

LEGAL REPORT
SEPTEMBER 2025

The Hazara Genocide

An Examination of Breaches of the Genocide Convention in Afghanistan since August 2021

THE NEW LINES INSTITUTE FOR STRATEGY AND POLICY

Our mission is to provoke principled and transformative leadership based on peace and security, global communities, character, stewardship, and development.

Our purpose is to shape U.S. foreign policy based on a deep understanding of regional geopolitics and the value systems of those regions. remove it over time.

CONTENTS

Foreword	3
Executive Summary	4
I. Introduction	5
Methodology and Standard of Proof	7
II. Historical Context	8
A. Situation in Late 19th Century	8
B. Situation in the 20th Century	11
1. The Attacks in Afshar, Kabul, 1993	11
2. The Attacks in Mazar-e-Sharif, Balkh, 1998	12
3. Other Documented Acts of Violence	13
4. Past Atrocity Crimes as Early Warning Signs	13
III. Applicable Law	15
IV. Protected Group: National, Ethnic, Racial, or Religious Group	16
V. Prohibited Acts	17
A. Killing Members of the Group; Article II (a)	17
B. Causing Serious Bodily or Mental Harm to Members of the Group; Article II (b)	17
C. Deliberately Inflicting on the Group Conditions of Life Calculated to Bring About Its Physical Destruction in Whole or in Part; Article II (c)	18
VI. Underlying Acts	19
A. Attacks on Schools, Hospitals, and Places of Worship	20
B. Attacks on Passengers and Civilian Transportation Vehicles, Weddings and Celebratory Events, and Work Sites	23
C. Attacks on Peaceful Protests, Commemoration Ceremonies, and Sports and Recreational Activities	25
D. Attacks on Markets, Cultural Centers, and Voter Registration Centers	26
E. Attacks on Property, Abductions, and Forced Displacement	27
VII. The Perpetrators	30
VIII. Intent to Destroy, in Whole or in Part, a National, Ethnic, Racial, or Religious Group	31
IX. State Responsibility	33
X. Conclusion	34
XI. Next Steps	35
Afterword	36
Contributors	37

The content and views expressed in this legal report are those of the author and should not be taken to reflect an official policy or position of the New Lines Institute for Strategy and Policy.

Cover Image: A Hazaragi pattern called Qabtumar, which is used for clothing and household items. (Homira May Rezai)

Foreword

By Ambassador Beth Van Schaack
U.S. Ambassador-at-Large for
Global Criminal Justice (2022-2025)

New Lines Institute for Strategy and Policy continues its vital tradition of rigorous, high-impact research with this compelling report on the long and continuing legacy of atrocities faced by the Hazara people in Afghanistan. Authored by a distinguished team of international law and human rights experts, this report offers a meticulous legal analysis of the systematic violence targeting Hazaras, assessing whether these acts constitute genocide under the Genocide Convention of 1948. Its comprehensive scope and depth make it a potential cornerstone in the pursuit of justice and accountability for the Hazara community.

This report situates the credible allegations of crimes against Hazaras within the framework of international criminal law, focusing on the Genocide Convention's provisions on individual and state responsibility. It identifies a reasonable basis to believe that genocide has been committed against Hazaras as a distinct ethnic and religious group through acts including mass killings, forced displacement, and widespread sexual violence. By framing these atrocities as genocide, the report underscores the urgency of addressing the scale and severity of the harms inflicted upon this long marginalized community whose suffering has too often been overlooked even as the world condemns the Taliban's brutal campaign of gender persecution and apartheid.

The report highlights the historical roots of today's atrocities in post-independence state-sponsored violence that predates the entry of the concept of "genocide" into our legal lexicon. From this foundation, it details the deliberate targeting of Hazaras by groups operating in Afghanistan today, including the Islamic State-Khorasan Province and, in some instances, the Taliban, which are otherwise embattled with each other. These two find common cause in their attacks on Hazara with acts including bombings of schools, mosques, and cultural centers along with the destruction of livelihoods and forced evictions. Although the Taliban's usurpation and exercise of state power is illegitimate, they must still implement Afghanistan's international law obligations, as evidenced by a groundbreaking suit against them under the Convention on the Elimination of All Forms of Gender Discrimination.

The destruction of key pillars of Hazara culture and the gratuitous and multifaceted nature of the violence against them help underscore the finding of genocidal intent. Particularly harrowing is the use of sexual violence as a weapon to destabilize and destroy Hazara communities, leaving survivors – especially women and girls – facing profound trauma and social exclusion. These findings echo patterns of gender-based violence seen in other global crises, such as those in Ukraine and against the Rohingya in Myanmar, where such crimes are often underreported and inadequately addressed.

Recognizing the reasonable basis to believe that genocide has occurred is not only a legal determination but also a call to action. It compels the international community to fulfill its obligations under the Genocide Convention to prevent further atrocities and pursue accountability. This report urges states to reinvigorate stalled efforts at fact-finding and justice, whether through bilateral diplomacy, advocating for independent criminal investigations, sanctions, exercising universal jurisdiction, or supporting mechanisms to address the trauma and recovery needs of Hazara victims, including via reparations. The ongoing investigation by the Prosecutor of the International Criminal Court offers one critical avenue for justice and accountability.

The broader message of this report is a plea for actors within the international community to renew their commitment to core principles of international law in an era of cascading global crises and an erosion of the global rule of law. The Hazaras' plight must not be sidelined as attention shifts from one emergency to another. This report offers a critical opportunity to lay the groundwork for justice, accountability, and a stable peace in Afghanistan in which all communities enjoy equal rights to exist and to thrive. States, policymakers, and international organizations must seize this moment to act decisively, ensuring that the Hazaras' suffering is neither forgotten nor allowed to persist, and is not met with continued impunity.

EXECUTIVE SUMMARY

This report makes a legal assessment of acts targeting the Hazara in Afghanistan. This assessment examines the most recent attacks against the community and the ongoing dire situation of the community since the Taliban takeover in August 2021. In particular, it investigates whether the recent and ongoing attacks against Hazaras, carried out by various actors including the Islamic State-Khorasan Province ("IS-KP/Daesh"), the Taliban, and the Taliban-backed Kuchis, constitute genocide as per Article II of the Convention on the Prevention and Punishment of the Crime of Genocide ("Genocide Convention" or "Convention"). The report also considers historical treatment of the Hazara by multiple actors, including during the 19th and 20th centuries. The report maps the situation, considering the elements of the crime of genocide, and engages with the question of state responsibility under Article I of the Convention.

This report's analysis reveals a reasonable basis to believe that the targeting of the Hazara in the past few years, for which the Taliban and IS-KP/Daesh have predominantly claimed responsibility, meets the legal criteria for the crime of genocide under Article II of the Convention. While the historical attacks on Hazaras in the 19th and 20th centuries cannot be analyzed in the same way, due to several challenges including documentation, attribution of the acts to the perpetrators, etc., they help to clearly establish the long-standing persecution and targeting of the community and are key for establishing state responsibility (by virtue of establishing the serious risk of genocide, which should have triggered the duty to prevent in Article I of the Convention).

The Hazaras fall within the ambit of Article II as an ethnic group, defined by their shared culture, language, and religion. The Hazara also fall within the purview of Article II as a religious group, with the majority being Shia Muslims. This distinction is key when analyzing the specific targeting of the communities.

This report finds that there is a reasonable basis to believe the attacks on Hazaras satisfy the *actus reus* and *mens rea* elements of genocide. With respect to the *actus reus* requirement, the attacks on Hazaras amount to prohibited acts under Article II (a) (killing members of the group), Article II (b) (causing serious bodily or mental harm), and Article II (c) (inflicting conditions calculated to bring about physical destruction).⁵

With respect to the *mens rea* requirement of *dolus specialis*, the necessary intent goes beyond merely committing the prohibited act – it must also reflect a deliberate aim to destroy the group, in whole or in part.

The atrocity crimes discussed in this report require legal responses towards justice and accountability – including individual criminal responsibility of those responsible, but also state responsibility, and responsibility of the *de facto* authorities of Afghanistan.

Given that the *de facto* authorities of Afghanistan are involved in the violation of the Genocide Convention, other states parties must act upon the duties under the Genocide Convention – to protect and "employ all means reasonably available to them" to protect Hazaras from further genocidal acts in Afghanistan and to punish – by ensuring justice and accountability.

I. Introduction

The human rights crisis in Afghanistan following the Taliban's seizure of Kabul in August 2021 has garnered some renewed global attention, particularly in relation to the Islamic emirate's repressive regime and draconian laws vis-à-vis Afghan women and girls. On Jan. 23, 2025, the International Criminal Court's ("ICC") Office of the Prosecutor filed applications for arrest warrants against two senior Taliban leaders, arguing that these individuals "bear criminal responsibility for the crime against humanity of persecution on gender grounds, under article 7(1)(h) of the Rome Statute."¹ In July 2025, the two arrest warrants were ultimately approved by the Pre-Trial Chamber.²

While such proceedings indicate progress, the ICC and other relevant international bodies have been largely silent, and/or acted too late with respect to other long-standing and serious human rights violations in Afghanistan, including deliberate attacks against the Hazara, which have resulted in thousands of deaths and injuries in recent years.³ It is recognized that the ICC is considering the attacks against the Hazara within the investigation into gender persecution (as intersectionality of gender and religious or ethnic persecutions). This is a welcome development. However, the ICC should look into the persecution of the Hazara more broadly, and as crimes against humanity of religious and ethnic persecution and the crime of genocide.

This report undertakes a legal assessment of the targeting of the Hazara in Afghanistan. In particular, it investigates whether the recent attacks against the Hazara constitute genocide as per Article II of the Convention on the Prevention and Punishment of the Crime of Genocide ("Genocide Convention" or "Convention"),⁴ and mirrored in Article 6 of the Rome Statute of the ICC. Moreover, the report considers the question of state responsibility under Article I of the Convention.

Understanding the targeting of the Hazara in the context of the Genocide Convention, and especially for the purposes of establishing state responsibility, necessitates exploring the often-overlooked history of systematic persecution and mass violence against the Hazara in Afghanistan. Accordingly, the report examines the precursors to recent attacks, highlighting significant incidents from the 19th and 20th centuries. Such past atrocities targeting communities, especially when met with impunity, are an early warning sign and risk factor of further atrocities in the future. They should be used to identify and predict the serious risk of genocide, which in turn should trigger the duty to prevent in Article I of the Genocide Convention. This is explained later in the report.

This report's analysis reveals that there is a reasonable basis for believing that the targeting of the Hazara by the Islamic State-Khorasan Province ("IS-KP/Daesh") and the Taliban meet the requisite legal criteria for the crime of genocide under Article II of the Convention. These attacks have involved the killing of members of the group, the infliction of serious bodily and mental harm, and the imposition of conditions of life calculated to bring about the destruction of the groups – all of which is conduct prohibited under Article II of the Convention and, when paired with the specific intent to destroy, will amount to the crime of genocide.

1 Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in Afghanistan, International Criminal Court (Jan. 23, 2025), <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-afghanistan>.

2 Situation in Afghanistan: ICC Pre-Trial Chamber II issues arrest warrants for Haibatullah Akhundzada and Abdul Hakim Haqqani, International Criminal Court (July 8, 2025), <https://www.icc-cpi.int/news/situation-afghanistan-icc-pre-trial-chamber-ii-issues-arrest-warrants-haibatullah-akhundzada>.

3 See *infra* Part III.

4 Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277 [hereinafter, "Genocide Convention"]. This report is part of a broader project by one contributor that investigates the situation of Hazaras. Other publications in the project, which inform this report, include: Mehdi J. Hakimi, *The Afghan State and the Hazara Genocide*, 37 Harvard Human Rights Journal 81 (2024); Mehdi J. Hakimi, *Relentless Atrocities: The Persecution of Hazaras*, 44 Michigan Journal of International Law 157 (2023); and Mehdi J. Hakimi, *The Genocide of Hazaras*, 63 Virginia Journal of International Law Online 19 (2023).

The Hazara fall within the ambit of Article II as a protected ethnic group, defined by their shared culture, language, and religion.⁵ The vast majority of Hazara practice the Shia faith. Shia Hazaras also constitute a protected religious group under Article II, as most adhere to the Shia (Twelver Imami) school of Islam, placing them in the position of a religious minority in a country where Sunni Islam is the majority.

As indicated in the report, there is reasonable basis to believe that the attacks on Hazaras satisfy the *actus reus* and *mens rea* elements of genocide. With respect to the *actus reus* requirement, the types of attacks committed against the Hazaras that constitute the prohibited acts under the Genocide Convention Article II may include, in particular, Article II (a) (killing members of the group),⁶ Article II (b) (causing serious bodily or mental harm),⁷ and Article II (c) (inflicting conditions calculated to bring about physical destruction).⁸ Regarding the *mens rea* requirement of *dolus specialis*, the intent requires not only the prohibited underlying act but also the intent to destroy the group in whole or in part by doing so.

The atrocity crimes discussed in this report require legal responses towards justice and accountability - including individual criminal responsibility of those responsible, but also state responsibility, and responsibility of the de facto authorities of Afghanistan. Given that the de facto authorities of Afghanistan are involved in the violation of the Genocide Convention, the Afghan state's breach of its international responsibility, other states parties must act upon the duties under the Genocide Convention – “employ all means reasonably available to them” to protect Hazaras from further genocidal acts in Afghanistan, and to punish – by ensuring justice and accountability.

The report proceeds as follows. Part II contextualizes the discussion by mapping the situation of the Hazara in the 19th and 20th centuries.⁹ Part III presents the applicable laws and the elements of the crime of genocide under the convention.¹⁰ Part IV applies the legal criteria of a protected group.¹¹ Part V outlines the prohibited acts under the genocide convention.¹² Part VI elaborates on the underlying acts, *actus reus*, to satisfy the elements of the crime of genocide.¹³ Part VII provides context on the various perpetrators.¹⁴ Part VIII discusses the intent to destroy, *mens rea*, the Hazaras.¹⁵ Part IX analyzes the issue of state responsibility.¹⁶ Part X offers concluding remarks.¹⁷ Part XI outlines steps moving forward.¹⁸

5 See *infra* Part V.

6 See *infra* Part VI.A.

7 See *infra* Part VI.B.

8 See *infra* Part VI.C.

9 See *infra* Part II.

10 See *infra* Part III.

11 See *infra* Part IV.

12 See *infra* Part V.

13 See *infra* Part VI.

14 See *infra* Part VII.

15 See *infra* Part VIII.

16 See *infra* Part IX.

17 See *infra* Part X.

18 See *infra* Part XI.

Methodology and Standard of Proof

The methodology employed for the purposes of this report is based on best practices, including those of the OHCHR and fact-finding and investigation bodies mandated by the HRC. The drafters adopted an inclusive, age- and gender-balanced approach to their work.

There are several challenges in accessing and assessing some of the data, especially in recent years, as the Taliban have banned international journalists from entering the country, and similarly, some U.N. mechanisms are banned, including Richard Bennett, the U.N. Special Rapporteur on Afghanistan. This will continue affecting access to information on gross human rights violations in the country, although some information continues to reach the international community.

The drafters employed a “reasonable grounds to believe” standard of proof. This standard is met when factual information has been collected that would satisfy an objective and ordinarily prudent observer that the incident has occurred as described with a reasonable degree of certainty.

This report was prepared primarily on the basis of desk research.

HISTORICAL CONTEXT

This report makes a legal assessment of acts targeting the Hazara in Afghanistan. This assessment examines the most recent attacks against the community and the ongoing dire situation of the community since the Taliban takeover in August 2021. In particular, it investigates whether the recent and ongoing attacks against Hazaras, carried out by various actors including the Islamic State-Khorasan Province ("IS-KP/Daesh"), the Taliban, and the Taliban-backed Kuchis, constitute genocide as per Article II of the Convention on the Prevention and Punishment of the Crime of Genocide ("Genocide Convention" or "Convention"). The report also considers historical treatment of the Hazara by multiple actors, including during the 19th and 20th centuries. The report maps the situation, considering the elements of the crime of genocide, and engages with the question of state responsibility under Article I of the Convention.

A. Situation in Late 19th Century

The historical antecedents of violence against the Hazaras can be traced to the 1890s, when the Afghan Amir Abdur Rahman Khan ("Abdur Rahman") implemented policies and operations deliberately targeting the Hazaras, leading to mass killings, arrests, sexual violence, enslavement, and the forced displacement of approximately 60% of the Hazara population.¹⁹

Abdur Rahman seized power following Britain's withdrawal from Afghanistan at the conclusion of the second Anglo-Afghan war in 1880.²⁰ The new amir sought to consolidate all power under his purview and build a highly centralized system of government.²¹ In so doing, the Afghan government acted tyrannically and oppressively toward the Hazaras,²² despite the Hazaras' initial allegiance to Abdur Rahman.²³ The Hazaras have been distinguished from other ethnic groups, such as the Pashtuns, Tajiks, and Uzbeks, by their Asiatic features, Farsi language, and predominantly Shia faith. Their religious identity in the predominantly Sunni Muslim country has been linked to their historical persecution, making them frequent targets of sectarian violence. Abdur Rahman, himself a Sunni Pashtun, viewed the Hazaras as *kafirs* (*infidels*).²⁴

Abdur Rahman orchestrated and executed a multipronged campaign of mass violence against this group. To mobilize and galvanize his forces to participate in the destruction of Hazaras, Abdur Rahman secured *fatwas* (religious rulings) of *jihad* (holy war) against Hazaras,²⁵ promulgated numerous *farmans* (edicts

19 See, e.g., Australian Gov't Dep't of Foreign Affs. & Trade, DFAT Thematic Report: Hazaras in Afghanistan, 3–4 (Sept. 18, 2017); see also Sayed Askar Mousavi, The Hazaras of Afghanistan: An Historical, Cultural, Economic and Political Study 136 (1997) (observing that "it is clearly documented that more than half of the Hazara population was destroyed or forced out"); see also Jonathan L. Lee, Afghanistan: A History from 1260 to the Present 399 (2018) (noting that, "[a]ccording to some estimates more than 50 per cent of the male Hazara population died as a direct or indirect result of the wars"). This section is based, in part, on Mehdi J. Hakimi, The Afghan State and the Hazara Genocide, 37 Harvard Human Rights Journal 81 (2024).

