

## **Afghanistan - Researched and compiled by the Refugee Documentation Centre of Ireland on Monday 6 November 2023**

### **Information on Land disputes and land grabbing by Taliban taking over land and killing farmers & families between 2020 - 2023 in particular.**

*Afghan Witness* in September 2023 reported that:

“Recently, claims of forced displacement and the destruction of property and land have been particularly well-documented in the central province of Uruzgan. In July, reports alleged that Taliban members had set fire to wheat fields allegedly belonging to Hazara residents in Uruzgan. On August 14, an X (formerly Twitter) user shared images of cut fruit trees, which also showed the presence of armed individuals. The user claimed that residents of Khas district, with the help of the Taliban, are deliberately destroying Hazara farmlands to force residents to flee the area. The user referred to the long history of tensions in the region, saying that those residents have “illegally occupies [sic] Hazara lands since 1893” and are “now forcing the remaining Hazaras to flee”. According to sources quoted by Independent Persian, the incident reportedly occurred on August 12, 2023, in Sheshpar village.” (*Afghan Witness* (29 September 2023) *Uptick in claims of forced displacement across Afghanistan*).

The *United Nations* in September 2023 points out that:

“Some 27 disputes were recorded over land, pastureland and water distribution. The north-eastern, western and northern regions accounted for 48 per cent of recorded incidents, with Kunduz, Herat and Takhar the most affected provinces.” (*United Nations* (18 September 2023) *The situation in Afghanistan and its implications for international peace and security: Report of the Secretary-General* (September 2023), p.5).

*Federal Office for Migration and Refugees (Germany)* in September 2023 notes that:

“On 12.09. and 13.09.23, the Taliban arrested 26 people in Bamyan province related to land conflicts with Pashtun nomads.” (*Federal Office for Migration and Refugees (Germany)* (18 September 2023) *Briefing Notes 18 September 2023 - Afghanistan: Persecution situation; Ethnic conflicts*).

The same document states that:

“Land conflicts between Hazaras and Pashtun nomads occur time and again and the Taliban are accused of siding with the Pashtuns.” (*Ibid*).

Another document from *Federal Office for Migration and Refugees (Germany)* in September 2023 states that:

“Citing local sources, it was reported on 05.09.23 that a Taliban commander had forcibly seized local people’s land in Takhar province to dig for gold.” (*Federal Office for Migration and Refugees (Germany)* (11 September 2023) *Briefing Notes 11 September 2023 - Afghanistan: Security, persecution, economic and humanitarian situation*).

The *Office of the United Nations High Commissioner for Human Rights (OHCHR)* in September 2023 mentioned that:

“The Uzbek and Turkmen communities also feel suppressed and excluded. The Special Rapporteur has received reports that the forced eviction of Uzbek and Turkmen communities has been ongoing since 2021 in Faryab, Ghor, Jowzjan, Mazar-e Sharif, Kabul and Takhar. The forcible eviction of people from their homes or land is prohibited under international human rights law. Furthermore, a high number of former government officials from Uzbek communities are in exile and have no contact with their families for fear of doing so; their families are intimidated by the de facto authorities.” [...] (Office of the United Nations High Commissioner for Human Rights (OHCHR) (1 September 2023) *Report of the Special Rapporteur on the situation of human rights in Afghanistan (September 2023)*, p.13).

In August 2023 *Global Protection Cluster* in August 2023 reported that:

“Disputes over land remain a critical concern. This concern is acute in situations where property rights are frequently undocumented.” (Global Protection Cluster (18 August 2023) *Afghanistan Protection Analysis Update July 2023: Update on the protection environment following the ban on female aid workers*, p.6).

*Assessment Capacities Project (ACAPS)* in July 2023 states that:

“A wide range of challenges confront Afghan families. Among these challenges are land-based disputes, which constitute about 70% of all disputes in Afghanistan (Hasht e Subh 12/07/2019). These land disputes are not confined to a particular location but occur in various settings, including urban, peri-urban, and rural, and involve private, public, and state-owned properties.” [...] (Assessment Capacities Project (ACAPS) (26 July 2023) *Afghanistan: Land conflicts and humanitarian action: a conflict sensitivity perspective*).

