

**“Throwing Dust in Our Eyes”:  
Nomadic-Sedentary Land Conflict  
in Hazarajat under the Taliban and  
Its Human Rights Impacts**

**Report of the RWI Afghanistan Programme**

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## Definition of key terms

**Agricultural Land:** Land used for cultivating crops or raising livestock, encompassing areas for farming, grazing, and forage production.

**Alafchar:** Land specifically cultivated to produce fodder (animal feed), such as grass and forage crops. It is distinct from grazing land, as livestock generally do not directly graze on it.

**Alaf Deraw:** The harvested fodder, typically from alafchar or other areas designated for forage crop production.

**Charagah:** A communal grazing area or pastureland where livestock roam freely. Often shared among rural or tribal communities.

**Farman:** A royal decree or order issued by a ruler or government. It mandates the execution of specific actions or policies.

**Grazing Land:** Land where livestock can freely graze on natural vegetation, including both communal and private areas.

**Ijara:** A Dari term for lease or rental agreement, typically involving the temporary use of land or property.

**Irrigated Land (*zamin e abi*):** Agricultural land supplied with water through an irrigation system, ensuring a consistent water supply, especially in areas with insufficient rainfall.

**Kuchi:** A term referring to nomadic pastoralists or the livestock they tend. Kuchi communities traditionally migrate with their herds in search of grazing resources. In the context of this report, it specifically refers to Pashtun nomads.

**Lalmi:** Rain-fed or dry farming land that relies solely on rainfall for water. Crops grown here are typically suited to drier conditions.

**Pastoralists:** People who raise and herd livestock, often in areas with abundant grazing land. They can be nomadic or sedentary.

**Pasture/Pastureland:** Land specifically used for grazing animals, including both private and public areas.

**Rain-fed Agriculture (*zoara't e lalmi*):** Agriculture that relies entirely on natural rainfall for water, without irrigation. Crop yields are highly dependent on the volume, timing, and distribution of rainfall.

**Sannat:** A formal document or certificate issued by a governing body or legal authority. It serves as official proof of an event, agreement, or recognition.

**Shari'e Document:** A document rooted in Islamic law (Shari'a). It typically pertains to religious or legal matters such as contracts or inheritances, and must comply with Islamic principles.

**Sedentary:** A settled lifestyle in one place, as opposed to nomadic or migratory. In agriculture, it refers to farming communities that remain in one location year-round.

**Urfi Document:** An informal, unregistered agreement or contract. While not legally binding in a formal sense, it carries weight within the specific community or context where it is recognized.

## Executive summary

The ongoing land conflict between the sedentary Hazara and nomadic Kuchi populations in Afghanistan's central highlands, known as 'Hazarajat,' has a long and complex history, typically underpinned by competing historical narratives and skewed state interventions. Since the return of the Taliban, this conflict has intensified—marked by increasing land ownership claims from nomadic pastoralists, escalating tensions over access to pasturelands, and instances of forced eviction and displacement of settled Hazara communities. This report examines the dynamics of this conflict under the Taliban, providing historical context, exploring the communities' relationships with land, and highlighting the human rights impacts and the Taliban's approach to resolving these disputes.

The research reveals increased tensions over land and water in Hazarajat under the Taliban. Since 2021, nomads have gained greater access to Hazarajat, resulting in overgrazing and destruction of local people's property, including crops. There has also been a rise in property ownership claims by nomads. In some provinces, nomads have asserted territorial claims over entire villages. These claims often rely on historical *farmans* (royal decrees), which the Hazaras do not recognize as legitimate. The rise in nomadic presence in the region has increased tensions with sedentary populations that are concerned about overgrazing of pastures that they depend upon, damages to pastoral and agricultural resources, the loss of their ancestral homes and land, and their general security. The historical memory of past atrocities and ongoing displacement have deepened Hazara fears of continued dispossession and further territorial loss. From the perspective of nomads, they are reclaiming grazing lands that they believe are rightfully theirs based on historical decrees, arguing they have been unjustly denied access in the past few decades.

The report highlights that the Taliban's approach to this conflict has worsened the situation. The Taliban has adopted several methods. First, establishing three dispute resolution commissions in Bamiyan, Maidan Wardak, and Ghazni. Second, handling some cases with ad hoc bodies, often referred to as commissions, presenting this as a traditional *musaliha* process. Third, imposing decisions by local authorities, including district and provincial governors. Fourth, referring certain cases to local courts.

The interviews with impacted populations and secondary data reveal that decisions made by these mechanisms often lack impartiality, transparency, and due process. For instance, interviewees reported that Taliban local authorities frequently detained local elders and leaders to coerce villagers into decision-making processes under the guise of *musaliha*, exerting undue influence, rather than allowing both parties to participate willingly with equal standing and a fair procedure. This created an environment of fear, where villagers felt unsafe and lacked the autonomy to speak up and protect their rights. Additionally, local governors imposed decisions on villagers without providing any clarity on how those decisions were reached. Furthermore, in the Bamiyan commission, Hazara members were reportedly threatened to sign decisions made by other commission members that resulted in the loss of land for villagers, ultimately leading to their resignation in protest of the commission's biased decision-making.

This research finds that the Taliban response to the conflict is therefore characterised by coercive measures, undue influence, and lack impartiality, transparency, and due process. This contravenes the right to access to justice, which is protected under international law. This right ensures the determination of rights and obligations in a fair and public hearing by a competent, independent, and impartial tribunal established by law, as well as the right to equality before such a tribunal.

The situation has resulted in human rights violations, disproportionately affecting villagers, this report finds. These include arbitrary deprivation of land, instances of forced eviction and displacement, extortion, killings, and arbitrary detention, with the involvement or support of the Taliban. In many instances, the Taliban forcibly evicted local villagers from their homes and land, leading to their displacement. Majority of the reported cases of arbitrary detention

involved local Taliban authorities using detention to coerce villagers into 'negotiations' and enforce compliance. Hazara interviewees also highlighted lack of trust towards the Taliban, noting that their complaints are often dismissed and ignored. Some complainants faced detention, leading villagers to avoid approaching the Taliban with their issues fearing further repercussions. While, as de facto authorities, the Taliban are obligated under international law to respect, protect, and fulfil human rights, their approach to land disputes—characterized by discriminatory practices and extrajudicial actions—is inconsistent with their obligations under international law, particularly concerning the right to access to justice and effective remedy, as well as other fundamental rights.

Nomads described experiencing state violence during the Republic period, along with persistent social discrimination. They reported improvements in their situation under the current regime, particularly expressing gratitude for gaining access to pastures in Hazarajat. However, they continue to face significant challenges, including limited access to basic necessities such as healthcare, clean water, education, and even mosques for prayer. They also complained about new restrictions on their annual migration, noting that the Taliban now require them to obtain a permission letter to travel to Pakistan. Some noted that their problems could be addressed through resettlement and access to land.

The unfolding land conflict in Hazarajat threatens further displacement, economic exploitation, and land loss for sedentary communities. This situation may shift demographics and undermine Hazara access to and control over their ancestral lands, as villagers continue to lose their property and migrate internally or to neighbouring Iran and Pakistan—a prospect feared by many Hazara interviewees. Moreover, the Taliban's approach to the issue, marked by bias, coercion, and a lack of due process, may further exacerbate the divide, mistrust, and a sense of insecurity between villagers and nomads. Interviewees from both sides associated regime changes with their relative power imbalances and overall situation concerning access to land and land resources. For instance, nomads believe that Hazaras received government support during the previous regime, while Hazaras point to the influence of powerful nomads in the former governments of Hamid Karzai and Ashraf Ghani and their current belief that these nomads are now backed by the Taliban regime. Furthermore, the Taliban's subversion of the *musaliha* process—transforming it into a tool of coercion that is institutionalized and applied discriminatorily—risks eroding trust in a mechanism that could be adapted to a localized and accessible conflict resolution process.

To prevent further escalation of this long-standing conflict, any future responses must ensure due process, guaranteeing that decision-making is conducted impartially, fairly, and transparently. A thorough understanding of the historical context that has shaped the conflict is essential. Continued research is also crucial for grasping the evolving dynamics of inter-communal land disputes in Afghanistan and developing solutions that look beyond top-down interventions, which have often exacerbated rather than resolved the conflict. This research underscores the need for further inquiry into the perceptions and experiences of both sedentary and nomadic populations. Future studies could explore how these communities envision potential resolutions, including how the State might improve its responses but also the possibilities for bottom-up reconciliation approaches.

## **Introduction**

Land has long been a deeply contested and politicized issue in Afghanistan's central highlands. The Hazara-Kuchi land conflict traces back to the late 19th century, when Amir Abdur Rahman Khan's military campaigns displaced many Hazaras and redistributed vast pasturelands to Kuchi tribes through royal decrees, known as *farmans*. These state-backed allocations laid the groundwork for enduring tensions between the two communities, rooted in competing claims over land and resources.

Over time, successive Afghan governments continued to shape the legal and territorial landscape, often undermining Hazara customary land rights. Although rulers like Habibullah

Khan and Amanullah Khan introduced partial reforms, broader contestation over land remained unresolved. During the post-2001 period, these disputes frequently flared into seasonal confrontations, met with reactive state interventions that lacked long-term solutions. This ongoing history of state involvement is critical to understanding the conflict's persistence, as past policies and laws continue to influence present land disputes.

Since the Taliban's return to power in 2021, these tensions have intensified. Nomadic groups have reportedly gained broader access to central highland regions, asserting historical claims not only to pasturelands but also to agricultural and residential areas. In some provinces, Kuchis have claimed collective ownership over entire villages, citing historical *farmans* as justification. These claims are contested by Hazara communities, who challenge the legitimacy of such *farmans*, associating them with earlier periods of state violence, discrimination, and dispossession. Conversely, many Kuchis view the current context as an opportunity to rightfully reclaim their access to territories.

This report examines the dynamics of the Hazara-Kuchi land conflict under Taliban rule, situating current disputes within their broader historical and legal context. By drawing on 44 semi-structured interviews with Hazara and Kuchi participants across six provinces—Bamiyan, Daikundi, Ghor, Ghazni, Maidan Wardak, and Uruzgan—it sheds light on how history, land relations, and governance intersect to shape the conflict. This study aims to provide a deeper understanding of the structural inequalities fuelling the dispute and assess the implications of Taliban governance for land access and conflict resolution.

The report is organized into five sections. Section one offers a historical background, tracing the origins of the conflict and the impact of 19th-century policies as well as successive Afghan governments on land ownership and access. Section two examines the relationships of Hazara and Kuchi communities to land. Section three assesses key issues emerging under Taliban rule. Section four explores the mechanisms the Taliban have employed to manage land disputes in Hazarajat, evaluating their effectiveness and fairness. It also explores the evolution and continuity of legal frameworks governing land—from historical royal decrees and state policies to the current Taliban regulations—highlighting how these shifting laws interact with and often conflict with local customary land practices. Finally, section five assesses the human rights implications of the conflict and the Taliban's approach.

While land disputes affect many regions of Afghanistan, this study focuses on the Hazara-Kuchi conflict due to its historical depth, cyclical nature, and far-reaching consequences. Rooted in state policies dating back to the late 19th century, this conflict reflects long-standing structural inequalities that continue to shape intercommunal tensions today. The return of Taliban rule has further escalated these tensions, offering a critical lens to explore how shifting political dynamics and state interventions influence land access, rights, and broader conflict patterns. Given these evolving conditions, this research underscores the need for continued study to inform more equitable and sustainable land governance in Afghanistan.

## **Methodology**

*Research Design:* This research adopted a qualitative exploratory research method. The aim was to generate an in-depth, grounded understanding of ongoing land disputes between nomadic and sedentary Hazara communities under Taliban rule. An exploratory approach was particularly well-suited to this context, where the dynamics of conflict are shaped by historical grievances, social marginalization, and successive changes in ruling regimes. This design allowed for the emergence of new insights from the data.

*Data Collection:* Data were collected through 44 semi-structured interviews with individuals from both nomadic and sedentary Hazara populations. Semi-structured interviews enabled the research to maintain consistency across core thematic areas; while also allowing for flexibility so participants could elaborate on their personal experiences and raise issues of relevance to

them. Interview prompts were designed to explore participants' lived experiences, perceptions of the dispute, and the broader socio-political context surrounding the conflict.

All participants had been directly or indirectly affected by land-related disputes or had a vested interest in the matter. Identifying and recruiting participants posed several challenges. The remoteness and marginalization of the communities involved, coupled with the researcher's position outside Afghanistan, made it difficult to establish direct contact. Therefore, key local informants—often trusted community figures—played a crucial role in facilitating access and building the initial trust necessary for participation. These intermediaries helped identify individuals who were both informed and willing to speak about their experiences.

Interviews with sedentary Hazara participants were conducted remotely using secure messaging platforms such as Signal and WhatsApp. Connectivity issues frequently disrupted interviews, leading to delays and rescheduling. Most participants were based in Afghanistan, although a minority had fled to Iran following land loss or forced displacement. In some cases, participants described family members—parents, siblings, or extended relatives—as being directly involved in the land disputes.

Interviews with nomadic participants proved even more challenging due to their mobility and limited access to mobile devices and the internet. As a result, a research institution, with ground access to Afghanistan, was commissioned to conduct in-person interviews in nomadic communities. These were carried out by a trained local researcher, who transcribed and translated the interviews into English for analysis.

*Supplementary Research:* Primary data collection was complemented by desk-based research to provide historical context and support triangulation of findings. This included reviewing academic literature, historical documents, and media reports to trace the roots of the conflict and identify consistencies or discrepancies with interview data. The desk research also helped clarify how past events continue to shape present-day dynamics.

*Data Analysis:* The study employed thematic analysis to interpret the qualitative data. This approach focuses on identifying and organizing patterns, recurring ideas, and key issues that emerged across participants' accounts. Rather than applying predefined categories, themes developed organically from the data, grounded in the lived experiences and perspectives shared during interviews. This ensured the analysis reflected how participants themselves understood and described the dynamics of land disputes between nomadic and sedentary Hazara communities.

Thematic analysis enabled a nuanced interpretation of narratives, revealing how different groups experience and perceive access to land, ownership, and loss. It also helped uncover how these disputes are shaped by broader socio-political forces, such as historical marginalization and shifting power structures. The themes that structure the findings section of this report are drawn directly from the interview data and reflect the most pressing issues voiced by those affected—ranging from contested claims to pastures, to the role of local authorities in dispute resolution.

The research questions were designed to support a holistic understanding of the conflict—how it is experienced by different groups, how historical and political contexts shape present disputes, and how emerging dynamics are accentuating or creating new challenges. A qualitative approach was essential to this effort, providing the depth and flexibility needed to explore an issue with a long history and dynamics that are currently being intensified.

## 1. HISTORICAL CONTEXT

The Kuchi–Hazara land dispute has deep historical roots, tracing back to the establishment of the modern Afghan state under Abdur Rahman Khan (1880–1901). Abdur Rahman led a violent military campaign to centralise power by imposing his control over the previously autonomous and semi-autonomous regions, including Hazarajat, the land of approximately thirty Hazara tribes.<sup>1</sup> In 1982, he declared a *jihad* (religious war) against Hazarajat.<sup>2</sup> A religious *fatwa* was issued declaring Shia Hazaras as ‘kafir’ (infidel) and condemning them to death. Abdur Rahman called on Pashtuns to arm and root out the infidel Hazara, declaring “...after Urzagan is captured, all Hazaras are to be put to the sword, their wives, children and property being distributed as booty among the Afghans.”<sup>3</sup> Many responded to this call, including Kuchi tribes.<sup>4</sup> The Hazaras were defeated. Hundreds of thousands were killed, sold into slavery, imprisoned, and disappeared.<sup>5</sup>

A central strategy in Abdur Rahman's subjugation of Hazaras was his depopulation policy, which involved forcibly displacing Hazaras and confiscating their land. As Mousavi observed, Abdur Rahman's intention was “to empty the Hazarajat of the Hazaras”,<sup>6</sup> resulting into a significant reduction of Hazaras in the region. On April 11, 1884, the Amir issued orders to his governors in the ten central highland districts of Uruzgan, Ishkarabad, Malestan, Yakawlang, Bamyan, Behsud, Gezab, Khamard, Saighan, and Ghazni to confiscate all pastures, explicitly stipulating that Hazaras were to be prevented from grazing their livestock on, and benefiting from, these lands.<sup>7</sup> After declaring the pastures to be state property, Abdur Rahman issued *farmans*, granting rights over the pastures to Kuchi clans that had helped him in defeating Hazaras.<sup>8</sup> However, Kuchis not only used these lands for grazing their cattle but also usurped agricultural land previously owned by Hazaras.<sup>9</sup> Consequently, while the nomads gradually extended their access over much of the arable land in Hazarajat, these areas were simultaneously depopulated of Hazaras.<sup>10</sup> To sustain a livelihood under this new arrangement, some Hazara tenants—often former landowners—were compelled to work as labourers or farmers for the newly landowning Kuchis.<sup>11</sup>

Abdur Rahman's subjugation of the Hazaras marked a significant turning point in their history, particularly regarding their relationship with land, the state, and nomads. Until 1880, Hazara were autonomous and in control of regions in Hazarajat, with Pashtun encroachment being sporadic and largely limited to peripheral areas.<sup>12</sup> However, after their defeat, the Hazaras lost substantial territory, as noted above. Many Hazaras, therefore, perceive their ongoing struggle in relation to land as rooted in the policies that began under Abdur Rahman, viewing it as part of a long historical pattern of state-led dispossession of their territory from Hazaras.

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<sup>1</sup> L. A. Wily, *The Battle Over Pastures: The Hidden War in Afghanistan (Revue des mondes musulmans et de la Méditerranée, 2013)* <https://journals.openedition.org/remmm/8021>, para. 8.

<sup>2</sup> M. Hasan Kakar, *The Consolidation of the Central Authority in Afghanistan Under Amir 'Abd al-Rahman, 1880–1896* (University of London, Department of History, School of Oriental and African Studies, 1968), 213–14.

<sup>3</sup> *Ibid*, 214.

<sup>4</sup> Wily, *The Battle Over Pastures*, para. 21.

<sup>5</sup> K. Ferdinand, *Preliminary Notes on Hazara Culture, Historisk-filosofiske Meddelelser*, 37, no. 5 (The Danish Scientific Mission to Afghanistan 1953–55, 1959), 12, 18–20.; Wily, *The Battle Over Pastures*, para. 23.

<sup>6</sup> S.A. Mousavi, *The Hazaras of Afghanistan: An Historical, Cultural, Economic and Political History* (Curzon Press, 1998), 132.

<sup>7</sup> *Ibid*, 133.

<sup>8</sup> Wily, *The Battle Over Pastures*, para. 22; N. Ibrahim, *Divide and Rule: State Penetration in Hazarajat (Afghanistan) from the Monarchy to the Taliban*, Crisis States Working Papers Series No. 2, Working Paper No. 42 (Crisis States Research Centre, London School of Economics and Political Science, 2009), 6.

<sup>9</sup> Mousavi, *The Hazaras of Afghanistan*, 133.

<sup>10</sup> *Ibid*, 136.

<sup>11</sup> *Ibid*, 133.

<sup>12</sup> *Ibid*, 65.

After Abdur Rahman, Habibullah Khan (1901–1919), his son, partially reversed some of his father's policies by restoring some arable lands to Hazaras.<sup>13</sup> Habibullah's son Amanullah Khan (1919–1929), abolished slavery and restored further confiscated lands to Hazaras.<sup>14</sup> However, Amanullah Khan reinstated previous Kuchi *farmans*, with instructions to limit their grazing to high alpine pastures and leave the lower pastures and farmlands to the Hazaras.<sup>15</sup>

Hazara loss of territory further intensified under the wave of Pashtun nationalism that gathered momentum under Nadir Shah (1929–1933) and his son, Zahir Shah (1933–1973).<sup>16</sup> A special livestock tax imposed on Hazaras in 1946 aimed to pressure them into selling or abandoning their land for the settlement of nomads.<sup>17</sup> The idea was to force a reduction in the size of Hazara herds to weaken them economically and free grazing land for nomad use.<sup>18</sup> State-led dispossession of Hazara lands continued under President Daoud (1973–1978), where officials turned a blind eye or publicly supported Kuchi land grabbing and exploitation of farming communities in their trading relations.<sup>19</sup> The state appropriated the land that the villagers could not pay tax for.<sup>20</sup>

The occupation of Hazarajat came to an end following the communist coup in 1978, which led to the rise of the People's Democratic Party of Afghanistan (PDPA) to power. This new regime saw Hazara uprisings, freeing Hazarajat from central government control for the first time since Abdur Rahman.<sup>21</sup> With growing Hazara resistance and lacking government support, many nomadic clans left the region and their access to Hazarajat pastures declined.

Subsequently, during the civil war period (1992–1996), Hazarajat largely remained under the control of the Hazara-led *Hizb-i-Wahdat* group until the rise of the Taliban in 1996. Despite several incursions, *Hizb-i-Wahdat* successfully defended Hazarajat until 1997 when the Taliban imposed economic sanctions on the region, pushing the population to the verge of starvation.<sup>22</sup> In August 1998, Taliban forces seized Mazar-i-Sharif and defeated *Hizb-i-Wahdat* forces,<sup>23</sup> and a month later captured Bamyan, *Hizb-i-Wahdat's* headquarters, killing hundreds of civilians.<sup>24</sup> Subsequently, nearly all of the region was captured by the Taliban.<sup>25</sup>

The 20-year civil war period had limited Kuchi access to Hazarajat, which shifted under the Taliban rule (1996–2001). A 1997 decree by Mullah Omar, the founding leader of the Taliban, addressing Kuchi leaders, described the Hazaras as the religious and historical enemy of the Pashtuns, urging them to mobilise under the leadership of Mullah Na'iem Kochi, to reassert their historical role in Hazarajat, and to force its inhabitants to evacuate their lands.<sup>26</sup> Emboldened,

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<sup>13</sup> K. Ferdinand, *Nomad Expansion and Commerce in Central Afghanistan, Folk*, 1962, 123.

<sup>14</sup> *Ibid*, 9.

<sup>15</sup> Wily, *The Battle Over Pastures*, para. 25.

<sup>16</sup> *Ibid*, para. 28.

<sup>17</sup> Mousavi, *The Hazaras of Afghanistan*, 163.

<sup>18</sup> *Ibid*, p. 163.

<sup>19</sup> L. Alden Wily, *Land Relations in Bamyan Province: Findings from a 15 Village Case Study* (Afghanistan Research and Evaluation Unit, 2004), 11.

<sup>20</sup> *Ibid*, 21.

<sup>21</sup> Ibrahimi, *Divide and Rule*, 17.

<sup>22</sup> *Ibid*, 9.

<sup>23</sup> Human Rights Watch, 'The Massacre in Mazar-i Sharif' (1998) <https://www.hrw.org/legacy/reports98/afghan/Afrep00.htm>.