20 See, e.g., Jonathan L. Lee, Afghanistan: A History from 1260 to the Present 381–83 (2018).

21 Id. at 384.

22 Fayl Muhammad Kātib et al., The History of Afghanistan: Fayl Muhammad Kātib Hazārah's Sirāj al-Tawārikh, Volume 3, at 760 (2013) (hereinafter, *Sirāj al-Tawārikh*).

23 See, e.g., id. at 970 (Abdur Rahman admitted that "the Hazarahs, after initially submitting and putting their heads beneath the farman's writ without a fight, then experienced cruelty and oppression"); see also id. at 760 (noting the "Obedient Hazaras"). In an attempt to resist the Afghan government's repression and persecutory policies over these periods, the Hazaras rebelled against Abdur Rahman's regime during the 1890-1893 period. See, e.g., id. at 761 (observing that the "uprising . . . occurred because . . . they embarked on the path of tyranny and oppression towards . . . Hazarahs," and that "[Hazaras] had put their heads beneath the writ of the farman but had (nonetheless) been tyrannized and oppressed"); see also id. at 785 (noting that "the torments and oppression [that Abdur Rahman's commander] had inflicted on the newly-obedient Hazarahs of Hajaristan, caused them to rebel"); id. at 817 (describing the Afghan generals' "oppression and tyranny and that of the soldiers under their command which had driven the Hazarahs to rebel"); id. at 819 (noting that "[i]t was because of the lawlessness and perverted thinking of these ignorant [government] officers that most Hazarahs were killed and their property, wealth, forts, gardens, and trees completely pillaged").

24 See supra Mousavi, at 114. See also *Sirāj al-Tawārikh*, at 806 (2013) (referring to "the proclamation of takfir which had been issued against the people of the Hazarahjat"); see also id. at 807 (noting that "[a]s a result of the . . . dissemination of the proclamation of takfir, . . . [Hazaras] thought to themselves that even if they were loyal and obedient and did not rebel, . . . [they] would certainly be destroyed, young and old alike, being subject to the fatwa of the ulema there which had labeled them infidels. Therefore they had no recourse but to rebel.").

25 See, e.g., id. at 807 (referring to "the fatwa of the ulema there which had labeled [the Hazaras] infidels"); see id. at 904–05 (observing that Abdur Rahman "always investigated legal (shari'i) cases of this type [regarding whether someone is a true Muslim] and made diligent efforts to scrutinize them carefully . . . [by] conven[ing] learned religious scholars and officials of the Shari'ah court and ask[ing] them for a fatwa").

or royal decrees),²⁶ provided economic incentives in the form of booty and spoils,²⁷ and dehumanized and demonized this community.²⁸ In doing so, Abdur Rahman oversaw and directed the deliberate and systematic killing of Hazaras, often terrorizing the community with brutal methods such as decapitations,²⁹ erecting towers of skulls in bazaars,³⁰ flaying,³¹ and killing victims through the use of cannon fire.³² The Afghan government's operations substantially "destroyed"³³ and "seriously reduced" many Hazara tribes;³⁴ according to some reports, more than 50% of the male Hazara population died as a direct or indirect result of the wars.³⁵

The female Hazara population was subjected to widespread sexual violence, including rape,³⁶ and forced marriage, with "[t]housands of women [and girls]... forcibly married to Pushtuns in a deliberate attempt to destroy Hazara social and religious hierarchies."³⁷ Abdur Rahman "rewarded"³⁸ his commanders and forces by distributing Hazara wives and daughters to them as slaves.³⁹ These systematic attacks on Hazara women and girls led many victims to commit suicide.⁴⁰

Moreover, the Afghan government effectively dehumanized the Hazara by way of legalizing and promoting the enslavement of Hazaras, incentivizing Afghan forces to take Hazara women and children as slaves.⁴¹ Abdur Rahman's policies gave rise to a "lucrative"⁴² slave trade, whereby tens of thousands of Hazaras were bought and sold in domestic and foreign markets.⁴³ The Afghan government also profited by imposing taxes on slave transactions.⁴⁴

-
- 26 See, e.g., id. at 784 (observing that "the royal farmans . . . [directed] to the five Afghan nomad tribes—Kandi, Mati, Kharuti, Mati Khayl, and Daftani—regarding holy war (ghazā and jihād) against the Hazarāhs, along with the proclamations anathematizing the Hazarāhs as unbelievers, were delivered to the aforementioned tribes and encouraged them to fight the Hazarāhs"); see also id. (noting that "3,000 Andari tribesmen assembled because of the proclamation (of holy war against the Hazarāhs) given above").
- 27 See, e.g., id. at 809.
- 28 See, e.g., id. at 781.
- 29 See, e.g., id. at 812 (noting that Afghan soldiers "cut off the heads of thirty of the Hazarāhs who had been slain . . . and sent them to the army base").
- 30 See, e.g., id. at 806 (observing that Abdur Rahman's forces "cut off the heads of the slain in every encounter, and sent them all to Qandahar . . . [where Afghan officials] displayed the heads in the bazaar and then erected a tower of them"); id. at 898 (noting that Abdur Rahman's commander "cut off the heads of 400 of the fallen Hazarāhs and sent them to Bamyan [where] he ordered a tower (of heads) raised").
- 31 See, e.g., id. at 996 (observing that an Afghan "general took the skin from [a Hazara's] head, stuffed it with straw, and took it with him").
- 32 See, e.g., id. at 772 (noting that Abdur Rahman's forces "strapped four of their prisoners to cannons (and blew them to pieces) . . . [thus] spread[ing] terror and panic throughout the mountains of the Hazarāhjat"); see also id. at 938 (observing that an Afghan commander "tied [Hazarāhs] to the muzzle of a cannon and blew them to pieces").
- 33 See supra Mousavi, at 136. These "mostly destroyed" tribes include: "Day Chopan, Daya, Pulad (Fuladi), Ajristan, Chorah, Orazgan, Zavoli (Zabuli), Pahlawan, Bobash, Bobak, Sultan Ahmad, Shooi, Shirah, and Minishin." Id. The Hazarāhs of Tala and Barfak, Goori, and Kabulī Hazarāhs also experienced similar devastation at the hands of Abdur Rahman. Id.
- 34 Id. Among the "seriously reduced" tribes were Hazarāhs of "Shaikh Ali, Turkman, Day Kundi, Qarabagh, Jaghourī, and Yakau Lang." Id.
- 35 See supra Lee, at 399.
- 36 See, e.g., Sirāj al-Tawārīkh, at 1132 (noting the intrusion of Hazara homes by forces from the Panjshayri Regular Infantry Regiment who raped Hazara women); see also id. at 760-61 (describing the invasion of a Hazara home by three Afghan soldiers who then gang raped a Hazara woman in front of her family); see id. at 878 (observing that an Afghan governor "had forcibly taken four married Hazarah women to share his bed"); see id. at 903-04 (noting that Afghan forces "had taken sixty-five Hazarah girls as captives and had made them . . . concubines"); see id. at 919 (stating that an Afghan commander raped and "seiz[ed] Hazara wives and daughters"); see id. at 918, 937-38, 987.
- 37 See supra Lee, at 399; see also Sirāj al-Tawārīkh, at 761 (observing "[Hazarā] women who had been forcibly taken to wife" by Abdur Rahman's forces); see id. at 863 (noting that "soldiers and other employees of the government took possession of Hazarah women, both virgin girls and married women, in marriage and as concubines"); id. at 867 (stating that the Afghan "governor of Day Zangi, (forcibly) took in marriage a girl from Waras" and engaged in extensive extortion).
- 38 See, e.g., id. at 853-54 (observing that "General Mir Āta Khan was rewarded with . . . female [Hazarā] slaves"); see id. at 787 (noting that "[t]he royal order was that their wives and children should be . . . given to servants of the government as slaves"); see id. at 937-38.
- 39 See, e.g., id. at 785-86; see also id. at 788 (noting that "at the order of His Majesty, [Abdur Rahman's forces] distributed [the] wives, sons, and daughters [of Hazarāhs] to Afghans (as slaves)"); see id. at 761 (noting that "Sardar Ābd al-Quddus Khan . . . had . . . taken several daughters of Hazarah leaders as concubines and servants. Other officers had also followed his lead, each one taking a concubine and a handmaiden to his own place and giving themselves over to pleasure").
- 40 See, e.g., id. at 867 (noting that Hazara daughters and wives "taken by Colonel Farhad Khan . . . hanged themselves in the night").
- 41 See supra Mousavi, at 126; see also Sirāj al-Tawārīkh, at 863. See also id. at 809.
- 42 See supra Mousavi, at 135.
- 43 Id. at 126, 135 (noting that "[a]ccording to official government reports, during the late 19th and early 20th centuries, in Qandahar alone, the government earned some 60,000 to 70,000 rupees annually from the trading of slaves. . . . Thus, in just Qandahar, annually, some 7,200 Hazara men and women were sold as slaves."). See also Sirāj al-Tawārīkh, at 863, 987.
- 44 See, e.g., Sirāj al-Tawārīkh, at 863 (noting that Abdur Rahman promulgated a farman mandating a 10% tax on the sale of Hazara slaves).

Abdur Rahman's regime also imposed crippling punitive taxes on impoverished Hazaras, creating further conditions that endangered the group's survival. The Hazaras were compelled to pay an array of taxes, including the *nafts tax* (levied annually on each Hazara person),⁴⁵ the *do puli tax* (levied annually on every Hazara family),⁴⁶ the *maliyat-e khun tax* ("blood tax"),⁴⁷ and the animal tax.⁴⁸ According to an 1894 law decreed by Abdur Rahman, "[i]n cases of failure to pay all taxes due, the wife and children of the failing Hazara were sold as slaves."⁴⁹

Pursuant to Abdur Rahman's orders, Afghan forces also carried out widespread attacks on Hazara properties by, *inter alia*, torching houses,⁵⁰ pillaging their wealth and livestock,⁵¹ and destroying essential livelihood resources such as crops.⁵² Consequently, many Hazaras became unhoused and perished from starvation⁵³ and difficult weather conditions,⁵⁴ while hundreds of others were devoured by wild animals.⁵⁵ These policies and operations of the Afghan government forcibly displaced Hazaras from their ancestral regions, thereby transferring vast swathes of arable land from indigenous Hazaras to Pashtun migrants and nomads (*Kuchis*),⁵⁶ leaving many Hazaras forced to seek refuge in neighboring countries.⁵⁷

The Afghan government at the time also maintained its policy of religious persecution vis-à-vis the Hazaras, including through forced conversions to Sunni Islam, imposing the *jizya tax* (levied solely on non-Muslims),⁵⁸ and banning public Shia rituals.⁵⁹ Abdur Rahman's policies thereby "resulted in the direct destruction of [the] traditional Hazara social structure."⁶⁰

The persecution, ethnic erasure, and targeted mass killing and displacement of the Hazara during this period are now often referred to, in retrospect, as genocide or ethnic cleansing in modern-day Afghanistan.⁶¹

45 See *supra* Mousavi, at 134. The *nafts tax* was increased in subsequent years. *Id.*

46 *Id.* The *do puli tax*, which was also known as the household tax, remained in effect until the 1970's. *Id.*

47 *Id.* at 134–35. The "blood tax" required Hazaras to pay for expenses associated with maintaining the Afghan government's military. *Id.* at 135.

48 *Id.* at 135. For example, Hazaras had to pay higher taxes for their cows and donkeys relative to their sheep and goats. *Id.*

49 *Id.* at 135; see also Sirāj al-Tawārīkh, at 855.

50 See, e.g., *id.* at 806.

51 See, e.g., *id.* at 938 (observing that Hazaras "were having their property looted and plundered"); see also *id.* at 819 (noting that "most Hazarabs were killed and their property, wealth, forts, gardens, and trees completely pillaged"); see *id.* at 862 (observing that "in accordance with [Abdur Rahman's] farman . . . [Afghan governors] confiscated all their money, belongings, property, and livestock"); see *id.* at 863 (noting that Afghan forces "terrorized the Hazarabs living in Churah and stole money and goods from anyone"); see *id.* at 772 (noting that Abdur Rahman's soldiers "commenced robbing and killing the Hazarabs"); see *id.* at 774 (observing that Afghan forces "attacked, plundered, and made captives of the Hazarabs").

52 See, e.g., *id.* at 818 (observing, for example, that "[p]rior to the advent of the government army [Hazaristan district] had more than two laks [viz., 200,000] of willow and plane trees . . . [b]ut with the invasion of the army all were cut down and other than the stumps no sign remain[ed] of these trees [and] [t]he crops of its extensive fields [were] all destroyed"); see also *id.* at 808 (observing that Abdur Rahman's militia "trampled all the plantings and crops of the people of Sar-i Jangal beneath the hooves of their horses, set fires, and burned everything out"); see *id.* at 807 (noting that "[t]he crops of those two [Hazara] districts were either destroyed or fed to the army's animals"); see *id.* at 918.

53 See, e.g., *id.* at 855 (observing that many Hazaras "perished from lack of food").

54 See, e.g., *id.* at 863 (noting that, in one incident, "because of heavy snowfall and extreme cold from Uruzgan to Qul Khar, fifty-three Hazarabs perished"); see also *id.* at 934 (observing that many Hazara leaders, along with their wives and children, were forcibly displaced pursuant to Abdur Rahman's farmans and "most perished . . . [d]ue to the change in climate").

55 See, e.g., *id.* at 951 (noting that "wolves ate two hundred of the Hazarah . . . who had spent their days and nights in the mountains and wastelands with no goods and none of life's essentials").

56 See *supra* Lee, at 399. See also Sirāj al-Tawārīkh, at 890 (observing that Afghan officials "gave all the Hazarabs' lands and estates . . . to Afghan muhajirs and nomads"); see also *id.* at 829 (noting that "[Hazarah] properties and lands were given to Afghans"); see *id.* at 855 (observing that "[Hazarah] properties were given by the government to Afghan returnees from India, muhajirs, and other migrants . . . and those Hazarabs were reduced to destitution"); see *id.* at 953–54. See also *id.* at 925–26 (explaining that "[b]ecause the governors . . . turned a blind eye to complaints about them, most of the people, with no other recourse, began abandoning their lands and homes and scattering toward other provinces as refugees"); see also *id.* at 931 (noting that Afghan officials "gave the Hazarah fields and farms to [Pashtun] immigrants and nomads").

57 See, e.g., *id.* at 855, 829 (noting that Hazaras "emigrated from the kingdom of Afghanistan to foreign lands and there [took] refuge").

58 See *supra* Lee, at 399.

59 *Id.*

60 See *supra* Mousavi, at 132–33 (observing that "[a]fter 1893 there were no signs of the previous internal independence and autonomy of the Hazarajat; all matters of leadership and government were now in the hands of government sent or paid officers and rulers. The new representatives, known as the Arbabs [and Malikis rather than Mirs] were chosen from among the local inhabitants, but were paid a regular salary by Kabul. Every locality in Hazarajat was run by a few Arbabs, employed to aid the Afghan rulers . . . Clearly then, it was now the Afghan rulers, Sunni clergy and local Arbabs who formed the backbone of the new structure of Hazara society; a society now based on the relationship of victor and victim, with the Afghan victorious and the Hazaras victimized.").

61 Ezzatullah Zamani, The Genocide of the Hazaras in Afghanistan from 1884 to 1905 and Subsequent Genocidal Campaigns and Target Killings Against Them in the 21st Century (2019), <https://www.academia.edu/40786500>.

B. Situation in the 20th Century

The Hazara continued to be subjected to discrimination, persecution, and atrocity crimes in the 20th century.⁶² This section provides a brief overview of some of the targeting in the latter part of this period, which was particularly violent and occurred after the Soviet Union's withdrawal from Afghanistan in 1989 and under the Taliban's first regime.