The report further mentioned that:

“In 2001, when the Taliban government collapsed, the dispute between the Kuchis and sedentary people flared again in different areas of the country. The perceived alliance between Kuchis and the Taliban led to some resentment and the displacement of many Pashtuns, including but not limited to Kuchis, from northern Afghanistan to the south or to Pakistan (Brookings/TLO 05/2010), as well as the reblocking of Kuchis' access to pastures. In central Hazarajat, Kuchis have made several unsuccessful attempts to regain access to grazing land. These attempts typically end in violence and the loss of lives and property on both sides.” [...] (Ibid, p.9).

A report issued by the *United Nations* in June 2023 notes that:

“The de facto commission to prevent land-grabbing and recover usurped land reportedly recovered 500,000 *jeribs* (100,000 hectares) across the country, including 16,000 *jeribs* (3,200 hectares) in Kabul, according to Taliban sources.” (United Nations (20 June 2023) *The situation in Afghanistan and its implications for international peace and security Report of the Secretary-General (June 2023)*, p.4).

*Amnesty International* in June 2023 states that:

“Over the last 18 months, the Taliban have organized village-wide arbitrary arrests of adult men and older boys, detained them without charge, and subjected many of those so detained to beatings and other abuse. The Taliban have also burned homes, imposed the only curfew in all of Afghanistan, seized civilian homes for military use, and denied shepherds access to their traditional grazing lands.” (Amnesty International (7 June 2023)

*"Your sons are in the mountains": The collective punishment of civilians in Panjshir by the Taliban).*

The *Afghanistan Analysts Network (AAN)* in December 2022 reported that:

"A series of clashes between local villagers and incoming Pashtun groups in the northern province of Takhar brought the issue of conflict over land back into the spotlight. This is an age-long problem, but the collapse of the Republic shifted local power balances and brought different communities onto the winning side. As a result, many old land claims, conflicts, debts and legal accusations have been revived. The recurring conflict between nomadic Pashtun Kuchis trying to gain access to the summer pastures of Hazarajat and local residents has also resurfaced. This year, however, for the first time since 2001, it is the Taliban who have to manage the myriad competing claims with their potential for conflict. At the same time, they are seen by a number of communities across Afghanistan as supporting the Kuchis and thus a party to the conflict and not impartial mediators." (Afghanistan Analysts Network (AAN) (22 December 2022) *Conflict Management or Retribution? How the Taliban deal with land disputes between Kuchis and local communities*).

The report further states that:

"The confrontation in Khwaja Bahauddin is one among several land disputes that have emerged in Takhar since the Taliban's return to power, particularly in the northern districts of the province close to the Amu river and the Tajik border, including Dasht-e Qala, Rustaq, Darqad and Yangi Qala..." (Ibid, p.2).

"Almost every Afghan province, if not district, has its own, specific type of land dispute, often dating back some decades; each one would require a separate discussion to identify its origin and interpret the potential political fallout. However, the conflict between Kuchi nomads and Hazara villagers in the central highlands of Afghanistan, potentially surpasses all other land disputes for its magnitude, duration and political significance." (Ibid).

"Unlike the situation in Takhar, the land dispute in the highlands of Hazarajat did not suddenly emerge after the Taliban returned to power in 2021. In fact, it has been a constant for the last fifteen years, despite having been overshadowed by other dramatic issues and largely forgotten during the final years of the Republic." (Ibid).

This document notes that:

"In many areas, the Kuchis also objected to the houses villagers had built on the land they were now reclaiming, and asked them to either pay for the land they were using or vacate the houses. As few villagers have the capital necessary to buy the plots where they built their homes, many are now trying to resist eviction. In Bamyan province at least, the Kuchis also obtained the restitution of a number of fortified mansions (qala) they had built during the era of their hegemony over Hazarajat." (Ibid).