<sup>24</sup> Ibrahimi, *Divide and Rule*, 14-15.

<sup>25</sup> *Ibid*, 16.

<sup>26</sup> *Ibid*, 18.

Kuchis returned to Hazarajat to reclaim their historical grazing sites.<sup>27</sup> Some demanded twenty years of 'back rent',<sup>28</sup> a trend underway under the current Taliban regime.

In an interview conducted for this report, a member of Mullah-Khill tribe stated:

The Hazara people occupied all our lands during the time of the Russian Revolution. However, we fought them in the Arjistan district during the last period of the Taliban's rule and regained all our lands from them.<sup>29</sup>

The Taliban's collapse in 2001 was seen by Hazaras as an opportunity to reverse the situation. However, Kuchis also reasserted their claims over the pasturelands based on historical *farmans*. Their attempts to access the region was met with resistance by sedentary populations. As a result, annual confrontations occurred on the outskirts of Hazarajat each spring between the two groups, in particular in Maidan Wardak and Ghazni provinces.<sup>30</sup> The central government usually intervened, often providing a sum of money to nomad leaders, resulting in their temporary withdrawal, only for them to return the following spring.

## 2. SEDENTARY AND NOMAD RELATIONSHIP WITH LAND

The Hazaras of Hazarajat are indigenous to the region, with most interviewees reporting generations of property ownership and longstanding residence on the land. Their sedentary lifestyle is intrinsically tied to the land—they live on it, collect natural sources like fodder, grow crops, and derive their livelihood from it. The sedentary population maintain profound historical, cultural, emotional, and economic ties to the land; therefore, for them, the ongoing issue goes far beyond a mere civil 'dispute'. It is seen as part of an ongoing process of land seizure, forced dispossession, severing of their connection to the land, and disruption of their livelihoods.

The main source of Hazara livelihood is agriculture and animal farming (goats, sheep, cows, donkeys, chickens).<sup>31</sup> They grow potatoes, corn, wheat, nuts, fruits like apricots and berries, and other local vegetation.<sup>32</sup> Each family often own a portion of *zamin abi*, or irrigated land, where they plant irrigated crops, as well *lalmi*, which are rain-fed or dry farming land where they plant and harvest rain-fed crop.<sup>33</sup>

Non-agricultural land—open fields such as pastures and mountains—play a vital role, and are fundamental to animal farming. During the warmer months, Hazaras graze livestock in the mountains,<sup>34</sup> guided by deep-rooted traditions and customs. Each village uses only its designated pastures.<sup>35</sup> Grazing is often communal, with villagers employing either a shared shepherd or a collective system to manage pastures. This community-based management supports collective survival in a resource-scarce environment. Moreover, the sedentary

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<sup>27</sup> 00042URZ from Gizab district of Uruzgan stated that "at the end of their first rule, they [Taliban] confiscated all our belongings and forced us out of our homes and lands. Many of us were detained for six months, and after our release, we fled to Iran with nothing but the clothes on our backs. When the Taliban fell, we returned to our lands, but they had detained our representatives and forcibly displaced us."; F. Foschini, 'Conflict Management or Retribution? How the Taleban Deal with Land Disputes between Kuchis and Local Communities', Afghanistan Analysts Network (22 December 2022) <https://www.afghanistan-analysts.org/en/reports/political-landscape/conflict-management-or-retribution-hoe-the-taleban-deal-with-land-disputes-between-kuchis-and-local-communities/>.

<sup>28</sup> Foschini, *Conflict Management or Retribution*.

<sup>29</sup> 00017GZN.

<sup>30</sup> Foschini, *Conflict Management or Retribution*.

<sup>31</sup> 00026DAI; 00020BAM; 00029DAI; 00024BAM; 00036GHO; 00037GHO; 00039GZN; 00032MAW; 00042URZ.

<sup>32</sup> 00026DAI; 00039GZN; 00022BAM; 00027DAI; 0028DAI; 00036GHO; 00040GZN; 00039GZN; 00042URZ.

<sup>33</sup> 00020BAM; 00025DAI; 00027DAI; 00029DAI; 00030DAI; 00034MAW; 00036GHO; 00039GZN; 00020BAM.

<sup>34</sup> 00026DAI; 00024BAM; 00032MAW; 00027DAI; 00029DAI; 00034MAW; 000332MAW; 00020BAM.

<sup>35</sup> 00040GZN; 00036GHO; 00032MAW; 00020BAM; 00036GHO; 00031BAM; 00034MAW; 00032MAW; 00040GZN; 00038GZN; 00028DAI.

populace traditionally harvest grass and fodder (*bedah* or *alofa*) from the mountains, drying it to stockpile for livestock use during cold seasons.<sup>36</sup>

The economic situation, as described by the interviewees in the provinces which are the subject of this paper's focus, has drastically declined since the Taliban takeover. When asked about what key challenges they are facing, many participants stated financial, with an emphasis that people are unable to fulfil their families' basic needs,<sup>37</sup> followed by other issues such as insecurity and lack of freedom.<sup>38</sup> "We just scrape by", as emphasized by a father of six children from Ghazni.<sup>39</sup>

The republic period provided an opportunity for families to send their children to school and universities, empowering them to return and contribute to their communities. Some worked at the local government; others with UN agencies, aid organizations, and NGOs.<sup>40</sup> After the Taliban, employment opportunities have declined significantly; therefore, people are highly dependent on what their land and animals will yield. An interviewee from Bamiyan also stated that their situation is further exacerbated by various forms of taxes imposed by the Taliban, stating that the Taliban take around 30% of land revenue.<sup>41</sup>

Moreover, access to electricity, clean water, and other services is also limited.<sup>42</sup> In particular, interviewees from Daikundi, which is one of the most deprived provinces, stated that many families have little access to drinkable water and electricity.<sup>43</sup> A local from Central Bamiyan stated that people's access to "health, education and social services have completely deteriorated".<sup>44</sup>

Kuchis rely on pastures, mountains, and open lands primarily for grazing livestock, which is their main source of income and sustenance.<sup>45</sup> Following a yearly migratory pattern, they move to Hazarajat pastures, such as those in the Nawur district of Ghazni province and other central highland areas, during the months of summer, where their animals graze on grass and other vegetation.<sup>46</sup> As winter approaches, they migrate to lower, warmer regions to ensure year-round grazing resources. They travel to locations like Khost, Kandahar, Jalalabad, Logar, Nangarhar, and Pakistan.<sup>47</sup>

Kuchis use livestock both as a source of food and as income, by selling their livestock in Afghanistan and also Pakistan.<sup>48</sup> In addition to livestock-keeping, some Kuchis work as labourers.<sup>49</sup> Moreover, a member *Ahmadzai* tribe stated, "some of our people have been employed in the current government".<sup>50</sup>

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<sup>36</sup> 00038GZN;00040GZN; 00032MAW; 00026DAI; 00027DAI; 00029DAI; 00020AM; 00024BAM; 00032MAW; 00020BAM; 00025DAI (noted collecting *Kamay*, which is wild plant found in the mountains in central Afghanistan).

<sup>37</sup> 00026DAI; 00028DAI; 00029DAI; 00024BAM; 00037GHO.

<sup>38</sup> 00037GHO; 00036GHO; 00031BAM.

<sup>39</sup> 00039GZN.

<sup>40</sup> 00028DAI; 00029DAI; 00031BAM; 00021BAM; 00024BAM; 00036GHO; 00037GHO; 00031BAM.

<sup>41</sup> 00031BAM; 00032MAW; 00028DAI; 00040GZN.

<sup>42</sup> 00028DAI; 00031BAM; 00020BAM; 00024BAM; 00032MAW; 00029DAI; 00024BAM.

<sup>43</sup> 00028DAI; 00029DAI.

<sup>44</sup> 00031BAM.

<sup>45</sup> 0001PAK; 0002PAK; 0003PAK; 0009GZN; 0006GZN; 0007GZN; 00010GZN; 0004PAK; 0005WRD; 00017GZN (also stated owning land); 00019GZN; 00013GZN; 00012GZN; 00014WRD; 00015GZN; 00020WRD; 00016GZN; 00011WRD.

<sup>46</sup> 00013GZN; 00012GZN; 00014WRD; 00015GZN; 00011WRD; 00020WRD; 00018GZN; 00016GZN; 0001PAK; 0002PAK; 0003PAK; 0009GZN; 0006GZN; 0007GZN; 00010GZN; 0004PAK; 0005WRD; 0008WRD.

<sup>47</sup> 00013GZN; 00014WRD; 00015GZN; 00011WRD; 00020WRD; 00016GZN; 0001PAK; 0002PAK; 0003PAK; 0009GZN; 0006GZN; 00010GZN; 0004PAK; 0005WRD.

<sup>48</sup> 0001PAK; 0002PAK; 0003PAK; 0005WRD; 00017GZN; 00016GZN.

<sup>49</sup> 0005WRD.

<sup>50</sup> 00020WRD.

Livestock revenue allows nomads to meet their other needs, such as buying clothes, flour, and tea.<sup>51</sup> “Animals provide all the necessities of our family’s life”, as one stated.<sup>52</sup> Other than grazing their livestock on pastures, they also buy corn, grains, plants, and other greens, and hire people’s yards using cash, in order to feed them.<sup>53</sup> Those who can afford it also hire shepherds to take care of their livestock.<sup>54</sup> A Daftani tribe member estimates his family’s income at 30,000–40,000 PKR,<sup>55</sup> while an Ahmadzai member reports 10–12 lakh AFN.<sup>56</sup> For some, livestock revenue barely covers essential needs.<sup>57</sup>

However, since the Taliban’s return, they have faced restrictions on taking their livestock to Pakistan, as the Taliban claim the goods belong to Afghanistan.<sup>58</sup> Many interviewees reported waiting for more than one month to get a permission letter from Taliban local authorities to travel to Pakistan.<sup>59</sup>

Nomads face significant challenges in accessing basic services. Interviewees reported lack of access to education, medicine and healthcare services, mosques, electricity, and water.<sup>60</sup> Some interviewees also emphasised facing difficult economic conditions due to droughts and pasture reduction, limiting their ability to feed their livestock.<sup>61</sup> “No one has done anything to help kochi people”, complained a *Daftani* Kuchi, calling on the de facto authorities to solve rather than increase Kuchi problems.<sup>62</sup> Interviewees also expressed grievances about the republican period, complaining of facing exclusion by the central government, as well as facing abuse by people.<sup>63</sup>

Nomads believe that settlement can address their challenges. Emphasising the challenges associated with a nomadic lifestyle, many expressed a need to access land and settle.<sup>64</sup> “I am very tired of nomadic life”, stated a *Niazi*, explaining that if his family resettles, his children can access education.<sup>65</sup> Another highlighted travel difficulties for elders, noting that he is now travelling with an 80-year-old.<sup>66</sup> They, therefore, called on the government to provide Kuchis with land.

### 3. SEDENTARY-NOMAD LAND CONFLICT UNDER THE TALIBAN

This section examines the types of issues arising from the sedentary–nomad land conflict in Hazarajat. Data collected from both groups reveal that since the Taliban’s return, nomads have gained greater access to the central highlands. Under the Republic, their access was limited to seasonal grazing in high alpine pastures, geographically limited, and lesser in scope.<sup>67</sup> Now, they can freely access Hazarajat pastures. Moreover, while seasonal grazing remains a primary issue, the conflict has evolved to include increasing property ownership claims by nomads over agricultural and non-agricultural land, real property (agricultural land and residential houses), and in some provinces claims nomads have asserted territorial claims over entire villages.

In Ghazni, land issues are mainly concentrated in Malistan, Nawur, Jaghatu, and Qarabagh districts. In Ghor, Lal-e-Sarjantal, Naye Jangal, Munar-e-Rasul village, Poshtee Manjo, Dahan

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<sup>51</sup> 0008WRD.

<sup>52</sup> 0009GZN.

<sup>53</sup> 00010GZN; 0004PAK; 0008WRD; 00018GZN.

<sup>54</sup> 0009GZN; 00020WRD.

<sup>55</sup> 0002PAK.

<sup>56</sup> 00018GZN.

<sup>57</sup> 0001PAK; 0008WRD; 00013GZN; 00015GZN.

<sup>58</sup> 0002PAK; 0003PAK; 0009GZN.

<sup>59</sup> 0002PAK; 0003PAK; 0009GZN.

<sup>60</sup> 0006GZN; 0002PAK; 0003PAK; 00013GZN; 00012GZN; 00014WRD; 00015GZN; 00016GZN; 00018GZN; 00017GZN; 00017GZN; 0001PAK.

<sup>61</sup> 0004PAK; 0004WRD; 0008WRD; 00014WRD; 00015GZN; 00017GZN; 00019GZN.

<sup>62</sup> 0003PAK.

<sup>63</sup> 0001PAK; 0009GZN; 0009WRD; 00013GZN; 00015GZN; 00018GZN; 00011WRD; 00017GZN; 00019GZN.

<sup>64</sup> 0004PAK; 0005WRD; 0008WRD; 0001PAK; 0002PAK; 0003PAK; 0009GZN; 0006GZN.

<sup>65</sup> 0008WRD.

<sup>66</sup> 00016GZN.

<sup>67</sup> 00013DAI; 00012GZN; 00015GZN; 00018GZN; 00020WRD; 00011WRD; 0001PAK; 00017GZN.

Qola, Char Qash, Khalifa, Gul Naicha, Sang-e-Nawishta, and Dahan-e-Chaka. In Maidain Wardak, Behsud II (Markaz Behsud), Behsud I (Hessa-I-Awal Behsud), Jalriz (in particular Sarchishma and Siah Khak villages), and Dai Mirdad districts. In Bamiyan, in Waras, Central Bamiyan, Yakawlang I and II, and to some extent Shibar district. In Daikundi, in Khidir, Sangtakht Bandar and Miramor districts, followed by Ashtarlai, Patoo, Kiti, and Shahrstan.

Issues relating to pasture and grazing is a paramount across all the six provinces, including tensions arising from nomad herds damaging local private pasture and agricultural land. Additionally, Ghor, Bamiyan, and Daikundi provinces have witnessed territorial claims by nomads over entire villages in Panjab, Waras, and Lal-e-Sarjantal districts. Often, these have resulted in loss of property, forced eviction, and displacement of local populations. In Ghazni and Maidain Wardak, interviewees reported the development of new townships to resettle nomads and returnees from Pakistan.

The following section further explores these tensions.

## A. Pastureland

### i. A Shift

In the highland regions of Hazarajat, where natural resources are limited and the climate is dry, pastures—locally known as *charagah* (grazing area or pastureland) and *alafchar* (fodder-gathering lands)—provide one of the few dependable sources of grass and fodder for livestock grazing during the warmer seasons. Locals also collect fodder to feed their livestock during cold seasons.

During the Republic period, Kuchi access to central highland pastures was limited.<sup>68</sup> After the first four to six years, their presence became more regular. By Ashraf Ghani's presidency, nomad access and ability to enter these regions had expanded. Hazara interviewees reported overgrazing, destruction of their property (crops, land, houses), violence, and killings of locals.<sup>69</sup> Two of them stated that armed nomads, sometimes with Taliban support, attacked their villages and set residential homes on fire.<sup>70</sup>

The Resistance Front, a local force, emerged, led by Abdul Ghani Alipur. Emerging as a resistance leader in 2011, Alipur, according to some accounts, aimed to protect the local people against Taliban aggression and nomad incursions.<sup>71</sup> However, nomads continued to arrive seasonally, aiming to penetrate into Hazarajat, often armed. Consequently, recurring conflicts persisted across districts bordering Hazara-populated areas, particularly Behsud, Dai-Mirdad, and Nawur districts,<sup>72</sup> described as an entry route of nomads into Hazarajat.<sup>73</sup> Tensions were especially high with the Ahmadzai tribe. According to a nomad interviewee, the Ahmadzai “killed many of their [Hazara] people and fought them everywhere.”<sup>74</sup>

Nomads were often prevented by the Hazara resistance forces from advancing beyond the border districts into Hazarajat. A member of Ahmadzai tribe stated:

The Kuchi people used to travel south to an area called Quthb, which borders Behsud, Nawur, and Dai-Mirdad districts. The Kuchis would reach this area and fighting started. For many years, the Hazara people from Behsud and Nawur had set up checkpoints

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<sup>68</sup> 00038GZN; 00040GZN; 00039GZN; 00032MAW; 00036GHO; 00040GZN; 00038GZN; 00040GZN; 00036GHO.

<sup>69</sup> 00038GZN; 00040GZN; 00039GZN; 00032MAW; 00036GHO; 00040GZN; 00038GZN; 00040GZN; 00036GHO; 00031BAM; 00020BAM

<sup>70</sup> 00036GHO; 00040GZN.

<sup>71</sup> 00020BAM; 00022MAW; 00032MAW; E. Qaane, ‘One Land, Two Rules (9): Delivering Public Services in Insurgency-Affected Jalrez District of Wardak Province’, *Afghanistan Analysts Network* (16 December 2019)

<https://www.afghanistan-analysts.org/en/reports/economy-development-environment/one-land-two-rules-9-delivering-public-services-in-insurgency-affected-jalrez-district-of-wardak-province/>.

<sup>72</sup> 00020BAM; 00022MAW; 00032MAW.

<sup>73</sup> 00020BAM.

<sup>74</sup> 007GZN; 00010GZN (also noted armed violence between local Hazaras and the Ahmadzai tribe).

there, preventing the Kuchis from going further. However, the Kuchis and the Hazaras with support from the government fought fiercely. Many people were killed in this area.<sup>75</sup>

In response to the conflict, Karzai established a Commission for resolving disputes between nomads and locals, which was, however, unable to address the conflict.<sup>76</sup> The central government provided some Kuchi tribal leaders money to guarantee that they would not conduct incursions in Hazarajat.<sup>77</sup> A source expressed that the central government showed favouritism toward dominant nomad clans such as the Ahmadzai and Malik-Khil, which allegedly enjoyed government influence and privileges.<sup>78</sup> In this respect, they noted the construction of thousands of houses by the Malik-Khil in Arjistan district.<sup>79</sup>

Moreover, nomads viewed the Karzai and Ghani governments as favouring Hazara interests. Some interviewees reported that they were blocked from grazing in by Hazara locals, often backed by government authorities.<sup>80</sup> Nomads also faced access restrictions in other provinces like Qandahar.<sup>81</sup> They were subjected to harassment, assault, and detention, and were at times labelled as Taliban by both civilians and government officials.<sup>82</sup>

The situation under the Taliban has changed drastically in favour of nomads. Kuchi tribes report secure, unrestricted access to central highland pastures. A member of the Ahmadzai tribe stated, "it has been two or three years since we travel to Hazara areas; we couldn't visit these lands in the former government."<sup>83</sup> Another added, "We can travel to Hazara-based areas now. The mountains there are green during the spring season; we can easily feed our animals."<sup>84</sup> One participant highlighted a shift in power dynamics, noting the benefits for nomads:

Hazara people would have eaten us if Taliban didn't exist. We fought a lot; may Allah accept our Jihad. Kochi people can travel anywhere. [...] Hazara people doesn't allow us to live here when they get in power; but they can't stop us now.<sup>85</sup>

Interviews with 20 nomads show that the Central Highlands, particularly Nawur, Behsud I, Behsud II, Dai-Mirdad, and Jaghatu, are crucial for livestock grazing and seasonal residence among Kuchi tribes (Table 1). Hazara interviewees confirm these areas as hotspots for nomad herds, along with Malistan (notably Qoshtag, Maknak, and Miradeena) district, Lal-e-Sarjantal district, Miramor, Ashtarlai, Sangtakht-e-Bandar Kiti, and Khidir.<sup>86</sup>

Nawur district serves as a primary grazing and residence area for several tribes, including the Daftani, Jawri, Mullah-Khil, Fatah-Khil, and Hanif-Khil (Table 1). Behsud is also significant, mainly utilized by the Fatah-Khil, with visits from the Hanif-Khil, Jawri, and Daftani tribes. Dai-Mirdad is frequented by the Sultan-Khil, Sado-Khil, and Fatah-Khil, while Jaghatu primarily supports the Niazi tribe, along with some Daftani presence. Both Kuchi and Hazara interviewees note that during the first Taliban rule, for the first time after a more than two-decade period, Kuchis gained increasing presence and autonomy in Hazarajat.

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<sup>75</sup> 000012GZN.

<sup>76</sup> 00020BAM; IRIN, 'Afghanistan: Threat of ethnic clashes over grazing land', ReliefWeb (7 April 2008) <https://reliefweb.int/report/afghanistan/afghanistan-threat-ethnic-clashes-over-grazing-land>.

<sup>77</sup> 00020BAM; 00030DAI; 00020BAM.

<sup>78</sup> 0006GZN.

<sup>79</sup> 0006GZN.

<sup>80</sup> 00012GZN; 00014WRD.

<sup>81</sup> 0005WRD.

<sup>82</sup> 00013GZN; 0009GZN; 0004PAK.

<sup>83</sup> 00012GZN.

<sup>84</sup> 00014WRD.

<sup>85</sup> 00016GZN.

<sup>86</sup> 00040GZN; 00035MAW; 00032MAW; 00032MAW; 00021BAM (reports Kuchis in Nawur and Behsud, noting that in the past two years the fields of Behsud have been filled with herds of Kuchis grazing on lush pastures); 00020BAM; 00030DAI; 00036GHO; 00037GHO.

