



Hazara's Genocide in Afghanistan

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Abstract

Systematic and targeted crimes against Hazaras in Afghanistan, are known as challenging issues at the domestic and international levels; some experts, believe these crimes are clear examples of genocide. This research, which has addressed this issue using descriptive-analytical methods and library-documentary sources, shows that there is no doubt about the realization of the crime of genocide against Hazaras; Because the intention to completely or partially destroy a group, is enough to commit genocide crime. These crimes can lead to total or partial destruction of Hazaras in the future; Therefore, crimes committed against Hazaras in Afghanistan are considered crimes of genocide.

Keywords: *Genocide; Hazara; Actus Reus; Mens Rea; Afghanistan*

Introduction

Certainly, the Hazaras have always been subject to systematic and targeted killings since Abdul Rahman Khan's rule until this day. But these killings have never been noticed by the international community and only recently, they have been noticed by some international institutions, so that some have acknowledged the genocide of the Hazaras in Afghanistan. Hazaras who live abroad have also drawn the attention of the international community to the situation of Hazaras in Afghanistan by holding scientific meetings and peaceful protests. Despite all the efforts made by Hazaras, who are living abroad, to have the genocide of Hazaras recognized internationally, they have not yet achieved a specific and tangible achievement in this context.

Although the chaotic and restless situation of Afghanistan has affected all the people of this country; Hazara's situation is very different from others. Despite the change of governments, the type of crime does not make any difference in the case of Hazara, during the republic, educational and religious centers were always attacked by suicide attackers, and now, the same centers are attacked, and attention is paid to the way the crime was committed and also to the victims of the crime. Strengthens the speculation that the perpetrators of this crime do not intend to commit a normal crime.

The authors of this article try to investigate the type of crimes committed against the Hazaras in Afghanistan. This research consists of two parts, in the first part, the important concepts of this research are discussed and in the second part, the effects of the crime of genocide against the Hazaras in Afghanistan will be discussed.

1. Concepts

1-1. The Concept of Genocide, its Actus Reus, and Mens Rea

1-1-1- Definition of Genocide

Genocide is one of the crimes that has a long history in human history. Still, its criminalization as one of the international crimes does not have a long history and was used for the first time in 1944 by Professor Raphael Lemkin.

Genocide is composed of the Greek word Genos meaning Race, Nation, and Tribe with the Latin suffix Cide meaning Killing; But now its idiomatic meaning has been developed from its literary meaning; Because now, Genose also includes groups other than Race, Nation, and Tribe, just as Cide also includes actions other than killing that are carried out to destroy human groups (Joan Mardi Sahib, 1384: 5). According to the idiomatic meaning of the Genocide, the Convention on the Prohibition and Punishment of Genocide and the Rome Statute have introduced cases where no one is killed. Still, the result may be the extinction of that group. It is stated in the sixth article of the statute:

For the purpose of this Statute, "genocide" means any of the following acts committed with the 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.

Due to this article, it can be said that if someone does one of the above acts with the intention of destroying all or part of a certain group, the crime of genocide occurs.

1-1-2. The Issue of the Crime of Genocide

What is stated in the Rome Statute indicates that the subject of the first crime of genocide is a human group and not an individual. Second, in all these groups, there is a common criterion and that is that the membership in each of these groups must be involuntarily and through birth; Therefore, groups whose membership is optional; Like political groups, it is not included in the crime of genocide crime (Mehra, 2010, p. 35).

Therefore, it can be said: that the subject of the crime of genocide is unique in the following cases and another group; Like political groups, it is not a crime of genocide; Because membership in this group is optional.

A) National Group

A national group refers to people who have common citizenship (Pourbafarani, 2012, p. 268); For example, all those who have citizenship of Afghanistan are called a national group and it doesn't matter if this citizenship is acquired or inherent and they are ethnically and racially the same or different.

b) Ethnic Group

An ethnic group is a group of people who are the same culturally, linguistically, and socially, as well as biologically, and it does not matter whether these people are the same or different from a racial point of view.

c) Racial Group

The meaning of racial group is a set of people who are similar in terms of physical structure and mental states, and these similarities are passed from one generation to another; For example, those who are similar in terms of skin color and bone structure are considered to be of the same race, and those who do not resemble each other in these characteristics are not included in the same group; Even if they are culturally different from each other.

d) Religious Group

A religious group is defined as people who follow a common spiritual goal, and each religion has certain rituals and ceremonies that distinguish each religion from others, performing the rituals of each religion is a criterion for distinguishing the followers of each religion from followers of others.