1. The Attacks in Afshar, Kabul, 1993

In February 1993, the mainly ethnic Hazara neighborhood of Afshar in western Kabul was attacked by the militia forces of Jamiat-e Islami and Ittihad-e Islami.⁶³ The militia forces began the assault by striking civilian homes with artillery and rocket fire for several days⁶⁴ and targeting crowds of fleeing civilians.⁶⁵ The attackers killed approximately 1,000 Hazara civilians in Afshar.⁶⁶

The militia forces employed brutal attacks against the Hazaras,⁶⁷ including mutilation, dismemberment, decapitation,⁶⁸ cutting off genitals,⁶⁹ leaving corpses on the streets, and preventing the burial of the victims so that they would be eaten by dogs.⁷⁰ The victims included women, children,⁷¹ the disabled, and the elderly.⁷²

The attackers abducted around 800 Hazaras,⁷³ including children, and detained them as slaves,⁷⁴ subjecting many into forced labor on militia commanders' bases.⁷⁵ Most of the abductees (700 to 750) were never returned.⁷⁶ The attackers destroyed and pillaged Hazara properties,⁷⁷ looting more than 5,000 homes.⁷⁸ The militia forces committed sexual violence against the Hazaras, including rape, among other "widespread and serious violations of international humanitarian law."⁷⁹

These large-scale human rights violations were committed due to ethnic prejudice against Hazaras. Hazara civilians were told, for instance, "whether you are a civilian or not a civilian, you are Hazara," and "this is your graveyard."⁸⁰ Anti-Hazara rhetoric and disparaging references were communicated by both the rank and file and the commanders of Jamiat-e Islami and Ittihad-e Islami.⁸¹

-
- 62 The Hazaras experienced substantial social, economic, and political discrimination during the twentieth century. See, e.g., Austl. Gov't Dep't of Foreign Affs. & Trade, DFAT Thematic Report: Hazaras in Afghanistan 3–4 (2017). This section draws, in part, on Mehdi J. Hakimi, *Relentless Atrocities: The Persecution of Hazaras*, 44 *Michigan Journal of International Law* 157 (2023).
- 63 Hum. Rts. Watch, *Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan's Legacy of Impunity* 71, 73 (2005).
- 64 *Id.* at 75–76.
- 65 *Id.* at 80.
- 66 See, e.g., Hannibal Travis, *Freedom or Theocracy?: Constitutionalism in Afghanistan and Iraq*, Nw. J. Int'l Hum. Rts., Spring 2005, at 1, 11. Around seventy to eighty civilians were killed in the streets alone. Hum. Rts. Watch, *Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan's Legacy of Impunity* 96 (2005). See also *id.* at 78, 82–83, 95–96.
- 67 *Id.* at 89.
- 68 See, e.g., *id.* at 81, 86–87.
- 69 See, e.g., *id.* at 87.
- 70 *Id.* at 89.
- 71 See, e.g., *id.* at 84–85, 88–89 (noting the stabbing to death of two women by militiamen in addition to other killings of women); see also, e.g., *id.* at 83, 86 (noting Ittihad gunmen randomly beating and killing Hazara boys at check posts); *id.* at 91 (referring to a small cemetery containing the corpses of eleven boys).
- 72 See, e.g., *id.* at 85, 87 (noting that gunmen beat and fired at a disabled Hazara man as well as beat, tortured, and decapitated an elderly Hazara).
- 73 *Id.* at 95–96. A small number of abductees were released after ransom payments. *Id.* at 96.
- 74 *Id.* at 86.
- 75 See, e.g., *id.* at 92–93. The enslaved Hazaras were often kept in containers at night where they were "manacled . . . with chains on the legs, two of [them] to a chain." *Id.* at 93. Some Hazaras died while in captivity. *Id.* at 93.
- 76 *Id.* at 95–96.
- 77 See, e.g., *id.* at 82, 85–86, 90 ("They took everything valuable. What they couldn't take, they broke into pieces—for instance, the refrigerators.").
- 78 *Id.* at 95–96.
- 79 *Id.* at 98. According to Human Rights Watch, the assault on Afshar was "marked by widespread and serious violations of international humanitarian law" including "attacks on the civilian population and civilian objects, killings, torture and other inhumane treatment, rape, abductions and forced disappearances, forced labor, and pillage and looting." *Id.*
- 80 *Id.* at 84.
- 81 See *id.* at 79, 88.

2. The Attacks in Mazar-e-Sharif, Balkh, 1998

During its first regime, spanning 1996 to 2001, the Taliban committed a series of massacres against the Hazaras. In August 1998, after blocking access by journalists and humanitarian relief organizations,⁸² the Taliban killed between 2,000 and 8,000 Hazara civilians, including women, children, and the elderly,⁸³ in the city of Mazar-e-Sharif in northern Balkh province.⁸⁴

Despite the Taliban's efforts to conceal the atrocities,⁸⁵ the ethnic and religious prejudice driving the massacre⁸⁶ was echoed by senior Taliban officials, including Balkh governor Mullah Manan Niazi, who "delivered public speeches in which he termed the Hazaras infidels and threatened them with death if they did not convert to Sunni Islam or leave Afghanistan."⁸⁷

The Taliban massacres were deliberate, wherein the Hazaras were methodically identified⁸⁸ before having their throats slit or being executed by firing squad.⁸⁹ In their "obsess[ion] with finding Hazara[s]," Taliban fighters forcibly "lifted the veils of many women."⁹⁰ The attackers also raped and abducted Hazara girls and women.⁹¹ Taliban militiamen crammed many Hazaras into tractor-trailers, causing death from asphyxiation or heat stroke.⁹² The Taliban even prohibited the burial of victims, in violation of Islamic funeral traditions, until many corpses rotted and were devoured by dogs.⁹³

82 Afghanistan: The Massacre in Mazar-i Sharif, Hum. Rts. Watch (Nov. 1998), <http://www.hrw.org/legacy/reports98/afghan/Afrepor0.htm>.

83 Amnesty Int'l, Afghanistan: The Human Rights of Minorities 4 (1999), <http://www.amnesty.org/en/documents/asa11/014/1999/en>.

84 See, e.g., Dexter Filkins, *Afghans Report Ethnic Massacre by Taliban*, L.A. Times (Sept. 18, 1998), <http://www.latimes.com/archives/la-xpm-1998-sep-18-mn-24021-story.html> ("Taliban fighters focused exclusively on an ethnic minority known as the Hazaras, picked out by their distinctive Mongolian features." Indeed, "Taliban fighters were so obsessed with finding Hazara men that they lifted the veils of many women." According to the U.N., "as many as 6,000 Hazaras may have been killed by the Taliban."); see also Abdul Karim Hekmat & Ben Doherty, *Resurgent Taliban Targets Afghan Hazara as Australia Sends Them Back*, The Guardian (Dec. 16, 2014), <http://www.theguardian.com/australia-news/2014/dec/17/resurgent-taliban-targets-afghan-hazara-as-australia-sends-them-back> ("In 1998 Taliban extremists drove Hazara in their thousands from the city into the surrounding Koh-e-baba mountains. Eight thousand were slaughtered, while others died in the cold of the hills."); Hannibal Travis, *Freedom or Theocracy?: Constitutionalism in Afghanistan and Iraq*, Nw. J. Int'l Hum. Rts., Spring 2005, at 12 ("Taliban slaughtered up to 8,000 civilians in a frenzy of killing and rape directly [sic] mostly at the Shia Hazara."); Press Release, Security Council, Security Council Concerned by Deteriorating Situation in Afghanistan, Supports Establishment of Unit to Deter Human Rights Violations, U.N. Press Release SC/6608 (Dec. 8, 1998), <http://www.un.org/press/en/1998/19981208.sc6608.html> (noting that testimonies received by U.N. agencies confirmed the "indiscriminate targeting of the Hazara community" and that "reports of mass killings of civilians belonging to the Hazara minority . . . were a cause for serious concern").

85 The Taliban, for instance, barred human rights investigators and journalists from visiting Mazar-i Sharif. See, e.g., Amnesty Int'l, *Afghanistan: The Human Rights of Minorities 4* (1999), <http://www.amnesty.org/en/documents/asa11/014/1999/en> ("Despite persistent reports that Taleban guards had deliberately and systematically killed thousands of ethnic Hazara civilians in the days following their military takeover of Mazar-e Sharif in August 1998, no journalists or independent monitors were allowed to go there."); see also Kenneth J. Cooper, *Taliban Massacre Based on Ethnicity*, Wash. Post (Nov. 28, 1998), <http://www.washingtonpost.com/archive/politics/1998/11/28/taliban-massacre-based-on-ethnicity/efe15f81-abad-4e57-96f1-046cc59d1d48>.

86 Indeed, the attacks on Hazaras in Mazar-i Sharif was described as "an orgy of killing driven by racial and religious prejudice" in a country "teetering on the edge of . . . a genocide." Kenneth J. Cooper, *Taliban Massacre Based on Ethnicity*, Wash. Post (Nov. 28, 1998), <http://www.washingtonpost.com/archive/politics/1998/11/28/taliban-massacre-based-on-ethnicity/efe15f81-abad-4e57-96f1-046cc59d1d48>.

87 Massacres of Hazaras in Afghanistan, Hum. Rts. Watch (Feb. 1, 2001), <http://www.hrw.org/report/2001/02/01/massacres-hazaras-afghanistan#2263>. See also Abdul Karim Hekmat & Ben Doherty, *Resurgent Taliban Targets Afghan Hazara as Australia Sends Them Back*, The Guardian (Dec. 16, 2014), <http://www.theguardian.com/australia-news/2014/dec/17/resurgent-taliban-targets-afghan-hazara-as-australia-sends-them-back> ("Hazaras are not Muslim. Killing them is not a sin," Mullah Manan Niazi, the Taliban governor of Mazar-e-Sharif, said in a public address to his followers.).

88 See, e.g., Dexter Filkins, *Afghans Report Ethnic Massacre by Taliban*, L.A. Times (Sept. 18, 1998), <http://www.latimes.com/archives/la-xpm-1998-sep-18-mn-24021-story.html> (noting that "Taliban fighters focused exclusively on an ethnic minority known as the Hazaras, picked out by their distinctive Mongolian features." Indeed, "Taliban fighters were so obsessed with finding Hazara men that they lifted the veils of many women.").

89 Kenneth J. Cooper, *Taliban Massacre Based on Ethnicity*, Wash. Post (Nov. 28, 1998), <http://www.washingtonpost.com/archive/politics/1998/11/28/taliban-massacre-based-on-ethnicity/efe15f81-abad-4e57-96f1-046cc59d1d48>; see also Amnesty Int'l, *Afghanistan: The Human Rights of Minorities 5* (1999), <http://www.amnesty.org/en/documents/asa11/014/1999/en> ("About 70 men were reportedly executed by having their throats slit in Mazar-e Sharif.").

90 See, e.g., Dexter Filkins, *Afghans Report Ethnic Massacre by Taliban*, L.A. Times (Sept. 18, 1998), <http://www.latimes.com/archives/la-xpm-1998-sep-18-mn-24021-story.html>.

91 Afghanistan: The Massacre in Mazar-i Sharif, Hum. Rts. Watch (Nov. 1998), <http://www.hrw.org/legacy/reports98/afghan/Afrepor0.htm>. The Taliban also "took away young women as Kaniz (maid-servant)" for their militia forces. Amnesty Int'l, *Afghanistan: The Human Rights of Minorities 5* (1999), <http://www.amnesty.org/en/documents/asa11/014/1999/en>.

92 Kenneth J. Cooper, *Taliban Massacre Based on Ethnicity*, Wash. Post (Nov. 28, 1998), <http://www.washingtonpost.com/archive/politics/1998/11/28/taliban-massacre-based-on-ethnicity/efe15f81-abad-4e57-96f1-046cc59d1d48>.

93 Id.; see also Dexter Filkins, *Afghans Report Ethnic Massacre by Taliban*, L.A. Times (Sept. 18, 1998), <http://www.latimes.com/archives/la-xpm-1998-sep-18-mn-24021-story.html> (describing that many corpses were unrecognizable because "[t]he dogs had begun to eat them").

3. Other Documented Acts of Violence

The Hazara were subjected to numerous other deadly assaults in the latter part of the 20th century.⁹⁴ Particularly salient examples of such attacks include the Taliban's killing of around 70 Hazara civilians, including women and children, in Qezelabad village near Mazar-e-Sharif, Balkh province, in September 1997;⁹⁵ the Taliban's killing and abduction of hundreds of Hazara civilians, the destruction of Hazara homes, and their forced displacement in Bamyan in May 1999;⁹⁶ the Taliban's massacre of Hazara civilians near the Robatak Pass on the border between Baghlan and Samangan provinces in May 2000;⁹⁷ and the Taliban's execution of at least 170 Hazara civilians in Yakaolang district, Bamyan province, in January 2001.⁹⁸ Moreover, the Taliban implemented an array of persecutory policies vis-à-vis the Hazaras, such as preventing access to humanitarian relief, resulting in widespread starvation, health epidemics, and hundreds of hunger deaths.⁹⁹

4. Past Atrocity Crimes as Early Warning Signs

It is outside the scope of this report to consider whether the atrocity crimes committed against the Hazara in 19th and 20th centuries amounted to genocide. While such an analysis is an important exercise to establish facts about past gross human rights violations and atrocity crimes, it is highly unlikely it would result in steps being taken toward justice and accountability.

However, the brief introduction into the atrocity crimes targeting the community throughout the 19th and 20th century is key to understanding the nature of the atrocities against the community and to identify early warning signs and risk factors of future atrocities.

Indeed, considering the U.N. Framework of Analysis for Atrocity Crimes, there are several factors that are relevant here:

- **Risk Factor 9:** Intergroup tensions or patterns of discrimination against protected groups – Past or present conduct that reveals serious prejudice against protected groups and that creates stress in the relationship among groups or with the State, generating an environment conducive to atrocity crimes.

Indicators of this risk that are relevant here include:

- 9.1. Past or present serious discriminatory, segregational, restrictive, or exclusionary practices, policies or legislation against protected groups.
- 9.2. Denial of the existence of protected groups or of recognition of elements of their identity.
- 9.3. History of atrocity crimes committed with impunity against protected groups.
- 9.4. Past or present serious tensions or conflicts between protected groups or with the State, with regards to access to rights and resources, socioeconomic disparities, participation in decision making processes, security, expressions of group identity, or to [sic] perceptions about the targeted group.

94 An exhaustive survey of these incidents, however, is beyond the scope of this report.

95 Amnesty Int'l, Afghanistan: The Human Rights of Minorities 4 (1999), <http://www.amnesty.org/en/documents/asa11/014/1999/en>.

96 Id. at 5-6.

97 See Massacres of Hazaras in Afghanistan, Hum. Rts. Watch (Feb. 1, 2001), <http://www.hrw.org/report/2001/02/01/massacres-hazaras-afghanistan#2263>. Multiple gravesites were found near the Robatak Pass, with evidence of torture before executions. Id.

98 See id. The victims included the elderly and employees of local hospitals and humanitarian aid organizations. Id. As with prior attacks, the Taliban also committed acts of torture and mutilation, even against children, and barred journalists from visiting the site of the incident. Id.

99 See, e.g., Dexter Filkins, Afghans Starve in Siege from Within, L.A. Times (May 8, 1998), <http://www.latimes.com/archives/la-xpm-1998-may-08-mn-47605-story.html> (In 1998, U.N. officials received reports of 106 hunger deaths and "fear[ed]" that the actual total [was] much higher." According to the U.N. World Food Program, about 160,000 Hazaras faced starvation in 1998.).

- 9.5. Past or present serious tensions or conflicts involving other types of groups (political, social, cultural, geographical, etc.) that could develop along national, ethnical, racial or religious lines.
- 9.6. Lack of national mechanisms or initiatives to deal with identity-based tensions or conflict.
- **Risk Factor 10:** Signs of an intent to destroy in whole or in part a protected group – Facts or circumstances that suggest an intent, by action or omission, to destroy all or part of a protected group based on its national, ethnical, racial or religious identity, or the perception of this identity.

Indicators of this risk factor, which are present in the case, include:

- 10.1. Official documents, political manifests, media records, or any other documentation through which a direct intent, or incitement, to target a protected group is revealed, or can be inferred in a way that the implicit message could reasonably lead to acts of destruction against that group.
- 10.2. Targeted physical elimination, rapid or gradual, of members of a protected group, including only selected parts of it, which could bring about the destruction of the group.
- 10.3. Widespread or systematic discriminatory or targeted practices or violence against the lives, freedom or physical and moral integrity of a protected group, even if not yet reaching the level of elimination.
- 10.4. Development of policies or measures that seriously affect the reproductive rights of women, or that contemplate the separation or forcible transfer of children belonging to protected groups.
- 10.5. Resort to methods or practices of violence that are particularly harmful against or that dehumanize a protected group, that reveal an intention to cause humiliation, fear or terror to fragment the group, or that reveal an intention to change its identity.
- 10.6. Resort to means of violence that are particularly harmful or prohibited under international law, including prohibited weapons, against a protected group.
- 10.7. Expressions of public euphoria at having control over a protected group and its existence.
- 10.8. Attacks against or destruction of homes, farms, businesses or other livelihoods of a protected group and/or of their cultural or religious symbols and property.

The existence of these risk factors throughout the 19th and 20th century is clearly reflective of the extreme vulnerability of the Hazara community and should be treated as risk factors of future atrocities.

The long-standing existence of these risks also suggests that the Taliban knew or should reasonably have known about the serious risk of genocide, in addition to the atrocities for which the Taliban are themselves responsible. This is key for the analysis of state responsibility later in this report.

III. Applicable Law

This section explores whether the recent attacks, as highlighted in Part VI below, committed predominantly by IS-KP/Daesh and/or the Taliban may meet the legal definition of genocide under Article II of the Genocide Convention. The crime of genocide was first codified in the Genocide Convention, which entered into force on Jan. 12, 1951.¹⁰⁰ The Genocide Convention has been ratified or acceded to by 153 states, including Afghanistan.¹⁰¹ Furthermore, the prohibition of genocide is a peremptory norm of international law (*jus cogens*), and the rights and obligations under the Genocide Convention are *erga omnes*, or owed to the international community as a whole.¹⁰²

The definition of genocide set out in Article II of the Convention states that:

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, as such:

- (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 group.¹⁰³

This definition, which has been replicated in other criminal statutes, including the Rome Statute of the International Criminal Court,¹⁰⁴ establishes three core elements for the crime of genocide: (1) the targeting of members of a protected group, whether national, ethnic, racial, or religious group;¹⁰⁵ (2) the commission of any of the prohibited acts as listed in Article II (*actus reus*);¹⁰⁶ and (3) the intent to destroy the protected group in whole or in part (*mens rea*).¹⁰⁷

The subsequent sections expound upon and apply the legal criteria of protected group, *actus reus*, and *mens rea* under Article II to the attacks against Hazaras in Afghanistan.

Crucially, while the below considers the elements jointly for the Taliban and IS-KP/Daesh, the elements of the crime have to be established for each group separately.

100 Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277 [hereinafter, Genocide Convention].

101 United Nations Office on Genocide Prevention and the Responsibility to Protect, The Genocide Convention, <https://www.un.org/en/genocideprevention/genocide-convention.shtml>

102 See, e.g., Armed Activities on the Territory of the Congo (New Application 2002) (Democratic Republic of the Congo v. Rwanda), 2006 I.C.J., ¶ 64 (Feb. 3).