**Table 1: Kuchi livestock, movement, and land claims**

Kuchi Tribe	Interview code	Livestock	Kuchi movement	Land ownership and claims
Daftani	0001PAK	Not specified in number	Nawur district, Andar district, Pakistan	No ownership of house or private land.
	0002PAK	450 sheep and goats	Nawur district (including Band Sardah, Giroo and Tappur areas); Andar district; Behsud; Pakistan	Claims to have <i>farman</i> for pastures in Nawur and Andar districts, Ghazni province.
	0003PAK	200 sheep	Nawur district (Ghazni); Band-e-Sardah; Pakistan	Two interviewees identifies specific areas in Nawur that Daftani tribe claims to have <i>farman</i> for pastures: Band-e-Sardah, Sultan Bagh area, Giroo, and Tappur (near Band-e-Sardah; also described as Dek district).
	0009GZN	300 sheep	Nawur district; Jaghatu district; Wardak; Pakistan	
Niazi	0004WRD	50 sheep and goats	Jaghatu district; Kandahar	No ownership of house or private land. 004 and 0005 claims to have <i>farman</i> for pastures in Nawur district.
	0005WRD	20 goats	Jaghatu district; Kandahar	
	0008WRD	40 sheep	Jaghatu district; Shalgar area (Ghazni); Kandahar	
Jawri	0006GZN	80 animals	Nawur district; Kandahar	Claim ownership over pastures in Nawur District of Ghazni Province, based on <i>Farmans</i> that have been held by their leaders for several generations, reportedly up to four centuries. No ownership of house or private land personally. However, some members of the Jawri tribe, including its leaders, has been purchasing land in areas such as Kalat, Muqar, and parts of Ghazni.
	0007WRD	80 or 100 sheep	Beshud district; Nawur district; Kandahar	
	00010GZN	100 to 150 animals	Nawur district; Kandahar	
<b>AHMADZAI TRIBE</b>				
	Interview code	Livestock	Kuchi movement	Land ownership and claims
Unknown	00013GZN	200 sheep	Nawur district; Behsud district; Khost; Logar; Pakistan	Owns land in Logar province, which are in dispute with Gadakhil people. Also owns land in Khost province. Claims to have <i>farman</i> for land and pastures in "Hazara areas", without specifying where.
Mullah-Khil	00017WRD	150 sheep	Arjistan district; Nawur district; Nangarhar; Jalalabad	Claims to have lost ancestral lands in Arjistan district during Russian invasion time, fought Hazaras during first Taliban regime and took lands back. Claims to have <i>Farman</i> for 350 acres of land in Nawar district.
	00019GZN	100 sheep and 5 cows	Nawur district; Arjistan district; Jalabad	Notes that they own land and a house in Arjistan district; also owns land in Jalalabad.
Sultan-Khil	00012WRD	400 sheep	Dai-Mirdad district; Logar; Nangarhar	Owns 10 acres of land in Logar province. Claims to have <i>farmans</i> for lands in Siagal area of Behsud district. Notes that the tribe's lands are located in Black Mountain or in Wars district of Bamiyan, which were given to them during Zahir Shah rule. Also claims to have <i>farmans</i> for pastures in Behsud district and Bamiyan province.
Sado-Khil	00014WRD	180 sheep	Dai-Mirdad district; Logar; Nangarhar	Not own any land or property.
Fatah-Khil	00015WRD	120 sheep	Beshud district; Nawur district; Logar	Owns land in Logar province. States that the Ahmadzai owns land from Maidan Wardak until Bamiyan provinces.
	00016GZN	80 sheep	Nawur district; Behsud district	Claims tribe has <i>farman</i> for pastures in Bamiyan province and Behsud II district at an area called Mullah Yaqoob.
	00018WRD	600 sheep	Behsud district; Nawur district	Claims to own land in Panjab district, Bamiyan province based on <i>farman</i> .
	00020WRD	700 animals	Dai-Mirdad district; Behsud district; Arjistan district	Claims to own pastures in Behsud district, which he argues "we gained them in exchange for our people's blood". Also claims that Arjistan district was given to Mullah-Khil tribe who fought wars during Abdur Rahman Khan to gain the lands.
Hanif-	00011WRD	200 sheep	Behsud district; Nawur	Purchased land in Sharna area, close to Muqur. Claims

Khil		district; Logar	that Hanif-Khil owns lands in Sorkh-Joy and Gulsangi areas of Bamiyan province based on <i>farman</i> .
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In Bamiyan, in the first two years, not many nomads came. Kuchi interviewees explained that they were restricted from accessing Bamiyan districts. However, in the last two years, they have reportedly accessed Panjab (in areas such as Tagabbar, Deraz-Qol, Poshta-e-Ghorghori, Kirman), Waras, Central Bamiyan (Shaidan, Qarghanato), and Yakawlang districts.<sup>87</sup>

As the Kuchis migrate seasonally to the highlands during the warmer seasons (spring and summer), typically for a period of three to four months,<sup>88</sup> issues arise concerning pasture claims, access rights, and overuse limiting local grazing. While during the Republic, the central issues concerned grazing of livestock, other issues have been accentuated under the Taliban, in particular collective ownership claims over pastureland, intensifying Hazara fears of once again losing access to and control over their territory.

### *ii. Collective claims over pastures*

Kuchi tribes claim historical rights to pastures in Hazarajat. The Daftani tribe claims to have *farman* for Nawur and Andar district pastures, in several areas like Band-e-Sardah, Sultan Bagh, Giroo, and Tappur (Dek district). Members of the Jawri, Niazi, and Fatah-Khil tribe also claim to have *farman* for Nawur pastures. A member of the Mullah-Khil tribe stated that he has *farman* for 350 acres of pastures in Nawur. He also noted that they had lost their ancestral land in Arjistan district to Hazaras, which they reclaimed during the first Taliban rule. Additionally, a member of the Fatah-Khil tribe claim that Arjistan district was awarded to the Mullah-Khil sub-tribe under Abdur Rahman Khan for their support in the war against the Hazaras.

In Maidan Wardak province, nomads assert ownership over pastures in Dai Mirdad, Behsud II district, and Jalriz districts. Members of Sultan-Khil and Fatah-Khil claim to have *farman* for pastures in Behsud district, including Siagal and Mullah Yaqoob areas, and assert similar rights over pastures in Bamiyan's Waras and Panjab districts. Fatah-Khil also assert rights over pastures in Behsud II. An Ahmadzai tribe member (sub-tribe unspecified) claims to have *farman* for lands in unspecified "Hazara areas." In Lal-e-Sarjantal, Ghor province, villagers reported that Kuchis assert grazing rights.<sup>89</sup> A local from Bamiyan also stated that nomads have asserted rights over in pastures in Panjab, Yakawlang, and Central Bamiyan districts, based on *farman* from Abdur Rahman Khan's time.<sup>90</sup> Nomads argue that more than 50 years ago, prior to the revolution,<sup>91</sup> these areas were their grazing sites.

### **Ownership or right to access?**

Most Kuchi interviewees claim rights to central highland pastures based on historical *farmans* from past kings including Abdur Rahman Khan, Zahir Shah, and Amanullah Khan. These claims raise two critical contentions. One, the sedentary populace questions the legitimacy of the *farmans*. The second contention concerns whether the *farman* confer grazing rights *and/or* full ownership.

Nomads argue that pastures should either be under their exclusive possession or prioritized for their use. While some suggest that the government owns the pastures,<sup>92</sup> they believe that priority access should be given to them.<sup>93</sup> They make three arguments. First, historical *farmans*, they argue, define boundaries between Hazara and Kuchi territories by allocating lands below streams to Hazaras and those above to Kuchis.<sup>94</sup> Second, unlike settled communities, nomads

<sup>87</sup> 00031BAM; 00020BAM; 0022BAM.

<sup>88</sup> 00012GZN; 00013GZN.

<sup>89</sup> 00036GHO; 00037GHO.

<sup>90</sup> 00021BAM.

<sup>91</sup> Referring to revolution following 1978 Soviet invasion.

<sup>92</sup> E.g., 00013GZN.

<sup>93</sup> 0001PAK; 0003PAK; 00017GZN.

<sup>94</sup> 0003PAK; 0009GZN; 0004PAK; 00015GZN.

lack permanent land, making access to grazing areas essential for their livelihood.<sup>95</sup> Third, nomad livestock supplies meat to Afghan markets.<sup>96</sup>

On the other hand, the sedentary population claims historical and traditional use of the pastures, presenting several arguments to support their claim. First, they emphasize their historical and ancestral ties to the land which they have lived on for centuries and developed.<sup>97</sup> Second, they dispute the legitimacy of historical *farmans*, which they perceive as oppressive decrees imposed by regimes involved in their persecution and genocide.<sup>98</sup> Third, they regard all pastures as communal (as opposed to State or public) property, whereby only villagers have the right to use pastures in and around a village.<sup>99</sup> Fourth, sedentary livelihood is dependent on agriculture and animal husbandry and thus tied to the surrounding land.<sup>100</sup>

### *iii. Overgrazing and reduction of access to pastoral resources*

Expanded access to central highland pastures resulted in a significant increase in livestock across Hazarajat. All interviewed tribes—Ahmadzai tribes, Daftani, Jawri, and Niazi—reported traveling through the region to graze their livestock during the warm seasons. Pastures in Maidan Wardak, Ghazni, Ghor, and Uruzgan provinces—particularly in Nawur, Malistan, Jaghatu, Behsud I, Behsud II, and Dai Mirdad—now host large concentrations of nomadic livestock. Interviews with nomads indicate that 20 Kuchi families collectively graze over 4,000 animals in these areas during the warmer months, with the majority clustered in Nawur (Table 1).

The Ahmadzai Tribe has the largest presence, with 2,735 animals across 10 interviewees, grazing in Nawur, Behsud, Dai-Mirdad, and Arjistan during warm seasons. Three of four Daftani interviewees maintain around 950 animals, primarily grazing in Behsud and Nawur. The Jawri Tribe, with three interviewees and 290 animals, graze between Behsud and Nawur. The Niazi Tribe uses Jaghatu pastures, with three family members owning around 110 animals.

The rise in large nomadic herds in Hazarajat has increased tensions among sedentary populations, who are concerned about overgrazing and resource scarcity. For example, a villager from Lal Sarjangal reported that Kuchis have returned "in large numbers," covering the district and "grazing widely."<sup>101</sup> Another from Ghazni stated, "Nawur pastures are full of Kuchi herds... they come, let their animals graze, clean up the area, and leave."<sup>102</sup> A villager from Behsud II added that while locals depend on pastures for summer grazing and winter fodder, "Kuchis come in large numbers and leave nothing for the local people."<sup>103</sup> Another villager from Ashtarlia district observed that since the Taliban takeover, many nomads arrive during the warm seasons, grazing until the grass is gone before leaving for the south and Pakistan in winter.<sup>104</sup> Sources from Bamiyan reported large nomad herds causing widespread damage to private pastures, fodder, and crops in Central Bamiyan and Panjab districts.<sup>105</sup>

Interviewees from also Malistan report that a major issue is damage to *bedah zar ha*, areas where Hazaras traditionally gather and store mountain grasses or *bedah* (fodder) for winter livestock feeding.<sup>106</sup> A local from Yakawlang district of Bamiyan stated that if nomads have land and want to come and use their land, "we have no objections", however:

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<sup>95</sup> 0001PAK; 0009GZN; 0005WRD.

<sup>96</sup> 0002PAK; 008WRD; 0004PAK.

<sup>97</sup> 00027DAI; 00028DAI

<sup>98</sup> 00038GZN; 00037GHO; 00036GHO; 00026DAI; 00027DAI; see further section 5.

<sup>99</sup> 00040GZN; 00036GHO; 00037GHOL; 00027DAI; 00030DAI; 00031BAM; 00020BAM.

<sup>100</sup> 00027; 00029DAI; 00030DAI; 00020BAM.

<sup>101</sup> 00036GHO; see also 00037GHO; 00021BAM (reports over thousands of nomad sheep in Lal-e-Sarjangal in 2024).

<sup>102</sup> 00040GZN.

<sup>103</sup> 00032MAW.

<sup>104</sup> 00030DAI.

<sup>105</sup> 00031BAM. 00021BAM.

<sup>106</sup> 00038GZN; 00040GZN.

The Kuchis came in a large group, and along their way, they would damage and ruin people's land, agriculture, and crops. The herd of sheep they brought was far beyond the capacity of the resources available. They didn't stay permanently, but they came and wanted to remain for 2-3 months each year. However, their arrival and short stays caused major disruptions both along their route and in the areas where they temporarily settled.<sup>107</sup>

While nomads acknowledge their newfound freedom to access Hazarajat pastures, they lament continued restrictions on areas they claim to have *farman* for. For example, some Ahmadzai members complain of restrictions in Waras and Panjab districts of Bamiyan, where they assert historical grazing rights.<sup>108</sup> According to their account, local authorities initially allowed free movement and pledged to establish a military unit for protection. However, after a jirga with Hazara groups from Bamiyan and Kabul, during which Hazara representatives allegedly threatened to leave the province if Kuchis were allowed entry, Taliban authorities in Kabul imposed restrictions on Kuchi movement. Nomads argue that these restrictions are biased, claiming that the district governor, a Hazara, is supported by the provincial governor, who is either Hazara or Tajik and married to a Hazara.

Kuchi participants voiced dissatisfaction with Taliban interventions, which they see as prioritizing conflict mitigation over their traditional grazing rights. They argue that despite historical *farman* recognizing their rights in areas like Nawur and Qarabagh, the government has focused on reducing clashes. For example, the Ghazni governor has mandated that both Hazara and Kuchi communities adhere to territorial boundaries, such as river lines, to reduce tensions. While this strategy may have temporarily eased conflict, participants feel it does not adequately address their pastoral rights.

## **B. Land ownership claims**

The Hazaras have a longstanding presence in Hazarajat, marked by generations of property ownership and residence in the region. Interviewees across all provinces reported owning land and residential homes, typically inherited through generations.<sup>109</sup> In most cases, ownership is also supported by customary (*urfi*) documents and historical land tax records, including those from the time of Zahir Shah and Daoud Khan.<sup>110</sup>

During the republic, land disputes in Hazarajat primarily revolved around grazing land.<sup>111</sup> Under the Taliban, however, nomads are asserting property rights by claiming ownership of agricultural lands and even houses in Hazara-populated districts including Lal-e-Sarjangal, Panjab, Waras, Behsud, and Malistan.<sup>112</sup> In particular, members of the Ahmadzai tribe assert collective territorial claims in Maidan Wardak to Bamiyan provinces, claiming to own pastoral and agricultural land in Behsud, Arjistan, Nawur, and Waras and Panjab districts based on historical *farman*.

In some areas, nomads have demanded back-rent from Hazara villagers based on disputed ownership claims. In 2022, nomads in Maidan Wardak claimed Kotal-e Mullah Yaqoob and demanded 20 years of back-rent, presenting a 100-year-old document allegedly showing a purchase by their ancestors from someone in Peshawar, though villagers say the document lacks legal validity.<sup>113</sup> The dispute, affecting three families, remains unresolved, with the Taliban advising both sides to settle it themselves. In a similar case in Sartagab, Patoo district of

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<sup>107</sup> 00020BAM.

<sup>108</sup> 00013GZN; 00011WRD; 00013GZN; 00018GZN.

<sup>109</sup> 00038GZN; 00040GZN; 00039GZN; 00036GHO; 00037GHO; 00029DAI; 00026DAI; 00028DAI; 00026DAI; 00025DAI; 00029DAI; 00030DAI; 00028DAI; 00031BAM; 00020BAM; 00022BAM; 00024BAM; 00042URZ.

<sup>110</sup> 00038GZN; 00040GZN; 00039GZN; 00026DAI; 00025DAI; 00029DAI; 00030DAI; 00028DAI; 00026DAI; 00029DAI (also stated he has *Share'e* document); 00022BAM stated that his family has *Share'e* document.

<sup>111</sup> 00020BAM (notes that in Bamiyan, Kuchis did not have claims of land ownership during Republic period).

<sup>112</sup> 00038GZN; 036GHO; 00040GZN; 00020BAM; 00023BAM; 00022BAM; 00031BAM; 00021BAM.

<sup>113</sup> 00034MAW.

Daikundi, a nomad claimed a Hazara villager's land and demanded rent.<sup>114</sup> To avoid further conflict, the villager paid, fearing greater loss if the authorities got involved.

A member of the Bamiyan commission stated that most of the claims in the Bamiyan districts of Panjab and Waras have been made by two powerful Kuchi families—Malik Naeem and Nawab Khan.<sup>115</sup> These two families already own land (not under dispute) in Panjab and Waras. Other families—Bangi Khan, Attato, and Amarkhil—are also reportedly landowners in these districts. The Naeem Kuchi family also held significant influence during the republic. According to a nomad participant, the Ahmadzai were involved in many land conflicts with local Hazaras during the republic.<sup>116</sup> They allegedly acquired weapons, either purchased from or provided by the government, and participated in battles against the Hazara people in Behsud. Nomads base their claims on two main arguments.<sup>117</sup> First, they refer to royal decrees (*farmans*), asserting that the land is *sultani* land granted by former kings for Kuchi use. The second argument is that the land was purchased in the past. This second category has three sub-categories:

1. Cases where one Kuchi sold a piece of land—currently owned and occupied by a Hazara—to another nomad in the past.
2. Land sold by a local to a nomad using a *Share'e* document but without the agreement of all rightful heirs.
3. Land that was initially given to a nomad as *girow* (collateral) because local residents, facing poverty, were unable to repay debts owed to nomad traders.

### ***Territorial claims***

Nomads have also asserted collective ownership over large areas, in some cases entire villages. In Ghor province, for example, in the second year of Taliban rule, nomads arrived in groups asserting ownership over several villages including Khalifa, Poshte Manjoo, Saha-e-Kirman, Gul Naicha, Munar-e-Rasul, Sange-Nawishta, Dahan-e-Chaka, Nawa-e-Dangak, Tomborak-e-Kiran, and Abto-e-Kirman, among others.<sup>118</sup> Most of the nomad claimants came from Logar, according to one of the sources.<sup>119</sup> A villager from Lal-e-Sarjantal describes nomad claims as coordinated, noting “when a group or caravan arrives from Kabul, they collectively address one claim before moving on to the next, acting in coordinated groups rather than individually.”<sup>120</sup>

Nomads have also claimed ownership in other provinces, including the villages of Kotal-e Mullah Yaqoob (Behsud II), Sartagab (Pato district), Shakor (Shahristan district), Ghamqol (Khidir district),<sup>121</sup> villages in Miramor district,<sup>122</sup> and areas in Uruzgan (Kindir, Tagabdar,

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<sup>114</sup> 00026DAI.

<sup>115</sup> 00022BAM; For further information about Salim Naeem's involvement in the Kuchi–Hazara land disputes, see: F. Foschini & R. Mirzada, ‘The Pastures of Heaven: An Update of Kuchi–Hazara Disputes as Spring Approaches’, *Afghanistan Analysts Network* (24 February 2024) <https://www.afghanistan-analysts.org/en/reports/political-landscape/the-pastures-of-heaven-an-update-of-kuchi-hazara-disputes-as-spring-approaches/>.

<sup>116</sup> 0002PAK.

<sup>117</sup> 00023BAM; 00022BAM.

<sup>118</sup> 00037GHO; 00036GHO.

<sup>119</sup> 00036GHO.

<sup>120</sup> 00036GHO

<sup>121</sup> See also Etilaatroz, ‘Tahdid e Kuch-e Ejbari-ye 4000 Khanawada dar Wolowswaly ha e Kijran wa Khidir Daikundi’ (27 October 2022) <https://www.etalatroz.com/159315/>.

<sup>122</sup> Other reports also mention that in 2022 in Miramor district, Daikundi, a group of Kuchis from the Sharan Pashtun tribe sent a threatening letter to the residents of Nik Village in the Chaharsad Khana area, claiming ownership of the village and demanding that the Hazara residents leave: Bolaq, *Situation of Hazaras During the Second Year of Taliban Rule* (August 2023) 39 <https://www.bolaq.org/wp-content/uploads/2023/08/Bolaq-Report-Situation-of-Hazaras-During-Second-Year-of-Taliban-Rule.pdf>; Etilaatroz, ‘Sakenan-e Miramor Amaj-e Hamla-ye Kuchiyan’ (23 September 2022) <https://www.etalatroz.com/158824/> (in the spring of 2022, Kuchis from the Sharan and Khalili tribes entered several villages in Miramor district, including Barkar, and demanded that residents evacuate their homes and land, claiming ownership and threatening violence while grazing their livestock on people's fields and insisting the residents pay rent for 20 years).

Warg), Panjab, and Waras districts.<sup>123</sup> In one case in 2022, a claim by nomads over grazing land in Ghamqol village (Khidir districts),<sup>124</sup> bordering Sia-Chob village, led to conflict in which thirteen villagers were allegedly killed.<sup>125</sup> The dispute, which escalated to district and provincial authorities, remains unresolved. Tensions grew as nomads arrived armed, resulting in the deaths of villagers. The situation was eventually de-escalated through Taliban intervention.

In Bamiyan, commissioners interviewed for this report described several cases of nomads making collective claims, including:

- **Waras district:** Nomads claim ownership of the Poshta-e-Ghorghori area and the main bazaar with over 100 shops.<sup>126</sup> The bazaar claim is before the district court in Panjab (Waras has no court yet).
- **Panjab:** In 2024, nomads claimed ownership of the Takhak area, arguing that in the past it was their grazing domain. They also demand the right to guard electricity lines and antenna poles erected in that location during the Republic era and collect the income generated. The case is before the Bamiyan Commission, with no decision made yet.
- **Central Bamiyan:** Nomads claimed a road constructed during the Republic era, which they argue was their traditional route for herding. They demanded residents purchase the route. It was sold for 4 million AFN (40 lakhs), with each family contributing 5,000–6,000 AFN in 2023. The case was initially brought to court but was referred to the Commission. The Commission, “made up entirely of Pashtuns and aiming to protect Kuchi rights,” issued its decision in early winter 2023, according to a former commissioner.<sup>127</sup>

Out of 20 interviewees, 14 Kuchis mentioned possessing *farmans* for areas in Hazarajat. Regarding the status of these *farmans*, all interviewees agreed that they grant rights to access pastures and to reside on the pastures.<sup>128</sup> However, perspectives varied on whether *farmans* confer ownership. Of the 14 individuals, 11 stated that they own pastureland based on their *farmans*.<sup>129</sup> These 11 individuals belong to the Daftani, Niazai, Mullah-Khil, Jawri, and Ahmadzai tribes.

Nomads generally base their collective territorial claims on historical *farmans*, presenting these documents—some dating back to the reigns of Abdur Rahman Khan, Zahir Shah, and Dawood Khan—as evidence of territorial ownership.<sup>130</sup> They argue that they lost possession of these lands during the war, particularly during the civil war of the 1990s. As noted later in this report, nomads held a dominant position in Hazarajat for centuries, supported by state-backed Pashtun rulers. However, this dominance was lost during the civil war, forcing many nomads to flee and allowing Hazaras to reclaim the land. As a result, nomads often demand back-rent, sometimes covering more than 40 years, starting from the post-Soviet period.<sup>131</sup> A member of the Ahmadzai tribe argued that lands historically used by nomads during the monarchy should be returned to them.<sup>132</sup> While nomads are now allowed to travel through Hazara areas, he claimed that their lands remain occupied by Hazaras, leaving them without access to grazing grounds or water for their livestock.

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<sup>123</sup> 00026DAI; 00029DAI; 00034MAW; 00026DAI; 00027DAI; 00031BAM; 00020BAM; 00022BAM; 00023BAM.

<sup>124</sup> Etilaatroz, 'Baj-giri-ye Kuchihan wa Taliban az Bashandegan-e Khadir e Daikundi; Mardom: Ba Sutuh-amadam' (26 July 2022) <https://www.etalatroz.com/155547/>.

<sup>125</sup> 00029DAI.

<sup>126</sup> 00031BAM; 00023BAM; Foschini & R. Mirzada, 'The Pastures of Heaven.

<sup>127</sup> 00031BAM.

<sup>128</sup> 0001PAK; 0002PAK; 0003PAK; 0009GZN; 0004PAK; 0008WRD; 0006GZN; 00010GZN; 00017GZN; 00013GZN; 00012GZN; 00016GZN; 00018GZN; 00011WRD.