1-1-3. Elements of the Crime of Genocide

Actus reus and mens rea are the basic elements of each crime in all legal systems.

A) Actus Reus

The actus reus of the genocide is stated in the sixth article of the Rome Statute, which are:

1. Killing Members of the Group

According to the sixth article of the Rome Statute, if a person kills someone to destroy all or part of the mentioned groups, he has committed genocide. For the realization of this criminal behavior, the presence of the following elements is necessary: 1- The perpetrator has killed one or more people 2- The same person or persons belong to a specific national, ethnic, racial or religious group 3- The perpetrator has the intention of total or partial destruction of that national, ethnic, racial or religious group 4- The behavior has taken place in the context of a clear pattern of similar behavior directed against that group, or it has been a behavior that could have destroyed the said group (Shabeth, 2014, p. 295).

According to what has been said, one of the criteria for identifying the intention of total or partial destruction of the mentioned groups by the perpetrator is the manner of criminal behavior and also the victims of the crime; Therefore, someone who commits the criminal behavior of murder in an unusual way; For example, before killing, he tortures the crime victim in different ways and then kills him, or after killing, he mutilates his body, indicating that the perpetrator intends to destroy that group.

2- Severe Physical and Mental Injury

The second criminal behavior to realize the actus reus of the crime of genocide is inflicting severe physical or mental harm with the intention of total or partial destruction to the people of one of the mentioned groups. Physical harm includes torture, whether physical or mental, inhumane or degrading treatment, rape, sexual assault, or torture. The damage doesn't need to be permanent or irreparable (Kriangsak, 2013, p. 154). Therefore, if a person who belongs to one of the above groups, to destroy that group, suffers severe physical or mental harm and after some time, that person recovers his health, the crime of genocide has occurred and the perpetrator or perpetrators can be punished for the crime of genocide.

3- Imposing Unsuitable Living Conditions That Lead to Total or Partial Deterioration

The imposition of unsuitable living conditions occurs when one of the above groups is placed in unfavorable conditions in terms of nutrition and health, intentionally and with the intention of total or partial destruction, and this criminal behavior, in the form of omission can be realized (Mehra, 2010, p. 38). That is, if the president of a country observes that the people of a group, due to belonging to a group,

have been intentionally put in an unfavorable condition of nutrition and health, and he also knows that the perpetrators intend to completely or partially destroy that group. or if he does not know their intention but knows that this act will cause the total or partial destruction of that group and at the same time does not take any action, he has committed the crime of genocide by omission.

4- Preventing Generation

Prevention of reproduction occurs in different ways; For example, sterilizing men, and separating women and men from each other, are among the methods that lead to the realization of the crime of genocide; Because the direct result of preventing generation will cause the extinction of that group.

5- Forced Transfer of Children from One Group to Another

The forced transfer of children from one group to another may be in the form of displacement or kidnapping, which in both cases is a crime of genocide; Because the result of the said behavior will be the destruction of that group, especially if the transferred children are at a younger age, who forget the culture and norms of their group and accept the culture and norms of the new group (Ardebili, 2015, p. 73).

It should be noted that criminal behavior may be committed by the rulers of a country and by ordinary people, and it can be realized in the form of an act and an omission. For example, if a government sees that some people are subject to genocide because they belong to a certain group. But if he does not take any effective action in this regard and the crime of genocide occurs, he has committed the crime of genocide by omission, or a commander, during the war, sees that his men are committing the crime of genocide and remains silent, and as a result, if the crime of genocide occurs, he has committed the crime of genocide as an act of omission.

1-1-4. Mens Rea

The mens rea or mental element of genocide is that the perpetrator intentionally commits acts against a national, racial, or religious group that have the potential to destroy that group (Mir Mohammad Sadeghi, 2013, p.134).

The noteworthy point is that to commit the crime of genocide, a specific intention is also necessary, and that is the intention to destroy that group, which may destroy that group at the same time; such as killing all the people of a certain group or killing people who have an effective role in the survival of that group, and if those people leave, it will lead to the destruction of that group in the future; Like killing the political, cultural, religious and scientific elites of a certain group.

Where the perpetrator declares his specific intention; It is not difficult to prove the crime of genocide, like Hitler's killing of Jews; But where he does not declare his intention clearly, it is difficult to prove this intention, and as a result, it is not an easy task to prove the crime of genocide. The perpetrator, understood the characteristics of the victims, the situation and duration of the story, and the intention of the perpetrator (Jawan Mardi Sahib, 2004, p. 39).

