arrests, there were no updates regarding them to the victims.

Overall, the leaders of the Afghan government either lacked the capacity to arrest, investigate, and prosecute the perpetrators of such attacks, or there was no political will to pursue them. For instance, the former government released over 2,000 Taliban fighters from detention centers and prisons in May and June 2020, aiming to encourage the Taliban to engage in negotiations with the government¹²¹. The peace agreement which was signed between the U.S. and the Taliban in Qatar in the absence of Afghanistan government, stipulated that the Afghan government should release 5,000 Taliban prisoners and detainees¹²². When the Taliban took over Afghanistan, the Taliban declared a general amnesty and freed all prisoners, including members of ISKP, from detention facilities¹²³.

¹²¹ Aljazeera, Afghan president pledges to release up 2000 Taliban prisoners, May 25, 2020, Available on: <https://www.aljazeera.com/news/2020/5/25/afghan-president-pledges-to-release-up-to-2000-taliban-prisoners>

¹²² Ibid

¹²³ NBC NEWS, Kabul airport bomber was an ISKP operative freed from prison by the Taliban, April 15, 2024, Available on: <https://www.nbcnews.com/news/kabul-airport-bomber-was-ISKP-operative-freed-prison-taliban-rcna147810>

Following the Taliban's return to power in August 2021, most state structures, including the country's judicial system, collapsed. The Taliban annulled Afghanistan's constitution and declared that their governance would be based on Islamic law instead. While there is limited information available about the Taliban's courts, it is clear that this represents a significant regression in Afghanistan's judicial system. Most previous judges have been removed, replaced by Taliban-affiliated clerics. With the Taliban in power, Bar Association lost its independency, working as a part of Ministry of Justice. The criminal procedure code that was in effect during the Republic adhered to general principles of law. This code placed significant importance on witnesses; however, now that Afghanistan judicial and legal system is based on Islamic law, it is unclear how the criminal procedure code is followed and how much importance is given to witnesses.

Many oversight mechanisms that existed during the previous government have also vanished. The parliament, as the legislative body of the country, has been dissolved. Free and independent media no longer operate, and the Afghanistan Independent Human Rights Commission and civil society organizations were dissolved and prohibited. Although the previous judicial system struggled to deliver justice regarding targeted attacks against the Hazara community, mechanisms such as parliament, free media, and the human rights commission attempted to hold the judicial system accountable and advocate for the victims of these attacks. Now, however, there are no oversight mechanisms within the country to hold the Taliban's judicial bodies accountable. Consequently, there is no expectation for justice or for addressing cases of targeted and systematic attacks against the Hazara people through the Taliban's judicial system.

International legal mechanisms remain the only channel available to achieve justice and accountability. One of the key international legal mechanisms is the International Criminal Court (ICC). Afghanistan became a member of the ICC in May 2003. The Court began its preliminary assessment of the situation in Afghanistan in 2007 and has published annual reports since 2011. According to these preliminary reports, the Office of the Prosecutor has been investigating allegations of war crimes and crimes against humanity in Afghanistan.

In March 2020, after years of preliminary investigations, the ICC judges authorized the Office of the Prosecutor to commence investigations in Afghanistan. However, just one month later, the former Afghan government requested the ICC to halt its investigations, asserting that the Afghan judicial system would investigate the relevant cases. Consequently, the ICC's investigations were deferred¹²⁴.

With the Taliban's return to power in August 2021, the situation changed dramatically. On September 27 the ICC prosecutor presented a statement and, on October 31, 2022, ICC judges announced that investigations into war crimes and crimes against humanity in Afghanistan would be resumed. The prosecutor de-prioritized crimes committed by the former government and its international allies, focusing on crimes committed by the Taliban and the ISKP.

The issue of systematic and targeted attacks against Hazaras has not been addressed as a specific topic in the International Criminal Court (ICC); rather, it has been included among other cases of war crimes and crimes against humanity. Some human rights activists have raised concerns about these attacks through sharing open letters and occasional meetings with the ICC officials. Some of these cases were shared with the ICC by former Afghanistan government. For example, the Afghanistan

¹²⁴ International Criminal Court, ICC judges authorize Prosecution to resume investigation in Afghanistan, Oct 31, 2022, ICC-CPI-20221031-PR1680.

attorney general referred cases of Mirza Oalang, Maiwand Sport's Club, Shashdarak and Maternity Hospital to the ICC as part of the 300 cases under investigation of Afghanistan's justice system.