<sup>129</sup> 0001PAK; 0003PAK; 0009GZN; 0008WRD; 0006GZN; 00017GZN; 00013GZN; 00012GZN; 00016GZN; 00018GZN; 00011WRD.

<sup>130</sup> 00038GZN; 036GHO; 00040GZN.

<sup>131</sup> See further, section 5 report.

<sup>132</sup> 00016GZN.

Sedentary Hazaras reject Kuchi land claims, arguing that the *sanats* and *farmans* issued by Pashtun rulers were products of coercion, oppression, and discriminatory taxation. They contend that these documents served to legitimize their dispossession and reinforce nomadic dominance in Hazara regions.

Current land disputes are, therefore, deeply rooted in competing interpretations of history, particularly regarding the (il)legitimacy of historical reallocation of land rights. However, the impact is very real and ongoing. Collective territorial claims have led to arbitrary deprivation of land, extortion and economic exploitation through claims of debt and back-rent, forced evictions, and displacement—issues further detailed in Section 5.

### C. Damage to agricultural land, crops, and private pastures

Conflicts often arise when nomad livestock graze on villagers' agricultural fields—locally known as *pulwan* (irrigated land) and *lalmi* (rain-fed land)—causing damage to cultivated fields and crops. Disputes also occur due to nomadic incursions into private pastures reserved for villagers' use.

Sedentary populations in Hazarajat have frequently reported incidents of nomadic herds straying into their agricultural fields, causing significant crop damage.<sup>133</sup> Villagers from Lal-e-Sarjantal, Nawur, Jalrez, Behsud II, Dai Mirdad, Miramor, Ashtarlai, and Yakawlang districts expressed deep concerns in this regard.<sup>134</sup> Interviewees emphasized that the destruction of essential crops—such as wheat, potatoes, various fruits, and local vegetation (e.g., *rishqa* and *eshqa*)—not only results in financial losses but also poses a serious threat to their food security and livelihoods. Locals have also raised concerns over damage to private pastures by nomad herds.

A commissioner from Maidan Wardak and another from Bamiyan also confirmed that a key complaint brought by villagers before the dispute resolution commissions in those provinces was damage to agricultural fields, crops, private pastures, and piles of collected fodder preserved for winter use.<sup>135</sup> In the year 1402 (21 March 2023–20 March 2024), the Maidan Wardak commission reportedly handled approximately 200 such complaints, awarding monetary compensation to villagers—typically ranging from one to two thousand Afghanis. In some cases, where the damage was more extensive, compensation reached twenty to thirty thousand Afghanis. However, this claim regarding the provision of compensation was not confirmed by locals interviewed for this report.

Nomad sources acknowledged that grazing on local crops is a recurring problem, with frequent disputes with villagers. They mentioned that the Taliban has instructed them to avoid damaging crops.<sup>136</sup> In Bamiyan, they were directed to transport their animals by rental cars to the pastures, but due to the large number of animals, moving them is challenging. The narrow roads make it inevitable that the animals damage cultivated lands. One interviewee recounted that in 2023, his son was attacked by locals and sheep were stolen while grazing in Bamiyan, but local authorities dismissed the claims.<sup>137</sup>

Some nomad participants claimed that locals have cultivated parts of their traditional pasturelands, limiting their grazing access.<sup>138</sup> A Kuchi leader from the Daftani tribe stated:

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<sup>133</sup> Other reports also highlight damage to local farms and crop by nomad herds: VOC News, 'The Kuchi (Nomads) Ruined the Hazara People's Farms and Crops in an Unprecedented Manner' (10 June 2023) <https://www.voc-news.com/en/2023/06/10/the-kuchi-nomads-ruined-the-hazara-peoples-farms-and-crops-in-an-unprecedented-manner/>.

<sup>134</sup> 00020BAM; 00036GHO; 00037GHO; 00038GZN; 00040GZN; 00039GZN; 00035MAW; 00032MAW; 00034MAW; 00028DAI; 00030DAI.

<sup>135</sup> 00033MAW; 00021BAM.

<sup>136</sup> 00013GZN; 00012GZN.

<sup>137</sup> 00017GZN; 0001PAK; 00016GZN.

<sup>138</sup> 00017GZN; 0001PAK; 00016GZN.

Our ancestral lands in both Pashtun and Hazara areas, which we have official documents for, have been turned into planted fields, with some even having solar systems. This has greatly reduced the amount of land available for grazing.<sup>139</sup>

Local villagers allege that nomads exploit historical, illegitimate *farman* and use the pretext of grazing public land to encroach on private land and pastures.<sup>140</sup> A villager from Miramor district of Daikundi stated:

Kuchis should at least not go beyond the boundaries of lands that are owned by Hazara people. They want to use beyond what is their right under the pretext that the land is public property. Hazaras have a right to have *alafchar* in lands adjacent to their property and have rights to use mountains within the vicinity of their property—use its thorns, fodder, and shrub—a right which Kuchis do not recognise. Not only do they let their animals graze in the fields, but also allow their livestock to enter and eat people's plantations—trees, grains, and wheat.<sup>141</sup>

Some expressed frustration over their inability to protect their land and prevent nomads from damaging their crops. Hazara interviewees recounted several instances where attempts to defend crops, often against armed nomads, escalated into fights, resulting in injuries to locals.<sup>142</sup> One explained that out of fear for their lives, many cannot speak out, and even when they do, "People's voice does not reach anywhere."<sup>143</sup>

#### **D. Water scarcity and access**

Access to water is another source of tension. Many nomad participants identified lack of access to water as a key challenge they face during their yearly migration in the central highlands.<sup>144</sup> The sedentary population, whose livelihood depends heavily on agriculture and pastureland, rely on natural water sources like rivers, streams, groundwater, and rainfall. As a participant from Qarabagh stated:

Agriculture is the primary form of economic activity, involving crop cultivation, harvesting, and gathering. The local population relies almost entirely on natural conditions for their income. Rainfall, drought, and as a consequence food availability all have a significant impact. [...] Life is dependent on water and land.<sup>145</sup>

A villager from Miramor district highlighted a decline in access to water:

People's access to water has declined. Even groundwater from well for their trees and plantations. Some small parts that are closer to water from mountains and spring, it has decreased.<sup>146</sup>

Dispute over water is not a new issue. For example, a nomad participant recounted an incident that occurred during the republic resulting in the death of his son following a water dispute:

Our Ahmadzai tribe has had numerous disputes with the Hazara people, leading to significant bloodshed. When the Taliban took control, they forgave everyone involved in these past conflicts. My son was martyred over a water dispute during the previous government. At that time, the governor held a meeting to address the issue and set specific conditions for us. Later, when my son took our flock to drink, they attacked and injured him, took him away, and killed him. They returned his body to us five days later. This incident occurred two months before the Taliban takeover.

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<sup>139</sup> Interview 0001PAK.

<sup>140</sup> 00037GHO; 00025DAI; 00026DAI; 00029DAI; 00030DAI.

<sup>141</sup> 00028DAI.

<sup>142</sup> 00010GZN, 00016GZN; 00019GZN; 00040GZN; 00033MAW; 00026DAI.

<sup>143</sup> 00020BAM.

<sup>144</sup> 00013GZN; 00015GZN; 00016GZN; 00018GZN; 00020WRD; 00011WRD; 0001PAK; 0002PAK.

<sup>145</sup> 00039GZN.

<sup>146</sup> 00026DAI

Afterward, I submitted a petition to the Taliban, explaining that my son was not killed in combat; they took his life after an agreement had already been reached with the governor. They broke the promise they had made to him. The case is currently pending in the Behsud district office of Wardak province, but the Taliban have yet to make any arrests.

It has been three years since my son's murder, and I still have no information on the case. I receive no support from the government, nor do I have the strength to travel to Maidan-e-Shaar every day.<sup>147</sup>

Water tensions have continued under the Taliban. Members of the Ahmadzai and Daftani tribes stated that locals in Hazarajat often prevent their livestock from accessing water sources.<sup>148</sup> This restriction, they expressed, is sometimes enforced through petitions to the Taliban. The Maidan Wardak commissioner interviewed for this research noted that one of the main complaints of nomads is lack of access to wells and fountains, particularly during last year's drought.<sup>149</sup> He noted, however, that with the more abundant water supply this year such complaints have subsided.

Ownership contentions also extend to water sources. For example, in Sartagab, located in Pato district, an area which is mixed Hazara and Pashtun, Kuchis have asserted ownership over a water spring located in a Hazara-populated area of the village, demanding compensation for its use in the past years.<sup>150</sup> Additionally, a member of Ahmadzai tribe stated that during Zahir Shah's rule, the Siagal area of Behsud district and Black Mountain in Bamiyan was granted by decree to the Sultan-Khil clan.<sup>151</sup> Initially, the Sultan-Khil hired local Hazaras to farm and cultivate this land, but the clan eventually lost control, though some plains with water streams have since been reclaimed. A member of the Fatah-Khil tribe also states that Kuchis historically lived in Waras and Shah-e-Naw districts, where large mud houses and prime water streams in the area were under the control of nomads.<sup>152</sup>

Hazaras, on the other hand, report loss of ownership over critical water sources under the Taliban. This loss disrupts Hazaras' traditional access to mountain streams and other natural water sources essential for irrigation and agriculture. Encroachments often involve the redirection of streams and the establishment of wells by new settlers, further limiting sedentary people's ability to utilize their historical water resources. A villager from Qarabagh describes losses of land with good water sources to Pashtun settlers:

In Ayin region, notably Kalambagh, and Bagh-e Attar in Qarabagh (Ghazni), Hazaras have traditionally relied on mountain streams and melted snow as essential sources of water for agriculture. In Ayin, villagers channelled seasonal snowmelt to irrigate their fields, enabling sustainable cultivation. Similarly, Kalambagh's fertile plains benefited from strategically directed stream water. Bagh-e Attar, with valleys such as Golko, Nikhta, and Qolaqol, drew water from nearby mountains, supporting rich agricultural activities. These natural sources were critical for local farming and the economic foundation of Hazara communities in these areas.

However, access to land and water has been severely compromised by the establishment of new townships in the mentioned areas, settled by Pashtuns returnees from Pakistan. In Ayin, Pashtun settlers reconfigured water streams, built wells, and restricted traditional access, drastically limiting Hazaras' ability to utilize their water sources. In Kalambagh, rising conflicts with Kuchis, backed by government decrees,

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<sup>147</sup> 00016GZN.

<sup>148</sup> 00012; 0001PAK; 0002PAK.

<sup>149</sup> 00033MAW.

<sup>150</sup> 000026DAI.

<sup>151</sup> 00012GZN.

<sup>152</sup> 00018GZN

forced Hazaras to abandon agricultural lands. Bagh-e Attar has similarly seen land loss, with Taliban-backed Pashtun settlers constructing townships, drilling wells, and preventing Hazaras from reclaiming their land. These encroachments have profoundly disrupted Hazara farming practices, severing their long-standing connection to these vital resources.<sup>153</sup>

#### 4. TALIBAN'S APPROACH TO ADDRESSING SEDENTARY-NOMAD LAND DISPUTES

This section analyses the Taliban's handling of land disputes between sedentary and nomadic pastoralists in Hazarajat. The first part examines their policy regarding land ownership, revealing adherence to pre-existing land laws which undermine the customary norms and practices of the locals. The second part shows the ways in which the Taliban use state institutions to create a semblance of legality for outcomes that are fundamentally unjust and produced through processes that otherwise ignore due process.

##### A. State vs Customary Law

The Taliban de facto authorities have adopted a previous legal framework which differentiates between public and private pastures. Private pastures are reportedly exclusively reserved for use by local villagers, which means nomads are prohibited from entering village boundaries unless they are also a local member of the village.<sup>154</sup> Public pastures can be used by all people of Afghanistan.<sup>155</sup> According to the commissioner from Maidan Wardak, this classification is outlined in one of six articles that guide the commission's work.<sup>156</sup> The commissioner further noted that this boundary rule is strictly enforced by the commission. If private pastureland is damaged or misused, villagers can file complaints and seek compensation for any losses or damage to resources, such as hay or other vegetation. This view, however, as demonstrated in the next section, is contradicted by the experiences of locals with the commission.

Fabrizio Foschi's report also highlights the broader contestation over public land, noting that unresolved claims and overlapping interpretations of ownership—especially regarding pasturelands—have remained a key source of tension.<sup>157</sup> Kuchi commissioners complained that the commissions failed to address their land title claims and had not ruled on their demands for exclusive pasture rights based on royal decrees. They said they had been told to wait until the following year to receive full possession of the lands they claimed, and that a centralized decision by the Emirate would determine the status of the royal decrees—failing which, alternative land would be allocated to them. On 21 October, the Taliban announced a decree on the occupation and restitution of state lands—arguably including the Hazarajat pastures—establishing a commission to prevent land grabbing and return seized lands, along with a special court to handle related cases.

The two types of pastures are described in different ways. According to some sources, land below a water channel (e.g., a stream) is considered a village's private pastureland, commonly referred to as *alafchar-e-khas* or "private pasture", and also described as *beda jay*.<sup>158</sup> Anything above this is generally described as *alafchar-e-aam* or "public pasture", also described as *mela jay* (common grazing land). This is considered to be owned by the state. Others, however, suggested that a village's private pasture is determined by the last house in the village.<sup>159</sup> In this view, a person with a loud voice stands on top of the last house and shouts, marking the boundary at the farthest point where their voice can be heard. Additionally, the Maidan Wardak commissioner stated that Mullah Haibatullah Akhundzada, the Taliban leader, has issued a

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<sup>153</sup> 00039GZN.

<sup>154</sup> 00021BAM; 00033MAW.

<sup>155</sup> 00021BAM; 00033MAW.

<sup>156</sup> 00033MAW.

<sup>157</sup> Foschini, *Conflict Management or Retribution*.

<sup>158</sup> 00030DAI; 00034MAW; 000332MAW; 00039GZN; 00024BAM.

<sup>159</sup> 00021BAM.

*farman* specifying a “special boundary of a village” as 2,700 meters,<sup>160</sup> meaning any land beyond this point is classified as public pasture.

While the general view is that public pastures can be used by any member of the public, one source suggested that public pastures can be used by all people *whose livelihood is dependent on livestock farming*,<sup>161</sup> which in addition to sedentary pastoralists would include nomadic herders. The Maidan Wardak commissioner further stated that nomads may only access public pastures if they hold property ownership or rights in the area—such as land ownership or possession of Sharia (*Shar’ee*) or customary (*Urfi*) documents, or a formal decree entitling them to grazing rights (e.g., historical *farman*). Without these, he noted, they are not permitted to use the public pastures in that specific area. He explained, this restriction aims to prevent overcrowding, ensuring that nomadic pastoralists graze only within areas where they hold pastoral rights. The commissioner highlighted an example in Bamiyan, where Taliban local authorities have restricted entry to Kuchis lacking proper documentation. As noted in section 3A, nomads also stated that they have been told by the Taliban that they can only access areas in which they have pastoral rights, for instance, through a *farman* granting them such a right. It was also demonstrated that this is not enforced consistently, demonstrated through the overcrowding of herds in certain areas during the summer.

The state’s public-private pasture distinction conflicts with the customary laws of local Hazaras, which regulate grazing land access at the village level. In Hazara communities, *urfi* (customary) laws govern the division and use of pastureland, often through mutual agreements that assign specific grazing areas (*alafchar*) to households or sub-villages.<sup>162</sup> For example, a specific area on the mountain may be designated for grazing by several families and others are expected to respect this right. These agreements, often passed down through generations, create an unspoken understanding and are respected by all villagers. Disputes among villages or people within a village are rare, as boundaries and rights are well-understood, with areas like mountain pastures designated for specific families or villages.

While the state may designate certain land as public, local populations in Hazarajat hold deep-rooted ties to their ancestral lands, traditions, and customs. Intrusions by non-residents, whether nomadic or otherwise, are interpreted as infringements upon long-held practices and delineated territories. This system of local land ownership sustains a powerful sense of identity and security, as these enduring land use practices are vital to their agricultural and pastoral livelihoods and cultural heritage.

A legacy of state-sanctioned dispossession by past Afghan kings and governments has forged deep legal fault lines between state land policies and Hazara customary land frameworks. The Taliban’s land policies revive historical traumas, solidifying Hazara mistrust in the state’s capacity for equitable land dispute resolution. This mistrust, fuelled by historical subjugation and state-supported nomadic land encroachment, positions state land laws as instruments of continued legal oppression and dispossession in Hazara eyes.

i. ***The continuum of ‘legalized’ dispossession: From Abdur Rahman Khan to the Taliban***

The Taliban’s public-private land designation has roots in a longstanding legal history that began with Abdur Rahman Khan. After their defeat by Amir Abdur Rahman Khan, the Hazaras lost autonomy over their lands. State policies centralized control over pastures, undermining Hazara customary rights. In the late 1800s, Rahman Khan declared central Hazarajat pastures state property, denying Hazaras access to their ancestral lands while awarding these lands to

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<sup>160</sup> 00033MAW; See also, 00021BAM.

<sup>161</sup> 00021BAM.

<sup>162</sup> 00028DAI; 00031BAM; 00020BAM; 00021BAM.

nomadic clans for their military support in suppressing Hazara rebellions.<sup>163</sup> This initiated what Wily describes as the "cyclical appropriation of land and water" in Hazarajat.<sup>164</sup>

Despite these efforts, nomads struggled to cultivate the land, prompting the return of some Hazaras to their ancestral lands. As noted by Klaus Ferdinand in 1962, "in the time of Amir Habibullah Khan (1901-1919), the Ahmadzai made a big mistake, telling the government, that they were not able to cultivate the land, and therefore the government brought back the Hazara to their previous land."<sup>165</sup> In 1927, King Amanullah Khan cancelled prior land grants, restricting Kuchi access to highland pastures and restoring Hazara grazing rights in lower areas.<sup>166</sup> However, Hazarajat did not fully revert to its pre-1894 status of communal land control. After Amanullah's fall, nomads, backed by the government, reasserted dominance.

Zahir Shah enacted the first land law of Afghanistan in 1935, legally designating pastures as the property of the state. In practice, however, some provincial governors continued to allocate pastures in ways tantamount to privatization, imposing no time limits on use rights, which strongly favoured the Kuchis.<sup>167</sup> The *qawallas* (documents) evidencing these allocations are mixed—some refer to pastures as being owned, while others clearly indicate that only use rights are granted. Nonetheless, the deeds are still presented today by nomads as proof of ownership and/or grazing rights over the pastures. An interviewee from Gizab district of Uruzgan noted that some land disputes in the district date back to Zahir Shah's time and has been ongoing since then.<sup>168</sup>

The pastoral rights of settled people were limited to lands immediately around their settlements. This followed *Pashtunwali* (Pashtun customary law), which holds that only the area within hailing distance from the last house in a village belonged to the community.<sup>169</sup> Beyond this, the government could grant or sell rights over pastures to individuals or clans of its choice. As Pashtunization became a formal policy from the 1930s, Kuchis were favoured as grantees.<sup>170</sup> From the 1930s to the 1970s, the settlement of Pakistani Pashtuns in Hazarajat further marginalized Hazaras.<sup>171</sup>

In the 1950s, under Zahir Shah, Kuchi access to Hazarajat summer pastures was formalized by issuing land documents to clan leaders.<sup>172</sup> Kuchi clans were allocated specific summer grazing territories, based on boundaries their leaders defined among themselves and were respected among them. Members of the Daftani, Niazi, and Sultan-Khil tribes trace their *farmans* for pastures in Nawur district in Ghazni provinceto Zahir Shah period.<sup>173</sup> One member of the *Niazi* tribe explained that a *farman* letter was given to then leaders of his tribe by someone named Sayed Abbas Khan during Zahir Shah's rule:

Sayed Abbas Khan was a very honorable gentleman. Our leaders used to say that many Kochis were given pasture Farmans in Hazara areas during his leadership. Our family also received Farmans during that time.<sup>174</sup>

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<sup>163</sup> Mousavi, *The Hazaras of Afghanistan*, pp. 136-137; United Nations Environment Programme (UNEP), *Recommended Strategy for Conflict Resolution of Competing High Pasture Claims of Settled and Nomadic Communities in Afghanistan* (2009), 2.

<sup>164</sup> L. A. Wily, *Land Rights in Crisis: Restoring Tenure Security in Afghanistan* (Afghanistan Research and Evaluation Unit, 2003), 40.

<sup>165</sup> Ferdinand, *Nomad Expansion and Commerce in Central Afghanistan*, 123.

<sup>166</sup> Mousavi, *The Hazaras of Afghanistan*, 9; UNEP, *Recommended Strategy for Conflict Resolution*, 40; Wily, *Land Rights in Crisis*, 40.

<sup>167</sup> Wily, *The Battle Over Pastures*, para. 31.

<sup>168</sup> 00042URZ.

<sup>169</sup> Wily, *The Battle Over Pastures*, para. 28.

<sup>170</sup> *Ibid.*

<sup>171</sup> Mousavi, *The Hazaras of Afghanistan*, p. 164.

<sup>172</sup> Wily, *Land Rights in Crisis*, 29. Wily, *The Battle Over Pastures*, para. 28.

<sup>173</sup> 0001PAK; 0002PAK; 0003PAK; 0004PAK; 00012GZN.

<sup>174</sup> 0004PAK.

Subsequent legal developments further entrenched state control over pastureland. Afghanistan's first land law (1935) under King Zahir Shah classified forests and pastures as state property.<sup>175</sup> The Survey and Statistics Law (1965) accelerated this process, enabling large-scale surveys in the 1960s and 1970s, funded by USAID.<sup>176</sup> Only family lands were identified, while the remaining land, including half of the surveyed areas—mainly pastures and wastelands—was registered as Government Land (*amlaki dawlati*), bringing 2.6 million hectares of pasture under state control. The 1970 Pasture Law further reinforced state control over pastures.<sup>177</sup>

These laws prohibited private ownership over pastureland, the purchase and sale of pastures, and transfer of grazing rights.<sup>178</sup> They reinforced state control by requiring provincial governors to delimit, survey, and oversee the allocation of pasture use rights through grazing licences. While affirming that pastures could not be privately owned, they maintained previously allocated rangelands, particularly those granted to Kuchi since the 1920s, and restricted new rights to those issued by provincial administrations as use rights. Notably, these laws ignored communal customary rights and provided no redress for historical grievances, further entrenching inequities in land access and management.

Local populations in Hazarajat continued to face exclusion from their high pastures.<sup>179</sup> The state right to allocate lands privileged nomads. Provincial governors often disposed of pastures in ways that effectively privatized them, bypassing the time limits typically imposed on use rights, further privileging nomads.