"But despite attempts to prevent major confrontations and to win time, at least at the central level, there has also been a clear pattern of abusive and self-interested behaviour in favour of the Kuchis by local Taliban authorities. This is exacerbated by the fact that in many Hazara-inhabited districts, following their military conquest by outsiders and in the absence of dependable local Taliban supporters, the new officials are often from neighbouring Pashtun areas and often have private interests and biases in disputes over local resources. For instance, according to a village elder in Malestan of Ghazni it was not the Kuchis that were now claiming lands or pastures in the district, but rather some Pashtuns from neighbouring Ajrestan district with whom locals had had bitter disputes in the past." (Ibid).

The *United Nations* in December 2022 mentioned that:

“The de facto authorities reported the resolution of a 63-year long feud between two families in Nangarhar Province, a 5-year enmity between two Pashtun families in Farah Province, a land-dispute between Pashtun returnees and Uzbek and Tajik residents in Takhar Province and a long-standing conflict between two Pashtun tribes in Herat Province.” (United Nations (7 December 2022) *The situation in Afghanistan and its implications for international peace and security: Report of the Secretary-General (December 2022)*, p.3).

This same report notes that:

“On 20 October, the Taliban leader issued a decree establishing a commission to prevent land-grabbing and recover usurped land, a long-standing source of conflict. After the addition of a provincial shura to Takhar Province on 19 October, such structures are currently present in 15 out of 34 provinces. According to de facto Deputy Minister of Interior, Noor Jalal Jalali, the shuras will be replicated in every province, in part to report on provincial administrations, and are in direct contact with Taliban leader, Haibatullah Akhundzada.” (Ibid, p.3).

In September 2022 *South Asia Intelligence Review (SAIR) of the South Asia Terrorism Portal (SATP)* reported that:

“Apart from the violence and brutal attacks, the Hazara community is also facing the problem of forcible eviction and land grabs. Taliban officials in several provinces across Afghanistan have forcibly displaced residents, partly to re-distribute land to their own supporters. In early October 2021, the Taliban and associated militias evicted hundreds of Hazara families from the southern Helmand province and the northern Balkh province. This followed earlier evictions from Daikundi, Uruzgan, and Kandahar provinces. Since the Taliban came to power in August, 2021, they have told many Hazaras and other residents in these five provinces to leave their homes and farms, in many cases with only a few days' notice, and without any opportunity to present their legal claims to the land. The largest displacements have reportedly taken place in 15 villages in the Daikundi and Uruzgan provinces, where the Taliban evicted at least 2,800 Hazara residents in September, 2021.” (South Asia Intelligence Review (SAIR) of the South Asia Terrorism Portal (SATP) (26 September 2022) *Hazaras: Doubly Terrorised*).

In September 2022 *Hazara Inquiry* notes that:

“The Hazara have been subjected to forcible displacement, 'Hazaras were forcefully evicted from their fertile lands in Uruzgan and Kandahar. [...] In Uruzgan alone, 12,000 Durrani and 4,000 Ghilzai families were ordered to settle on lands that formerly belonged to Hazaras. The government converted Hazara pasturelands into government property and sold them to Pashtun nomads who had helped him in his campaign.” (Hazara Inquiry (3 September 2022) *The Situation of the Hazara in Afghanistan*).

The report further points out that:

“The practice of forced displacement is yet another crime that has been used against the community for centuries. Ibrahim and Kadrie identified that 'the Taliban have forcibly displaced hundreds of Hazara families from their homes and lands in Day Kundi and are facilitating the illegal seizure of Hazarajat region by the Pashtun nomads.” (Ibid).

The *United States Holocaust Memorial Museum (USHMM)* in August 2022 states that:

“In the first months after seizing control, the Taliban killed 13 Hazara men in Daykundi province and forcibly displaced thousands of Hazaras across several provinces, claiming the community had disputed rights to the land "partly to distribute land to their own supporters.” (United States Holocaust Memorial Museum (USHMM) (10 August 2022) *Urgent Action Needed: Hazaras in Afghanistan Under Attack*).