Another international mechanism for protecting citizens at risk of genocide is the United Nations. In 2005, the UN General Assembly adopted the principles of the Responsibility to Protect (R2P). According to these principles, if a government is unable or unwilling to protect its citizens from war crimes, crimes against humanity, genocide, and ethnic cleansing, the international community, through the UN, has a responsibility to intervene¹²⁵. The UN actions may include the use of diplomatic, humanitarian, and other peaceful means based on Chapters 6-8 of the UN Charter. If all diplomatic and humanitarian measures to protect at-risk groups prove ineffective, other actions such as economic sanctions, referral of the case to the International Criminal Court (ICC), and ultimately the use of military forces by the United Nations Security Council are considered¹²⁶.

The United Nations bodies including Security Council and Human Rights Council can establish fact-finding missions and investigative commissions to examine serious violations of human rights and international humanitarian law, including war crimes, crimes against humanity, and genocide. The United Nations has previously formed fact-finding commissions for several countries to investigate human rights violations; however, it has yet to assign a fact-finding commission to investigate the targeted and systematic attacks against the Hazara people in Afghanistan.

Since the fact-finding commission would be established by the main bodies of the United Nations, such as the Security Council, the General Assembly, and the Human Rights Council, it has the authority and legitimacy to access all documents, records, and evidence. The fact-finding commission would be able to review documents, records, and evidence related to targeted attacks against the Hazara community in the archives remaining at the former National Security Directorate, the National Security Council, and the National Police to obtain sufficient information. The international forces involved in Afghanistan could also cooperate and provide information in this regard. An examination of this information and documents would reveal who are behind these attacks and specifically identify the perpetrators. The former Afghan security sectors and the Taliban officials have rarely provided information about the identity of those responsible for these crimes. Identifying the perpetrators of these crimes would be a step forward towards prosecuting the perpetrators. Moreover, the families of the victims have the right to know who has killed or injured their loved ones.

There are also various claims regarding the relationship between the Taliban and ISKP. Some assert that ISKP organizes its attacks against the Hazaras in collaboration with the Taliban. Given that during the Republic, both the Taliban and ISKP were fighting against their common enemy (the former government and NATO forces), it is not unlikely that their cooperation in targeting the Hazaras continued. For example, the Taliban and ISKP cooperated and orchestrated attacks against Hazaras in Mirza Oalang village in Sar-e Pol province in August 2017¹²⁷. The fact-finding commission could examine and investigate these allegations to clarify the matter. Investigating these claims will help uncover the dimensions and nature of the committed crimes, including identifying the perpetrators, which will assist the Human Rights Council and other United Nations bodies in taking subsequent actions. Specifically, the United Nations Security Council, the Human Rights Council, and other UN

¹²⁵ United Nations, General Assembly, Resolution Adopted by the General Assembly on 16 September 2005, A/RES/60/1, Paragraph 139

¹²⁶ Global Center for the Responsibility to Protect, what is R2P, Available on: <https://www.globalr2p.org/publications/the-responsibility-to-protect-a-background-briefing/>

¹²⁷ UNAMA Special report on Mirza Oalang, available on: <https://unama.unmissions.org/sites/default/files/english.pdf>

bodies will make necessary decisions based on the findings of the fact-finding Commission. Furthermore, the results of the fact-finding Commission would also aid the ongoing investigations by the International Criminal Court in Afghanistan.

ATTACKS ON HAZARAS: MAY CONSTITUTE ACTS OF GENOCIDE

Considering the nature and manner of the targeted and systematic attacks against the Hazaras, this group is at risk of genocide. Based on the definitions provided in the Genocide Convention and the Rome Statute, these attacks may constitute examples of genocide. The Hazaras, as an ethnic and religious group, are deliberately targeted due to their ethnic and religious identity, with the aim of destroying in whole or in part. Ultimately, advocacy aimed at preventing genocide against the Hazaras can support accountability and prosecutions of the perpetrators in international courts.

According to Article II of the Genocide Convention and Article VI of the Rome Statute, and by assessing the nature of the attacks against the Hazaras given the contexts and conditions described above, such attacks may be classified as acts of genocide.