- 1- Means of committing a crime: where the perpetrator uses prohibited and unconventional means and tools; For example, if someone uses weapons of mass destruction or suicide operations to kill a specific group, it means that he intended to destroy that group in whole or in part, and this is of no benefit to his specific intention;
- 2- Characteristics of crime victims: where the subject of the crime has a special characteristic; For example, if someone targets and kills the scientific, religious, sports, and political elites of a group, it means that he intended to destroy that group; Because the destruction of these people has a direct and significant impact on the survival of that group;

- 3- Duration of committing the crime: If the killing of a specific group continues for a long period, it means that the perpetrator intends to destroy that group and will be convicted of the crime of genocide.

1-2.Hazara

Hazara is the name of one of the four major tribes living in Afghanistan. There is no consensus among domestic and foreign historians and writers about the Hazara race, and all these views can be divided into three major theories:

1-2-1. The Theory of Nativeness of Hazara

Some researchers, including the French researcher J. P. Freire believes that the Hazaras have lived in Afghanistan since ancient times; such a way that during the time of Alexander the Great, Hazaras lived in Afghanistan and people like Abdul Hai Habibi also confirmed this theory;

1-2-2.The Theory of the Mongolianness of the Hazaras

Some other researchers, including "Alexander Burns", believe that Hazaras have a Mongolian origin. According to them, when Genghis Khan came to Afghanistan, some of his soldiers stayed in Afghanistan and gradually caused the emergence of a nation called Hazara today.

1-2-3.The Mixe Race Theory of the Hazaras

Another theory that has been presented regarding the origin of the Hazaras is that they are a mixed race. According to this view, the Hazara people were born from a combination of Tajiks and Pashtuns.

Despite different theories about the origin of the Hazaras, one of the important and significant theories in the present era is that the Hazaras are one of the indigenous and old tribes of this land (Mousavi, 2007, p. 46). There is no consensus about the number of Hazaras; Because just as there are no accurate statistics on the total population of Afghanistan, there are no statistics on the population of different ethnic groups, including the Hazaras, and that is why different views have been raised about the population of the Hazaras. Some authors consider the Hazara population to be 20% of the total population of Afghanistan (Sajadi, 2001, p. 59). On the other hand, some others have estimated the number of Hazaras as 27.5 percent of the total population of Afghanistan (Dolatabadi, 2012, p.p. 34-36).

Nevertheless, it can be said: that Hazaras are considered one of the native and great ethnic groups of Afghanistan, and religiously they follow the religion of Islam, and religiously they are subject to the Twelve Imam Shia and Hanafi religions.

2.Events of the Crime of Genocide Against Hazarah

As mentioned, the majority of Hazaras are religiously different from other ethnic groups in Afghanistan, and this religious difference has caused them to be subject to systematic and targeted killings. In the opinion of many political analysts, the crimes committed are considered to be clear examples of the crime of genocide, the effects of which are discussed below:

2-1. Suicide Attacks in Educational Centers of Hazarah

Although suicide attacks in military centers in Afghanistan during the Republic period were a familiar phenomenon; it is in educational centers of Hazarah. Until now, neither during the Republic period nor during the Islamic Emirate of the Taliban, none of the educational centers of other ethnic groups have been attacked; But the educational centers of the Hazaras have been attacked by suicide both during the Republic and the Emirate period.

Although suicide attacks in military centers in Afghanistan during the Republic period were a familiar phenomenon; in addition, educational centers that belong to Hazaras were also attacked by suicide bombers. Until now, neither during the Republic period nor during the Islamic Emirate of the Taliban, none of the educational centers of other ethnic groups have been attacked; But the Hazaras educational centers have been attacked by suicide both during the Republic and the Emirate period. One of the important educational centers of the Hazaras that was attacked during the Islamic Emirate of the Taliban was the Kaj educational center, an attack took place in this center on October 22, 2022, and according to the UNAMA report, 54 people were killed and 114 people were injured. All those killed and wounded in this attack were those who gathered to learn science and knowledge to prepare for the university entrance exam.

During the Republic, dozens of educational centers for Hazaras were attacked by suicide and terrorist attacks, one of which was the promised educational course, a course that belonged to Hazara students and the top candidates of previous years' entrance examination, in the same educational center. were educated. This deadly suicide attack, which occurred on October 8, 2022, killed 56 people and injured 115 people, all of whom were Hazara students. An attack in which all the victims were schoolgirls and this attack, which occurred on May 8, 2021, left 50 people dead and 100 injured.