A report issued by *Human Rights Watch* in January 2022 states that:

“Despite making repeated pledges to respect human rights, the Taliban have engaged in widespread rights abuses since retaking control of the country, including revenge killings, systematic discrimination against women and girls, severe restrictions on freedom of expression and the media, and land grabbing.” [...] (Human Rights Watch (26 January 2022) *Afghanistan: Taliban Target LGBT Afghans*, p.2).

In December 2021 *Gandhara (Radio Free Europe/Radio Liberty)* mentioned that:

“Ethnic Uzbeks and Turkmen allege that Pashtuns seized their homes and land in the northern province of Jowzjan with the help of the Taliban, a predominately Pashtun group.” (Gandhara (Radio Free Europe/Radio Liberty) (9 December 2021) *Taliban Accused Of Forcibly Evicting Ethnic Uzbeks, Turkmen In Northern Afghanistan*).

The document also notes that:

“Rights groups say the Taliban's forced displacement of residents is an attempt to distribute land to their own supporters and collectively punish communities that backed the former government.” (Ibid).

“Abdullah, who requested that his real name not be used out of concern for his safety, told RFE/RL's Radio Azadi that the provincial Taliban authorities had promised to send a delegation to investigate the alleged land seizures. But he said on December 8 that the delegation had yet to arrive.” (Ibid).

“Faizullah, a resident of Qush Tepa, says Pashtun nomads with the help of the Taliban seized more than 20,000 acres of their land.” (Ibid).

“Nobody could resist,” he says. “If we raised our voices, we would be killed.” (Ibid).

The document also points out that:

“In October, the Taliban forcibly evicted hundreds of Hazara families from southern Helmand Province and the northern province of Balkh.” (Ibid).

“In late September, some 700 Hazara were forcibly evicted by the Taliban in the central province of Daikundi. The Taliban claimed that they were implementing a Taliban court order that required the land to be returned to what it said were its original owners.” (Ibid).

“Many of the land disputes in northern Afghanistan are a legacy of the forced and voluntary resettlement of Pashtuns in the region in the 19th century.” (Ibid).

A report issued by *Human Rights Watch* in October 2021 notes that:

“Taliban officials in several provinces across Afghanistan have forcibly displaced residents partly to distribute land to their own supporters, Human Rights Watch said today. Many of these evictions have targeted Hazara Shia communities, as well as people associated with the former government, as a form of collective punishment.” (Human Rights Watch (22 October 2021) *Afghanistan: Taliban Forcibly Evict Minority Shia*).

This document also points out that:

“In early October 2021, the Taliban and associated militias forcibly evicted hundreds of Hazara families from the southern Helmand province and the northern Balkh province. These followed earlier evictions from Daikundi, Uruzgan, and Kandahar provinces. Since the Taliban came to power in August, the Taliban have told many Hazaras and other residents in these five provinces to leave their homes and farms, in many cases with only a few days' notice and without any opportunity to present their legal claims to the land. A former United Nations political analyst said that he saw eviction notices telling residents that if they did not comply, they "had no right to complain about the consequences." (Ibid).

"The Taliban are forcibly evicting Hazaras and others on the basis of ethnicity or political opinion to reward Taliban supporters," said Patricia Gossman, associate Asia director at Human Rights Watch. "These evictions, carried out with threats of force and without any legal process, are serious abuses that amount to collective punishment." (Ibid).

“Residents of Naw Mish district in Helmand province told Human Rights Watch that the Taliban issued a letter to at least 400 families in late September ordering them to leave. Given little time, the families were unable to take their belongings or complete harvesting their crops. One resident said the Taliban detained six men who tried to challenge the order; four remain in custody.” (Ibid).

*Gandhara (Radio Free Europe/Radio Liberty)* in February 2021 reported that:

“Gulnawar Khan Zadran, another tribal leader in Paktia, says they resolved a land dispute in the village of Said Khel by invoking customary laws.” (Gandhara (Radio Free Europe/Radio Liberty) (15 February 2021) *In Afghanistan's Pashtun Heartland, Tribal Rule Supersedes State Law*).