What is Genocide?

Genocide was first recognized as a crime under international law in 1946 by the United Nations General Assembly. Subsequently, in 1948, it was legislated by the Convention on the Prevention and Punishment of the Crime of Genocide. As of January 2018, 149 countries signed this convention. The International Court of Justice has repeatedly emphasized that the principles contained in this convention are part of international customary law. This means that these rules and principles are binding on all countries, whether or not they are party to the convention. Additionally, the court stressed that the prevention of genocide is unequivocally part of international criminal law, and consequently, there is no justification for the repeal or annulment of this convention.

Definition of Genocide:

Article II of the Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as follows:

"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, such as:

- a) Killing members of the group;
- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the group;
- e) Forcibly transferring children of the group to another group¹²⁸.

The Rome Statute, which is the legal document that established the International Criminal Court (ICC), defines and criminalizes genocide in Article 6, similar to the Convention on the Prevention and

¹²⁸ UN, General Assembly Resolution 260 A (III), Convention on the Prevention and Punishment of the Crime of Genocide, Article 2, Dec 9, 1948

Punishment of the Crime of Genocide¹²⁹. The Rome Statute was adopted in 1998, and Afghanistan signed this document in May 2003, becoming a member of the court.

Three elements are noted in the definition of genocide. Whenever these three elements or characteristics coexist, it is considered genocide. The first element of the crime of genocide is the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, which is legally referred to as the "mental element or mens rea." This means that the perpetrators of genocide must have the intent and purpose behind their killings, systematically targeting a specific group rather than committing murder accidentally or randomly.

The second element, known as the "physical element, Actus Rea" involves destruction in various forms, such as killing, inflicting severe physical or psychological harm, and other means of destruction outlined in the definition of genocide.

The third element of the crime of genocide is that these acts must be directed against one of the four types of groups: national, ethnic, racial, or religious. The Convention on the Prevention and Punishment of the Crime of Genocide and the Rome Statute do not refer to political groups in their definitions. Instead, they specifically and exclusively mention the four groups: national, ethnic, racial, or religious. For instance, if a political group is attacked, it is not classified as genocide; it would instead fall under crimes against humanity. Therefore, the definitions of genocide and crimes against humanity are distinct from one another.

To clarify the differences between crimes against humanity and genocide, let's also review the definition of crimes against humanity. According to Article 7 of the Rome Statute, crimes against humanity are defined as:

“For the purpose of this Statute, “crimes against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- a) Murder;
- b) Extermination;
- c) Enslavement;
- d) Deportation or forcible transfer of population;
- e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- f) Torture;
- g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that universally

¹²⁹ International Criminal Court, Rome Statute of the International Criminal Court, Article 6, July 7, 1998

recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

- i) Enforced disappearance of persons;
- j) The crime of apartheid;
- k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health¹³⁰;...”

Considering the definitions provided for crimes against humanity and genocide in Articles 6 and 7 of the Rome Statute, it is clear that crimes against humanity is different from genocide. The definition of crimes against humanity specifies that attacks must be directed against a "civilian population" in a widespread or systematic manner. In contrast, the definition of genocide emphasizes that the commission of acts such as killing or causing serious bodily or mental harm must be with the intent to destroy, in whole or in part, a specific "national, ethnic, racial, or religious group."

Therefore, the main difference between genocide and crimes against humanity lies in the focus on the intent to destroy, either wholly or partially, a particular group in genocide. Additionally, genocide is limited to four defined groups: "national, ethnic, racial, or religious." On the other hand, crimes against humanity encompass acts such as murder, extermination, torture, rape, and slavery that occur against a civilian population in a widespread or systematic manner. Furthermore, Article 7(8) specifically mentions the persecution of a defined population based on political, racial, ethnic, cultural, religious, or sexual grounds.

Examining the definition of genocide, it can be stated that in the cases of attacks against the Hazara people, two elements of genocide are very clear and beyond doubt. One is the physical element of the crime, which consists of killing. There are numerous cases where Hazaras have been subjected to suicide bombings, explosions, and shootings due to their ethnic and religious identity.