Kaj Education Center was another center that was involved in the education of Hazara students. It was attacked by a terrorist on September 30, 2022, which resulted in the death of 53 and wounding of 110 students. Since there were all girls in the first ranks, most of the dead and wounded in this terrorist event were also girls. The number of educational centers for Hazaras, which were attacked by suicide or terrorist attacks during the Republican era and the Islamic Emirate of the Taliban, left a very effective and impressive role for the future of Hazaras. These attacks, in addition to targeting and destroying the elite people of the Hazara community, also blocked the scientific progress of this nation and turned the motivation of many talented people of this nation into despair and despair, and some centers of Education, including Kaj Education Center, was closed due to the fear of students' lives.

2-2. Suicide Terrorist Attacks in the Religious Centers of the Hazaras

Mosques are one of the religious centers of Muslims that they go to these centers to perform the five prayers and they enjoy security and sanctity in the eyes of Muslims. But the mosques of the Hazaras have never been safe and have always been subjected to terrorist attacks; While the mosques of other Muslims have never been attacked by terrorists. The number of suicide attacks on Hazara mosques is so great that it is not necessary to mention all of them, and we are reciting a number of them as an example.

One of the terrorist attacks on Hazara mosques was the attack on the Imam Zaman Mosque in the city of Pul Khomri, which occurred on October 13, 2023; This attack killed 30 people and injured 59 others. Meanwhile, on October 20, 2017, a terrorist attack took place in a mosque of the same name in Kabul, killing 40 people and injuring more than 80 people. Bagheral Uloom Mosque and Al Zahra Mosque were attacked by deadly suicide and terrorist attacks.

2-3. Suicide Attack on Civil Demonstrations of Hazaras

Hazaras are considered one of the most civilized ethnic groups in Afghanistan, and everyone agrees on this. During the 20 years of the Republic, the Hazaras organized various demonstrations, two of which are very famous, one is the "Tabassom Movement" and the other is the "Lighting Movement". The demonstration of the Enlightenment movement was one of the most civil demonstrations in Afghanistan, which was held at two different times, and I participated in it. The first demonstration was held on 23 July 2016. The second one was held on the 23rd of January 2016 and was attacked by a terrorist that left 80 people dead and more than 100 injured, and all the dead were university-educated people. This terrorist attack had a direct impact on the future and destiny of Hazarah; Because on the one hand, a significant number of elite and educated people of the Hazaras were killed, and on the other hand, the courage to

protest and demand rights was also taken away from the Hazaras, and after that, no demonstrations were held.

2-4. Killing the Common Passengers of Hazarah

Killing of Hazaras is not a new issue and when this killing takes a religious aspect, it happens in the most heinous way possible. One of them is the massacre of 62% of Hazaz by Abdul Rahman Khan. Abdur Rahman Khan encouraged Mullah Seyyed Muhammad Kosaj, who was known as Seyyed Muhammad Momtahan and was considered one of the Sunni scholars and was a master at deceiving the common people, along with another Sunni scholar named Seyyed Mahmoud Kandahari, who encouraged the decree of takfir and To issue a ban on a barbaric tribe (Hazarahs) and all Rafizis (Shias) and to persuade and encourage the Sunnis, use Quranic verses and prophetic hadiths so that they, with their consent and desire, will fight against the Shias. Go (Riyazi Heravi, 1369: 221). This killing is still going on. The last case was the terrorist attack on the passenger car of Hazaras in Kabul, which occurred on November 7, 2023, and resulted in the death of 7 people and the wounding of 20 others, all of whom were Hazaras. Killing Hazara travelers during the republican period was a common occurrence, the worst of which was the killing of a family of 9 in Zabul province, which led to a large Hazara demonstration called the "Tabasem Movement" in Kabul. This tragic and terrible incident happened on November 9, 2015, in Zabul province; It is an incident that shows the height of hatred of the perpetrators toward Hazarah; Because while all of them were beheaded, among them was a 9-year-old girl named Shokrieh, who was beheaded in front of her parents. The beheading of a 9-year-old girl in front of her parents, while showing the height of the perpetrators' wickedness, also shows that the perpetrators had the intention of destroying the Hazara.