*Afghanistan Analysts Network (AAN)* in January 2021 notes that:

“Many of the cases that go to the Taleban's primary court in Dasht-e Archi are land disputes, followed by criminal cases.” [...] (Afghanistan Analysts Network (AAN) (25 January 2021) *Living with the Taleban (3): Local experiences in Dasht-e Archi district, Kunduz province*).

The report also mentioned that:

“Yunus (not his real name), a key informant who lives in a Taleban-controlled area, told AAN about a family dispute over inherited farmland. He said he had lived in Pakistan for almost two decades. When Yunus returned to Afghanistan, his cousins refused to give him his share of the extended family's farmland. He said they had already sold a part of his share and built houses on the remaining plot. According to him, his cousins withheld the document that proved his ownership claim. He told AAN that after his return to the village in 2017, he approached some local elders for a solution, but his cousins refused their mediation and cautioned the elders not to interfere. Because he lived in a Taleban-controlled area where the farmland is also located, he registered a case with the Taleban court. He said that if he

had registered the case in a government court, he would have been marked as being 'pro-government'. Moreover, his cousins are pro-Taleban and did not want to go to a government-controlled area to attend a court hearing.” (Ibid, p.7).

“In late 2017, he submitted his case to the Taleban court. At the time, he said, the court procedure was simple. He went to the court and explained the issue to the judges. The court summoned his cousins and asked both parties to present two witnesses, title deeds and written petitions.” (Ibid, p.7).

“After a few weeks, Yunus attended the court along with two witnesses and submitted a written petition to claim the land. However, he had no title deeds to substantiate his claim. The defendants (his cousins) provided title deeds but no witnesses. Over the decades of Afghanistan's conflict, various administrations often issued contradictory documents for the same piece of land. “We both attended the court,” he said, “but none of us had enough documentation to prove our ownership of the land.” (Ibid).

“After two months, the primary court decided that priority should be given to those who did not own a house in which to live. The court ruled in favour of his cousins because Yunus already had a house. “I refused the decision and registered the case with the [Taleban] secondary court,” he added. It took the secondary court one and a half years to make a ruling, also in favour of his cousins. He told AAN that he then appealed to the local branch of the Taleban high court. Nearly two years later, the case is still pending. “When I reach the [high] court to follow the case, they ask me to wait because there is a long queue,” he said. Yunus said he had noticed that good connections with the local Taleban could help speed up the proceedings and could even unduly influence judicial decisions.” (Ibid).

The report further states that:

“Haji Sakhi (not his real name), another interviewee, told AAN that he had approached the Taleban court about a land dispute. He said his family, together with his brothers' and cousins' families, had left the district in the 1980s and lived outside the country for nearly four decades. While members of his family had visited Dasht-e Archi regularly, they had not done so in the past few years. He had hired a caretaker to look after the family farm. It covers hundreds of jeribs (dozens of hectares) and has many shareholders, including his cousins. In early 2020, Sakhi returned to the district and found that the cultivated land had been turned into pasture. Also, several houses had been built on the land. He said:

Our villagers and neighbours have livestock, and they use my land for grazing. Some other people have also built houses there. When I asked them why they have taken my land, they ignored me and said it was state property.” (Ibid).

“He said he hired workers to plough the land and make it ready for cultivation, but certain people from the Taleban prevented him from continuing. He also said the Taleban asked him to go to the court to solve the issue. He went to the Taleban primary court and presented title deeds, after which the court told him there was no legal issue and he could proceed with his work.” (Ibid).

This document also notes that:

“Sakhi then found a way to contact a provincial Taleban official. His relatives introduced him to an official who helped him access a Taleban secondary court judge. This court provided him with an official letter asking the primary court to review its decision and solve the issue. He said:

When I brought the letter to the primary court, the judges felt bad. They said, "Why did you complain against us?" The court said I should wait until the [Taleban's] emirate comes to power and then the land will be given to me." (Ibid).