For instance, in the case of the killing of Hazara travelers in Ghor province in July 2014, the perpetrators first separated the Hazaras from other non-Hazara travelers before killing them. Similarly, in the attack on the HALO Trust demining office in Baghlan province on June 8, 2021, armed assailants specifically sought out Hazara employees. Witness said that the gunmen were asking if there are Hazaras among other employees.

Most attacks against Hazaras have occurred in areas where the population is predominantly Hazara. Furthermore, ISKP has claimed responsibility for many of these attacks, stating in press releases that the target was the Shia Hazara community. Analyzing the nature of these attacks, their designated locations, and the identities of the victims indicates that Hazaras are systematically targeted solely because of their ethnic and religious identity. In this regard, the physical element of genocide is established and proven. The second element is also clear: the Hazaras are an ethnic and religious group.

The most complex element of genocide is the intent of the perpetrators. In many cases of genocide that have occurred around the world, proving the intent and will of the perpetrators has been contentious and ambiguous. How can we understand the intent of the perpetrators? The Office on Genocide Prevention and the Responsibility to Protect at the United Nations has outlined the elements of genocide. This office states that the intent and will of the perpetrators must be

¹³⁰ International Criminal Court, Rome Statute of the International Criminal Court, Article 7

established, showing that they aim to physically destroy a national, ethnic, racial, or religious group¹³¹.

According to this office, the intent of the perpetrators distinguish genocide from other crimes. The intent to kill can be part of the planning and policy of the criminals. The “Office on Genocide Prevention and the Responsibility to Protect” explains that genocide victims are deliberately and intentionally targeted—not accidentally—due to their recognized or actual membership in one of the four national, ethnic, racial, or religious groups. This means the goal is the destruction of the group as a whole, not merely the killing of individuals within it. Genocide can be committed against a part or section of any of these four groups¹³².

As mentioned, proving the intent and will of the perpetrators to destroy a group is one of the most challenging tasks for prosecutors in trials for genocide. With respect to the situation of Hazaras, knowledge of a widespread or systematic attack against them can be established by both a policy and a pattern of targeting this group. For instance, in the case of ISKP, the perpetrators of attacks against Hazaras, knew the ISKP’s policy of targeting Hazaras through inter alia, ISKP’s public statements accepting responsibility for the attacks along with the organization’s use of hate speech and inciteful rhetoric against Hazaras.

In the crime of genocide, the perpetrators not only intentionally target a specific national, ethnic, religious and racial group, but they also have a specific intent in targeting these groups. In other words, there must not only be criminal intent (*mens rea*), but also special intent (“*Dolus Specialis*,”*) which refers to the intent to destroy the group, in whole or in part, must be present. In the past, *Dolus Specialis* burden which refers to the specific intent of the offenders, has been met by showing that genocide was “the only reasonable inference which can be drawn from the said pattern of conduct¹³³”.

For example, in the massacre of over 800,000 Tutsis in Rwanda by extremist Hutus in 1994, the killing of Muslims in Bosnia by Serbs in 1995, and the forced displacement and attacks on an ethnic group in Sudan by Sudanese forces and militias in Darfur in the 2003, the specific intent of the perpetrators were proven in the trials that took place.

To prosecute those responsible for these crimes, prosecutors needed to demonstrate "the existence of a specific group protected under the Genocide Convention," "acts of genocide," and "the intent and will to destroy at least part of that group."

Proving the intent of offenders is challenging for prosecutors, as in many cases they do not have a smoking gun. One way to establish "intent to destroy" in genocidal intent is to obtain orders made by the defendant or someone the defendant works for, up the chain of command. Another approach is to identify a clear pattern of actions that inevitably leads to the destruction of a group¹³⁴.

Additionally, examining the contexts and conditions that create the groundwork for genocide is essential, as these factors can provide insight into the systematic nature of the crimes committed.

*the specific intent to cause a specific kind of harm.