2-5. Killing Political and Religious Elite of Hazarah

The killing of Mazari and his companions by the Taliban group on March 13, 1995, is one of the biggest crimes against Hazara, which led the Hazara to the point of collapse in terms of military and political power. After Mazari's martyrdom, Hazara has not managed to regain their lost power and authority. Killing the religious leaders of the Hazara has been common since long ago and continues until now, and the last case happened on December 1, 2023, in Herat, in which 2 imams of Herat mosques and 4 women were killed, and 3 others were seriously wounded. Considering the crimes that have been committed against the Hazaras throughout history and continue now, in my opinion, there is no doubt that the crimes committed are clear examples of the crime of genocide against the Hazaras; Because each of these crimes well expresses the specific intention of its perpetrators, an intention that is necessary for the realization of the crime of genocide; Therefore, we can say: There is no doubt about the genocide of Hazaras in Afghanistan.

3.Prevention of Genocide of Hazara in Afghanistan

The crimes committed against the Hazaras, in different times and places, undoubtedly show the genocide of the Hazaras, and if this process continues, irreparable damage will be inflicted on the Hazara people on the one hand and the Shia religion on the other hand. Therefore, it is necessary to prevent this degeneration as soon as possible, and the types of prevention that are useful in this regard are discussed:

3-1. Social Prevention

Social prevention is divided into two types: one is community-oriented social prevention and the other is development-oriented social prevention. One of the most important manifestations of social prevention is the participation of society in fighting crimes (Nasiriyani Mofidi Et al., 2022: 2529). Social prevention is not possible in today's era against the genocide of millennials; Because this type of prevention is possible when national identity has been formed in society; But in Afghanistan's pluralistic society, national identity has not yet been formed, and all people prefer ethnic interests over collective

interests, where ethnic interests and national interests conflict. Therefore, the genocide of Hazaras in Afghanistan has not only caused practical and serious actions by other ethnic groups; Rather, some people openly express their happiness, and others show their satisfaction with silence.

3-2. Situational Prevention

The meaning of situational prevention is to increase the cost of committing a crime, and, naturally, such a thing is in the power of governments and ordinary people do not have such ability, historical evidence shows that the governments of Afghanistan throughout history, not only did not do such an action; Rather, they are accused in many massacres of Hazaras; Therefore, waiting for the situational prevention from the Afghan government will be a futile expectation, and the frustration of the Hazaras with the government has caused them to repeatedly request the government to provide them with the means to defend themselves, which is the latest case. He was at the funeral of the recently killed in Herat, But the governments have never responded positively to their request.

3-3. Criminal Prevention

Undoubtedly, one of the most important effects of punishments is fear and intimidation. Fear and intimidation towards the criminal prevent the repetition of the crime, and towards the potential criminals, it prevents the crime; Therefore, in a society where criminals are punished, crimes in that society will also decrease; But in Afghanistan, all these crimes that have occurred against the Hazaras; Despite the governments' promises to punish the perpetrators, not a single person has ever been arrested or punished for the crimes that have occurred against the Hazaras. Therefore, criminal prevention is not possible in the case of genocide of Hazaras in Afghanistan.

3-4. International Actions

Considering that it is not possible to implement any of the mentioned preventions regarding the genocide of the Hazaras in Afghanistan, it was expected that the United Nations and the international community would take effective action in this regard; But unfortunately, no such action has been taken yet, and the United Nations has not even recognized the genocide of Hazarah; Of course, some international organizations; Such as Amnesty International and UNAMA, as well as some representatives of some countries, including Canada and England, have acknowledged the genocide of the Hazaras and have called for the international community's serious attention to the situation of the Hazaras in Afghanistan; But these demands and words have not gone beyond words yet.

Conclusion

This paper started with the hypothesis that "crimes against the Hazaras in Afghanistan are clear examples of the crime of genocide" To prove or disprove this hypothesis, we first discussed the crime of genocide and its constituent elements, which to realize the crime of Genocide is the intention of total or partial destruction of national, ethnic, religious and racial groups, or that the committed acts lead to the total or partial destruction of the aforementioned groups. In the other part of this paper, we discussed the crimes committed against the Hazaras, where suicide and terrorist attacks in educational and religious centers and, the killing of political and religious leaders are among the most important of these crimes; Crimes that will undoubtedly lead to total or partial destruction of Hazaras in Afghanistan; Therefore, it can be said: The crimes committed are clear examples of genocide, which if it continues like this, will cause irreparable damages to Hazarabs.

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