103 Genocide Convention, Art. II.

104 See, e.g., Rome Statute, Art. 6.

105 Genocide Convention, Art. II.

106 Id. (emphasis added).

107 Id.

IV. Protected Group: National, Ethnic, Racial, or Religious Group

Article II of the Genocide Convention applies to members of a national, ethnic, racial, or religious group.¹⁰⁸ The Hazaras are identifiable by their Asiatic features, distinct Farsi dialect (*Hazaragi*), and mainly Shia faith in a predominantly Sunni country. Afghan governments and constitutions have also recognized the Hazaras as a separate ethnic group.¹⁰⁹ Accordingly, the Hazaras fall within the ambit of Article II by belonging to an ethnic group by virtue of their shared culture, language, and religion.

Furthermore, the Hazara Shia could be treated as a religious group. The majority of Hazara identify with the Shia branch of Islam. As followers of the Shia (Twelver Imami) tradition, Shia Hazaras are recognized as a protected religious group under Article II. Their faith places them in the minority within Afghanistan, where Sunni Islam is the predominant religion. Crucially, the Hazara are often targeted in their places of worship, during their religious ceremonies, commemoration ceremonies, etc. This may indicate the religious element of the attacks. Furthermore, IS-KP/Daesh considers the Hazara Shias as infidels because of their religious identity. The Taliban, as the de facto authority in Afghanistan, have imposed restrictions on Shia religious practices, including limitations on Muharram observances, which mark a significant period of mourning in the Shia faith. These measures include limiting public religious rituals and symbols and confining worship to designated locations approved by the Taliban. Such actions suggest a pattern of religious targeting.

¹⁰⁸ Id.

¹⁰⁹ See, e.g., Constitution of the Islamic Republic of Afghanistan, Jan. 4, 2004, Art. 4.

V. Prohibited Acts

A. Killing Members of the Group; Article II (a)

Pursuant to Article II (a) of the Genocide Convention, the *actus reus of genocide* includes “[k]illing members of the group,”¹¹⁰ namely, the act of unlawful and intentional killing. As the jurisprudence explains, “the death of the victim resulting from an act or omission of the accused committed with the intention to kill or to cause serious bodily harm which he/she should reasonably have known might lead to death.”¹¹¹

As discussed below, Hazaras have been deliberately killed across several attacks by actors including the Taliban and IS-KP/Daesh.¹¹²

By way of an example, during the four-and-a-half-year period from Jan. 1, 2017, through June 30, 2021, the United Nations recorded 67 incidents that targeted Hazara civilians, resulting in 2,458 civilian casualties (756 killed and 1,702 injured).¹¹³ These figures, even during this short time frame, are likely quite conservative, as many incidents may go unreported.

B. Causing Serious Bodily or Mental Harm to Members of the Group; Article II (b)

The prohibited act of causing serious bodily or mental harm to members of the group¹¹⁴ does not need to be “permanent and irremediable.”¹¹⁵

Examples of Article II (b) prohibited acts include forced displacement;¹¹⁶ sexual violence, including rape;¹¹⁷ torture (bodily or mental);¹¹⁸ inhumane or degrading treatment;¹¹⁹ persecution;¹²⁰ surviving massacres;¹²¹ death threats;¹²² and “harm that damages health or causes disfigurement or injury.”¹²³

As outlined in Section III, such genocidal acts have been perpetrated against Hazaras, both by the Taliban and IS-KP/Daesh. The Hazaras have been subjected to forced displacement,¹²⁴ persecution,¹²⁵ death threats,¹²⁶ and ordeals as survivors of many massacres.¹²⁷

Hazaras have been targeted in a wide range of civilian settings, including schools, hospitals, places of worship, public transportation, workplaces, weddings and other celebrations, peaceful protests, commemoration ceremonies, sports and recreational events, markets, cultural centers, and voter registration sites. These attacks demonstrate both elements of genocide as outlined in Sections A and B – namely, the killing of members of the group

110 Genocide Convention, Art. II (a).

111 Prosecutor v. Krstić, Trial Judgment, IT-98-33-T, 2 August 2001, para. 485.

112 See supra Part III.

113 See supra UNAMA Annual Report 2017, at 41; UNAMA Annual Report 2018, at 29; UNAMA Annual Report 2019, at 47; UNAMA Annual Report 2020, at 55; UNAMA Midyear Report 2021, at 5.

114 Genocide Convention, Art. II (b).

115 See, e.g., Prosecutor v. Akayesu, Case No. ICTR-96-4-T, Trial Judgment, ¶ 502 (Sept. 2, 1998).

116 See, e.g., Prosecutor v. Karadžić, Case No. IT-95-5/18-T, Trial Judgment, ICTY, ¶ 545 (Mar. 24, 2016) (noting that forcible transfer “may cause such serious bodily or mental harm as to constitute an act of genocide”).

117 Prosecutor v. Akayesu, Case No. ICTR-96-4-T, Trial Judgment, ¶ 731 (Sept. 2, 1998) (stating that “rape and sexual violence . . . are . . . one of the worst ways of inflicting harm on the victim as he or she suffers both bodily and mental harm”).

118 See, e.g., id. ¶ 504.

119 See, e.g., id.

120 See, e.g., id.

121 See, e.g., Prosecutor v. Krstić, Case No. IT-98-33-T, Trial Judgment, ICTY, ¶ 635 (Aug. 2, 2001) (determining that “the ordeal inflicted on the men who survived the massacres may appropriately be characterised as a genocidal act causing serious bodily and mental harm”).

122 Prosecutor v. Stakić, Case No. IT-97-24-T, Trial Judgment, ICTY, ¶ 516 (July 31, 2003).

123 Id.

124 See supra Part III.E.

125 See generally Mehdi J. Hakimi, Relentless Atrocities: The Persecution of Hazaras, 44 Michigan Journal of International Law 157 (2023).

126 Hazaras have been regularly threatened with death by IS-KP/Daesh in recent years. For example, following a deadly attack on Hazara civilians in Kabul in 2016, IS-KP/Daesh issued a statement saying in part that the victims “were undisputed infidels and . . . whoever doubts this or the right to kill them are, in turn, apostates.” Afghanistan: Surge in Islamic State Attacks on Shia, Hum. Rts. Watch (Oct. 25, 2021), <http://www.hrw.org/news/2021/10/25/afghanistan-surge-islamic-state-attacks-shia>.

127 See supra Part III.

and the infliction of serious bodily or mental harm – through acts of violence, injury, and sustained terror across nearly all aspects of daily life.

C. Deliberately Inflicting on the Group Conditions of Life Calculated to Bring About Its Physical Destruction in Whole or in Part; Article II (c)

The prohibited act of deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part in Article II (c) “should be construed as the methods of destruction by which the perpetrator does not immediately kill the members of the group, but which, ultimately, seek their physical destruction.”¹²⁸

Examples of such genocidal acts include, *inter alia*, “deprivation of food, medical care, shelter or clothing, as well as lack of hygiene,”¹²⁹ “subjecting a group of people to a subsistence diet,”¹³⁰ “systematic expulsion from homes,”¹³¹ and “exhaustion as a result of excessive work or physical exertion.”¹³²

In recent years, Hazaras have endured attacks on their property, resulting in the destruction of livelihood resources (particularly assaults by Taliban-backed Kuchis),¹³³ forced displacement in various provinces in Afghanistan,¹³⁴ attacks on and the closure of essential health services including a maternity ward,¹³⁵ attacks on schools and educational centers,¹³⁶ and diversion of and limited access to humanitarian aid, including critical food and medicines.¹³⁷ Section VI.E expands and elaborates specific attacks intending to inflict group conditions of life calculated to bring about physical destruction in whole or in part of a group.

128 See, e.g., *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Trial Judgment, ¶ 505 (Sept. 2, 1998).

129 *Croatia v. Serbia*, ICJ Judgment of 3 February 2015, ¶ 161. See also Preparatory Commission for the International Criminal Court, Finalized Draft Text of the Elements of Crimes, U.N. Doc. PCNICC/2000/1/Add.2, Art. 6(c)(4), footnote 4 (Nov. 2, 2000) [hereinafter, *Elements of Crimes*] (deprivation of resources indispensable for survival).

130 See, e.g., *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Trial Judgment, ¶ 506 (Sept. 2, 1998).

131 See, e.g., *id.*

132 *Croatia v. Serbia*, ICJ Judgment of 3 February 2015, ¶ 161.

133 See *supra* Part III.E.

134 See *id.*

135 See, e.g., MSF Withdraws from Dasht-e-Barchi Following Attack on Patients and Staff, Médecins Sans Frontières (June 15, 2020), <http://www.msf.org/msf-withdraws-dasht-e-barchi-following-attack-afghanistan>.

136 Report of the Special Rapporteur on the situation of human rights in Afghanistan, The phenomenon of an institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion of women and girls (May 13, 2024), A/HRC/56/25, para. 23, <https://docs.un.org/en/A/HRC/56/25>.

137 See, e.g., Taliban’s Disruption of Aid Programs Push Hazaras To the Brink, Kabul Now (Sept. 24, 2023), <https://kabulnow.com/2023/09/talibans-disruption-of-aid-programs-push-hazaras-to-the-brink/>.

VI. Underlying Acts

The persecution and deadly violence against Hazaras in the 19th and 20th centuries have continued to afflict this community to this day, with such attacks spiking after the Taliban took over Afghanistan in August 2021. Despite Afghanistan's accession to the Rome Statute in 2003,¹³⁸ and despite the Afghan Republic delivering on palpable changes in terms of human rights, justice, and accountability, Hazaras, particularly Hazara women,¹³⁹ have been targeted with impunity during the times of the Afghan Republic and since the Taliban takeover, with thousands killed and injured in widespread and systematic assaults across the country, predominantly by IS-KP/Daesh and the Taliban, though some attacks remain unclaimed.¹⁴⁰

The below mapping exercise is predominately focused on the situation of the Hazara since the Taliban takeover on Aug. 15, 2021. However, where necessary, the below also includes significant events predating the Taliban takeover. While it is clear that such attacks predated the Taliban takeover, in some instances violence increased¹⁴¹ without adequate protection or assistance to the Hazara and Hazara survivors from the Taliban de facto authorities.¹⁴² This section provides an overview of the recent attacks on Hazaras in Afghanistan.

The below includes attacks attributed to both IS-KP/Daesh and the Taliban. However, any further investigation (and especially for the purposes of individual criminal responsibility) would need to clearly distinguish between attacks by each of the above groups and investigate them separately.

As is clear from the below, some of the reported attacks have not been claimed by any group. Many of them have not been investigated, let alone those responsible brought to justice.

The issue of state responsibility is discussed below.

138 The International Criminal Court has jurisdiction over crimes against humanity, war crimes, and genocide committed in Afghanistan after May 1, 2003. See Rome Statute of the International Criminal Court Art. 12(1), Jul. 1, 2002, 2187 U.N.T.S. 90 [hereinafter, Rome Statute]. This section draws, in part, on Mehdi J. Hakimi, *Relentless Atrocities: The Persecution of Hazaras*, 44 *Michigan Journal of International Law* 157 (2023).

139 Farkhondeh Akbari and Kobra Moradi, *Just Security*, Hazara Women: How Gender and Ethnicity Intersect in the Taliban's Repression (March 7, 2024), <https://www.justsecurity.org/93123/hazara-women-how-gender-and-ethnicity-intersect-in-the-talibans-repression/>.

140 The Diplomat, *The Plight of Hazaras Under the Taliban Government* (January 24, 2024), <https://thediplomat.com/2024/01/the-plight-of-hazaras-under-the-taliban-government/>; European Union Agency for Asylum, *Country of Origin Information: Afghanistan Targeting of Individuals* (Aug. 2022), p 138, https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Targeting_of_individuals.pdf.

141 UNAMA Press Release, *UNAMA Report Records Heavy Toll on Afghan Civilians by IED Attacks* (June 27, 2023), https://unama.unmissions.org/sites/default/files/27_june_2023_-_unama_report_records_heavy_toll_on_afghan_civilians_by_ied_attacks_english_0.pdf.

142 Human Rights Watch, *Attacks Target Afghanistan's Hazaras* (May 3, 2024), <https://www.hrw.org/news/2024/05/03/attacks-target-afghanistans-hazaras>.

A. Attacks on Schools, Hospitals, and Places of Worship

Hazaras have increasingly been killed and injured in schools and educational centers in predominately Hazara districts. Reported examples follow.

Date	Description
Aug. 15, 2018	The IS-KP/Daesh assault ¹⁴³ on the Mowud college prep center in the Hazara-populated Dasht-e Barchi district of western Kabul ¹⁴⁴ that killed at least 40 civilians and wounded at least 67 others. ¹⁴⁵
Oct. 8, 2019	The IS-KP/Daesh attack on Ghazni University in Ghazni province that resulted in 27 civilian casualties. ¹⁴⁶
Oct. 24, 2020	The IS-KP/Daesh attack ¹⁴⁷ on the Kawsar-e Danish preuniversity education center in Dasht-e Barchi ¹⁴⁸ that killed 40 civilians and injured 79 others. ¹⁴⁹
May 8, 2021	The assault on the Sayed Ul-Shuhada high school in Dasht-e Barchi ¹⁵⁰ that killed at least 85 civilians and wounded at least 216 others. ¹⁵¹
April 19, 2022	The IS-KP/Daesh two-bomb attack on Abdul Rahim Shahid high school in Dasht-e Barchi that killed at least six people and wounded over 20. ¹⁵²
Sept. 30, 2022	The attack on the Kaaj education center in Dasht-e Barchi that killed at least 54 civilians and injured more than 114 others, mostly Hazara women. ¹⁵³ No group claimed responsibility for the attack.

On Dec. 1, 2022, the United Nations reported over 50 child casualties resulting from three attacks on schools in Afghanistan that year, including “attacks specifically targeting minorities such as the Hazaras.”¹⁵⁴

The lack of reporting on and information about recent attacks on schools may be attributable to two significant developments. First, the Taliban officially closed secondary schools for girls in March 2022 and banned female students, including Hazara women, from higher education in December 2022,¹⁵⁵ a policy that continues

143 Ahmed Mengli, F. Brinley Bruton, & Reuters, Afghanistan Bombing: Attack Kills 48 Hazara College Hopefuls in Kabul, NBC News (Aug. 15, 2018), <http://www.nbcnews.com/news/world/afghanistan-bombing-attack-kills-48-hazara-college-hopefuls-kabul-n900916>.

144 See U.N. Assistance Mission in Afg., Afghanistan: Protection of Civilians in Armed Conflict Annual Report 2018, at 30 (2019) [hereinafter, UNAMA Annual Report 2018]; see also Pamela Constable & Sharif Hassan, ‘It Was a Horror Scene’: Scores of Afghan Students Killed in Kabul Suicide Bombing Aimed at Minority Shiites, Wash. Post (Aug. 15, 2018), http://www.washingtonpost.com/world/suicide-bomber-kills-at-least-25-in-shiite-district-of-afghan-capital/2018/08/15/c404df6e-a08b-11e8-a3dd-2a1991f075d5_story.html.

145 Pamela Constable & Sharif Hassan, ‘It Was a Horror Scene’: Scores of Afghan Students Killed in Kabul Suicide Bombing Aimed at Minority Shiites, Wash. Post (Aug. 15, 2018), http://www.washingtonpost.com/world/suicide-bomber-kills-at-least-25-in-shiite-district-of-afghan-capital/2018/08/15/c404df6e-a08b-11e8-a3dd-2a1991f075d5_story.html.

146 See U.N. Assistance Mission in Afg., Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2019, at 48 (2020) [hereinafter, UNAMA Annual Report 2019]; see also Blast in Ghazni University Leaves 23 Students Wounded, Ariana News (Oct. 8, 2019), <http://ariananews.af/blast-in-ghazni-university-leaves-23-students-wounded>.

147 See Afghan Bombing: Kabul Education Centre Attack Kills at Least 24, BBC News (Oct. 25, 2020), <http://www.bbc.com/news/world-asia-54676319>.

148 See U.N. Assistance Mission in Afg., Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2020, at 55 (2021) [hereinafter, UNAMA Annual Report 2020]; see also Patricia Gossman, Afghanistan School Bombing Targets Minority Community, Hum. Rts. Watch (Oct. 26, 2020), <http://www.hrw.org/news/2020/10/26/afghanistan-school-bombing-targets-minority-community>.

149 Patricia Gossman, Afghanistan School Bombing Targets Minority Community, Hum. Rts. Watch (Oct. 26, 2020), <http://www.hrw.org/news/2020/10/26/afghanistan-school-bombing-targets-minority-community>.

150 See U.N. Assistance Mission in Afg., Afghanistan: Protection of Civilians in Armed Conflict Midyear Update: 1 January to 30 June 2021, at 5 (2021) [hereinafter, UNAMA Midyear Report 2021]; see also Thomas Gibbons-Neff & Najim Rahim, Bombing Outside Afghan School Kills at Least 90, With Girls As Targets, N.Y. Times (May 8, 2021), <http://www.nytimes.com/2021/05/08/world/asia/bombing-school-afghanistan.html>.

151 See supra UNAMA Midyear Report 2021, at 5.

152 European Union Agency for Asylum, Country of Origin Information: Afghanistan Targeting of Individuals (Aug. 2022), p 140, https://coi.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Targeting_of_individuals.pdf.

153 See Kabul blast kills teenagers sitting practice exam, BBC News (Oct. 1, 2022), <https://www.bbc.com/news/world-asia-57137981>; UNHRC, Situation of women and girls in Afghanistan (June 15, 2023), A/HRC/53/21, para 38, <https://www.ecoi.net/en/file/local/2093577/G2312567.pdf>.

154 Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Attacks on Schools Increased a Year After Adoption of Resolution Safeguarding Right to Education (Dec. 1, 2022), <https://childrenandarmedconflict.un.org/2022/12/attacks-on-schools-increased-a-year-after-adoption-of-resolution-safeguarding-right-to-education/>.