"Is there a clear date for the Emirate to come to power," he said he asked. In response, the judges told him to bring the other family members who also own shares in the land. He told AAN that they were abroad and were uncomfortable with the idea of coming to Dasht-e Archi. According to him, most villagers who have been using the land are members of the Taleban and have been able to influence the primary court to prevent him from cultivating the land. He said that nepotism and connections with the Taleban played a role in the court's decision." [...] (Ibid).

The *European Asylum Support Office (EASO)* in July 2020 reported that:

"As noted by Giustozzi, the Kuchi Directorate estimated that about 45 % of nomads, semi-nomads, and settled nomads were involved in some type of conflict. About 20 % of those involved in land disputes were active nomads involved in conflicts with other active nomads, 60-70 % were active nomads involved in conflicts with settlers, and 10-20 % were active nomads involved in conflicts with settled nomads." [...] (European Asylum Support Office (20 July 2020) *EASO COI Report - Afghanistan: Criminal law, customary justice and informal dispute resolution*).

The same report mentioned that:

"The blocking of nomad migration routes was reported to occur largely on the southern fringes of the Hazarajat. Hazarajat is a mountainous region that comprises the provinces of Bamiyan and Daykundi and parts of the provinces of Ghazni, Ghor, Uruzgan, and Wardak, which are the traditional homeland of the Hazara. Hazarajat is heavily dependent on agriculture for economic and employment opportunities; it is highly vulnerable to droughts and floods and has a 'severely underdeveloped' infrastructure. The blocking of access to land by Hazara farmers, who prevented nomads from reaching pastures to avoid damage to crops grown on the nomads' route and village pastures, was reported to take place particularly in Behsud district of Wardak Province and in parts of Ghazni Province. The passages on the nomads' migration route in Behsud, which was 'the most violent spot of nomad-farmer conflict in Afghanistan', were reported to be under the control of local Hazara militias." (Ibid).

The report further points out that:

"According to the research conducted by Giustozzi on nomad-settler conflicts, the authorities remain often 'the first port of call for help' in case of land disputes. However, while 40 % of nomads and settlers involved in land disputes said they appealed to the authorities, none of them mentioned receiving any help." [...] (Ibid).

"In February 2020, the Pajhwok Afghan News published a statement of the head of the Ministry of Urban Development and Housing (MUDH), according to which 1 600 people applied to judicial organs over land grabbing instances during the solar year that ends on 21 March 2020. Security forces reportedly helped to 'recover 250 000 acres of land from grabbers'. More than 15 800 people involved 'were referred to judiciary organs', with strongmen being found among the land grabbers." (Ibid).

Under the heading the "Taliban involvement in land disputes" the report states that:



“AAN-published research revealed that in Topra Kash, Kunduz Province, a Taliban district governor was 'supported by the military committees': in case of a land dispute, the governor would 'ask the military commander of the specific village' to implement the court's decision. When disputes over land and/or resource involve several districts, tribes, or villages, an outside commission of Taliban elders can be formed.” (Ibid).

“In January 2018, Pajhwok Afghan News reported on an armed clash between civilians and Taliban militants over a land dispute in Musa Qala district of southern Helmand province, when Taliban's shadow governor for Helmand 'wanted to distribute land owned by Alizai tribe to Ishaqzai tribesm.” (Ibid).

In June 2020 *Human Rights Watch* points out that:

“The Taliban's judicial system has relied largely on local religious scholars to adjudicate civil cases, such as land disputes. As Taliban courts emerged in contested areas, they gained a reputation for swift decisions and incorruptibility compared to the Afghan government's judiciary, where corruption is rife and cases have often languished for years.” (Human Rights Watch (30 June 2020) *"You Have No Right to Complain": Education, Social Restrictions, and Justice in Taliban-Held Afghanistan*).

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. All COI Query Responses are compiled in line with the Common EU Guidelines (2008) and the EUAA Report Methodology (2023). This response is not and does not purport to be conclusive as to the merit of any particular claim to international protection. Please refer to all documents cited.

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