¹³¹ UN, Office on Genocide Prevention and the Responsibility to Protect, Genocide, Definition, Available on: <https://www.un.org/en/genocideprevention/genocide.shtml#:~:text=To%20constitute%20genocide%2C%20there%20must,to%20simply%20disperse%20a%20group>

¹³² Ibid

¹³³ Seton Hall University, “An issue of Intent: The Struggle of Proving Genocide”, By: Nicholas Owens, 6

¹³⁴ Ibid, 9

For example, in the International Criminal Tribunal for Rwanda, the Appeals Chamber in case number IT-95-10-A (JELISIC' Goran) relied on various facts and circumstances to prove genocide in the absence of direct explicit evidence. They considered factors such as the "general context," "the perpetration of other culpable acts systematically directed against the same group," "the scale of atrocities committed," "the systematic targeting of victims on account of their membership of a particular group," and "the repetition of discriminatory and destructive acts" as evidence to support the claims of genocide¹³⁵.

Based on the judicial practices and precedence of past genocide trials, there are several clear indications regarding the intent of the perpetrators of the Hazara killings. First, the ISKP, which has carried out many of these attacks, has openly stated its intent through multiple announcements. In these statements, they explicitly said their intention to exterminate the Hazaras and claim responsibility for these attacks. ISKP conducts its operations against the Hazaras under the campaign "Wherever you find them, annihilate them".

Some members of the Taliban have also used hate speech against the Hazara and Shia populations in their audio messages. Video and audio interviews of Mullah Abdul Manan Niazi, a leader of a breakaway faction of the Taliban, have been circulated on social media, where he explicitly threatens the Hazaras with extermination. In one of these videos, he states, "Hazaras, with your false religion, do not think this is Syria or Iraq. I will burn your homes and kill a hundred of you every day." The exact dates of Mullah Niazi's interviews are unclear; however, it appears that these interviews were conducted a few months before his death in May 2021.

Mullah Niazi, who served as the governor of Balkh province during the first Taliban regime, had also stated in a speech that Hazaras must convert to Sunni Islam, leave the country, or face extermination¹³⁶. Similarly, some Taliban commanders have periodically issued threats against Hazaras through video and audio messages, calling for mass killings. Although verifying these video and audio messages is challenging, the dissemination of such threatening content online indicates that these groups intent on spreading hatred against the Hazaras and ultimately seeking their destruction.

In addition to ISKP statements and the remarks of Taliban commanders, the methods and nature of the attacks also indicate a clear intent and premeditated plan to kill the Hazara people. For example, when an attack occurred on a maternity hospital in Dasht-e-Barchi and newborns were killed, it not only reflects extreme cruelty but also demonstrated that the perpetrators aimed to annihilate the collective existence of an ethnic and religious group, showing that they would not even spare the babies of the Hazara community.

ISKP has launched a campaign titled "Wherever You Find Them, Annihilate Them," as announced on their Aamaq news agency website. This campaign explicitly reveals their intent to eradicate the Hazaras. As stated by the United Nations Office on Genocide Prevention and Responsibility to Protect, such attacks are considered genocidal when they are intentional and targeting a group, rather than accidental. There is no doubt that these attacks against the Hazara people are not random; rather, they are deliberate and systematic, with the intent of the perpetrators being the destruction of the Hazaras.

¹³⁵ UN, International Residual Mechanism for Criminal Tribunals, Case Law Database, Appeal Judgment-05.07.2001, More information is available on: <https://cld.irmct.org/notions/show/386/genocide#>

¹³⁶ Human Rights Watch, Afghanistan: The Massacre in Mazar-i Sharif, 3

How important is the quantity and number of attacks and casualties for something to be considered genocide? In other words, how many individuals from a group must be killed or injured for it to be classified as genocide? The Genocide Convention and the Rome Statute state that the intent to destroy, in whole or in part a group must be present. This means that the definition of genocide does not specify the quantity of killings.

The details of the constituent elements of the crime of genocide had been a matter of dispute for years until, in 2010, the General Assembly of the International Criminal Court adopted, under Article 9 of the Rome Statute, a separate document titled "Elements of Crimes." This document explains the constituent elements of the crimes under the court's jurisdiction. For the crime of genocide, it also describes all methods of destruction. Regarding the constituent elements of "genocide by killing," it states as follows:

- a) The perpetrator killed one or more persons,
- b) Such person or persons belonged to a particular national, ethnical, racial, or religious group,
- c) The perpetrator intended to destroy, in whole or in part, that national, ethnical, racial, or religious group, as such,
- d) The conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction¹³⁷.