155 Freedom House, Country Report on Afghanistan (June 5, 2024), <https://freedomhouse.org/country/afghanistan/freedom-world/2024>.

to this day.¹⁵⁶ Second, independent reporting on the situation in Afghanistan has been banned, with international journalists prevented from traveling to the country.

Hazaras have also been targeted at hospitals and health care facilities, including the IS-KP/Daesh attack on a maternity ward largely caring for Hazaras and operated by Médecins Sans Frontières in Dasht-e Barchi on May 12, 2020,¹⁵⁷ that killed 24 civilians and wounded 23 others, including pregnant women, children, and newborn babies, and nurses.¹⁵⁸

Hazaras, who are predominantly Shia, have been frequently attacked at places of worship, resulting in hundreds of deaths and injuries in recent years.¹⁵⁹ Reported examples follow.

Date	Description
Dec. 6, 2011	A targeted suicide attack against Hazara Shia worshippers at Abul Fazl Shrine in Kabul that killed 54 civilians and wounded 150 more. ¹⁶⁰
Oct. 11, 2016	The IS-KP/Daesh attack at a religious ceremony in Kart-e Sakhi neighborhood of Kabul that killed 18 Hazaras and wounded 58 others. ¹⁶¹
Oct. 12, 2016	A Shia mosque attack in the Khojagholak area of northern Balkh province. ¹⁶²
Nov. 21, 2016	The Baqer-ul Ulum Mosque attack in western Kabul. ¹⁶³
Jan. 1, 2017	The Mohammad Baqir Mosque attack in Herat city that killed one person and wounded five. ¹⁶⁴
Aug. 1, 2017	The Jawadieh Mosque attack in Herat city that killed 29 and injured 64. ¹⁶⁵
Oct. 20, 2017	The IS-KP/Daesh assault ¹⁶⁶ on the Imam Zaman Mosque in Dasht-e Barchi ¹⁶⁷ that killed 69 civilians and wounded 60 more. ¹⁶⁸

¹⁵⁶ According to the United Nations, the systemic oppression of women and girls in Afghanistan is “so severe and extensive that they appear to form a widespread and systematic attack” which could amount to crimes against humanity”. UN News, Systemic gender oppression in Afghanistan may amount to crimes against humanity (June 18, 2024), <https://news.un.org/en/story/2024/06/1151146>.

¹⁵⁷ U.N. Assistance Mission in Afg., Special Report: Attacks on Healthcare During the Pandemic, at 12–13 (2020) [hereinafter, UNAMA Healthcare Attacks Report]; The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 31, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eefb72b.pdf; see also Ehsan Popalzai Zamira Rahim, Emma Reynolds, & Rob Picheta, Infants and Mothers Killed in Attack on Kabul Hospital, CNN (May 12, 2020), <http://www.cnn.com/2020/05/12/asia/afghanistan-kabul-hospital-attack-intl/index.html>.

¹⁵⁸ See supra UNAMA Healthcare Attacks Report, at 12–13; The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 31, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eefb72b.pdf.

¹⁵⁹ See, e.g., U.N. Assistance Mission in Afg., Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2017, at 41 (2018) [hereinafter, UNAMA Annual Report 2017] (“Throughout 2017 UNAMA noted an increasing pattern of deliberate sectarian-motivated attacks against the Shi’a Muslim religious minority, most of whom also belong to the Hazara ethnic minority. . . . The increase in such attacks continued to raise grave concerns regarding the right to freedom of religion or belief and the protection of minorities.”); see also supra UNAMA Annual Report 2020, at 51 (“Attacks on religious minorities that were claimed as such by ISIL-KP persisted in 2020, especially attacks targeting the Shi’a Muslim population, most of whom also belong to the Hazara ethnic group.”).

¹⁶⁰ Mirwais Harooni, ‘Blasts across Afghanistan target Shiites, 59 dead’ Reuters (6 December 2011), <https://www.reuters.com/article/us-kabul-blast-idUSTRE7B50C320111206>; See also the Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 31; Afghanistan Bombs Kill 58 in Kabul and Mazar-e-Sharif, BBC News (Dec. 6, 2011), <http://www.bbc.com/news/world-asia-16046079>; Press Release, Hillary Rodham Clinton, Secretary of State, Ashura Holy Day Suicide Bombings in Afghanistan (Dec. 6, 2011), <http://www.2009-2017.state.gov/secretary/20092013clinton/rm/2011/12/178393.htm>. https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eefb72b.pdf.

¹⁶¹ UNAMA, 2016 Annual Report on the Protection of Civilians in Armed Conflict in Afghanistan (2016), p 33. https://unama.unmissions.org/sites/default/files/protection_of_civilians_in_armed_conflict_annual_report_8feb_2016.pdf; see also The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 31, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eefb72b.pdf.

¹⁶² See, e.g., Pamela Constable, Deadly Attacks Target Defiant Shiite Worshippers in Afghanistan Amid Security Fears, Wash. Post (Oct. 12, 2016), http://www.washingtonpost.com/world/deadly-blast-targets-shiite-worshippers-in-afghanistan-amid-widening-security/2016/10/12/a7b5dda2-907c-11e6-9c52-0b10449e33c4_story.html.

¹⁶³ U.N. Assistance Mission in Afg., Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2016, at 34–35 (2017) [hereinafter, UNAMA Annual Report 2016]; see also Afghanistan Kabul Mosque Suicide Attack Kills Dozens, BBC News (Nov. 21, 2016), <http://www.bbc.com/news/world-asia-38048604>.

¹⁶⁴ The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 32, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eefb72b.pdf.

¹⁶⁵ See supra UNAMA Annual Report 2017, at 37; The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 32, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eefb72b.pdf; see also Herat Mosque Blast: IS Says It Was behind Afghanistan Attack, BBC News (Aug. 2, 2017), <http://www.bbc.com/news/world-asia-40802572>.

¹⁶⁶ See supra UNAMA Annual Report 2017, at 4, 9, 28.

¹⁶⁷ See id. at 9, 28; see also Hamid Shalizi, Suicide Bombers Attack Two Afghan Mosques, at Least 72 Dead, Reuters (Oct. 20, 2017), <http://www.reuters.com/article/us-afghanistan-attack-idUSKBN1CP1UF>.

¹⁶⁸ See supra UNAMA Annual Report 2017, at 9, 28.

Date	Description
July 5, 2019	The attack on the Mohammadiyah Mosque in the Khak-e-Ghariban area of Ghazni city that killed two and wounded 22. ¹⁶⁹
Oct. 8, 2021	The attack on the Gozar-e-Sayed Abad Mosque in the northern city of Kunduz that killed 151 civilians and injured 200. ¹⁷⁰
Oct. 15, 2021	The Imam Bargah Mosque attack in the southern city of Kandahar that killed 40 Hazara and injured at least 70. ¹⁷¹
April 21, 2022	An attack on the Hazara Shia She Dokan Mosque in Mazar-e-Sharif in the Balkh province that killed at least 31 people and wounded 87 by IS-KP/Daesh. ¹⁷²
Oct. 13, 2023	The IS-KP/Daesh attack on a Shia mosque in Pul-e-Khumri, Baghlan province that killed 21 Hazara and wounded 30 others. ¹⁷³
January 2024	The IS-KP/Daesh explosion near the Abu Muslim Khorasani Mosque. ¹⁷⁴
April 29, 2024	The IS-KP/Daesh attack against the Sahib-u-Zam-an Mosque in Andeesha, Herat, that killed six Hazara worshippers. ¹⁷⁵
April 29, 2024	A Shia Hazara mosque attack in western Herat Province that killed six people, including one child, by IS-KP/Daesh. ¹⁷⁶

Additionally, in 2023 and 2024, the Taliban reportedly imposed restrictions on Muharram – the commemoration of the month of mourning – limiting places of worship to those designated by the Taliban to avoid public displays of religious rituals and symbols.¹⁷⁷

On May 13, 2022, the United Nations reported a “broader pattern of attacks on Hazara schools, mosques, and workplaces,” many claimed by IS-KP/Daesh.¹⁷⁸ In carrying out attacks on schools and places of worship, the perpetrators have explicitly declared their intent to target Hazaras by accepting responsibility for the assaults.¹⁷⁹ Moreover, in many incidents, the perpetrators have used derogatory expressions against Hazaras and called for further violence against this group.¹⁸⁰

169 See supra UNAMA Annual Report 2019, at 48; Islamic State Says It Carried Out Attack at Shi’ite Mosque in Central Afghanistan, Reuters (July 6, 2019), <http://www.reuters.com/article/us-afghanistan-blast-idUSKCN1U109Q>; At Least 2 Killed in Bomb Blast at Afghan Mosque, Voice of Am. (July 6, 2019), http://www.voanews.com/a/south-central-asia_least-2-killed-bomb-blast-afghan-mosque/6171297.html.

170 Samya Kullab & Tameem Akhgar, IS Bomber Kills 46 Inside Afghan Mosque, Challenges Taliban, Associated Press (Oct. 8, 2021), <http://apnews.com/article/afghanistan-prayer-religion-2b9d9863da38661ba6fa186a72ac5352>; The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 33, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eebf72b.pdf; see also Thomas Gibbons-Neff & Wali Arian, ISIS Bomber Kills Dozens at Shiite Mosque in Northern Afghanistan, N.Y. Times (Oct. 8, 2021), <http://www.nytimes.com/2021/10/08/world/asia/afghanistan-mosque-attack.html>.

171 See Ezzatullah Mehrdad, Helier Cheung, & Susannah George, Suicide Bombers Hit Shiite Mosque in Afghanistan Killing Dozens – The Second Such Attack in a Week, Wash. Post (Oct. 15, 2021), <http://www.washingtonpost.com/world/2021/10/15/afghanistan-kandahar-mosque-explosion/>; Abdul Rauf Wafa & Emma Graham-Harrison, Shia Mosque Bombing in Afghanistan That Killed at Least 47 Claimed by ISKP, The Guardian (Oct. 15, 2021), <http://www.theguardian.com/world/2021/oct/15/casualties-explosion-hits-shia-mosque-afghanistan>; The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 76, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eebf72b.pdf.

172 The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 33, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eebf72b.pdf; European Union Agency for Asylum, Country of Origin Information: Afghanistan Targeting of Individuals (Aug. 2022), p 140, https://col.euaa.europa.eu/administration/easo/PLIB/2022_08_EUAA_COL_Report_Afghanistan_Targeting_of_individuals.pdf.

173 Geneva Academy, IHL In FocusL Annual Report (July 2023-June 2024), p 19, <https://www.geneva-academy.ch/joomlatools-files/docman-files/IHL%20in%20Focus%20Annual%20Report%2023-24.pdf>.

174 United States Commission on International Religious Freedom, 2025 Annual Report, p 12, <https://www.uscifr.gov/sites/default/files/2025-03/Afghanistan%202025%20USCIRF%20Annual%20Report.pdf>.

175 United States Commission on International Religious Freedom, 2025 Annual Report, p 12, <https://www.uscifr.gov/sites/default/files/2025-03/Afghanistan%202025%20USCIRF%20Annual%20Report.pdf>; Geneva Academy, IHL In FocusL Annual Report (July 2023-June 2024), p 19, <https://www.geneva-academy.ch/joomlatools-files/docman-files/IHL%20in%20Focus%20Annual%20Report%2023-24.pdf>.

176 Human Rights Watch, Attacks Target Afghanistan’s Hazaras: Inadequate Protection Provided for Community Long at Risk, 3 May 2024, <https://www.hrw.org/news/2024/05/03/attacks-target-afghanistans-hazaras>.

177 Freedom House, Country Report on Afghanistan (June 5, 2024), <https://freedomhouse.org/country/afghanistan/freedom-world/2024>; United States Commission on International Religious Freedom, 2025 Annual Report, p 13, <https://www.uscifr.gov/sites/default/files/2025-03/Afghanistan%202025%20USCIRF%20Annual%20Report.pdf>.

178 Report of the Special Rapporteur on the situation of human rights in Afghanistan, The phenomenon of an institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion of women and girls (May 13, 2024), A/HRC/56/25, para. 23, <https://docs.un.org/en/A/HRC/56/25>.

179 See Part III.A.

180 See supra UNAMA Annual Report 2016, at 34–35 (“Daesh/ISKP claimed responsibility for this attack using derogatory expressions and calling for violence against Shia Muslims, as it called in earlier statements.”) (emphasis added). See also, e.g., Afghan Bombing: Kabul Education Centre Attack Kills at Least 24, BBC News (Oct. 25, 2020), <http://www.bbc.com/news/world-asia-54676319> (the assailant “detonated an explosives vest among a gathering . . . while using a disparaging term for the religious community”) (emphasis added).

B. Attacks on Passengers and Civilian Transportation Vehicles, Weddings and Celebratory Events, and Work Sites

Hazaras have been targeted while traveling inside Afghanistan in civilian transportation vehicles. These attacks have largely been carried out in Hazara-populated neighborhoods such as the Dasht-e Barchi district of western Kabul.¹⁸¹ That neighborhood has been frequently targeted by perpetrators in various types of attacks, as discussed throughout this report, demonstrating the heightened vulnerability of Hazaras. Reported examples follow.

Date	Description
July 25, 2014	The Taliban attack on a bus carrying predominantly Hazara passengers in the Bad Gah area of Chaghcharan district, Ghor province, killing 14 Hazara civilians, including three women and one child. ¹⁸²
June 1-2, 2021	A magnetic bomb attack targeting four minivans in western Kabul that killed at least 28 Hazara civilians and injuring 22. ¹⁸³
Dec. 10, 2021	Three IS-KP/Daesh attacks against Hazara passenger vehicles in western Kabul, one in front of the Shahid Mazari Musalla building in Dasht-e Barchi used for large political and religious gatherings that killed two civilians and injured three others; the second in Mazari Square in Pul-e Sokhta area; and the third in Dehburia area. ¹⁸⁴
April 28, 2022	Two IS-KP/Daesh attacks on targeted Shia civilian vehicles in Mazar-e-Sharif that killed at least 11 people and injured 18. ¹⁸⁵
April 28, 2022	The IS-KP/Daesh attack on a bus in Balkh province that killed 13 Hazara passengers and injured 20. ¹⁸⁶
April 30, 2022	The IS-KP/Daesh attack on a minivan in Police District 3 of Kabul, a Hazara majority area, that killed three civilians and wounded two. ¹⁸⁷
Jan. 6, 2024	An IS-KP/Daesh improvised explosive device attack on a bus carrying primarily Hazara passengers in the Dasht-e Barchi that killed five people and injured 14. ¹⁸⁸
April 20, 2024	An IS-KP/Daesh magnetic bomb attack in Dasht-e Barchi that killed one Hazara and injured 10. ¹⁸⁹
Aug. 11, 2024	An IS-KP/Daesh magnetic bomb attack against a minibus in Dasht-e Barchi that killed one Hazara and wounded 13 others. ¹⁹⁰

181 See, e.g., Tameem Akhgar & Kathy Gannon, Bombs in Afghan Capital Kabul Kill at Least 10, Wound 12, Associated Press (June 1, 2021), <http://www.apnews.com/article/islamic-state-group-kabul-ea33674c5db415c9a43d993e02cfbba>. See also Seven Killed in an Explosion in Herat, Rukhshana Media (Jan. 22, 2022), <http://www.rukhshana.com/en/seven-killed-in-an-explosion-in-herat>.

182 See, e.g., U.N. Assistance Mission in Afg., Afghanistan Annual Rep. 2014: Protection of Civilians in Armed Conflict, at 66 (Feb. 2015), <http://unama.unmissions.org/sites/default/files/2014-annual-report-on-protection-of-civilians-final.pdf>; Afghan Conflict: 15 Killed in 'Taliban Attack' on Buses, BBC News (Jul. 25, 2014) <http://www.bbc.com/news/world-asia-28481282>; Fourteen Civilians Shot Dead in Afghanistan, Al Jazeera (Jul. 26, 2014), <http://www.aljazeera.com/news/asia/2014/07/afghanistan-attack-201472553221541767.html>.

183 The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 75, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eebf72b.pdf. According to the United Nations, in May and June of 2021, at least eight bombings "targeted buses or similar vehicles carrying members of the Hazara community. See supra UNAMA Midyear Report 2021, at 5; see U.N. Assistance Mission in Afg., Afghanistan: Protection of Civilians in Armed Conflict Midyear Update: 1 January to 30 June 2021, at 5 (2021) [hereinafter UNAMA Midyear Report 2021].

184 European Union Agency for Asylum, Country of Origin Information: Afghanistan Targeting of Individuals (Aug. 2022), p 139, https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Targeting_of_individuals.pdf.

185 European Union Agency for Asylum, Country of Origin Information: Afghanistan Targeting of Individuals (Aug. 2022), p 140, https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Targeting_of_individuals.pdf.

186 The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 31, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eebf72b.pdf.

187 European Union Agency for Asylum, Country of Origin Information: Afghanistan Targeting of Individuals (Aug. 2022), p 80, https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Targeting_of_individuals.pdf.

188 UNAMA, Update on the Human Rights Situation in Afghanistan (January-March 2024 Update), p 2, <https://reliefweb.int/report/afghanistan/unama-update-human-rights-situation-afghanistan-january-march-2024-update-endarips>; see also Human Rights Watch, Attacks Target Afghanistan's Hazaras: Inadequate Protection Provided for Community Long at Risk, 3 May 2024, <https://www.hrw.org/news/2024/05/03/attacks-target-afghanistans-hazaras>.

189 Alarabiya, Blast claimed by ISIS kills one in Afghan capital (April 21, 2024), <https://english.alarabiya.net/News/world/2024/04/21/blast-claimed-by-isis-kills-one-in-afghan-capital>; see also Human Rights Watch, Attacks Target Afghanistan's Hazaras: Inadequate Protection Provided for Community Long at Risk, 3 May 2024, <https://www.hrw.org/news/2024/05/03/attacks-target-afghanistans-hazaras>.