Moreover, from the 1960s, nomads acquired additional grazing lands as "eligible persons" under land allocation schemes.<sup>180</sup> Settlement policies under Zahir Shah replaced local occupancy rights with those of selected settlers. Often, these "eligible applicants" were Pashtun nomads, who proved less committed to the settled farming lifestyle but retained substantial stakes in many areas, frequently as creditors to heavily indebted tenants, according to Wily.<sup>181</sup>

Constitutional law failed to promote equity, instead reinforcing state control over pastures while granting special privileges to nomads. Pastureland was defined 'state land' in the 1987 and 1990 constitutions. The 1964 Constitution explicitly supported nomads through grants in aid, favourable loans, and other aids to allow them to grow more animals for the market and improve their livelihoods,<sup>182</sup> a policy upheld in the 1987 and 1990 Constitutions. By 1980, a Marxist interim constitution guaranteed nomads free access to pastures and unhindered passage across national territories.

The Hazara people, marginalized and dispossessed of their lands, experienced a shift during the Afghan Civil War (1978–2001). The 1978 Saur Revolution created a power vacuum, allowing the Hazara to reclaim ancestral lands and assert their rights. Until 1978, Mousavi explains, "Hazaras lived as a nation imprisoned at the hands of their Pashtun captors".<sup>183</sup> They were "regarded as second-class citizens and were in practice, even if not officially and constitutionally, denied virtually all legal rights and protection." After the revolution, armed Hazara resistance movements emerged. Between 1980 and 1996, the Hazara resistance and

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<sup>175</sup> Wily, *The Battle Over Pastures*, para. 28.

<sup>176</sup> Wily, *Land Rights in Crisis*, 4-5.

<sup>177</sup> *Law of Pasture Lands (1970)*, Art 3.

<sup>178</sup> Wily, *The Battle Over Pastures*, paras. 29-31.

<sup>179</sup> *Ibid*, 29-31.

<sup>180</sup> *Ibid*, para. 33; *Survey and Statistics Law (1965)* permitted government lands to be sold "following the Manual for Nomadic Tribes" [art 56]. Reclamation of wastelands was to be encouraged and re-claimants were to be given a certificate of title [art 57]. "Land allocated to nomads, banished persons or settlers may not be sold for 20 years" [art 62].

<sup>181</sup> Wily, *Land Rights in Crisis*, 4.

<sup>182</sup> *Constitution 1964*, Article 20.

<sup>183</sup> Mousavi, *The Hazaras of Afghanistan*, 160.

political groups shared a mutual objective to prevent Kuchi encroachment into Hazara territories.<sup>184</sup>

During the 1980s and 1990s, few Kuchis ventured into high-altitude areas like Bamyan, Lal Saranjal, or northern Daikundi.<sup>185</sup> However, Kuchi continued to occupy foothill regions like Nawor and Behsud, where they shared pastures with local Hazara communities. Moreover, as Wily points out, Hazara reclamation of their pastures was not entirely smooth, even without the Kuchi:

Since their exclusion from alpine pastures a century earlier, population and settlements had multiplied many times over, factions had proliferated, new elites had been created, and the state laws of 1965 and 1970 were selectively interpreted to mean open access and the right to freely expand rainfed cultivation into pasturelands. Referral of inter-community disputes to ruling governors-cum-warlords had mixed or biased results. The law itself was unhelpful; local courts followed mainly the Civil Code (drafted in the 1970s on the basis of Islamic law), which failed to confirm pastures as collective property, owned by communities, as is customarily the Hazara norms.<sup>186</sup>

Their brief period of reclamation ended under the Taliban (1996–2001), as the regime facilitated and intensified Kuchi regaining access to Hazarajat, in particular the foothill areas of Maidan Wardak and Ghazni provinces.<sup>187</sup>

Surprisingly, the Taliban, for the first time, legally attended to common property rights in relation to pastures. The Taliban acknowledged two different types of pastureland in their Law on *Pasture and Public Land (2000)*—public and private, with the latter being for the exclusive use of the villagers.<sup>188</sup> Private pasturelands were defined as “the area from where the loud voice of someone standing at the edge of the village can still be heard”,<sup>189</sup> following *Pashtunwali*. Private pasture in the Taliban law does not gain status as individual private property, but as local common property as distinct from national common property (Public Land) (Articles 2–4). “Public pasture” is defined as including barren lands and lands on the edges of cities and villages [Article 2]. While “public pasture may be used by anyone,” private pasture in the Taliban law may be used only “by residents of the adjacent communities” (Article 3). Buying or selling of pasture in either case remains prohibited (Article 6). Public pastures are considered public land, not to be bought or sold unless the Supreme Leader gave his authorisation (Article 9).

After 2001, the status of pastureland remained unclear. The Karzai Administration sought to restore the conditions of 1978, seeking to reclaim thousands of hectares of land it listed as “stolen government lands”, the list growing to nearly a million hectares by 2012.<sup>190</sup> The government uniformly rejected recognition of customary tenure over pasturelands or collective community ownership, prioritizing state ownership and restricting local access.<sup>191</sup> The Ministry of Tribal and Border Affairs sought to restore Kuchi control over highland pastures, which was met with fierce resistance from non-Pashtun groups, particularly Hazaras, Tajiks, and Uzbeks. These communities, having struggled to liberate their rangelands from Pashtun dominance, viewed state control, denial of local pasture rights, and Kuchi dominance as intertwined issues.

Nomads did not actively return to Hazarajat between 2002 and 2003 due to livestock losses from drought.<sup>192</sup> This shifted in 2004, marked by the first reported clashes between Kuchi and

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<sup>184</sup> Wily, *The Battle Over Pastures*, paras. 35-36; UNEP, *Recommended Strategy for Conflict Resolution*, 2.

<sup>185</sup> UNEP, *Recommended Strategy for Conflict Resolution*, 2; Wily, *The Battle Over Pastures*, paras. 35-36.

<sup>186</sup> Wily, *The Battle Over Pastures*, para. 37.

<sup>187</sup> UNEP, *Recommended Strategy for Conflict Resolution*, 2.

<sup>188</sup> L. A. Wily, *Looking for Peace on the Pastures: Rural Land Relations in Afghanistan* (Afghanistan Research and Evaluation Unit, 2015) p. 46.

<sup>189</sup> A. Giustozzi, *Mapping Nomad-Farmer Conflict in Afghanistan* (Afghanistan Research and Evaluation Unit, July 2017), 5.

<sup>190</sup> Wily, *The Battle Over Pastures*, para. 39.

<sup>191</sup> Wily, *Land Relations*.

<sup>192</sup> UNEP, *Recommended Strategy for Conflict*, 2.

Hazara. Nomad leaders demanded access to pastures they had used before the conflict period. Tensions peaked in 2008 when a Kuchi MP's claim that only Pashtuns were the rightful owners of pastures triggered Hazara-led protests in Kabul.<sup>193</sup> These tensions were mirrored in post-2001 legal developments, which failed to recognize pastures as collective property owned by communities, contrary to customary Hazara norms.<sup>194</sup>

Karzai formally reasserted state control over pastureland in 2003 by issuing a decree declaring unoccupied or uncultivated lands as state property (Decree 99).<sup>195</sup> He also amended the 2000 Land Management Law to solidify the government's right to lease such lands and extended the lease period for arid lands, primarily pastureland, to 90 years. A subsequent decree vested in the State any property under its control since 1966, allowing the government to lease by auction lands lacking documented private ownership. In terms of pastureland rights in Hazarajat, the Kuchis, who had obtained *farmans* through direct royal grants and purchases, were ostensibly in a more advantageous position than the title-less Hazaras, who asserted customary communal rights over these lands.

The government adopted a compromise approach to redefine pastureland access and rights. While it did not fully acknowledge customary and communal ownership, it introduced community-based custodianship. The 2007 National Land Policy recognized three categories of land: private, *community*, and public.<sup>196</sup> Community-held land, though not fully owned, would be registered, providing security and incentives for community management of pastures.<sup>197</sup> A draft Rangeland Law, initiated in 2007, aimed to formalize these arrangements, re-affirming the three categories.<sup>198</sup> The immediate local community which has historical customary rights to the area would become the designated Custodian, which “embodies both priority use rights and the long-term right and duty to regulate the pasture towards rehabilitation and sustainable use”.<sup>199</sup> Kuchi were to have access to public pastures through provincially agreed arrangements, and access to community pastures by agreement with their owners. In cases where local pastures cannot sustain more than minimal subsistence use, districts were bound to identify at least significant pasture for priority groups other than those using Community Pastures, which prominently includes Kuchi.<sup>200</sup> This law “might rightfully have increased the legal recognition of majority customary rights”; however, by the 2011–2012 redrafts of the law, the category of community pastures had been removed and public pastures had, in practice, to be managed jointly by local villagers and Kuchi representatives.<sup>201</sup> Giustozzi indicates that, in practice, government officials considered the 1970 Pasture Law as the basis for their operations, viewing pastureland as public land right that all can use.<sup>202</sup> The 2017 Law on Managing Land Affairs re-introduced village pastures.<sup>203</sup>

The Taliban have not publicly reaffirmed their 2000 law or introduced a new one, but it is evident they do not recognize the customary and communal pastoral rights of sedentary Hazaras. As noted above, based on several sources interviewed for this report, the Taliban has, however, upheld the classification of public and private pastureland.

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<sup>193</sup> Wily, *The Battle Over Pastures*, 37.

<sup>194</sup> *Ibid*, para. 37.

<sup>195</sup> *Ibid*, para. 50.

<sup>196</sup> *Ibid*, para. 51; UNEP, *Recommended Strategy for Conflict*, 6.

<sup>197</sup> UNEP, *Recommended Strategy for Conflict*, 6.

<sup>198</sup> *Ibid*; Wily, *The Battle Over Pastures*, paras. 52–53.

<sup>199</sup> UNEP, *Recommended Strategy for Conflict*, 6.

<sup>200</sup> *Ibid*.

<sup>201</sup> Giustozzi, *Mapping Nomad-Farmer Conflict in Afghanistan*, 4–5; Wily, *The Battle Over Pastures*, paras. 52–53.

<sup>202</sup> Giustozzi, *Mapping Nomad-Farmer Conflict in Afghanistan*, 5.

<sup>203</sup> Government of Afghanistan, *Law on Managing Land Affairs*, Official Gazette, Issue No. 1254 (15 April 2017) art 3 defines private grazing land as “lands that is located in a specified range for utilization by residents of a single or more adjacent villages and only they are entitled to use the land for the purpose of grazing livestock, collective use [...] and development purposes of the convened village(s)”. Art 3(57) defines public land as “Public Grazing Lands: It is that category of public lands that all the citizens of the country are entitled to use for grazing their livestock”. For translation, see: [https://kakaradvocates.com/uploads/laws/translation-Law\\_on\\_Managing\\_Land\\_Affairs\\_EN.pdf](https://kakaradvocates.com/uploads/laws/translation-Law_on_Managing_Land_Affairs_EN.pdf).

In summary, state control over land in Hazarajat, rooted in Abdur Rahman Khan's policies, systematically marginalized Hazara communities by reclassifying ancestral pastures as state property. Then, the pastures were allocated to Pashtun nomads through decrees providing land grants and grazing rights. Over time, evolving land governance policies—including those formalized in the 1930s, 1970s, 2000, and post-2001—entrenched state control and Kuchi access over communal grazing lands and resources of Hazaras, further eroding Hazara customary rights over their ancestral lands.

The conflict, therefore, has not only been between settled villagers and nomadic pastoralists but also between sedentary Hazaras and the Afghan state. Hazara claims over pastureland—not only “private” or “village” pastures, but also land beyond the village boundary that institutionalised by the Afghan state—rest on their “historic and customary territorial and community-centric land rights”.<sup>204</sup> As demonstrated in this section, the Afghan state claims ownership and control over pasturelands, with the authority to allocate them to individuals and groups—a practice formally entrenched through decrees and laws since Abdur Rahman Khan. However, decrees by Afghan kings and subsequent laws ignored the historical and customary land rights of Hazaras in Hazarajat, recognizing only “private” pastures under Pashtun customs while disregarding Hazara communal ownership and customs.

Today, nomads present the *farmans* as proof of grazing rights on and/or ownership of alpine pastures throughout Hazarajat.<sup>205</sup> They trace their *farman* back to the time of Abdur Rahman Khan (*Mullah-Khil*),<sup>206</sup> Zahir Shah (*Daftani, Niazi, and Sultan-Khil*),<sup>207</sup> and Amanullah Khan (*Daftani*).<sup>208</sup> They also favour state ownership of pastures, claiming it ensures free access for all and arguing that local communities cannot restrict entry, often citing past decrees.

Hazaras contest the legality, legitimacy, and fairness of these decrees, arguing they stem from Abdur Rahman Khan’s subjugation, persecution, and forced displacement of Hazaras, perpetuated by subsequent Pashtun-dominated regimes. They view the decrees as tools of internal colonization and land appropriation rather than legitimate legal documents conferring rightful entitlements. They highlight the historical context in which these transactions took place, whereby usurpation was legitimised and made official by provision of *farmans* or contracts showing ownership moving to Kuchis; however, this was carried out in a context of duress and power imbalance. A villager from Malistan describes the *farmans* as “oppressive” and “tyrannical”, noting that the King or the Amirs’ *farman* were considered tantamount to a religious command and Shara’ee document.<sup>209</sup>

## **B. Legal Coercion: The role of Taliban commissions, courts, and provincial and district authorities**

The problematic legal history of land disputes is compounded by the Taliban's institutional decision-making. In Hazarajat, the Taliban primarily resolve land and property disputes through informal, quasi-judicial commissions that lack due process. Decisions, often made by local Taliban appointees or provincial and district authorities (e.g., governors), are frequently biased, leaving communities vulnerable to exploitation. Courts play a limited role, and Taliban authorities, particularly governors, wield both enforcement and adjudicative power. This contravenes the right to access to justice and effective remedy.<sup>210</sup>

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<sup>204</sup> Wily, *The Battle Over Pastures*, para. 10.

<sup>205</sup> 0003PAK; 00017GZN; 0001PAK; 0002PAK; 0003PAK; 0004PAK; 00012GZN; Wily, *Land Relations in Bamyan*, 57 (Kuchis are demanding that Hazaras pay for the use of pastures in Ghor Ghor Valley, Panjao District, which they claim as their rightful property).

<sup>206</sup> 00017GZN.

<sup>207</sup> 0001PAK; 0002PAK; 0003PAK; 0004PAK; 00012GZN.

<sup>208</sup> 0003PAK.

<sup>209</sup> 00038GZN.

<sup>210</sup> *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, Articles 14(1), 2(3) ('ICCPR')

Local Hazaras view the Taliban’s approach as the continuation of a longstanding pattern of dispossession by a centralized, Pashtun-dominated state. They believe successive regimes have empowered nomads to assert land claims that undermine Hazara control over ancestral territory. These conflicts are seen as systemic and rooted in historical injustices—beginning with Abdur Rahman Khan’s grant of grazing rights to Kuchis and continuing through later regimes. Each shift in power, including the Taliban’s return, has brought renewed Kuchi incursions and reinforced cycles of displacement and marginalization.

**i. Musaliha: Coercive “negotiated” resolutions**

Musaliha is a traditional dispute resolution mechanism used in Afghanistan at individual, communal, and state levels. In Hazarajat, it is employed to mediate land disputes between nomads and sedentary communities under the Taliban. However, the process often lacks transparency, fairness, and impartiality. Decisions are frequently arbitrary, made without fair negotiation or legal recourse, and occur in coercive environments. Taliban local authorities often force villagers into Musaliha through intimidation and the detention of village elders. This coercion leaves villagers in a weak bargaining position, compelling them to accept unfair decisions. A villager from Ghazni described the process as a way for nomads, supported by Taliban commissions, to seize local land through illegitimate means, saying it felt as though they were “throwing dust in our eyes.”<sup>211</sup> This conveys the villager's sense of deception, manipulation, powerlessness in the face of what he perceives as a deceptive land grab.

***Nomad–sedentary dispute resolution commission***

The Taliban established commissions in Bamiyan, Maidan Wardak, and Ghazni to resolve land disputes between sedentary communities and nomads. The Maidan Wardak commission, formed on March 30, 2022, has a central office and district branches. The Bamiyan commission, also established in 2022, initially operated from the former provincial council centre, but faced challenges. Due to significant land disputes, additional district commissions were set up in Panjab. After a period of inactivity, the Bamiyan commission was re-established in 2023.

The information in this section regarding the commissions' formation, mandate, membership, decision-making, and internal challenges is based on interviews conducted with four commission members from Maidan Wardak and Bamiyan commissions.<sup>212</sup> Specific details about the interviewees have been omitted for their safety.

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**Mandate**

Taliban commissions were initially tasked with resolving all land disputes between sedentary and nomadic communities. In 2023–2024, the Maidan Wardak commission handled approximately 200 complaints, awarding villagers compensation ranging from 1,000–30,000 Afghanis, collected from Kuchis, according to one of its members. However, this is unconfirmed. In 2022, the Bamiyan commission focused on lease disputes, but by 2023, faced complex land ownership claims, often involving contested documents. Lacking legal expertise, commissioners struggled. Initially mandated to handle all disputes, the commission's focus shifted from lease issues to land ownership, leading to court referrals and local reluctance.

In 2024, the mandate of the commissions shifted, with property ownership disputes assigned to the courts while the commissions focused on pasture and grazing issues. In practice, however, this is not implemented uniformly,

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<sup>211</sup> 00040GZN.

<sup>212</sup> For further information about Taliban commissions, see: Foschini, *Conflict Management or Retribution*.

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as evidenced in this section and section 5, as many land ownership disputes continue to be resolved outside the courts, including by the commissions.

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**Membership** The Commissions reportedly consist of 20 members—10 representing local villagers and 10 representing nomads. When asked about ethnic composition and representation, a Maidan Wardak commissioner stated, "We do not use the language of Hazara or Pashtun," focusing instead on the representation of nomads and local communities.

The Bamiyan commission originally included six Kuchis and six Hazaras, with an additional supervisor appointed by the provincial governor, bringing the total to 13 members. In 2023, the commission was reassessed, and the Ministry of Borders and the Interior formed a new commission with 20 members—10 locals and 10 Kuchis. Local commissioners interviewed for this report highlighted issues with representation, which they believe led to unfair and unjust outcomes.

In Bamiyan, the Taliban bypassed local elections for commission representatives. Despite local proposals, the Taliban removed several candidates, citing past government ties or conflicts with Kuchis. The provincial governor then appointed replacements, including two Saeed Sadaat members considered unsupportive of the local community, and a Tajik replacing an initial Pashtun appointee. This resulted in a commission with 14 members (10 Kuchis, 1 Kuchi overseer, 1 Tajik, and 2 Saeed Sadaat) versus 7 Hazaras, creating a significant imbalance. The three non-Hazara local representatives sided with the Kuchis, undermining local interests. Subsequently, the Taliban detained a Hazara commissioner, reducing their representation to six. The governor then appointed a representative from the Ministry of Borders and Tribal Affairs, further tilting the balance to 15 against 6. This representative was described as aggressively wielding authority, claiming the power to detain anyone at will, and frequently brandishing a weapon.

The new Bamiyan commission operated from April 30 to September 13, 2023, following a 4.5 month delay. In 2024, a restructured commission was formed with Taliban-appointed local representatives.

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**Lodging Complaints** Disputes are initiated when a complainant submits a verbal or written complaint to the district office or commission. Serious matters are outlined in a formal written complaint (ariza) and forwarded for further action. The commission discusses the matter, makes a decision, and enforces it through local Taliban authorities.

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**Decision-making process** After receiving a complaint, commission members meet to discuss it. The complainant explains the damage or loss, and the commission engages the other party to clarify their actions. If necessary, the commission visits the site to assess the damage or gather witnesses. The commission's decisions are based on a charter with six articles, according to the Maidan Wardak commissioner. Five provisions were established on March 30, 2022, by five ministers and three provincial governors (from Bamiyan, Ghazni, and Maidan Wardak), with the final article added in early 2024. The provisions are as follows:

- Kuchis can access areas where they own land, including those with a Sharia or customary contract or Farman, but cannot graze livestock on land where they do not have the right to access. They
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are also prohibited from moving between provinces to avoid congestion.

- Claims for damages or disputes from the past 20 years are not allowed.
- Neither Kuchis nor villagers may roam armed, though they can keep arms at home or camp for self-defence.
- A shura/council, consisting of 10 villagers and 10 Kuchis, will oversee the implementation of the four articles.
- Property and land ownership disputes are handled by the courts, while pastureland disputes fall under the commission's jurisdiction.
- The boundary of a village is set at 2,700 meters.

When asked about these provisions, a Bamiyan commissioner stated he was unaware of the specifics but noted that an official memorandum from the Ministry of Interior established the commissions in Maidan Wardak and Bamiyan. The instructions outlined the commission's structure and authority, ensuring no overlap with other state institutions. He also mentioned that on 5 July 2024, the Ministry of Borders and Tribal Affairs organized a *jirga* with elders from Maidan Wardak, Bamiyan, and Ghazni. Senior Taliban officials participated, and several provisions were made, including guidelines for Kuchis on accessing grazing areas without harming crops, and a process for disputing Kuchi documents in court.

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**Enforcement** The Commission's decisions are binding. If someone refuses to comply, action is taken, with the local security department (police) enforcing the decision.

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#### Maidan Wardak commission

The Maidan Wardak commissioner stated the commission's role in maintaining order and resolving disputes. In its first year, the commission resolved 120–150 cases, followed by 200 cases in the second year. In 2024, 70–80 cases were referred by the district office. Most complaints involve villagers, particularly regarding land, crops, and livestock, with compensation, a common remedy, often sought for crop damage or grazing on private land.

The commissioner also noted the application of amnesty with respect to past disputes, such as cases where injuries to shepherds led to withdrawn complaints. Over time, the situation has improved, partly due to reduced overcrowding and Kuchis returning to their home provinces. Ongoing land disputes remain, including a court case where Kuchis grazed on agricultural land. A conditional penalty of 2 lakh AFN was imposed, with the Kuchis agreeing to withdraw while the case remains in court.

Overall, the commissioner believes the commission has contributed to a reduction in disputes and the prevention of major issues in Maidan Wardak. Villagers and Kuchis now actively request the commission's involvement, and confidence in its work has grown. The commissioner stresses the importance of following the six articles and electing capable representatives to effectively defend rights.

While we were unable to get other commissioners in Maidan Wardak to confirm these assertions, a case from Sarchishma village in Jarliz district challenges this perception.<sup>213</sup>

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#### **Case Study: Sarchishma, Jalriz District**

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<sup>213</sup> 00035MAW; 32MAW; 00027DAI.

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**Issue:** Following the Taliban's takeover in Sarchishma, Maidan Wardak, Kuchis alleged that sheep were stolen by local Hazaras in Sunbula 1398 (September 2019). The Kuchis also alleged that their livestock had been taken by Alipoor's forces during the Ghani government. The case was initially filed in the Taliban primary court in Jalriz but was later assigned to the provincial commission. The commission made its final decision on September 2, 2023.