According to Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, Article 6 of the Rome Statute, and the explanations of the elements of the crime of genocide, the complete destruction of all members of a group is not a requirement, and the destruction of a part of the group is considered sufficient. But how much of that part is enough? As mentioned, the International Criminal Court considers even one person sufficient, provided that the intention is to destroy the group's existence. Additionally, some experts in this field have suggested that reference should be made to customary international law. But to which customary law? The customary law related to genocide, which refers to the customary law of Prevention and Punishment of the Crime of Genocide and the customary law that led to the creation of the convention of prevention and punishment of the crime of Genocide and the International Criminal Court. This customary law essentially depends on the judgment of the court that addresses such crimes, and it is possible that the court may consider even the killing of one person sufficient, as it has interpreted the elements of the crime to include the killing of one person.

The size of the targeted group may also be considered. For example, when a religious center of Sikhs, a small minority in Afghanistan, was targeted and dozens of them were killed and injured, that single attack could be sufficient for the court to classify it as genocide. Many international law experts, such as "Harf" and "Gieur," argue that the number of casualties is not the central issue; rather, the destruction of a part of a small group constitutes a crime just as much as the destruction of a part of a larger group.

The alleged acts against Hazaras were also committed in a systematic manner over an extended period of time. These attacks have been carried out over the past 10 years, and the casualty figures from these attacks indicate their widespread nature. Since 2010, more than 100 attacks have

¹³⁷ "Elements of Crimes", Article 6, Page 2, Published by International Criminal Court, 2011. Available on: <file:///D:/Books%20&%20Articles/elementsofcrimeseng.pdf>

specifically targeted the Hazara community, resulting in over 4,000 people being killed and wounded. Geographically, these attacks have occurred in almost all predominantly Hazara- populated areas across various provinces of Afghanistan. The systematic nature of the attacks against civilian population is evident because they are planned, as stated by the ISKP in their statements.

Considering international human rights documents related to genocide and examining the bloody attacks against the Hazara people, it can be concluded that these attacks have been intentional, targeted, and systematic. These attacks specifically target the Hazara ethnic group due to their ethnic and religious identity. Such attacks are sustained, systematic and widespread and take place in the context of a manifested pattern of similar conducts against Hazaras. The nature of the attacks against the Hazaras, along with the evidence and signs related to these incidents, indicates that a terrorist group has planned and methodically carried out the massacre of the Hazaras. By analyzing these attacks and studying the elements constituting the crime of genocide in international documents, it can be concluded that the targeted attacks specially those attacks committed by ISKP against the Hazara people may constitute crime of genocide, and the Hazaras, as an ethnic and religious group, are under threat of genocidal attacks.

CONCLUSION

Discrimination against religious and ethnic minorities, particularly against Hazaras in Afghanistan, has a long history. Past rulers and governments have pursued discriminatory policies against Hazaras at various times in Afghanistan, deliberately placing this ethnic and religious group in a state of deprivation. The dimensions of discrimination against Hazaras have been vast and extensive, ranging from exclusion from government jobs to denial of the right to education, as well as restrictions and deprivation in political, social, cultural, and economic spheres—all part of the official and unofficial policies of previous governments.

This history has isolated Hazaras and made them vulnerable to persecution and violence. Currently, active terrorist groups in Afghanistan, particularly ISKP, deliberately and systematically target Hazaras due to their ethnic and religious identity. The perpetrators not only aware of their actions, but their goal is the destruction of the Hazara community. Given the severity and extent of discrimination, hate speech and violence directed at the Hazaras, this ethnic and religious group faces an increased risk of genocide.

There is almost no place in the country where Hazaras feel safe. Members of the Hazara community are attacked in various locations, including roads, schools, educational centers, hospitals, wedding halls, sports venues, public gathering places, workplaces, transportation, and mosques, and they become victims every day. Currently, Hazaras are more threatened than ever and are left highly defenseless against targeted and systematic attacks.

Thus far, none of the perpetrators of attacks against the Hazaras have been prosecuted or brought to justice. No judicial or legal body (domestic or international) has conducted a thorough investigation into the incidents and attacks against the Hazaras. The exceptions could be reference to some cases during the GoIRA where people who were arrested for committing some of those attacks were prosecuted and tried not for the crimes against humanity or genocide but rather for crimes against national security. Despite widespread national and international reactions to these attacks and the

ongoing advocacy of civil activists, no mechanism has been established to protect Hazaras from further attacks.