190 UNAMA, Update on the human rights situation in Afghanistan (July-Sept. 2024), p 4, https://unama.unmissions.org/sites/default/files/english_-_unama_-_update_on_hr_situation_in_afghanistan_-_july-sept_2024.pdf.

Hazaras have been targeted at weddings and celebratory events. Reported examples follow.

Date	Description
March 21, 2018	A suicide bombing attack on Hazaras celebrating Nowruz near the Karte Sakhi Shrine in western Kabul ¹⁹¹ that killed 35 civilians and injured 65 more. ¹⁹²
March 21, 2019	An IS-KP/Daesh remote-controlled bomb explosion during the Nowroz festivity in Kart-e-Sakhi neighborhood of Kabul that killed six Hazaras and injured 23. ¹⁹³
Aug. 17, 2019	The IS-KP/Daesh assault on the Dubai City wedding hall in western Kabul ¹⁹⁴ that killed 91 civilians and wounded 143 others. ¹⁹⁵

Hazara workers and laborers have been killed and injured at work sites. Reported examples follow.

Date	Description
Jan. 6, 2017	An attack on Hazara coal miners in the Tala wa Barfak district, Baghlan province, that killed at least seven and injured three others. ¹⁹⁶
March 3, 2021	The execution of at least seven Hazara laborers who worked at a plaster factory in the Sorkh Rod district of Nangarhar province. ¹⁹⁷
June 8, 2021	The IS-KP/Daesh attack on humanitarian landmine clearance workers at a camp run by the HALO Trust charity near Shaikh Jalal village in Baghlan-e-Jadid district, Baghlan province ¹⁹⁸ that killed 11 deminers and wounded 15 others. ¹⁹⁹
April 26, 2022	An armed attack against Hazara mine workers by unknown gunmen in Samangan province that killed five workers and injured one. ²⁰⁰

191 See e.g., UNAMA Annual Report 2018, at 29; Kabul Sakhi Shrine: 'Dozens Dead' in New Year Attack, BBC News (Mar. 21, 2018), <http://www.bbc.com/news/world-asia-43484206>; Sharif Hassan & Pamela Constable, 'We Suffer More': Rising Violence on Shiite Targets Takes Toll on Afghanistan's Hazaras, Wash. Post (Mar. 21, 2018), http://www.washingtonpost.com/world/kabul-suicide-bomber-strikes-shiite-ceremony-killing-at-least-29/2018/03/21/e6e6e3ce-2cfa-11e8-b0b0-f706877db618_story.html.

192 See supra UNAMA Annual Report 2018, at 29.

193 The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 72, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eefb72b.pdf.

194 Afghanistan: Bomb Kills 63 at Wedding in Kabul, BBC News (Aug. 18, 2019), <http://www.bbc.com/news/world-asia-49383803>; Rahim Faiez, Dozens Dead or Hurt in Wedding Party Blast in Afghan Capital, Associated Press (Aug. 17, 2019), [http://www.apnews.com/article/kabul-international-news-asia-pacific-ap-top-news-afghanistan-90d5cd5874ea4b0991e17cd6f3d7aa2c; Pamela Constable & Sharif Hassan, Islamic State Claims Suicide Attack on Kabul Wedding that Killed 63, Wash. Post \(Aug. 18, 2019\), http://www.washingtonpost.com/world/asia_pacific/bloody-suicide-attack-on-kabul-wedding-kills-at-least-63/2019/08/18/ace5f0d4-c17d-11e9-a5c6-1e74f7ec4a93_story.html](http://www.apnews.com/article/kabul-international-news-asia-pacific-ap-top-news-afghanistan-90d5cd5874ea4b0991e17cd6f3d7aa2c; Pamela Constable & Sharif Hassan, Islamic State Claims Suicide Attack on Kabul Wedding that Killed 63, Wash. Post (Aug. 18, 2019), http://www.washingtonpost.com/world/asia_pacific/bloody-suicide-attack-on-kabul-wedding-kills-at-least-63/2019/08/18/ace5f0d4-c17d-11e9-a5c6-1e74f7ec4a93_story.html); see also supra UNAMA Annual Report 2019, at 8, 48.

195 See supra UNAMA Annual Report 2019, at 8, 48.

196 See, e.g., Mujib Mashal & Fahim Abed, Gunmen Attack Hazara Miners in Afghanistan, Killing at Least 9, N.Y. Times (Jan. 6, 2017), <http://www.nytimes.com/2017/01/06/world/asia/afghanistan-hazara-miners-attack.html>.

197 See, e.g., Seven Ethnic Hazaras Killed in Eastern Afghanistan, Radio Free Eur./Radio Liberty (Mar. 4, 2021), <http://www.gandhara.rferl.org/a/hazaras-jalalabad-execution-taliban-islamic-state/31133109.html>; Rahim Faiez, Afghan Official: Gunmen Kill 7 Workers, Bomb Kills Doctor, Associated Press (Mar. 4, 2021), <http://www.apnews.com/article/religion-islamic-state-group-7e70ce339c7a33efa51833e4841e6ef5>.

198 See, e.g., UNAMA Midyear Report 2021, at 6; Halo Trust: Afghanistan Mine Clearance Workers Shot Dead 'in Cold Blood', BBC News (June 9, 2021), <http://www.bbc.com/news/world-asia-57410265>; Najim Rahim & Mike Ives, Attack in Afghanistan Kills 10 From Charity That Clears Land Mines, N.Y. Times (June 9, 2021), <http://www.nytimes.com/2021/06/09/world/asia/afghanistan-land-mines-halo-trust.html>.

199 See supra UNAMA Midyear Report 2021, at 6.

200 The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 80, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eefb72b.pdf.

C. Attacks on Peaceful Protests, Commemoration Ceremonies, and Sports and Recreational Activities

Multiple peaceful protests by Hazaras demanding equality and justice have been targeted with deadly attacks.²⁰¹ Reported examples follow.

Date	Description
July 23, 2016	The IS-KP/Daesh suicide bombing attacks on a peaceful demonstration in the Deh Mazang Square of Kabul on, ²⁰² that killed 85 civilians and wounded 413. ²⁰³
Jan. 29, 2021	The killing and wounding of 42 Hazaras engaged in a peaceful protest in the Behsud district of Wardak (also known as Maidan Wardak) province. ²⁰⁴
Jan. 18, 2022	Hazara women's rights activist Hanifa Nazari, a leading organizer of protests against the Taliban, and civil activist Mahdi Wahidi were found dead in Mazar-e-Sharif and Baghlan provinces. ²⁰⁵

Hazaras have been attacked at commemoration ceremonies. Reported examples follow.

Date	Description
March 7, 2019	The IS-KP/Daesh assault on a commemoration ceremony in Dasht-e Barchi district that killed 11 and injured 104 ²⁰⁶
March 6, 2020	Another IS-KP/Daesh attack on a large gathering in Dasht-e Barchi commemorating the death of former Hazara leader Abdul Ali Mazari at the hands of the Taliban that killed 33 civilians and wounded 79 more. ²⁰⁷

Hazaras have further been targeted during everyday activities at sports clubs and recreational centers. Reported examples follow.

Date	Description
Sept. 5, 2018	The IS-KP/Daesh twin suicide bombers targeting on the Maiwand sports club in Dasht-e Barchi that killed 35 and injured 95. ²⁰⁸
April 1, 2022	A twin-bomb attack on people playing a traditional game in the Hazara neighborhood of Jibril in Herat province that killed at least five civilians and wounded 25 more. ²⁰⁹
Oct. 26, 2023	The IS-KP/Daesh IED attack at a sports club in Dasht-e Barchi that killed 21 people and injured 30. ²¹⁰

- 201 For example, the July 23, 2016, demonstration in the Deh Mazang Square of Kabul was in response to the government's changes to a major power line, which deprived the Hazaras of an important development project. See, e.g., Kabul explosion: IS 'claims attack on Hazara protest', BBC News (July 23, 2016), <https://www.bbc.com/news/world-asia-36874570> (noting that the Hazaras were "protesting over a new power line, saying its route bypasses provinces where many of them live").
- 202 See supra UNAMA Annual Report 2016, at 40; Kabul Explosion: IS 'Claims Attack on Hazara Protest', BBC News (July 23, 2016), <http://www.bbc.com/news/world-asia-36874570>; Pamela Constable, The Bomb that Killed 80 Hazaras in Kabul Also Upended Their Nonviolent Reform Effort, Wash. Post (Aug. 4, 2016), http://www.washingtonpost.com/world/asia-pacific/afghan-hazaras-mourn-bomb-victims-struggle-to-regroup/2016/08/03/025fe7ca-595f-11e6-82ea-8af82a4d163_story.html.
- 203 See supra UNAMA Annual Report 2016, at 41.
- 204 Reports of Civilian Casualties in Behsud, Afg. Indep. Hum. Rts. Comm'n (Feb. 8, 2021), http://www.aihrc.org.af/home/research_report/9066.
- 205 The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 77, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eefb72b.pdf.
- 206 See, e.g., UNAMA Annual Report 2019, at 48; Abdul Qadir Sediqi, Attack on Shi'ite Muslim Gathering in Afghan Capital Kills Three, Reuters (Mar. 7, 2019), <http://www.reuters.com/article/us-afghanistan-attacks/attack-on-shiite-muslim-gathering-in-afghan-capital-kills-three-idUSKCN1Q00S7>; Death Toll Rises to 11 in Attack on Shia Gathering in Kabul, Al Jazeera (Mar. 8, 2019), <http://www.aljazeera.com/features/2019/3/8/death-toll-rises-to-11-in-attack-on-shia-gathering-in-kabul>.
- 207 See, e.g., UNAMA Annual Report 2020, at 56; Gunmen Kill at Least 29 People at Ceremony in Afghan Capital, PBS News Hour (Mar. 6, 2020), <http://www.pbs.org/newshour/world/gunmen-kill-at-least-29-people-at-ceremony-in-afghan-capital>; Dozens Killed in Kabul Ceremony Attack Claimed by ISIL, Al Jazeera (Mar. 6, 2020), <http://www.aljazeera.com/news/2020/3/6/dozens-killed-in-kabul-ceremony-attack-claimed-by-isil>.
- 208 The Hazara Inquiry, The Situation of the Hazara in Afghanistan (Aug. 2022), p 72, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eefb72b.pdf.
- 209 Seda Sevencan, Bomb Attack Kills 5 in Afghanistan, Anadolu Agency (Apr. 1, 2022), <http://www.aa.com.tr/en/asia-pacific/bomb-attack-kills-5-in-afghanistan/2553001>; see also 2 Killed, 8 Injured in Car Bomb Blast in Western Afghanistan, Xinhua (Apr. 1, 2022), <http://english.news.cn/20220401/87303209dd2748cba834a15d621a5cf8/c.html>; Afghanistan: Bomb Blasts at Playing Field Kill Several in Herat, Deutsche Welle (Apr. 2, 2022), <http://www.dw.com/en/afghanistan-bomb-blasts-at-playing-field-kill-several-in-herat/a-61337927>.
- 210 AMU TV, UNAMA report: 49 Hazara community members killed in Afghanistan in three months (Jan. 22, 2024), <https://amu.tv/80665/>.

D. Attacks on Markets, Cultural Centers, and Voter Registration Centers

Hazaras have reportedly been targeted in markets, such as the Nov. 24, 2020, bombings of a main bazaar in Bamyan city, Bamyan province, that killed 18 people and wounded 60.²¹¹

Cultural centers and the like have also been targeted. Reported examples follow.

Date	Description
Dec. 21, 2017	The deadly IS-KP/Daesh attack outside a library in a mainly Hazara neighborhood in Herat city. ²¹²
Dec. 28, 2017	The IS-KP/Daesh suicide bombing assault on the Tebyan cultural center in Kabul that killed 42 civilians and wounded 77 more. ²¹³

Hazaras have also been attacked at voter registration centers. For example, the reported IS-KP/Daesh assault near the entrance of a voter registration center in the Dasht-e Barchi district of Kabul on April 22, 2018,²¹⁴ that killed 60 civilians and wounded 138 more.²¹⁵

211 See supra UNAMA Annual Report 2020, at 55-56; Twin Blasts in Afghan Province of Bamyan Kill 14 People, Injure 45 – Officials, Reuters (Nov. 24, 2020), <http://www.reuters.com/article/afghanistan-blast-idUSKBN28429S>; Two Bomb Blasts Kill at Least 14 in Afghanistan's Bamyan, Al Jazeera (Nov. 24, 2020), <http://www.aljazeera.com/news/2020/11/24/two-bomb-blasts-kill-at-least-14-in-afghanistan-officials>.

212 See supra UNAMA Annual Report 2017, at 41.

213 See supra UNAMA Annual Report 2017, at 41; Kabul Blast at Afghan Voice, Tebyan Centre Kills Dozens, Al Jazeera (Dec. 28, 2017), <http://www.aljazeera.com/news/2017/12/28/kabul-blast-at-afghan-voice-tebyan-centre-kills-dozens>.

214 See supra UNAMA Annual Report 2018, at 29-30; Haroon Janjua, Dozens Dead in Bombing at Kabul Voter Registration Centre, The Guardian (Apr. 22, 2018), <http://www.theguardian.com/world/2018/apr/22/dozens-dead-in-kabul-bombing-at-voter-registration-centre-afghanistan>; Sultan Faizy & Shashank Bengali, 63 People Killed in Attacks on Voter Registration Centers in Afghanistan, L.A. Times (Apr. 22, 2018), <http://www.latimes.com/world/middleeast/la-fg-afghan-bombing-20180422-story.html>.

215 See supra UNAMA Annual Report 2018, at 29-30. As with attacks on other venues, such assaults further undermine the Hazaras' sense of safety and security and discourage their participation in society.

E. Attacks on Property, Abductions, and Forced Displacement

Attacks on Hazara property have also persisted in recent years, frequently perpetrated by Kuchis (Pashtun nomads) and the Taliban.²¹⁶ Reported examples follow.

Date	Description
May 2010	The Taliban-backed Kuchi assault on the Hazara-populated districts of Behsud and Daimirdad in Maidan Wardak province, which resulted in the destruction of homes, plunder of personal property, killing of at least eight civilians, and forcible displacement of around 1,958 families. ²¹⁷
June 2011	The Kuchi and Taliban joint attack on the Hazara-populated Nahoor district of Ghazni province ²¹⁸ which resulted in severe damage and burning of houses, ²¹⁹ destruction of farms and crops, ²²⁰ the plunder of personal property, ²²¹ looting and damage to schools and medical facilities, ²²² civilian deaths, ²²³ and the forcible displacement of approximately 782 families. ²²⁴
Aug. 3-5, 2017	A Taliban and IS-KP/Daesh joint attack against the Hazara-populated Mirza Olang village in Sayyad district, Sar-e Pul province, that resulted in the torching of 30 houses and the killing of dozens of civilians. ²²⁵
November 2018	The Taliban attack on the Hazara-populated districts of Jaghori and Malestan in Ghazni province, ²²⁶ which resulted in the destruction of more than 3,000 homes, killing and wounding of 37 civilians, displacement of thousands of families, abduction of medical staff, burning of an ambulance, and damage to mosques. ²²⁷
September 2021	The Kuchi assault on the Hazara-populated district of Nahoor in Ghazni province. ²²⁸
November 2021	The Taliban and Kuchi destruction of houses in the Khairabad and Nawabad neighborhoods of Dasht-e Barchi district in Kabul. ²²⁹

216 The deployment of Kuchis in assaults on Hazaras has been a long-standing practice in Afghanistan, dating back to the 1890s when Abdur Rahman mobilized Kuchis to destroy, plunder, and confiscate Hazara lands and properties. See Mehdi J. Hakimi, *The Afghan State and the Hazara Genocide*, 37 *Harvard Human Rights Journal* 81, 100 (2024).

217 Fabrizio Foschini, *The Kuchi-Hazara Conflict, Again*, Afg. Analysts Network (May 27, 2010), <http://www.afghanistan-analysts.org/en/reports/war-and-peace/the-kuchi-hazara-conflict-again>; see also Nomad Assault Fuels Afghan Disarray, *Wired* (May 27, 2010), <http://www.wired.com/2010/05/nomad-assault-fuels-afghan-disarray>.

218 See generally Afg. Indep. Hum. Rts. Comm'n, *Gozarash monaze'eh koochi ha va mardome mahal dar woloswali nahoor velayat ghazni (1390/3/31 ela 1390/4/4)* [The Report on the Conflict between Kuchis and Local People in the Nahoor District of Ghazni Province (June 21, 2011 until June 25, 2011)] 3–6 (2011), <http://www.aihrc.org.af/media/files/Reports/Daily%20report%20Dari/Nahorreport.pdf>. [hereinafter, AIHRC Nahoor Report].

219 Id. at 5.

220 Id. at 5.

221 Id. at 5.

222 Id. at 4-6.

223 Id. at 5.

224 Id. at 5.

225 See, e.g., U.N. Assistance Mission in Afg., *UNAMA Human Rights Special Report: Attacks on Mirza Olang, 3–5 August 2017, at 1* (2017) [hereinafter, *UNAMA Mirza Olang Report*]; see also *Insurgents Kill up to 50 Afghan Villagers in Northern Province*, *The Guardian* (Aug. 6, 2017), <http://www.theguardian.com/world/2017/aug/06/insurgents-kill-up-to-50-afghan-villagers-in-northern-province>.

226 See, e.g., *UNAMA Annual Report 2018*, at 19; Mustafa Andalib & Abdul Qadir Sediqi, *Thousands Flee as Taliban Attack Afghanistan's 'Safe' Districts*, *Reuters* (Nov. 14, 2018), <http://www.reuters.com/article/us-afghanistan-attack-idUSKCN1NJ28K>.

227 See supra *UNAMA Annual Report 2018*, at 19; Mustafa Andalib & Abdul Qadir Sediqi, *Thousands Flee as Taliban Attack Afghanistan's 'Safe' Districts*, *Reuters* (Nov. 14, 2018), <http://www.reuters.com/article/us-afghanistan-attack-idUSKCN1NJ28K>.