**Decision:** The commission ruled that 23 residents of Sarchishma must pay 1.75 million AFN in compensation to the Kuchis. A document provided to Etilaatroz newspaper indicates that 21 residents had already paid 1.5 million AFN, with a 10-day deadline set for the remaining amount. The decision emphasized the payment to foster "hearts, brotherhood, and unity." A general amnesty was declared for all disputes over the past 20 years, with a 500,000 AFN fine imposed for any future violations.

The Kuchis initially demanded 4.2 million AFN, but after negotiations, the amount was reduced to 1.75 million AFN. The payment was completed within 10 days, and the detained elders were released.

**Process and Concerns:** A source, whose family had to contribute to the payment, explained that the decision-making process was heavily biased in favour of the Kuchis. The commission, appointed by the Taliban, formed a council with representatives from both sides, but the outcomes consistently favoured the Kuchis. The commission did not investigate the Kuchis' claims, instead pressuring local elders to collect compensation.

The ruling required all families in Sarchishma, even those not involved in the alleged incident, to contribute to the payment. The interviewee noted that there was no proof of the sheep being stolen—only the Kuchis' claims. He drew parallels to similar situations in Kabul, where Pashtuns claim ownership of houses, and the Taliban enforces such claims.

**Enforcement and Absence of Judicial Oversight:** To enforce the decision, the Taliban detained 17 influential elders from Sarchishma, demanding compensation for their release. The villagers were forced to quickly collect the money, fostering resentment and fear. The commission operated outside a formal court system, bypassing legal due process. Decisions were made through pressure and negotiation, not based on evidence or fairness.

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In this case, the Taliban commission's decision, despite claims of impartiality, appears unfair. Forced payments and unlawful detentions demonstrate a lack of due process, effectively depriving the affected community of impartial legal recourse.

#### *Bamiyan commission*

In contrast to the Maidan Wardak commission, the Bamiyan commission encountered significant internal challenges, particularly concerning ethnic representation and decision-making. The disproportionate representation, with six Hazara representatives compared to a larger nomad presence supported by other commission members (totalling fifteen), led to biased decisions, especially in land disputes. These decisions consistently favoured nomads, resulting in local residents losing property ownership.

Internal issues escalated as commission members pressured Hazara representatives to endorse unfair decisions. Armed nomads also intimidated them during meetings. Despite repeated requests, local authorities failed to ensure the Hazara commissioners' safety. The Hazara representatives protested that decisions lacked impartiality and proper investigation. The other commission members presented documents, demanded rulings, and used intimidation to force signatures.<sup>214</sup> In one instance, a Hazara commissioner was detained and threatened by the provincial governor for opposing unjust decisions.

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<sup>214</sup> Etilaatroz, 'Taliban Dar Bamyān Hasht Nafr Ra Ba "Lat-o-Koob" Wadar Ba Emza-ye Faysalay-ye Yak-Janibeh Ba Naf-e Kuchihaan Karda-and' (4 October 2023) <https://www.etilaatroz.com/179836/> / [طالبايان-در-باميان-هشت-نفر-را-ايجالت-و-طالبايان-در-باميان-هشت-نفر-را-ايجالت-و](https://www.etilaatroz.com/179836/)

The Hazara commissioners questioned the authenticity of the nomads' documents, suspecting forgery, particularly those claiming nomad purchases of land owned and occupied by Hazaras in Hazara-populated areas. They requested a committee within the commission review these documents. A five-member committee was formed, consisting of two Hazaras, two Pashtuns, and one representative from the provincial governor's office. However, the documents were never examined.

The Hazara representatives resigned in September 2023 after eight unilateral decisions in favour of the nomads, drafted by Kuchi commissioners, were presented for their signatures.<sup>215</sup> They complained of the coercive environment within the commission and its biased decisions, sharing their grievances with local authorities, the UN, and other organizations, while continuing to face threats. Despite the risks, their actions exposed the commission's systemic biases, though they remained under threat. By contrast, according to a report by Fabrizio Foschini, Kuchi commissioners saw the commissions as a useful mechanism for preventing conflict and reclaiming what they viewed as their lost rights.<sup>216</sup> However, Foschini notes:

they however complained about the commissions' inability or unwillingness to deal with the land titles they had brought, and the lack of a decision on their claims to the exclusive use of wide pasture areas, based not on property titles, but on the farman (decrees) of the Afghan kings.

They said they had been told to wait until next year to be given full possession of the lands for which they claim to hold titles, while a decision on whether to uphold the royal decrees regarding pastures would need to be the subject of a centralised decision by the Emirate. They also said they had been told that if the decision went against them, other alternative places would be allocated to them. This suggested that the government delegation and provincial Taliban governors had briefed the commissions on the need for a comprehensive approach to the issue of land occupation and restitution.

Following the Hazara representatives' resignation, Taliban authorities—including Ministry of Borders representatives, Sirajuddin Haqqani, and local officials—met with local representatives in Bamiyan in early 2024. The Taliban then decided that disputes over land ownership between locals and nomads should be handled by the courts. While some cases were redirected to the courts, many commission rulings were swiftly enforced, resulting in land seizures and forced displacements in Panjab and Waras.<sup>217</sup> Entire villages were affected, with residents evicted based on biased decisions favouring the nomads. In some instances, forged documents were used to claim local land, which the commission validated. Evictions were carried out violently, with victims beaten, detained by Taliban forces, and forced to seek refuge in neighbouring villages for extended periods. These issues are covered in section 5.

### ***Ad hoc commissions***

The Taliban's use of ad hoc commissions to resolve land disputes is characterized by a lack of transparency and fairness, as evidenced by the case of Munar-e-Rasul village in Lal-e-Sarjantal, Ghor. These commissions operate without clear procedures, documented processes, or defined appointment rules, facilitating outcomes that disproportionately favour Kuchi claims. Villagers frequently encounter unequal power dynamics and undue pressure, such as the armed presence of Kuchi nomads or Taliban-enforced coercion, including the detention of village elders. This coercion forces locals to participate in settlements and accept unfavourable decisions imposed under the guise of *musaliha* (settlement).

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<sup>215</sup> Foschini & Mirzada, *The Pastures of Heaven*.

<sup>216</sup> Foschini, *Conflict Management or Retribution*.

<sup>217</sup> Foschini & Mirzada, *The Pastures of Heaven*; Afghanistan International, 'Manabe Mahali: Chahar Rustayi Ke Az Kochi-ha Ba Taliban Dar Bamiyan Shikayat Borda Budand, Bazdasht Shodand' (19 June 2023) <https://www.afintl.com/202306198002>.

The Munar-e-Rasul case, as reported by a local source, exemplifies this systemic bias.<sup>218</sup> Following the Taliban's return in August 2021, Kuchi nomads claimed the entire village. By November 2023, a commission comprised of Taliban-appointed judges and officials from Kabul, described by the source as “tied to the Kuchis” and “from their own group,” unilaterally declared the land belonged to the nomads. This decision bypassed local and provincial legal channels, where the Kuchis had previously failed to secure favourable rulings, and even escalated to Herat and Kandahar courts before being swiftly resolved by the commission. As the source explained, “Powerful individuals bypass local courts and pursue decisions directly through commissions, often unopposed. This enables them to make unilateral claims over land without facing any challenge.”

The commission's decision was made without the participation of the affected villagers. When asked if the commission considered the views of the local villagers, the source replied, “No. They arrive, present their decision, and instruct the commander to enforce the eviction. That's the end of it.” The decision was then enforced by the Taliban district commander, resulting in the eviction of 22 Hazara families, including landowners and tenants, who were forced to relocate to Lal-e-Sarjantal, Herat, or Iran. The Kuchis subsequently gained control of the land, attempting to sell it, though most of it remained unsold with only a few parcels leased. As another interviewee highlighted, regarding the overall systemic issues, “The Taliban is very serious and decisive in supporting the Kuchis,” and that in the absence of an established mechanism, the Taliban uses the “traditional tribal system” to exert pressure on locals.<sup>219</sup> The Munar-e-Rasul incident demonstrates how these commissions, operating outside established legal frameworks and influenced by powerful individuals, facilitate land seizures and forced displacements, leaving villagers with no recourse.

Several other cases documented from various provinces illustrate a disturbing pattern of the Taliban's use of ad hoc commissions, which often result in two primary outcomes: extortion and land confiscation.

These commissions frequently impose substantial financial burdens on local populations under the guise of dispute resolution. For example, in Maidan Wardak, a 2022 ad hoc commission, established despite the existence of a formal dispute resolution body, forced villagers in Sarchishma to pay 33 lakh AFN after nomads alleged sheep theft.<sup>220</sup> Dominated by Taliban influence, the commission conducted a forced negotiation, ignoring the lack of evidence and denied villagers the opportunity to defend themselves. Similarly, in Siah Khak, Jalriz District, a 2022 commission led by a Taliban representative unilaterally decided a dispute involving a nomad claim of lost herds.<sup>221</sup> Villagers were denied a defence, and 12 elders were detained and reportedly beaten to coerce compliance.

In Siah-Chob, Sangtakht-e-Bandar district, the Taliban intervened in a 45-year-old claim of a nomad killing, forcing villagers to pay 2–3 million AFN in “blood money.”<sup>222</sup> The district governor pressured locals into a musaliha process, bypassing legal channels and enforcing the payment despite a lack of evidence. A second attempt by the nomads to extract “blood money” was thwarted when villagers, following legal advice, demanded a court process, which the nomads could not pursue due to lack of evidence. In July 2024, in Panjab district, after armed nomads injured locals, a Taliban-controlled commission forced the villagers to compensate the nomads for alleged losses, ignoring the nomad aggression.<sup>223</sup> Another case occurred in Panjab in

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<sup>218</sup> 00037GHO.

<sup>219</sup> 00036GHO.

<sup>220</sup> 00035MAW; 00032MAW.

<sup>221</sup> 00034MAW.

<sup>222</sup> 00025DAI; Rukhshana Media, 'Hazaras Face Extortion and Eviction as Taliban Courts Allegedly Favor Pashtun and Kuchi Claims' (1 November 2023) <https://rukhshana.com/en/hazaras-face-extortion-and-eviction-as-taliban-courts-allegedly-favor-pashtun-and-kuchi-claims>.

<sup>223</sup> 00020BAM.

July 2024, where a local was injured in a land dispute, but no formal resolution was reached, further highlighting the double standard in the Taliban's handling of such cases.

Ad hoc commissions often resolve land disputes under coercive conditions, leading to land confiscation disguised as the outcome of a formal process. For example, in 2022, nomads claimed ownership of Gham-Qol Valley in Dara Khodi, Khidir District, demanding locals vacate the area.<sup>224</sup> Despite lacking evidence, they restricted villagers from farming and gathering fodder. The Taliban then established a commission to "resolve" the dispute, which pressured locals to pay to retain their land. With no legal recourse, they were forced into a settlement framed as a negotiation.

Similarly, in Poshta-e-Ghorghori, Bamyan, during the second year of the Taliban's return, a Shura composed of a few Pashtuns and local elders ruled that the land, including agricultural and pastureland, belonged to the nomads. According to a source, this decision was made under significant pressure and lacked a formal judicial process.<sup>225</sup> Intimidated by coercion, some locals reluctantly accepted the ruling, with a few purchasing the land from the nomads. While enforcement involved force and military pressure, some land claims remain unresolved and are now under review by courts.

These cases demonstrate that the ad hoc commissions legitimized otherwise unlawful acts, such as extortion and land confiscation. While presented as mediation or *musaliha* processes, both the procedures and outcomes often involved coercion and intimidation.

## ii. Courts

Court systems were rarely used for land and property issues until 2023. However, in 2024, following the Hazara representatives' boycott of the Bamiyan commission, more legal disputes were referred to courts. The Maidan Wardak commissioner stated that starting in 2024, courts would handle legal disputes over land ownership, including verifying documents such as *farmans* (decrees) to establish ownership and issue binding rulings. Commissions, on the other hand, focus on grazing rights and resolving pasture-related disputes. In 2024, unresolved land territorial ownership disputes in the Kirman villages—Tomborak-e-Kiran, Abto-e-Kirman, and others—are being handled within the local court system in Lal-e-Sarjantal, with the district governor assessing the case before it proceeds to court.<sup>226</sup> However, the outcome of these cases remains unclear.

Despite a major meeting in Bamiyan in early 2024 that established six articles clarifying the division of responsibilities, the majority of land disputes, including those concerning ownership, are still handled by commissions. As demonstrated earlier, many land ownership cases continue to be resolved through non-judicial or ad hoc commissions.

Many locals prefer courts over commissions because they believe court decisions require evidence, witness testimonies, and documentation. A Hazara interviewee noted that while both systems are distrusted, villagers tend to favour courts, where decisions are based on evidence, unlike commissions, where decisions are often made through biased voting by council members favouring Kuchi claims.<sup>227</sup> A villager from Sarchishma village, Maidan Wardak, described a 2022 incident where a commission imposed compensation on villagers over alleged sheep thefts without proper investigation, underscoring his preference for courts.<sup>228</sup>

Although courts are seen as a better option than commissions, there have been claims of bias. For example, in Ghor, interviewees reported that even when Hazaras present valid evidence of land ownership, Taliban-appointed judges still decided in favour of nomads.<sup>229</sup> Moreover,

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<sup>224</sup> 00025DAI.

<sup>225</sup> 00031BAM.

<sup>226</sup> 00037GHO.

<sup>227</sup> 00031BAM.

<sup>228</sup> 00035MAW.

<sup>229</sup> 0036GHO; 0037GHO.

according to another report, in 2023, following Salim Naeem's complaint with Governor of Bamiyan, Abdullah Sarhadi, a court was established in in Panjab to address land disputes for Panjab and neighboring Waras.<sup>230</sup> The court, formed in July with four Sunni Tajik judges, handled various cases, reportedly ruling in favour of the Kuchis, including ordering the removal of Hazaras from those lands.

### iii. Provincial and district authorities

District and provincial governors act as both judges and enforcers, often with unjust outcomes. In 2022, the Malistan district authority, without investigation, fined villagers based on a nomadic livestock theft claim.<sup>231</sup> He pressured residents to pay, ignoring the lack of case specifics. This collective punishment extended to all households. Ghazni provincial authorities further coerced compliance by detaining guarantors until full payment. In another collective punishment case in Daikundi's Sangtakht-e-Bandar district, the local authority enforced a musaliha process, compelling locals to pay "blood money" for an alleged killing 45 years prior, despite no evidence.<sup>232</sup> While the claim was not proven, locals were forced to comply due to local authority pressure.

Sedentary Hazaras believe they cannot rely on local authorities for protection against abuse. For instance, a Miramor district interviewee described how, after the Taliban takeover, a local elder who tried to mediate a conflict—initiated by nomads destroying crops—was injured by a nomad, yet local authorities took no action.<sup>233</sup> This inaction reinforced the elder's belief that complaints would only worsen the situation. Similarly, another interviewee from Panjab district in Bamiyan noted that locals felt they had no recourse but to accept the Taliban's authority. One interviewee from Bamiyan described the situation as a "pharaonic system," where complaints are either ignored or resolved based on the governor's personal sympathy.<sup>234</sup> Other reports also highlight insult, humiliation, and abuse that Hazara locals are subjected to when they approach the Taliban authorities to raise complaints.<sup>235</sup> These sentiments reflect widespread distrust, with many believing that local authorities offer no fair recourse.

Allegations suggest that influential nomads with ties to the Kabul Taliban bypass local governance. Interviewees report that Kabul interventions often overrule local authorities through forceful, well-resourced actions. In Ghor, for example, two residents of Lal-e-Sarjantal stated that in 2023, 70 armed personnel, bypassing local authorities, forcibly evicted villagers from areas such as Kirman, Munar-e-Rasul, Sange Nawishta, and Nawe Dangak.<sup>236</sup> These Kabul-led interventions led to land occupation, sale, or rental, displacing up to twelve families, according to both sources.

## 5. HUMAN RIGHTS IMPACT

Land disputes in Hazarajat, exacerbated by the Taliban action, including failure to prevent abuses, have resulted in numerous human rights violations. This research documents instances of forced evictions and displacements, often uprooting entire communities. It also reveals prevalent extortion, where locals were coerced into paying substantial sums to 'repurchase' their own land, settle claims of back-rent often calculated for more than 20 years use of land, or

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<sup>230</sup> Foschini & Mirzada, *The Pastures of Heaven*.

<sup>231</sup> 00035MAW.

<sup>232</sup> 00025DAI.

<sup>233</sup> 00026DAI.

<sup>234</sup> 00020BAM.

<sup>235</sup> VOC, 'The Kuchi (Nomads) Ruined the Hazara People's Farms and Crops in an Unprecedented Manner', *VOC News* (10 June 2023) <https://www.voc-news.com/en/2023/06/10/the-kuchi-nomads-ruined-the-hazara-peoples-farms-and-crops-in-an-unprecedented-manner/>; Etilaatroz, 'Lashkarkashi Taliban ba Daykundi; Eda'ay Azar-o-Azait Ghayr-Nizamiyan wa Tabdil Khane-ha ba Paygah Nizami' (9 November 2022)

<https://www.etilaatroz.com/158499/%d9%84%d8%b4%da%a9%d8%b1%d8%b4%db%8c-%d8%b7%d8%a7%d9%84%d8%a8%d8%a7%d9%86-%d8%a8%d9%87-%d8%af%d8%a7%db%8c%da%a9%d9%86%d8%af%db%8c/>.

<sup>236</sup> 00036GHO; 00037GHO.

to compensate for purported damages—some dating back decades. These alleged damages frequently led to collective punishment, where entire villages were held accountable for unproven accusations without any identifiable perpetrator. Villagers were forced to pay for these claims, which often lacked specific dates and identifiable perpetrators. This burden of compensating for past alleged damages persisted despite the Taliban's purported amnesty policy, which promised to forego past grievances between sedentary and nomadic populations and refrain from revisiting historical issues. These abuses have fostered anxiety and fear towards the Taliban, creating a pervasive sense of helplessness among sedentary populations. Many feared they could not challenge contested claims, fearing either inevitable loss or harsher repercussions. As a villager from Bamiyan described, “Local people were injured, and their lands usurped. They were threatened and intimidated. The situation created extreme mental health issues. There was a level of fear beyond limit.”<sup>237</sup>

Afghanistan is a state party to several international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). These treaties guarantee several fundamental rights, such as freedom from discrimination,<sup>238</sup> the right to a fair trial by a competent, independent, and impartial tribunal,<sup>239</sup> the right to adequate standard of living (including the right to housing),<sup>240</sup> right to liberty (prohibiting arbitrary arrest and detention),<sup>241</sup> and the right to own property (prohibiting arbitrary deprivation of property).<sup>242</sup> Forced displacement and eviction are inherent in several human rights, particularly those concerning the prohibition against arbitrary deprivation of property,<sup>243</sup> freedom of movement and the right to choose one’s residence,<sup>244</sup> and the right to an adequate standard of living.<sup>245</sup> As de facto authorities, the Taliban are obligated to respect, protect, and fulfill these rights, as well as other human rights obligations under international law, particularly by refraining from actions that interfere with or violate these rights.

#### **A. Arbitrary deprivation of land**

Since 2021, across several villages in Hazarajat, locals have experienced significant property loss, including personal property (agricultural land and houses) and, in some cases, entire areas or villages. These losses can be categorized into two main types. First, claims of land ownership by nomads, involving both individual families and, in some cases, territorial claims over entire villages by groups of nomads. These territorial claims often involved Taliban forces forcibly removing locals from their land. Second, Taliban-led actions, comprising two sub-categories. One, cases where local Taliban authorities themselves carried out evictions and displacements, reallocating property of Hazara locals, including lands and residential homes, to their own rank and file. Two, instances where the Taliban seized Hazara lands, declaring them unowned or public property, and developed townships to resettle Pashtuns returning from Pakistan, including Pashtun nomads.

This report finds that these cases exemplify arbitrary deprivation of property—defined as the unlawful or unjust removal of property, possessions, or ownership rights without due legal process or legitimate justification. Land grabs, transfers, and evictions often involved force and

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<sup>237</sup> 00020BAM.

<sup>238</sup> ICCPR, Article 1; *International Convention on the Elimination of All Forms of Racial Discrimination* (adopted 21 December 1965, entered into force 4 January 1969) 660 UNTS 195, Article 5(a) (‘ICERD’).

<sup>239</sup> ICCPR, Article 14(1).

<sup>240</sup> ICERD Article 5(e)(iii); *International Covenant on Economic, Social and Cultural Rights* (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3, Article 11(1) (‘ICESR’).

<sup>241</sup> ICCPR, Article 9

<sup>242</sup> ICERD, Article 5(v) and 5(vii); *Universal Declaration of Human Rights* (adopted 10 December 1948) UNGA Res 217 A(III), Articles 17(1) and 17(2) (‘UDHR’).

<sup>243</sup> UDHR Art 17.

<sup>244</sup> ICCPR, Article 12.

<sup>245</sup> ICESR, Article 11.

coercion. In some cases, Taliban local authorities—either district or provincial governors—and ad hoc commissions made decisions in a coercive environment without any due process, resulting in the loss of property for locals. Such practices violate fundamental property rights and result in significant inequity, economic harm, dispossession, eviction, and displacement. Moreover, they undermine the ability of locals to sustain their agricultural livelihoods and maintain control over their ancestral lands. Many locals were compelled to leave their villages, relocating to other provinces of Afghanistan, such as Kabul, or to Iran. Some of these individuals were interviewed for this report.

The loss of land and related abuses are perceived by villagers as part of the Taliban strategy to push them off their land. One interviewee from Bamiyan explained that the Taliban and nomads aim to seize Hazara lands under the belief that they must assert control over all parts of Afghanistan.<sup>246</sup> As *hakim-e-motlaq* (absolute rulers), they act without resistance, using fear to maintain dominance, he added. Another resident of Daikundi described the situation as “*qowmi*”—ethnically driven.<sup>247</sup> He explained that nomads believe they can take land from locals with the Taliban’s support. “The objective of Pashtuns and Kuchis is, under some pretext, to take these lands out of the hands of Hazaras and to expel people from the area,” he said.

A resident of Miramor district echoed the same sentiments, pointing to claims of tactics such as forced eviction, extortion, harassment, and framing land as ownerless or public—ultimately redistributed to Pashtuns.<sup>248</sup> When the situation drew international attention, the authorities became more methodical, referencing the Taliban commissions. Claims of past loss, he noted, is used as a pretext to demand compensation. If people had nothing to give, their land is taken and they are forced to leave. He warned that the Taliban’s efforts to sow conflict and fear will eventually push vulnerable families out of Hazarajat entirely.

A resident of Sangtakht-e-Bandar, Daikundi, described the situation as “a project of Pashtunism,” arguing that it is part of a long-standing strategy to dominate non-Pashtun groups.<sup>249</sup> He called the Taliban’s land policies “one-sided and tragic,” with Kuchis acting as instruments of control, explaining that “Pashtunism is a system that has always existed and continues under the Taliban,” aiming for a submissive nation where no non-Pashtun, including Hazaras, Tajiks, and Uzbeks, is allowed to speak of rights or take any measures against the Taliban.