The Taliban, who are currently in power throughout Afghanistan, have declared war against ISKP and claim that no terrorist group exists in Afghanistan; however, Hazaras continue to face attacks as they did in previous years. Although the Taliban condemned recent attacks against Hazaras, the relationship between the Taliban and ISKP is ambiguous and complex, leading many people to distrust the Taliban. Due to the discrimination the Taliban exercise against Hazaras, even if they are not complicit in ISKP attacks, they at least do not prevent them and show indifference toward the security of the Hazara community. Therefore, the Taliban have failed to ensure public security.

Since the return of the Taliban to power, discrimination against Hazaras has increased more than ever. The Taliban have officially and systematically pursued a policy of purging and eliminating Hazaras and Shia from government and all levels of society. The repeal of the personal status law for Shia, the removal of Ja'fari jurisprudence from the courts, the exclusion of Ja'fari subjects from educational curricula, the removal of books related to Shia beliefs from libraries, the imposition of restrictions on the observance of Ashura, arbitrary arrests of Hazara women, forced displacement, and the confiscation of Hazara properties in Urozgan and Daikundi, along with the promotion of hatred and Takfir against this ethnic group by some Taliban-affiliated clerics, all contribute to the elimination of Hazaras and create more opportunities for targeting this ethnic and religious group. The ongoing discrimination and hatred against Hazaras encourage extremist groups to attack this ethnic group even more. The spread of discrimination and incitement to hatred paves the way for genocide. Therefore, if discriminatory practices and incitement to hatred are not halted, and if the Hazara community is not protected, this ethnic group will face increased risk of genocide and even ethnic cleansing.

Dr. Gregory Stanton, the president of the Genocide Watch, believes that genocide consists of ten stages. According to his theory, these ten stages are: “classification, symbolization, discrimination, dehumanization, organization, polarization, preparation, persecution, extermination, and denial”¹³⁸. Almost all these stages of genocide can be observed in various forms or the same forms concerning the Hazaras.

If targeted and systematic attacks against the Hazaras are not investigated, addressed, and prevented, such attacks will likely continue with increased brutality and horror, leading to more victims. There is a real risk that these attacks could expand more broadly, dragging other ethnic and religious groups into devastating communal and sectarian conflicts, resulting in further genocides and ethnic cleansing.

Neglecting the risk of genocide in Rwanda led to the horrific events of 1994, during which over 800,000 people, including men, women, and children, were killed in just 100 days, and approximately 150,000 to 200,000 women were subjected to sexual violence¹³⁹.

Therefore, it is important to report on the targeted attacks and killings against the Hazaras and advocate for measures to prevent more innocent lives from being perished and destroyed solely because of their ethnicity or religion. It is essential that all national and international organizations raise awareness about this issue and advocate for ways and actions to protect them.

¹³⁸ The Ten Stages of Genocide, by Dr. Gregory H. Stanton, Available on: <https://www.genocidewatch.com/tenstages>

¹³⁹ The United Nations, Prevent Genocide, Rwanda: A Brief History of the Country, Available on: <https://www.un.org/en/preventgenocide/rwanda/historical-background.shtml>

RECOMMENDATIONS

The AHRC presents the following recommendations to prevent further attacks against the Hazara community and protect this ethnic group at the national level, among international organizations, and within the global community:

Recommendations for International Organizations:

1. Since the series of targeted and systematic attacks against Hazaras may constitute crimes of genocide, we urge the United Nations and its member states to recognize the genocide against Hazaras.
2. We call on relevant UN bodies, especially the Security Council and the Human Rights Council, to establish an investigation and fact-finding commission to investigate the genocide against Hazaras and to conduct a thorough and professional inquiry into these matters.
3. We urge the United Nations Security Council to take necessary actions and measures to protect the Hazara people in Afghanistan, based on paragraph 139 of the 2005 UN General Assembly resolution.
4. We request the United Nations and its member state to pressure the Taliban to abolish all discrimination against Hazaras and to respect the rights and freedoms of this ethnic and religious group.
5. We urge member states of the United Nations to support the recognition of the genocide of Hazaras through their representations at the UN.
6. We call on UN member states to provide humanitarian protections for Hazaras and to protect Hazaras and other religious minorities against systematic and ongoing discrimination, persecution and atrocities.
7. We request the International Criminal Court to initiate investigations to identify, prosecute, and punish the perpetrators of these crimes and to address these issues seriously.
8. The UN and international community must not allow the daily human rights violations and abuses to continue as new normal.
9. We request the UN Security Council to refer the crimes committed in Afghanistan to the ICC for investigation.