228 See, e.g., Hussain Ali Haidari, *Kuchis Are Taking Advantage of Hazara Farmlands in Ghazni's Nawur District*, *Hashte Subh* (Sept. 20, 2021), <http://8am.af/eng/kuchis-are-taking-advantage-of-hazara-farmlands-in-ghaznis-nawur-district>; Jalil Rownaq, *Bashandegan Nawur Ghazni: Kuchiha keshtzarha ra az bayn bordand va chizi baraye zemestan nadarim* [Residents of Nawur, Ghazni: The Kuchis Destroyed the Farmlands and We Have Nothing Left for the Winter], *Etilaat Roz* (Sept. 19, 2021), <http://www.etilaatroz.com/131508/residents-of-nawur-ghazni-kuchis-destroyed-the-fields>.

229 Ede'aye takhribe 15 khana tavasote "taliban" va "kuchiha" dar gharbe kabol; taliban miguyad dorugh ast [Alleged Destruction of 15 Homes by Taliban and Kuchis in Western Kabul; Taliban Say This Is False], *Etilaat Roz* (Nov. 14, 2021), <http://www.etilaatroz.com/132869/alleged-destruction-of-15-houses-by-the-taliban-and-kuchis-in-western-kabul>.

Date	Description
April and June 2022	Kuchis reportedly brought their livestock to, and set camp in, Hazara-claimed lands in the two Behsud districts of Maidan Wardak province. ²³⁰
May 25-26, 2025	Kuchis clashed with local residents in the Behsud district as Kuchis reportedly attempted to enter Hazara farmlands. ²³¹
Between Aug. 15, 2021, and Aug. 15, 2024	The demolition of Kabul's Police Districts in minority – predominantly Hazara – communities, accompanied by serious human rights violations, including killings. ²³²

Hazara have been subjected to abductions from the hands of several perpetrators. Reported examples follow.

Date	Description
2015	According to the United Nations, “anti-government [groups] abducted 224 Hazara civilians” in various provinces, including Ghazni, Balkh, Sar-e Pul, Faryab, Uruzgan, Baghlan, Maidan Wardak, Jowzjan, and Ghor. ²³³
Between 2015-2016	There were reportedly 20 separate targeted abductions of 146 Hazaras by IS-KP/Daesh or the Taliban. ²³⁴
May 19, 2021	Taliban shot three Hazara passengers they had singled out from a bus in the Band-e Bayn area along the Ghor-Herat highway. ²³⁵
Sept. 12, 2024	IS-KP/Daesh hijacked a vehicle on the border between Ghor and Daikundi provinces and fired deadly shots at 14 Hazaras and wounded four others after forcing them to dismount. ²³⁶

In many incidents, the abductees were brutally killed by their abductors, including IS-KP/Daesh,²³⁷ the Taliban,²³⁸ and other unidentified actors.²³⁹

As in previous periods, Hazaras have been subjected to forced displacement from their lands. Reported examples of such incidents follow.

- 230 European Union Agency for Asylum, Country of Origin Information: Afghanistan Targeting of Individuals (Aug. 2022), p 137, https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EJAA_COI_Report_Afghanistan_Targeting_of_individuals.pdf.
- 231 KabulNow, Clashes Between Kuchis and Locals Leave Seven Injured in Central Afghanistan (May 27, 2025), <https://kabulnow.com/2025/05/clashes-between-kuchis-and-locals-leave-seven-injured-in-central-afghanistan/>.
- 232 Centre for Information Resilience, Land clearance in Kabul (Nov. 18, 2024), <https://www.info-res.org/afghan-witness/reports/land-clearance-in-kabul/>; see also: Dr Ewelina Ochab, Forbes, Taliban Targeting The Hazara In Afghanistan Yet Again (Dec. 8, 2024), <https://www.forbes.com/sites/ewelinaochab/2024/12/08/taliban-targeting-the-hazara-in-afghanistan-yet-again/>.
- 233 See supra UNAMA Annual Report 2016, at 73; U.N. Assistance Mission in Afg., Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2015, at 49 (2016) [hereinafter, UNAMA Annual Report 2015].
- 234 Hazara Research Collective, Written Submission to the International Relations and Defence Committee: The UK and Afghanistan, Call for Evidence (6 September 2020), p 7, <https://committees.parliament.uk/writtenevidence/11165/pdf/>; see further The Hazara Inquiry, *The Situation of the Hazara in Afghanistan* (Aug. 2022), p 65-69, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eefb72b.pdf.
- 235 The Hazara Inquiry, *The Situation of the Hazara in Afghanistan* (Aug. 2022), p 75, https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eefb72b.pdf.
- 236 UNAMA, Update on the human rights situation in Afghanistan (July-Sept. 2024), p 4, https://unama.unmissions.org/sites/default/files/english_-_unama_-_update_on_hr_situation_in_afghanistan_-_july-sept_2024.pdf.
- 237 See, e.g., Mujib Mashal & Taimoor Shah, Afghan Fighters Loyal to ISIS Beheaded 7 Hostages, Officials Say, N.Y. Times (Nov. 9, 2015), <http://www.nytimes.com/2015/11/10/world/asia/afghan-fighters-loyal-to-isis-beheaded-7-hostages-officials-say.html>; see also supra UNAMA Annual Report 2015, at 49-50; UNAMA Annual Report 2016, at 80.
- 238 See, e.g., U.N. Assistance Mission in Afg., Afghanistan Midyear Report on Protection of Civilians in Armed Conflict: 2015, at 62 (2015) [hereinafter, UNAMA Midyear Report 2015]; see also supra UNAMA Annual Report 2016, at 81.
- 239 See, e.g., Rod Nordland & Jawad Sukhanyar, Taliban Are Said to Target Hazaras to Try to Match ISIS' Brutality, N.Y. Times (Apr. 22, 2015), <http://www.nytimes.com/2015/04/23/world/asia/taliban-are-said-to-target-hazaras-to-try-to-match-isis-brutality.html>.

Date	Description
May 2010	The forced displacement of approximately 1,958 families due to the attack by the Kuchis and the Taliban on the Hazara-populated districts of Behsud and Daimirdad in Maidan Wardak province. ²⁴⁰
June 2011	The forced displacement of around 782 families in following the attack by the Kuchis and the Taliban on the Nahoor district of Ghazni province. ²⁴¹
October-November 2018	The forced displacement of approximately 500 families due to the Taliban's attack on the Hazara-populated villages of Kondolan, Hussaini, Karez, and Gerdai Chaman in the Khas Uruzgan district of Uruzgan province. ²⁴²
November 2018	The forced displacement of at least 4,785 families (33,495 individuals) following the Taliban's assault on the districts of Jaghori and Malistan in Ghazni province. ²⁴³

Shortly after the Taliban's takeover on Aug. 15, 2021, forced evictions of Hazara communities reportedly took place across Helmand, Balkh, Daikundi, and Uruzgan provinces between September and October 2021.²⁴⁴ Examples follow.

Date	Description
September 2021	The forced displacement of around 2,000 families from 15 villages in Daikundi and Uruzgan provinces by the Taliban. ²⁴⁵
October 2021	The forced displacement of approximately 4,000 families in Mazar-e-Sharif's Qubat al-Islam district in Balkh province by the Taliban. ²⁴⁶
March 6, 2023	Hazara residents were forcibly displaced from the Pusht-e Asmidan village in Al Badr District, Sar-e Pul Province, by the Taliban. ²⁴⁷
Between Aug. 15, 2021, and Aug. 15, 2024	As mentioned above, under attacks against property, the Kabul authorities have demolished the city's police districts in minority – predominantly Hazara – communities and committed serious human rights violations in the process, including killings. ²⁴⁸

240 See, e.g., Fabrizio Foschini, The Kuchi-Hazara Conflict, Again, Afg. Analysts Network (May 27, 2010), <http://www.afghanistan-analysts.org/en/reports/war-and-peace/the-kuchi-hazara-conflict-again>.

241 See generally Afg. Indep. Hum. Rts. Comm'n, Gozaresh monaze'eh koochi ha va mardome mahal dar woloswali nahoor velayat ghazni (1390/3/31 ela 1390/4/4) [The Report on the Conflict between Kuchis and Local People in the Nahoor District of Ghazni Province (June 21, 2011 until June 25, 2011)] 3–6 (2011), <http://www.aihrc.org.af/media/files/Reports/Daily%20report%20Dari/Nahorreport.pdf>.

242 Elamiye matbu'ati dar erte'bat ba dargiriye mosalahane dar velayate uruzgan [Press Release Regarding the Armed Conflict in Uruzgan Province], Afg. Indep. Hum. Rts. Comm'n (Nov. 5, 2018), http://www.aihrc.org.af/home/press_release/7841; Ali Yawar Adili & Martine van Bijlert, Taleban Attacks on Khas Uruzgan, Jaghori and Malestan (I): A New and Violent Push into Hazara Areas, Afg. Analysts Network (Nov. 28, 2018), <http://www.afghanistan-analysts.org/en/reports/war-and-peace/taleban-attacks-on-khas-uruzgan-jaghori-and-malestan-i-a-new-and-violent-push-into-hazara-areas>.

243 See, e.g., Mustafa Andalib & Abdul Qadir Sediqi, Thousands Flee as Taliban Attack Afghanistan's 'Safe' Districts, Reuters (Nov. 14, 2018), <http://www.reuters.com/article/us-afghanistan-attack-idUSKCN1NJ28K>; Sharif Hassan, These Afghan Villages Had Been Safe from Insurgents. Then a Deadly Taliban Assault Forced Thousands to Flee, Wash. Post (Nov. 19, 2018), http://www.washingtonpost.com/world/asia_pacific/we-left-everything-behind-the-flight-of-the-talibans-victims-from-afghanistans-safe-districts/2018/11/19/bdc8ef02-eb3e-11e8-8b47-bd0975fd6199_story.html; U.N. Off. For The Coordination of Humanitarian Affs., Afghanistan: Ghazni Armed Clashes – Flash Update No. 3, at 1 (Nov. 21, 2018), http://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/flash_update_-_ghazni_armed_clash_no.3.pdf.

244 European Union Agency for Asylum, Country of Origin Information: Afghanistan Targeting of Individuals (Aug. 2022), p 136, https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Targeting_of_individuals.pdf.

245 See, e.g., Tracey Shelton, Despite Promises, Taliban Begin Evicting Afghanistan's Ethnic Hazaras from Their Land, ABC News (Oct. 15, 2021), <http://www.abc.net.au/news/2021-10-16/taliban-carrying-out-mass-eviction-shia-hazara-minority/100505874>; Afghanistan: Taliban Forcibly Evict Minority Shia, Hum. Rts. Watch (Oct. 22, 2021), <http://www.hrw.org/news/2021/10/22/afghanistan-taliban-forcibly-evict-minority-shia>.

246 See, e.g., Afghanistan: Taliban Forcibly Evict Minority Shia, Hum. Rts. Watch (Oct. 22, 2021), <http://www.hrw.org/news/2021/10/22/afghanistan-taliban-forcibly-evict-minority-shia>. See also Afrade mosallah be "hemayate taliban" panj roz be hazara ha forsat dadand ke "qobat-ul-Islam" balkh ra takhliye konand [Armed Individuals with "Taliban's Support" Gave Hazaras Five Days to Leave Balkh's Qubat ul-Islam], Etilaat Roz (Oct. 11, 2021), <http://www.etilaatroz.com/132101/armed-men-supporting-taliban-give-hazaras-five-days-to-evacuate-qabat-ul-islam-balkh>.

247 Genocide Watch, Intensifying Persecution of Hazaras in Afghanistan (July 19, 2024), <https://www.genocidewatch.com/single-post/intensifying-persecution-of-hazaras-in-afghanistan>.

248 Centre for Information Resilience, Land clearance in Kabul (Nov. 18, 2024), <https://www.info-res.org/afghan-witness/reports/land-clearance-in-kabul/>; see also: Dr Ewelina Ochab, Forbes, Taliban Targeting The Hazara In Afghanistan Yet Again (Dec. 8, 2024), <https://www.forbes.com/sites/ewelinaochab/2024/12/08/taliban-targeting-the-hazara-in-afghanistan-yet-again/>.

VII. The Perpetrators

As it is clear from this section, the two main alleged perpetrators of the vast majority of the attacks against the Hazara community are the Taliban and IS-KP/Daesh. IS-KP/Daesh is a Sunni violent extremist group based primarily in Afghanistan and a regional branch of the Salafi jihadist group Islamic State (IS).

Several other groups have been responsible for attacks against the Hazara, including the Kuchis; however, these attacks have received much less attention and, while mentioned in the report, are not analyzed against the legal definition of genocide. Furthermore, some of the attacks are not attributed to any group at this stage, and the lack of investigations may mean that the perpetrators will not be identified. In relation to establishing individual criminal responsibility and/or state responsibility for the crimes against the Hazara, the following points need to be taken into consideration:

- The atrocities perpetrated by the Taliban and IS-KP/Daesh have been perpetrated over decades, including during the Afghan Republic. The individuals responsible for these crimes could be prosecuted. However, in terms of state responsibility, the Taliban could not be held accountable for these crimes.
- The atrocities perpetrated by the Taliban and IS-KP/Daesh since the Taliban takeover of Afghanistan could be prosecuted and could be attributable to the Taliban for the purposes of establishing state responsibility.
- While the Taliban are not recognized as the government of Afghanistan, as the *de facto* authorities the Taliban could be held to account for their failures under the Genocide Convention.

VIII. Intent to Destroy, in Whole or in Part, a National, Ethnic, Racial, or Religious Group

Pursuant to Article II of the Convention, genocide also demands proof of the “intent to destroy” the protected group “in whole or in part” (*mens rea*).²⁴⁹ The mental element of the crime of genocide is also known as a special or specific intent or *dolus specialis*.²⁵⁰

This means that “the crime of genocide requires proof of intent to commit the underlying act and proof of intent to destroy the targeted group, in whole or in part. The proof of the mental state with respect to the commission of the underlying act can serve as evidence from which the factfinder may draw the further inference that the accused possessed the specific intent to destroy.”²⁵¹

The “term ‘in whole or in part’ [under Article II] refers to the intent, as opposed to the actual destruction.”²⁵² Accordingly, any of the five acts (*actus reus*) listed under Article II will constitute genocide if perpetrated with the special intent to destroy a protected group in whole or in part.²⁵³ The perpetrator’s motive, however, is generally irrelevant in assessing the *mens rea* requirement.²⁵⁴ Moreover, *dolus specialis* does not require long-term premeditation.²⁵⁵

The intent to destroy the protected group can be established through official statements, a general plan or policy,²⁵⁶ a pattern of conduct,²⁵⁷ “attacks on cultural or religious property or symbols of the group,”²⁵⁸ forced displacement,²⁵⁹ transfer of members of the targeted group,²⁶⁰ and “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, or the repetition of destructive and discriminatory acts.”²⁶¹

The specific intent would need to be established for the Taliban and for IS-KP/Daesh separately.

One of key piece of evidence here would be official statements calling for the killing/destruction of the Hazara community. However, such smoking-gun evidence is often not available. Nonetheless, specific intent to destroy a protected group in whole or in part may be inferred from the acts. Indeed, “In assessing evidence of genocidal intent, [a court] should consider whether ‘all of the evidence, taken together, demonstrates a genocidal mental state’, instead of considering separately whether an accused intended to destroy a protected group through each of the relevant acts of genocide.”²⁶²

In the recent targeting of the Hazara, the indicia of *dolus specialis* include, *inter alia*, the acknowledgment of responsibility by IS-KP/Daesh for attacking numerous Hazara civilian targets such as schools, hospitals, and mosques;²⁶³

249 Genocide Convention, Art. II.

250 Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia & Herzegovina v. Serbia & Montenegro), 2007 I.C.J. 1, ¶ 187 (Feb. 26) [hereinafter, *Bosnia v. Serbia*].

251 Prosecutor v. Krstić, Appeals Chamber judgement, Case No. IT-98-33, 25.

252 Prosecutor v. Krstić, Case No. IT-98-33-T, Trial Judgment, ICTY ¶ 584 (Aug. 2, 2001).

253 *Id.*

254 Prosecutor v. Karadžić, Case No. IT-95-5/18-T, Trial Judgment, ICTY, ¶ 554 (Mar. 24, 2016).

255 Prosecutor v. Krstić, Case No. IT-98-33-T, Trial Judgment, ICTY ¶¶ 572, 584 (Aug. 2, 2001).

256 See, e.g., Prosecutor v. Jelisić, Case No. IT-95-10-A, Appeal Judgment, ICTY, ¶ 48 (July 5, 2001); Prosecutor v. Krstić, Case No. IT-98-33-A, Appeals Judgment, ICTY, ¶ 225 (Apr. 19, 2004).

257 *Bosnia v. Serbia*, ¶¶ 242, 373.

258 Prosecutor v. Karadžić, Case No. IT-95-5/18-T, Trial Judgment, ICTY, ¶ 553 (Mar. 24, 2016); Prosecutor v. Krstić, Case No. IT-98-33-T, Trial Judgment, ICTY ¶ 580 (Aug. 2, 2001); see also *Bosnia v. Serbia*, ¶ 344 (“[t]he ICJ] endorses the observation made in the Krstić case that ‘where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols of the targeted group as well, attacks which may legitimately be considered as evidence of an intent to physically destroy the group’”).

259 See, e.g., *Bosnia v. Serbia*, ¶ 190 (stating that “acts of ‘ethnic cleansing’ [such as displacement or deportation] . . . may be significant as indicative of the presence of a specific intent (*dolus specialis*) inspiring those acts”).