A resident of Yakawlang also observed a gradual effort to push Hazaras off their lands. He reflected:

In the past, when the population was small, people survived on little. Now, with more people [...], the land can no longer support everyone. The presence of Kuchis signals that the government intends to take these areas from Hazaras. If we lose our ancestral lands, we can’t afford to settle in cities like Kabul or Herat. I’m a farmer and shepherd with little education—there are no jobs for me in the cities. Eventually, I’ll become a refugee in Pakistan or Iran. Even if it isn’t officially declared, the government’s silence shows its approval of our displacement.<sup>250</sup>

#### *i. Land Losses to Nomads*

This research documents land losses faced by sedentary communities in Ghor and Bamiyan since the Taliban’s return. In Bamiyan, land seizures have involved both individual nomadic families claiming smaller plots, and larger groups asserting control over lands belonging to multiple families. However, in Ghor and Uruzgan, in most cases nomadic groups have collectively laid territorial claims over vast areas, often seizing entire villages.

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<sup>246</sup> 00031BAM.

<sup>247</sup> 00028DAI.

<sup>248</sup> 00028DAI.

<sup>249</sup> 00029DAI.

<sup>250</sup> 00020BAM.

In Ghor, the main district where local Hazaras have lost land is Lal-e-Sarjantal.<sup>251</sup> According to two accounts, land disputes resulting in losses for locals in this district occurred in at least six villages between 2022 and 2024. They recounted that armed nomadic groups forcibly took possession of land and houses in the villages of Khalifa, Poshta-e-Manjoo, Gul Naicha, Dahan-e-Qolani, Char Qash, Munar-e-Rasul, Saha-e-Kirman, and Sange-Nawishta, often with the support of the Taliban.<sup>252</sup> These usurped properties include farms or agricultural fields, residential properties, and pastures—in some cases, entire villages. In areas like Khalifa village, former Hazara-owned orchards ("baagh") were also seized.

In some cases, after taking the land from villagers, the new nomad owners either leased or sold the land, for example in Khalifa and Poshta-e-Manjoo. This resulted in the displacement of five families in the second village. In Saha-e-Kirman, five to six families were displaced, and their confiscated land was sold, creating further obstacles for the original owners to reclaim their property. Residents of Dahan-e-Qolani, Gol Naicha, and Char Qash villages were also forcibly evicted by the Taliban, with their land taken over by nomads and later sold. In Munar-e-Rasul, in 2023, about 22 families were forced to vacate their houses, which an ad hoc commission declared belongs to Kuchi claimants, who subsequently put the land up for sale.

In 2023, a land dispute in Sange Nawishta involved Pashtuns from Ghor, rather than Kuchi Pashtuns. Initially, one group sold land to Hazara villagers, but another claimant emerged, asserting sole ownership. Backed by local Taliban authorities and armed forces, they forcibly reclaimed the land, nullifying the original sale and compelling the Hazara buyers to leave.

In some villages, nomadic territorial claims remain unresolved. For example, in Dahan-e-Chaka, approximately 20 local families face uncertainty. In Nawa-e-Dangak, in 2024, nomads asserted ownership over the entire livestock farming area and reportedly attempted to evict over a hundred families. Similarly, in Kirman, territorial claims to Tomborak-e-Kiran, Abto-e-Kirman, and two nearby villages remain unresolved. These cases are proceeding through the Taliban's woloswaly (governor's office and court system), with rulings issued by the governor and then incorporated into the court system. This leaves local Hazaras vulnerable to the same challenges faced by other villages, where nomadic claims resulted in evictions and displacement, which is detailed in the next section.

Sources reported that the nomads had influence with influential Taliban figures in Kabul and brought their own armed forces and authorities, including judges and generals, to decide and enforce their land claims on locals, bypassing local authorities. While unverified, similar allegations have been made regarding land usurpations in Bamiyan, suggesting influential nomad tribes with Taliban connections are exploiting this to their advantage. These claims warrant further inquiry.

In Bamiyan, as detailed in Section 3B, nomads made numerous land ownership claims before the Bamiyan Commission. Following decisions favouring nomads in these cases,<sup>253</sup> the Hazara representatives, who were in the numerical minority on the commission, resigned in protest in September 2023. Interviewees from Bamiyan also highlighted several cases, particularly in Panjab, followed by Waras and Central Bamiyan, where locals lost their land.<sup>254</sup>

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<sup>251</sup> According to this media report, in November 2022, the Taliban forced the residents of several villages in Lal-e-Sarjantal to leave their houses and land: Ufuq News, "Taliban Hazara-ha Ra Dar Ghor Wa Daikundi "Wadar Ba Koch Ejbaari Mikonand"" (13 November 2022) <https://ufuqnews.com/archives/206181>.

<sup>252</sup> 00036GHO; 00037GHO.

<sup>253</sup> Other reports also highlight allegations that the commission's decisions favour nomads: Foschini & Mirzada, *The Pastures of Heaven*; Hasht-e-Subh, 'Wali Taliban Dar Bamiyan Dawa-ha-ye Hoqoqi Miyan Kochi-ha Wa Rustaneshinan Ra Ba Nafe Kochi-ha Faisala Mikonad' (22 June 2023) <https://8am.media/fa/the-taliban-governor-in-bamiyan-decides-the-legal-disputes-between-the-nomads-and-the-villagers-in-favor-of-the-nomads/>.

<sup>254</sup> Media reports also document the loss of land by local Hazaras to nomads in the Bamiyan districts of Punjab, Waras, and Yakawlang: Etilaatroz, 'Kochi-ha-ye Mosallah ba "Himayat-e Taliban" Derakhtan-e Saha-ye Sabz-e Yak Maktab Ra Dar Bamiyan Qat Karda and' (3 October 2023) <https://www.etalatroz.com/179583/%d9%82%d8%aa%d8%b9-%d8%af%d8%b1%d8%ae%d8%aa%d8%a7%d9%86-%d8%b3%d8%a7%d8%ad%d9%87-%d8%b3%d8%a8%d8%b2-%db%8c%da%a9-%d9%85%da%a9%d8%aa%d8%a8/>.

In 2024, four cases of land being forcibly taken from local residents were reported: two in Panjab and two in Waras.<sup>255</sup> In Panjab, one case occurred in the village of Shaheen and another in Mah-e-Panjab. In Waras, the incidents took place in Sorkhbodri and Qonakh. Additionally, three other cases have been decided in favour of nomads, with residents expected to vacate their land in mid-to-late 2024. These include two cases in Waras (Central Waras and Sarab Waras) and one in Panjab (Shaheen village). According to another report, in 2024, the Panjab Court ruled in favour of Kuchis in relation to their claims to land in Pushta-e-Ghorghori and some other areas, ordering the eviction of locals living on the land.<sup>256</sup> An interviewee warned that if the commission continues this pattern, much of the local population's land could be taken and handed over to Kuchis within one or two years.<sup>257</sup> They added that these forced displacements do not only affect individuals—“entire villages may be displaced, including 10 or more families.”

In a case which occurred in 2024, three families in Shaheen village, Panjab district had their land taken by Kuchis.<sup>258</sup> This occurred at the beginning of spring, following a decision by the Bamiyan Commission, which ruled in favour of the nomads. The villagers were forcibly evicted. According to a source, when a woman resisted the eviction, she was dragged out forcibly, her hand was broken, and their belongings were destroyed. The families filed a complaint with the Ministry of Interior, but no action was taken, and their grievances were ignored. In the case of one of the families, their situation was so dire that a family sought shelter in a mosque. Locals provided some assistance to cover their basic needs. Ultimately, the families relocated to Kabul.

In 2023, nomads asserted ownership rights over a farm in Shahkor, Shahrستان district, Daikundi province.<sup>259</sup> According to a local source, during Zahir Shah's regime, there was a dispute over the same land, with nomads claiming ownership of the Hazaras' land.<sup>260</sup> The Hazaras paid the nomads, who then withdrew their claim, confirming in writing this agreement. Since then, the Hazaras have held possession of the land. However, in late April to early May 2024, the primary court in Shahrستان ruled in favor of the Kuchi claimants, declaring the land belongs to them. The source stated that the court disregarded the arguments and documents presented by the local Hazara respondents, including a Share'e document.

There are several other cases where Taliban authorities—whether provincial or district governors or commissions—have decided land ownership disputes in favour of nomads. To retain ownership and possession of their land, and in some cases entire areas or villages, locals have paid large sums of money to the nomads to re-buy the land. This is detailed in section 5B.

## *ii. Taliban-led land re-allocations*

The research shows Taliban involvement in the usurpation of local Hazara land, involving declaring an area as public property and either reallocating land to refugees returning from Pakistan, or developing new townships to resettle nomads. These cases occurred in Ghor, Ghazni, and Daikundi.

In 2024, a delegation of Taliban officials came from the Ghor provincial office and declared seven to eight villagers in Lal-e-Sarjantal as public land, according to a source.<sup>261</sup> These villages, which surround Bazaar-e-Lal, include Dahan-e-Saqaba, Kaj naw, Assad Abad, Shah-e-Naw/Shahrak-e-Mahajirin, Alawdal, Kandogak, Jimqala, and Bazaar Siah Chashma. The delegation told locals that they have assessed the area and concluded that it is “public land”,

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<sup>255</sup> 00022BAM; 00021BAM (also notes of a case that occurred in 2024 whereby nomads with Taliban forces came armed, evicted a family and took the land).

<sup>256</sup> Foschini & Mirzada, *The Pastures of Heaven*.

<sup>257</sup> 00022BAM.

<sup>258</sup> 00018GZN.

<sup>259</sup> Other reports also show nomad asserting claiming land and preventing local farming: S. Madadi, J. Raunaq, S. Amiri, and A. Behnam, 'Law of the Gun: How Local Conflicts Became Extortion Sprees' *KabulNow* (23 January 2024) <https://kabulnow.com/2024/01/law-of-the-gun/>.

<sup>260</sup> 00027DAI.

<sup>261</sup> 00044GHO.

noting that they plan to settle returnees from Pakistan in these villages. Locals claim that they have Share'e documents, and some have that bought land have *urfi* document. This allegedly includes land and houses, noting that this case impacts over more than 1,000 households. As of mid-to-late 2024, the issue remained unresolved. However, this information remains unverified. Nevertheless, as noted in Section 4A, there have been other reported cases where the Taliban have seized land in Hazarajat after declaring it public land.

In the Qarabagh and Jighatu (also spelt as Jaghatu) districts of Ghazni, the Taliban are reportedly developing new townships to settle returnees from Pakistan. In Jighatu, a new township has been developed between Saaqat Bazaar and Sarab village.<sup>262</sup> This settlement, nearing completion after two years of development, is situated along a major transit route affecting several Hazara-populated areas, including Nawur, Malistan, and Jaghori, leading toward Ghazni, according to a local source.<sup>263</sup>

In Qarabagh, development projects are underway in Bagh-e-Attar, Golkoh village, and the Kalmabagh area of Ayin.<sup>264</sup> A source interviewed in July 2024 stated that this townships has been under development for the past two years.<sup>265</sup> According to another participant, both Hazara and Pashtun villagers initially disputed the land claims in court, but *farman* issued by the Taliban in 2022 overturned the decision.<sup>266</sup> While villagers consider the land to be communal land, the Taliban *farman* has declared the area public land under the principle of "Tasahob-e-Malikana" (proprietary possession), which asserts that land unused for over 60 years can be re-designated as public land, giving the state authority to re-allocate it. Among the settlers are reportedly many Daftani Pashtuns from Pakistan. In Golkoh village, 7–8 families, known as the Golko people, possess documents and tax records confirming their ownership, according to the source.

Locals perceive these townships as planned efforts to resettle Kuchi and other Pashtun groups in traditionally Hazara regions, aiming to alter Hazarajat's social and demographic landscape. Hazara interviewees argued that these townships are part of a broader strategy, rooted in historical tensions, to undermine Hazara community autonomy. One interviewee also cited the development of settlements in *Shahrak-e-Ajnabi*, Kabul, predominantly involving Pashtun purchases of Hazara properties, as a deliberate attempt to change demographics.<sup>267</sup> This strategy is seen as a long-term effort by Pashtun and Taliban authorities to consolidate power and control.

Unfortunately, our people are helpless. [...] People have lost confidence and courage. This is a large-scale project. They want to destroy Hazarajat's social fabric and borders, and settle Pashtuns [...]. They intend to place Pashtuns in every part of Hazarajat, depopulating Hazara and Tajik areas, allowing Pashtuns to rule, preventing any potential disorder or ethnic uprising. The forced displacements in Daikundi and other areas, along with the Kabul terror attacks, were designed to demoralize people and force Hazaras to leave.

In Daikundi, the Taliban have reportedly illegally expropriated residential property to use as forts. A source from Daikundi reported of several cases in Sangtakht Bandar district and the Shaikh Miran area of Ashtarlai district where Taliban forces forcibly removed local residents

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<sup>262</sup> See also Hasht-E Subh, 'Kuchi Land-Grabbers Speed Up Construction Works on Hazara Settlements in Ghazni's Jaghatu District' *Hasht-E Subh* (17 December 2022) <https://8am.media/eng/kuchi-land-grabbers-speed-up-construction-works-on-hazara-settlements-in-ghaznis-jaghatu-district/>.

<sup>263</sup> 00038GZN.

<sup>264</sup> Media sources have also reported of development of new townships on Hazara-owned lands in Qarabagh and other districts in Ghazni: M. Mehran, 'Taliban's Suspicious Housing Developments Unfold in Ghazni' *Hasht-e-Subh* (16 November 2023) <https://8am.media/eng/talibans-suspicious-housing-developments-unfold-in-ghazni/>.

<sup>265</sup> 00038GZN.

<sup>266</sup> 00039GZN.

<sup>267</sup> 00038GZN; The sentiment that the re-allocation of land and development of townships over land traditionally owned by Hazaras as a Taliban strategy to alter social demographics is also shared by 00039GZN.

from their houses, which were repurposed into forts.<sup>268</sup> The source, interviewed on 5 July 2024, revealed that the Taliban has occupied their land for two years. In the Shaikh Miran area, five families were affected. The interviewee provided names of the male heads of these households, which are withheld for the safety of those affected. The Taliban offered some rent for the houses, but it was inadequate. “I didn’t want to rent my house—I needed it myself”, one of these persons told the source. However, “They took him, beat him, and forced him to leave with his family.”

## **B. Extortion and economic exploitation**

Under the Taliban, extortion and economic exploitation of villagers in Hazarajat have been rampant. This research documents multiple cases of villagers being forced to pay large sums to nomads.<sup>269</sup> These payments are often framed as legal obligations, such as compensation or blood money (diyaa)—a form of financial compensation in Islamic law for unintentional killing or bodily harm. However, they are frequently extracted through coercion, including the detention of community elders, threats, and intimidation. The Taliban plays a direct role in some cases, such as detaining elders, and an indirect role in others by failing to prevent such abuses. In most cases, the payments are imposed without voluntary agreement or fair negotiation.

Money is extracted from sedentary communities in two ways. First, collective punishment involving villagers paying nomads for alleged losses such as killings, injuries, or cattle theft—often dating back several years. Second, back-rent payments in property ownership claims by nomads. Across Hazarajat, these practices have caused significant economic hardship, particularly for poorer villagers who depend on land revenue for survival. Many have been forced to sell their livestock, homes, or other assets to meet these demands. In cases involving large sums, some have sought financial help from the Hazara diaspora, often without success. In extreme cases, families have been compelled to leave their homes and migrate to neighbouring countries.

### ***Category 1: Compensation and blood money: Collective punishment***

Nomads frequently demand compensation and blood money from sedentary communities for alleged past injuries, killings, or cattle theft, often lacking evidence or identifiable perpetrators. Local Taliban authorities, including governors and commissions, enforce these demands, resulting in collective punishment of entire villages. Payments are typically coerced through the imprisonment of community elders and leaders. A Ghor villager stated, “Nearly every family has been questioned, arrested, and pressured,” indicating a deliberate attempt to force people to leave.

This research documented such extortion cases in Daikundi (Sangtakht-e-Bandar, Patoo, Khidir, and Shahrstan districts), Maidan Wardak (Jalriz, Behsud I, and Behsud II districts), and Ghazni (Malistan district). The amounts exacted varied, ranging from 1 to 30 million AFN.

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<sup>268</sup> 00030DAI; Etilaatroz, 'Shukarkeshi Taliban ba Daikundi; Ed'a-e Azar-o-Aziyat Ghair e Nizamian Wa Tabdil Khanaha Ba Paygah e Nezami' (31 October 2022)

<https://www.etilaatroz.com/158499/%d9%84%d8%b4%da%a9%d8%b1%d8%b4%db%8c-%d8%b7%d8%a7%d9%84%d8%a8%d8%a7%d9%86-%d8%a8%d9%87-%d8%af%d8%a7%db%8c%da%a9%d9%86%d8%af%db%8c/>.

<sup>269</sup> Other sources also report the extortion of Hazara villagers in land disputes with nomads: Madadi et al, 'Law of the Gun'; Hasht-E Subh, 'After 40 Years, Nomads with Support of the Taliban Receive 900,000 AFN from Local Residents in Daikundi as a Blood Price' (27 October 2022) <https://8am.media/eng/after-40-years-nomads-with-support-of-the-taliban-receive-900000-afn-from-local-residents-in-daikundi-as-a-blood-price/>; Etilaat Roz, 'Khunkhwahi Kochi ha az Hazara ha; Sakinan-e Khadir e Daikundi 800 Hazar Afghani Khunbaha Pardakhtand' (26 October 2022)

<https://www.etilaatroz.com/158154/%d8%ae%d9%88%d9%86%d8%ae%d9%88%d8%a7%d9%87%db%8c-%da%a9%d9%88%da%86%db%8c-%d9%87%d8%a7-%d8%a7%d8%b2-%d9%87%d8%b2%d8%a7%d8%b1%d9%87-%d9%87%d8%a7/>;

KabulNow, 'Taliban Condemns Daikundi Residents to Pay Blood Money for Alleged Slain Kuchi' (5 September 2023) <https://kabulnow.com/2023/09/taliban-condemns-daikundi-residents-to-pay-blood-money/>.

However, it must be noted that not all claims of harm by nomads are baseless. Nomad–sedentary conflict in Hazarajat has been ongoing for decades, including during the republic period, when violence led to killings, injuries, property damage, and other harms, with both sides suffering losses.

#### *Claims of damage by nomads*

Kuchi interviewees detailed losses they suffered during republic by locals, expressing concern that they are unable to remedy it. A member of Ahmadzai tribe stated that his camels were stolen during republic; however, now he cannot find the robber as “they have been forgiven by the Taliban.”<sup>270</sup> They expressed frustration, detailing that the Hazara people stole 11 camels, but little attention was given to the matter. Despite extensive searching, the thieves were never found. While there are still some issues with the Hazaras, they are not as serious as before. During President Ashraf Ghani’s rule, the camels were taken, and later, they were seen with Hazaras in the Quthb Valley, where they had brought them to drink water. The Taliban pardoned the individuals involved, leaving no one to complain.

A member of the Ahmadzai tribe recounted a long history of disputes with the Hazara people, noting that many had been killed, but the Taliban forgave everyone when they took over.<sup>271</sup> He shared the tragic story of his son, who was killed in a water dispute during the former government. Despite the governor's efforts to mediate, his son was attacked while tending to the flock and later killed. The body was returned after five days. The interviewee appealed to the Taliban after the fall of the Republic, explaining that his son’s death was not part of any war. The case is still pending in Behsud’s district office in Wardak province, but the Taliban have not identified and arrested the perpetrator. Three years have passed without any progress or support from the government, and the interviewee expressed feeling powerless to pursue the case further.

Some debts for past killings have been paid by Hazaras, according to a member of Niazi tribe.<sup>272</sup> Historical disputes included Hazaras killing the Kharoti tribe's sheep, a Daftani woman in Nawar's Huwar area, and a father and son from the Niazi tribe in Abdul Aziz village. However, it was noted that last year, Hazaras compensated for the murders of the Daftani and Niazi. A Niazi tribe member stated that during Karzai’s rule, Hazara people killed two Niazi Kochis and took their cattle in Nawar district.<sup>273</sup> In retaliation, Niazi tribesmen killed 6–7 Hazaras and seized their livestock. Last year, Hazara people reportedly paid debts related to this incident, which could not be resolved during the former government.

#### *Exaction of money from sedentary*

In most cases, local Taliban authorities—particularly provincial and district governors and commissions—have played a significant role in extracting money from villagers, often by detaining community elders.

In some of these cases nomads alleged that locals stole their herds in the past. For example, in 2022, in Malistan, Ghazni, Kuchis from neighboring Arjistan district claimed that a herd of their animals had been taken 30 years earlier near the Malistan–Arjistan border.<sup>274</sup> After filing a complaint with district authorities and escalating it to provincial officials, the Taliban ruled that all households in Malistan must collectively pay 12 million AFN in compensation. Elderly Hazara leaders, aged 75–90, were selected guarantors to collect the payment. When delays occurred, these elders were imprisoned for five days until the full amount was gathered.

In another case, which also occurred in 2022, nomads lodged a complaint demanding compensation from residents of Sarchishma village, alleging 420 sheep were allegedly stolen by

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<sup>270</sup> 00015GZN.

<sup>271</sup> 00016GZN.

<sup>272</sup> 0006GZN.

<sup>273</sup> 0004PAK.

<sup>274</sup> 00040GZN; 00038GZN.

Alipur's men during the Ghani administration.<sup>275</sup> When Sarchishma residents, citing lack of evidence, refused, the Taliban detained 17 village elders to force a settlement, claiming the loss occurred in their area. Under pressure, villagers agreed to a *musaliha*. A commission, led by Hashim Jawad Balkhabi, imposed a collective fine 1,800,000 AFN on around 20 elders and leaders. The village elders decided that each household in the village pay 350 AFN, with some families covering the remaining amount. The compensation was paid to the claimants in May 2023, overseen by the Maidan Wardak governor, and documented in a video. Initially, the claimants demanded 4,200,000 AFN, but reduced it to 1,800,000 AFN after resistance.