National-Level Recommendations:

1. People of Afghanistan are urged to intensify their efforts in combating hate speech against ethnic groups and religions, especially the Hazaras, and to prevent the spread of false rumors and incitement to hatred.
2. We call upon all human rights activists, both inside and outside the country, to advocate for the rights of victims of targeted and systematic attacks against Hazaras and to seek justice for them.

3. Free media, both inside and outside the country are encouraged to pay serious attention to documenting and reporting cases of war crimes, crimes against humanity, and genocide occurring in Afghanistan.
4. People in Afghanistan need education and increased awareness about genocide and crimes against humanity to build sensitivity and foster unity in the face of widespread intolerance and discrimination.
5. Taliban must ensure safety and security of the Hazaras. Taliban should stop their discriminatory policies against the Hazaras and protect and respect the Hazara's rights and freedoms.

APPENDIX I

METHODOLOGY

This report is the result of the analysis and evaluation of information gathered by staff at the AHRC, as well as data provided in reports by other international human rights organizations. The statistics regarding casualties in targeted and systematic attacks against Hazaras have been compared and verified against at least two other sources. The data related to the attacks after August 2021 are sourced from the AHRC's database. For the preparation of this report, we have used information and findings from international human rights organizations, including the United Nations Assistance Mission in Afghanistan (UNAMA), the Afghanistan Independent Human Rights Commission, and other international and local human rights organizations, as well as free and independent media.

The AHRC has conducted interviews with several victims of recent attacks, and the information they provided is also included in this report. We interviewed a limited number of victims as a sample. Interviews with family members of victims and witnesses were conducted online using secure and reliable software applications. The interviewees were close family members of the deceased and injured, aged between 18 and 60 years. No financial assistance was promised by the AHRC to the interviewees in exchange for their participation. Before the interviews, we assured the participants that their identities would not be shared with anyone else. Therefore, the names of the interviewees in this report have been anonymized.

The photos in this report have already been published in independent and reputable media outlets. In accordance with copyright regulations, we have included these photos with proper attribution to their original sources.

The AHRC has provided a specific definition of systematic and targeted attacks, based on which we have gathered and analyzed information related to such attacks. Offering a comprehensive definition of targeted and systematic attacks is challenging, and there may not be consensus on its meaning. We consider targeted and systematic attacks as attacks in which members of a specific national, ethnic, religious, or racial group are intentionally and deliberately targeted in a systematic, widespread, and organized manner, with the goal of destroying the group, in whole or in part.

Based on this definition, the report does not classify and include attacks against international forces and the former Afghan government forces that coincidentally resulted in the deaths of some Hazaras as systematic and targeted attacks against the Hazaras. Similarly, the multiple conflicts between the Kuchis (Nomadic Groups) and Hazaras residing in the Behsud district of Wardak Province that occurred during the republic are not considered systematic and targeted attacks against the Hazaras and therefore are not included in this report.

Additionally, on January 29, 2021, during a protest in Behsud District against the district's commander, 11 protesters were killed and 31 others injured. This demonstration initially started peacefully but later escalated into violence, resulting in clashes between the local protesters and police. The police forces in this district fired on the protesters without necessary caution, leading to the deaths of 11 individuals. Although the police in Behsud are directly responsible for this massacre and all the victims were Hazaras, this incident is not classified as a systematic and targeted attack; in contrast, the attack on the protests of the Enlightenment Movement in Dehmazang, Kabul is recognized as a systematic and targeted attack against the Hazaras.

Some individual cases that were reported but where the circumstances around the cases were unclear are not considered as systematic and targeted attacks in this report. For example, a woman's body found by a roadside in Dasht-e-Barchi, Kabul. Because of the lack of information on the circumstances and lack of an investigation, no one knows who was responsible for her murder. This case and similar cases are not included in this report as systematic and targeted attacks against the Hazaras.

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