260 See, e.g., Prosecutor v. Krstić, Case No. IT-98-33-A, Appeals Judgment, ICTY, ¶ 33 (Apr. 19, 2004) (holding that “[t]he fact that the forcible transfer does not constitute in and of itself a genocidal act[] does not preclude a Trial Chamber from relying on it as evidence of the intentions of members of the VRS Main Staff.”). Moreover, the ICJ agreed that “evidence of the transfer of the women and children supported [the] finding that some members of the VRS Main Staff intended to destroy the Bosnian Muslims in Srebrenica.” *Bosnia v. Serbia*, ¶ 293.

261 Prosecutor v. Jelisić, Case No. IT-95-10-A, Appeal Judgment, ICTY, ¶ 47 (July 5, 2001).

262 Prosecutor v. Karadžić (Judgment) ICTY-95-5/18-T (24 March 2016) 550.

263 See *supra* Part III.

as combined with the use of disparaging and dehumanizing rhetoric and incitement to violence against Hazaras;²⁶⁴ repeated attacks on cultural or religious property or symbols of Hazaras, such as local educational centers, places of worship, commemoration ceremonies, cultural centers, and celebratory events;²⁶⁵ the forced displacement of Hazaras;²⁶⁶ and the widespread and systematic attacks that evince a pattern of deliberate and large-scale violence against this community.²⁶⁷

Among other incidents, IS-KP/Daesh claimed responsibility for an IED explosion targeting a commuter bus on Jan. 6, 2024, as a part of the group's "kill them [infidels] wherever you find them" campaign.²⁶⁸ IS-KP/Daesh also claimed responsibility for a series of bombings in October 2021, stating the group would target Shia in their homes and in public "in every way, from slaughtering their necks to scattering their limbs."²⁶⁹

In relation to the Taliban, since 2021, it may be more difficult to identify the "smoking gun" in the form of official statements, but we can infer the specific intent based on some evidence.

During the 2022 U.K. Parliamentary Inquiry into the situation of the Hazaras in Afghanistan, Dr. Gregory Stanton gave oral evidence regarding the post-2021 Taliban government's support for IS-KP/Daesh attacks against Hazaras. Specifically, in April 2022 IS-KP/Daesh reportedly claimed responsibility for an attack on Seh Dokan mosque in Mazar-e-Sharif, where at least 16 people were killed. Stanton stated that "the Taliban would not let assistance people get into the mosque to assist the wounded."²⁷⁰ However, further evidence may be needed to ensure that the element of specific intent is established.

The foregoing analysis provides a reasonable basis for believing that the attacks against Hazaras in Afghanistan satisfy the elements of the crime of genocide under Article II of the Genocide Convention.²⁷¹ However, comprehensive and systematic data collection and investigations are needed to ensure that the crimes could be prosecuted in the future. At minimum, the serious risk of genocide clearly exists, and states should act upon it, as explained below.

264 See *id.* For example, according to a UN report concerning a deadly IS-KP/Daesh assault on Hazara civilians in Kabul in 2016, "[t]he attack appears to have deliberately targeted persons belonging to a specific ethnic and religious community and the claim of responsibility used language that advocates religious hatred and incitement to violence." U.N. Assistance Mission in Afg., *Afghanistan Human Rights and Protection of Civilians in Armed Conflict Special Rep.: Attack on a Peaceful Demonstration in Kabul*, 23 July 2016, ¶ 39 (Oct. 2016) (emphasis added).

265 See *supra* Part III.

266 See *supra* Part III.E.

267 See *supra* Part III.

268 UNAMA, *Update on the Human Rights Situation in Afghanistan (January-March 2024 Update)*, p 2, <https://reliefweb.int/report/afghanistan/unama-update-human-rights-situation-afghanistan-january-march-2024-update-endarips>

269 *Afghanistan: Surge in Islamic State Attacks on Shia*, Hum. Rts. Watch (Oct. 25, 2021), <http://www.hrw.org/news/2021/10/25/afghanistan-surge-islamic-state-attacks-shia>

270 *The Hazara Inquiry, The Situation of the Hazara in Afghanistan* (Aug. 2022), p 33 https://www.hazarainquiry.com/_files/ugd/525f48_c697e483f02c4c10a7eb04947eefb72b.pdf.

271 Genocide Convention, Art. II. For further analysis of the genocide of Hazaras, see Mehdi J. Hakimi, *The Genocide of Hazaras*, 63 *Virginia Journal of International Law Online* 19 (2023), which also informs this report.

IX. State Responsibility

Article I of the Genocide Convention imposes upon states the obligations to prevent and punish the crime of genocide.²⁷² States parties are thus obligated to prevent genocide from occurring and to hold the perpetrators accountable.²⁷³ These Article I duties are not limited by territory; rather, they “apply to a State wherever it may be acting or may be able to act in ways appropriate” to discharging these responsibilities.²⁷⁴

In relation to the duty to prevent, the International Court of Justice (ICJ) has clarified that the “obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed.”²⁷⁵ In accordance to the duty to protect under Article I of the Genocide Convention, States should deploy all means reasonable available to them so as to prevent genocide as far as possible.²⁷⁶

In assessing a state’s compliance with this obligation, various factors are considered including the “capacity to influence effectively the action of persons likely to commit, or already committing, genocide,” which in turn depends, *inter alia*, on geographical, political, and other forms of links between that state and the principal actors in the incidents.²⁷⁷

In the recent and ongoing attacks on Hazaras, the evidence in this report establishes a reasonable basis for believing that genocide is underway or, at a minimum, there exists a serious risk of genocide against Hazaras in Afghanistan, triggering the obligation of all states parties to prevent genocide under Article I of the Genocide Convention.²⁷⁸ Moreover, states parties should have knowledge of the existence of this serious risk of genocide since the evidence presented herein relies almost entirely on open sources, as such, they could not argue that they did not know. If a state is conducting monitoring and analysis, the serious risk should have been identified by them.

Notwithstanding, Afghan *de facto* authorities have failed to take all means reasonably available to avert the prohibited acts against Hazaras in Afghanistan.²⁷⁹

The Taliban are responsible both for the attacks they committed against the Hazara and for the attacks committed by IS-KP/Daesh, as they failed to prevent or stop them, investigate, or prosecute. This failure has emboldened and enabled IS-KP/Daesh and other perpetrators to continue their targeted attacks on Hazaras with impunity.

Although the Taliban are not recognized as the legitimate government of Afghanistan, their role as *de facto* authorities imposes state-like responsibilities under international law. Given the Afghan state’s breach of its international responsibility, other states parties must “employ all means reasonably available to them” to protect Hazaras from further genocidal acts in Afghanistan.²⁸⁰

272 Genocide Convention, Art. I.

273 Id.

274 Bosnia v. Serbia, ¶ 183.

275 Id. ¶ 431.

276 Id. 430-431.

277 Id.

278 See supra Parts V-VII.

279 See supra Part III.

280 Bosnia v. Serbia, ¶ 430.

X. Conclusion

This report has examined the legal question of whether the recent attacks against Hazaras in Afghanistan constitute genocide under international criminal law. In light of the legal criteria and the evidence studied herein, the report concludes that there is a reasonable basis to believe that the attacks meet the elements of the crime of genocide as defined by Article II of the Genocide Convention. The Hazaras fall within the ambit of Article II as an ethnic group, defined by their shared culture, language, and religion, and as a religious group.²⁸¹

Moreover, the attacks on Hazaras satisfy the *actus reus* and *mens rea* requirements of genocide. With respect to the *actus reus* requirement, the attacks on Hazaras amount to genocidal acts under Article II (a) (killing members of the group),²⁸² Article II (b) (causing serious bodily or mental harm),²⁸³ and Article II (c) (inflicting conditions calculated to bring about physical destruction).²⁸⁴ Regarding the *mens rea* requirement of *dolus specialis*, the intent to destroy this ethnic group can be inferred from the acts themselves.

Furthermore, the report establishes a reasonable basis to believe that the Taliban, as the *de facto* authorities, have violated their obligation to prevent genocide against Hazaras under Article I of the Genocide Convention.²⁸⁵ Given the long-standing reality of systematic violence against Hazaras and the concomitant culture of impunity in Afghanistan, it is time for the international community to heed the Convention's object and purpose to "prevent and to punish" acts of genocide against this group.²⁸⁶

281 See *supra* Part V.

282 See *supra* Part VI.A.

283 See *supra* Part VI.B.

284 See *supra* Part VI.C.

285 See *supra* Part VIII.

286 Genocide Convention, Art. I.

XI. Next Steps

The situation of the Hazara requires urgent attention, and this in accordance with the duties to prevent and punish the crime of genocide, including:

- States must consider *all means available* to them to prevent the genocide, its continuations, etc.; and
- States must ensure that the crimes are investigated and prosecuted including by way of:
 - On the international level:
 - Establishing a U.N. mechanism to collect and preserve evidence of the crimes committed in Afghanistan, modelled on IIIM or IIMM;
 - Referring the situation of the Hazara to the ICC (as has been done in the case of gender persecution); and
 - Initiating proceedings before the ICJ, for the Taliban's violations of the Genocide Convention.
 - On the domestic level globally:
 - Initiating structural investigations into the atrocities committed against the Hazara in Afghanistan;
 - Initiating prosecutions of those responsible under the principle of universal jurisdiction; and
 - Imposing the Magnitsky sanctions on those responsible for the atrocities against the Hazara.

Afterword

By Lord Alton of Liverpool

*Chair, Joint House of Lords and
House of Commons Committee
on Human Rights*

This meticulously researched report by New Lines Institute for Strategy and Policy represents a landmark effort in applying international law, including the Genocide Convention of 1948, to the systematic and widespread atrocities perpetrated against the Hazara people in Afghanistan. It compellingly establishes a reasonable basis to believe that the attacks on Hazaras, primarily by the Islamic State-Khorasan Province and the Taliban, constitute genocide under Article II of the Genocide Convention, to which Afghanistan is a signatory. Furthermore, it persuasively demonstrates that Afghanistan has breached its Article I obligation to prevent genocide, failing to take meaningful action to protect the Hazara community from ongoing and deliberate violence.

The report provides a robust legal analysis, evidencing that the Hazaras, as an ethnic group defined by their shared culture, language, and religion, have been subjected to genocidal acts under Article II. These include:

- Killing Hazara civilians in targeted attacks on schools, mosques, hospitals, and public spaces;
- Causing serious bodily or mental harm through widespread sexual violence, forced displacement, and inhumane treatment;
- Deliberately inflicting conditions of life calculated to bring about the physical destruction of Hazaras, including the destruction of property, denial of humanitarian aid, and systematic expulsion from their lands.

The intent to destroy the Hazara community, in whole or in part, is starkly evidenced by the perpetrators' explicit acknowledgment of responsibility, dehumanizing rhetoric, incitement to violence, and repeated attacks on cultural and religious symbols. These acts, rooted in a long history of persecution dating to the late 19th century, reflect a chilling continuity of violence against this vulnerable group.

This report also underscores Afghanistan's failure to uphold its international obligations under the Genocide Convention, allowing a culture of impunity to persist. The inaction of Afghan authorities, both under the former republic and the current Taliban regime, has emboldened perpetrators to continue their assaults with devastating consequences. Signatories to the Genocide Convention now bear a collective responsibility to act decisively to prevent further atrocities and pursue accountability.

By documenting these grave violations, this report serves as a clarion call for justice. It provides the evidence and legal framework necessary to galvanize international action, ensuring that the plight of the Hazaras is neither ignored nor forgotten. The time has come for states parties to employ all means reasonably available to protect the Hazara people and hold those responsible for these atrocities to account.

Contributors

This report has been produced under the auspices of the New Lines Institute for Strategy and Policy. We are grateful to the following independent experts, listed in alphabetical order, for their contributions and advice.

in

X

Mehdi J. Hakimi (Principal Author) is a lawyer, scholar, and Editor-in-Chief of the Oxford University Commonwealth Law Journal. He previously served as the John Peters Humphrey Fellow at Harvard Law School and as Lecturer in Law and Executive Director of the Rule of Law Program at Stanford Law School, where he led international initiatives in the Middle East, South Asia, and Africa. Earlier, he chaired the Law Department at the American University of Afghanistan, where he founded the Business Law Clinic and Moot Court Program. He has advised international organizations, governments, and law firms on Afghanistan and comparative legal systems, and his expertise has been cited in court decisions, EU publications, and U.S. congressional reports. His scholarship has appeared in leading journals at Harvard, Yale, Stanford, Columbia, and others. A licensed attorney, Hakimi has worked with global law firms and is fluent in Persian/Farsi/Dari, English, Arabic, and French.

in

Dr. Mutasim Ali is Legal Counsel at the Raoul Wallenberg Center for Human Rights and a leading advocate for genocide prevention and refugee rights. A survivor of the Darfur genocide, he became the first Darfuri asylum seeker to be granted refugee status in Israel, where he campaigned tirelessly for refugee protection. At the Wallenberg Centre, . Ali provides legal expertise on human rights, international justice, and accountability mechanisms. He has spoken globally on the plight of Darfuri and Sudanese communities, using his personal and professional experience to inform international advocacy. His work focuses on advancing justice for marginalized communities.

X

Lord David Alton of Liverpool is an independent crossbench member of the U.K. House of Lords and a longtime advocate for human rights, religious freedom, and humanitarian issues. He has served in Parliament since 1979, first as a Member of the House of Commons and, since 1997, in the Lords. Lord Alton is known for his leadership on issues of genocide prevention, freedom of belief, and international justice, often raising the plight of persecuted minorities in parliamentary debates. He works closely with NGOs, faith groups, and international institutions to advance human dignity, accountability, and global human rights protections.

X

Sareta Ashraph is a barrister and international human rights lawyer specializing in atrocity crimes and accountability. She is a Senior Legal Adviser with the Center for Justice and Accountability and has served as Chief Legal Analyst on the U.N. Commission of Inquiry on Syria. Ashraph has also contributed to the U.S. Holocaust Memorial Museum and the Atlantic Council's Strategic Litigation Project. She has led investigations and prosecutions into genocide, war crimes, and crimes against humanity, with a focus on marginalized groups. Ashraph is widely regarded for her expertise in legal analysis, transitional justice, and advancing international accountability mechanisms.

in

X

Irwin Cotler, PC OC OQ, is International Chair of the Raoul Wallenberg Centre for Human Rights, an Emeritus Professor of Law at McGill University, and a former Minister of Justice and Attorney General of Canada. A longtime Member of Parliament, Cotler is a globally recognized human rights lawyer and advocate who has represented political prisoners and dissidents worldwide. He has been at the forefront of international campaigns for justice, accountability, and genocide prevention. Cotler's work bridges scholarship, policy, and advocacy, and he continues to advise governments and international institutions on strengthening the rule of law and protecting vulnerable communities.

in

Susanna Kelley is Head of Mass Atrocities and International Law portfolio at the New Lines Institute for Strategy and Policy, where she leads research and policy initiatives to strengthen international legal frameworks for atrocity prevention and response. Her work focuses on peacebuilding, postconflict stabilization, and addressing complex security challenges, with regional expertise in the Western Balkans. Prior to joining New Lines, she worked at a Scottish think tank in Edinburgh and gained on-the-ground experience in postconflict peacebuilding in Kosovo. She holds a master's in Global Crime, Security, and Justice from the University of Edinburgh and dual bachelor's degrees in Economics and Political Philosophy, Policy, and Law from the University of Virginia.

in

X

Maria Mingo is a consultant and project manager specializing in the intersection of human rights and technology, with expertise in atrocity crime documentation, digital evidence, and platform accountability. She currently works with Project Expedite Justice, focusing on accountability in Ukraine and beyond. She has also acted as a legal consultant for New Lines Institute for Strategy and Policy. Previously, Mingo served as Policy and Advocacy Manager at Mnemonic, leading on digital rights and data access under the EU Digital Services Act. She has advised initiatives such as eyeWitness to Atrocities and Huquqyat, advancing justice and platform accountability.

in

X

Dr. Ewelina U. Ochab is a human rights advocate, lawyer, and program lawyer with the International Bar Association's Human Rights Institute. She is also co-founder of the Coalition for Genocide Response. Ochab has worked extensively on human rights, genocide prevention, and international law, engaging with governments, the United Nations, and civil society to advance accountability for atrocity crimes. She has authored multiple reports, briefed policymakers worldwide, and frequently writes and speaks on human rights issues. Her advocacy focuses on strengthening global mechanisms to prevent mass atrocities and protect vulnerable communities at risk of persecution.

in

X

Emily Prey is a gender and human rights expert specializing in the intersection of gender, conflict, and atrocity prevention. As a Senior Non-Resident Fellow at New Lines, she has advised governments, international organizations, and NGOs on issues including gender-based violence, genocide response, and human rights advocacy. Prey has led research initiatives and contributed to policy recommendations on addressing conflict-related sexual violence in Ukraine, implementing the Women, Peace, and Security agenda in the U.S., and gendering atrocity prevention in the U.K.. Her work emphasizes integrating gender perspectives into human rights policy and strengthening international responses to mass atrocities. With a background in research, advocacy, and international affairs, Prey is dedicated to advancing accountability, equality, and sustainable approaches to global justice challenges. She holds a Master's from The Fletcher School of Law and Diplomacy and a Bachelor's from Williams College.

in

Ambassador Allan Rock is a Canadian lawyer, diplomat, and former politician who has served as Canada's Minister of Justice, Minister of Health, and Ambassador to the United Nations. As Justice Minister, he led significant reforms in criminal law and human rights protections. At the UN, he was a key voice on humanitarian issues, peacekeeping, and the Responsibility to Protect doctrine. Rock has also served as President of the University of Ottawa and continues to engage in public policy, law, and human rights advocacy. His career reflects a commitment to advancing justice, multilateral cooperation, and the protection of vulnerable communities worldwide.

Contact

For media inquiries, email
media@newlinesinstitute.org

To learn more about New Lines'
publication process, email
submissions@newlinesinstitute.org

For other inquiries, send an email to
info@newlinesinstitute.org

A: 1660 L St. NW, Ste. 450
Washington, D.C., 20036