Balkhabi is from the Saeed religious and Sadat ethnic group and is allegedly a Taliban official.<sup>276</sup> Before the fall of the republic, he was reportedly detained in Pul-e-Charkhi prison in Kabul for collaborating with the Taliban. In 2022, nomads in Siah Khak village, Jalriz district, Maidan Wardak, demanded compensation for a past missing herd, providing no specifics or evidence. A Jalriz source described the claim as "baseless." An ad hoc commission, chaired by Balkhabi, a Taliban-linked member of the Saeed group, imposed a 5.2 million AFN compensation on Siah Khak residents. To enforce payment, Taliban authorities detained approximately 12 community elders and leaders for two months, subjecting them to harsh treatment. Under pressure, villagers raised the funds for their release. The decision, framed as a *musaliha*, was solely Balkhabi's, with no input from others and no opportunity for villagers to contest the claim. When questioned, authorities justified the demand by stating the herd was "lost in their locality," making villagers responsible despite the lack of evidence.<sup>277</sup> The source expressed frustration: "We don't know when the herd was lost, how many, or who took them. But they have power and said the herd was lost here, so we are responsible."<sup>278</sup>

Daikundi province recorded the most extortion and harm incidents. In 2023, nomads in Khair Ali village, Pato District, demanded compensation for 40 sheep that allegedly fell from a mountain 25 years earlier, claiming it occurred within the locals' territory.<sup>279</sup> Locals disputed the claim, requesting evidence and filing a complaint with provincial authorities. They argued that if the nomads had evidence and identified those responsible, they should be held accountable; otherwise, authorities should stop pressuring the villagers. The outcome remains unclear.

Many nomadic claims allege past killings by local villagers, often with unidentified perpetrators, demanding 'blood money' in compensation. In 2022, Siah Chob village, Daikundi, faced multiple such claims, sometimes holding the entire village responsible without identifying specific perpetrators.<sup>280</sup> In one case, nomads demanded compensation for a killing from 45 years ago, seeking payment from the entire village. The district governor pressured the villagers to negotiate, resulting in a 2 million AFN payment. In another case, a prominent elder was targeted for a killing that occurred 70 to 75 years ago, with no evidence linking him to the crime. He was forced to pay compensation and, later, while detained by Taliban intelligence in Kabul, made a

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<sup>275</sup> 00035MAW; 32MAW; 00027DAI; Hasht-e Subh, 'Hamsuyi Taliban ba Kuchi ha; Bashandegan-e Woloswaliha-e Nawur, Jaghuri wa Malistan ba Setuh Amada and' (18 September 2022) <https://8am.media/fa/alignment-of-the-taliban-with-the-nomads/>; Wafayi, M., 'Hazara-ha-ye Saken-e Behsud Hodud Do Million Afghani ba Mard-e Kochi Gharamat Pardakhtand' *Independent Persian* (31 August 2023)

<https://www.independentpersian.com/node/354396>; KabulNow, 'Taliban Orders Hazaras to Pay Penalty to Kuchis for Lost Livestock' (2 September 2023) <https://kabulnow.com/2023/09/taliban-orders-hazaras-to-pay-penalty-to-kuchis-for-lost-livestock>.

<sup>276</sup> Afghan Bios, 'Sayed Hashem Jawadi: A Balkhabi' (n.d.) [https://www.afghan-bios.info/index.php?option=com\\_afghanbios&id=5365&task=view&total=5135&start=871&Itemid=2](https://www.afghan-bios.info/index.php?option=com_afghanbios&id=5365&task=view&total=5135&start=871&Itemid=2).

<sup>277</sup> 00034MAW.

<sup>278</sup> 00034MAW; S. Mandgar, 'Hazaras Face Extortion and Eviction as Taliban Courts Allegedly Favor Pashtun and Kuchi Claims', *Rukhshana Media* (1 November 2023) <https://rukshana.com/en/hazaras-face-extortion-and-eviction-as-taliban-courts-allegedly-favor-pashtun-and-kuchi-claims>

<sup>279</sup> 0029DAI; S. Mandgar, 'Hazaras Face Extortion and Eviction as Taliban Courts Allegedly Favor Pashtun and Kuchi Claims', *Rukhshana Media* (1 November 2023) <https://rukshana.com/en/hazaras-face-extortion-and-eviction-as-taliban-courts-allegedly-favor-pashtun-and-kuchi-claims>.

<sup>280</sup> 00025DAI.

second payment. He died shortly after his release, around the same time a relative was killed on the Ghor–Daikundi route. When claims were made a third time, some villagers resisted, following advice from a community leader to refuse *musaliha* and demand evidence in court. This led to unsuccessful claims by nomads who could not provide documentation.

However, in other cases, villagers were unable to mount sufficient resistance. In 2022, in Chahar Qol Niri, near Siah Chob, Taliban authorities detained villagers until a resolution was forced. Nomads demanded compensation for a shepherd allegedly killed 40 years prior. Taliban forces coerced locals into a *musaliha*, and the district governor imposed a 1.9 million AFN compensation. An interviewee from Daikundi recalled that in the initial years of Taliban rule, “the fear of the Taliban was overwhelming. People couldn’t refuse; they had no choice.”<sup>281</sup>

The Taliban's disregard for local losses has significantly eroded trust in their impartiality, with various cases seen as evidence of bias. For example, in a 2015 incident in Dayya, Arjistan district, four Hazara men from Malistan were killed and decapitated by local Pashtuns, reportedly due to ethnic tensions.<sup>282</sup> After the Taliban's 2021 takeover, the Hazara community sought justice, but victims' families, fearing reprisal, were unwilling to file a formal complaint. Hazara elders raised the issue with local Taliban authorities, but the Taliban demanded a formal complaint or public representative, leaving the case unresolved. Also, in Giroo, Shahrstan district, a 20-year-old vehicle accident in Shahkor resulted in the district governor ordering locals to pay one million AFN to a nomad claimant who also claimed land there.<sup>283</sup> This starkly contrasted with the complete inaction regarding the seizure of money and vehicles from Hazara travellers in the area, highlighting a clear injustice.<sup>284</sup>

Sometimes, locals even acquiesce to nomad claims to avoid Taliban intervention and potential repercussions. For example, in Miramor district, a Republic-era dispute between nomad shepherds and locals resulted in a nomad's death. The Kuchis demanded 8,000 AFN in blood money, but the perpetrator remained unidentified. They filed a complaint against five to six community elders, demanding either the perpetrator's identification or payment. The elders chose to divide the payment among local families. A Daikundi source explained, “The locals agreed to pay to prevent further escalation.”<sup>285</sup>

These cases of money extraction have occurred despite the Taliban's purported amnesty for past disputes, which this research shows is not consistently implemented. A member of the Ahmadzai tribe stated that during the Republic era, there were conflicts between local Hazaras and Kuchis, however, “when the Taliban took over, they warned both sides that they are forgiven and do not have the right to take revenge.”<sup>286</sup> Other sources confirmed that all past wrongs between the two groups were forgiven by Taliban, including the Maidan Wardak Commissioner.<sup>287</sup>

These cases demonstrate how the Taliban's authority enables extortion through coercion, including detaining elders and forcing villagers to pay compensation without due process or evidence. The Taliban frequently impose collective punishment, demanding payments from entire communities based on unsubstantiated claims. This use of detention and coercion underscores the Taliban's biased decision-making, transforming arbitration into forced settlements.

As one Hazara participant, describing cases in Sarchishma put it, “Although the Taliban claim neutrality (“Zahir e be tarafi”), their so-called impartiality is widely seen as fake.”<sup>288</sup> Locals,

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<sup>281</sup> 0025DAI.

<sup>282</sup> 00038GZN.

<sup>283</sup> 00026DAI; 00027DAI.

<sup>284</sup> 00027DAI.

<sup>285</sup> 00026DAI.

<sup>286</sup> 00012GZN.

<sup>287</sup> 00033MAW; 00014WRD; 00016GZN.

<sup>288</sup> 00035MAW.

powerless against Taliban-backed nomadic claims, expressed frustration at the lack of legal recourse. Another interviewee lamented, "There was no witness, no documentation, no evidence, no investigation, no trial."<sup>289</sup> Others criticized the Taliban's disregard for evidence, noting that some of those fined "weren't even born when the alleged incident occurred."<sup>290</sup>

### **Category 2: Property Ownership Claims, re-buy, back-rent**

The second form of extortion against local villagers is tied to land ownership claims. In many cases, villagers are forced to repurchase land they have lived on for decades and consider their own. Additionally, nomads sometimes demand back-rent for the villagers' use of the land—sometimes for more than 20 years. When collective territorial claims arise, entire villages pool money to prevent displacement. With limited options, villagers must either repurchase the land or vacate it.

The outcomes generally follow two patterns. First, local authorities, often by detaining village elders, pressure communities into *musaliha* processes led by Taliban officials. Second, villagers—powerless and distrustful of Taliban authorities—reluctantly comply with nomad demands to avoid further harm.

This research documents such cases in Uruzgan, Daikundi, Ghor, and Bamiyan provinces. These incidents highlight the stark power imbalance, worsened by the Taliban's lack of legal due process. They also underscore villagers' vulnerability to extortion and their deep distrust of Taliban governance structures, fuelled by perceptions of bias, ineffectiveness, and the threat of retaliation.

In Khidir District, Daikundi, 2022 saw two distinct cases of land re-purchase demands.<sup>291</sup> In Dara Khodi, Gham-Qol, a sub-valley bordering Ghor province, Kuchis arrived, asserting claim over the area, demanding residents vacate based on prior pastoral use.<sup>292</sup> The Taliban, siding with the Kuchis, detained 100 to 150 residents and prohibited them from accessing their land. Ultimately, a Taliban-appointed commission compelled the locals to pay the nomads to retain their land, despite the claimants lacking any documented proof, relying solely on assertions of pre-revolution grazing rights. Separately, also in Dara Khodi, a Kuchi demanded back rent from a Hazara villager for land where he had built a house, claiming prior use. The villager refused to pay, leading the nomad to steal his motorcycle, crash, and die. Subsequently, other Kuchis demanded the villager's imprisonment, arguing the death resulted from faulty brakes on the motorcycle.<sup>293</sup> Facing intimidation and a lack of recourse, the villager was detained for 15 days until his relatives paid "blood money" for his release, highlighting a pattern of enforced payments under duress.

In Bamiyan, after a commission decided in favour of nomads' land claims, some villagers repurchased their land to avoid losing it, with payments going to the Kuchis. In Postha-e-Ghorghori, by the end of the first year of the Taliban's return, nomads claimed ownership of agricultural land, pastures, mountains, and rivers across three to four villages.<sup>294</sup> Their claim was based on ancestral rights to pastures they once used seasonally. In the second year, the Bamiyan commission ruled that the land belonged to the nomads, despite the lack of documentation, through intimidation and bypassing of formal processes. Fearful of repercussions, locals accepted the decision, with some repurchasing their land.

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<sup>289</sup> 00040GZN.

<sup>290</sup> 00038GZN.

<sup>291</sup> Media reports also highlight the extortion of money from locals as compensation and blood money for alleged losses claimed by nomads: Hasht-e-Subh, 'After 40 Years'.

<sup>292</sup> 00025DAI; Etिलाatroz, 'Bajgiri Kuchi-ha wa Taliban az Bashindagan Khadir Daikundi; Mardom: Ba Stoh Amadayim', 26 September 2022)

<https://www.etilaatroz.com/155547/%d9%88%d9%84%d8%b3%d9%88%d8%a7%d9%84%db%8c-%d8%ae%d8%af%db%8c%d8%b1-%d8%af%d8%a7%db%8c%da%a9%d9%86%d8%af%db%8c/>

<sup>293</sup> 00025DAI.

<sup>294</sup> 00031BAM; 00036GHO also stated that people from Panjab district have reported that their own lands are being "sold back" to them, with payments going to nomad claimants.

Some land repurchases followed the forced eviction and displacement of Hazara locals after nomads claimed the areas. Due to media attention, the Taliban reversed the evictions, allowing locals to return, but then initiated a *musaliha* process that ultimately forced villagers to pay large sums to retain their land. Such cases were documented in Kindir, Tagabdar, and Warg villages of Uruzgan, detailed further in Section C.

Exploiting the existing tensions and the power vacuum, local Pashtuns in the Daikundi region have initiated a pattern of land and resource appropriation against Hazara villagers. In Sartagab, Pato District, in 2024, Pashtuns asserted ownership over a water spring, demanding retroactive fees from Hazara users who, fearing reprisal and lacking faith in local authorities, complied.<sup>295</sup> Further afield, in Miramor District, five Pashtuns from Arjistan claimed ownership of cultivated *lalmi* land, demanding back rent.<sup>296</sup> Though a complaint was made to the district governor, no formal written complaint was filed. Across these cases, a consistent pattern emerged: Pashtuns leveraged perceived historical rights and the threat of escalation to extort payments from Hazara villagers. The underlying motive, as alleged by local sources, was not genuine land use but the extraction of "free money" through fabricated rent or lease demands, with villagers opting for costly settlements over potentially more severe consequences from formal authorities.<sup>297</sup>

### C. Forced Evictions and Forced Displacement

Several reports highlight the forced eviction and displacement of ethnic minorities across Afghanistan, including numerous villages in Hazarajat.<sup>298</sup> The findings of this research also reveal various such incidents, which are divided into two categories. First, there are instances where, according to accounts from local Hazaras, nomads have asserted collective territorial claims over areas, in most cases entire villages, in Daikundi, Ghor and Uruzgan, resulting in the forced removal of locals from their property and their subsequent displacement. Second, there are cases where local Taliban authorities have directly carried out evictions and displacements, reallocating Hazara property—including lands and residential homes—to their supporters.

During the first year of Taliban rule, all villagers within Kindir, Tagabdar, and Warg in Uruzgan province were forcibly evicted from their lands and homes, resulting in the displacement of several families.<sup>299</sup> Villagers also reported similar impacts in Tirinjid, Dilimi, and Lora Shew. Two sources, both representing families from these evicted villages, provided detailed information about the Kindir case.<sup>300</sup> Notably, one source, from Tagabdar village, fled to Iran with his entire family after their displacement. The situation attracted national and international media attention,<sup>301</sup> pressuring the Taliban to allow villagers to return to their land until the dispute is resolved. The particulars are further detailed in the case study below on Kindir.

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<sup>295</sup> 000026DAI; KabulNow also reported a case in Bamyan where Kochis demanded that residents of a district center pay for two decades of water usage, claiming ownership of the water distribution system: Madadi et al, 'Law of the Gun'.

<sup>296</sup> 00026DAI; Madadi et al, 'Law of the Gun' ("Miramor district, Kochis claimed ownership of 12 villages and demanded residents to pay for harvesting the land in the past 20 years.").

<sup>297</sup> 00026DAI.

<sup>298</sup> Human Rights Watch, 'Afghanistan: Taliban Forcibly Evict Minority Shia' (22 October 2021) <https://www.hrw.org/news/2021/10/22/afghanistan-taliban-forcibly-evict-minority-shia>; Foschini & R. Mirzada, 'The Pastures of Heaven; G. Sharifi and A. Siddique, 'Afghan Hazaras Fear The Worst After Forced Taliban Evictions', *Radio Free Europe/Radio Liberty*, 6 October 2021, <https://www.rferl.org/a/afghanistan-hazaras-taliban/31496224.html>.

<sup>299</sup> Displacement in Uruzgan also covered by Human Rights Watch, 'Afghanistan: Taliban Forcibly Evict Minority Shia', (22 October 2021) <https://www.hrw.org/news/2021/10/22/afghanistan-taliban-forcibly-evict-minority-shia>.

<sup>300</sup> 00043URZ.

<sup>301</sup> E. Graham-Harrison, 'Taliban "Forcibly Evicting" Hazaras and Opponents in Afghanistan', *The Guardian*, 23 October 2021, <https://www.theguardian.com/world/2021/oct/23/taliban-forcibly-evicting-hazaras-and-opponents-in-afghanistan>; Afghanistan International, 'Taliban Wants Cash To Settle Land Dispute; Threaten Eviction of Hazaras, If Unpaid' (3 August 2024) <https://www.afintl.com/en/202408035413>; <https://www.hrw.org/news/2021/10/22/afghanistan-taliban-forcibly-evict-minority-shia>.

As of August 2024, the land disputes in Kindir and Tagabdar remained unresolved. In Warg, an interviewee reported that the primary court ruled in favour of the forcibly displaced villagers, a decision upheld by the court of appeal. In Tagabdar, the ownership dispute between the Kuchis and Hazaras was still pending. The court proposed a settlement in which the villagers would pay the claimants to withdraw their claims. However, the villagers rejected this, fearing it would set a precedent for future demands, according to a Tagabdar villager who fled to Iran. The villager also stated that local Taliban authorities threatened them, warning them that force might be used to remove them if they are unwilling to settle. In Kindir, the primary court ordered them to negotiate, which resulted in the villagers being imposed a payment of 300,000 AFN to the nomads. This Kindir outcome reinforces the Tagabdar villagers' concerns, demonstrating the potential for imposed financial burdens rather than equitable resolutions

#### Case Study: Displacement and Extortion of Hazaras in Kindir, Uruzgan

##### *Eviction, Displacement, and Extortion in Kindir*

Kindir is a village in the Gizab district of Uruzgan province, predominantly inhabited by Hazaras who have lived there for generations. It lies at the foot of Kindir Mountain, near Kirinjir, bordering Char-Shinya, between the Helmand River and Kirinjir.

##### *Nomad Claims*

Nomads claim ownership of Kindir, Qighistan, and Pada—closely connected areas separated by a 4–5 minute walk. About 56 households assert this claim, stating they moved to Sardkhil behind Kindir in summer, where Poshte Chingarani provided good grazing, and returned to Kindir in winter.

During Zahir Shah's reign, 300 households from Pada, Kindir, Bandar, Kharakak, Shah-Gholcha, and Dai-Desto petitioned for land ownership, and the government recognized their claims. They worked to make the land habitable, despite its harsh conditions—rocky soil, limited water sources, and difficult terrain that made cultivation challenging.

The Kuchis claim the land was allocated to them during Abdur Rahman Khan's rule.

##### *History*

During the first Taliban regime, nomads occupied local homes for six months, killing two Hazaras and displacing many others. Some fled to Iran and Pakistan, while others—locals—sought refuge in Sawur, Qokhor, and Giri. After the Taliban's fall, the displaced villagers returned, fought the Kuchis, and reclaimed their homes.

For 20 years, tensions remained low. After the Afghan republic fell, the new Taliban governor in Uruzgan warned of escalating disputes over Kindir. The Kuchis returned, displacing the Hazaras again and pressuring neighbouring villages like Shagholja to leave their land.

##### *Detention of Locals and Forced Evictions*

In 2021, after nomads made a land claim, the Taliban ordered locals to the Gizab district centre to resolve the dispute with the Kuchis. When six villagers arrived, they were detained without explanation. An elder was sent back to gather more villagers for an official order.

The provincial governor issued a warning letter to the villagers of Kindir, demanding they leave within 9 days, while other villages were given a 2- to 5-day notice. The order stated, "No one should be left here."<sup>302</sup> After ten days of uncertainty, armed Taliban forces arrived, forcibly evicting the villagers from their homes and leaving them to

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<sup>302</sup> 00030URZ.

spend the night outdoors. Described as "catastrophic" and "very bad,"<sup>303</sup> the situation forced families to flee with only their wives and children, while soldiers prevented them from taking their belongings.

Villagers from Kindir, Tirinjid, Dilimi, and Lora Shew were displaced for about five months, with around 300–400 families affected. Some sought refuge in Daikundi, Kandahar, and Kabul. One of the affected persons from Kindir shared that the entire village was evacuated within 24 hours, and the Kuchis moved in, taking over the homes and land.

Afterwards, the Taliban moved to Tagabdar village, giving villagers 24 hours to evacuate, displacing around 300–400 families. Similar actions were taken in Warag.

Due to internal and international pressure, including media coverage, Mullah Haibatullah Akhundzada reportedly ordered the return of the displaced Hazaras in late December 2021 or early January 2022, pending the resolution of the land dispute. One villager believed international attention played a significant role: "The situation gained media attention, and they came under pressure; otherwise, they wouldn't have let this area go."<sup>304</sup>

Upon their return, the villagers found their homes destroyed. One villager remarked, "We came under a lot of pressure," and the community was left in financial distress, with much of their property stolen or looted.

#### *Extortion*

In late December 2023, following a court order directing nomad claimants and local villagers to negotiate, a Taliban-spearheaded process, a commission of locals and nomads, decided that the Hazara villagers of Kindir (approximately 45 households) must pay AFN 30 million (about 388,000 USD) to the nomads to retain ownership of their land. A source stated that while five representatives from both sides were present, there was significant pressure.<sup>305</sup> "They made the decision, and we had no choice but to accept it to avoid displacement," the source added. The discussions took place under the observation of Taliban authorities and a Taliban-appointed mediator.

By July 31, 2023, the Hazaras had paid AFN 15 million, with a deadline of October 1, 2024, to pay the remaining AFN 15 million. Failure to do so would result in the forfeiture of their land to the Kuchis.

The people of Kindir, already struggling, "had nothing to give," according to one source.<sup>306</sup> Some villagers were forced to resort to 'giraw' (using their land as collateral) and 'ijara' (leasing their land for payment) in a desperate attempt to raise funds. A relative of an affected person, now in Iran, mentioned that village representatives sought assistance from Hazara elders in Kabul and travelled to Pakistan and Iran, but received no support.

The interviewee explained that locals exhausted all options before agreeing to the musaliha process. They had filed multiple complaints, including one to Mullah Haibatullah Akhundzada in Kandahar, but after three years, received no response. Mawlawi Ehsanullah, the head of Akhundzada's office, told them to return after 15 days, but there was still no answer.

One interviewee stated that they had no choice but to accept the decision. Otherwise, they would have been forced to migrate again, putting pressure on thousands of

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<sup>303</sup> 00042URZ also confirmed that villagers were unable to take most of their possessions as they were prevented by Taliban forces.

<sup>304</sup> 00042URZ.

<sup>305</sup> 00042URZ; 00043URZ.

<sup>306</sup> 00042URZ.

households. With Hazara villages surrounding Kindir, they feared the loss of more land. "If we didn't provide the money, we would have no place in that area," the interviewee said.<sup>307</sup> The risks were high, with the entire village and at least 300 jirib of land and 400 households at risk. To avoid further pressure, they complied.

Sources: 00042URZ; 00043URZ; 00028DAI; Media sources.<sup>308</sup>

The Kindir case reveals the Taliban's exploitation of existing land disputes to systematically displace Hazara minorities, while simultaneously extracting substantial financial resources through extrajudicial means. However, this is not an isolated incident, but rather part of a broader context of human rights violations and economic exploitation under the current regime.

Between 2021 and 2023, armed Kuchi groups, often supported by the Taliban, forcibly displaced Hazara families across several villages in Lal-e-Sarjangan, Ghor province, according to two sources.<sup>309</sup> These groups asserted control over Hazara lands using fabricated claims and violence, with the Taliban providing logistical and armed support.

The interviewees described several instances of eviction and displacement:

- **Khalifa Village:** Nine families displaced, with land seized and rented by nomads.
- **Poshte Manjoo:** Five families displaced, with land seized and rented.
- **Gul Naicha:** Seven families forcibly removed.
- **Sahe-Kirman:** Five to six families displaced, with land sold.
- **Dahan-e-Qolani and Char Qash:** Villagers evicted, with land taken and sold.
- **Munar-e-Rasul:** Kuchi-backed authorities declared the village as Kuchi-owned and evicted all 22 families, including landowners and tenants.

The land they were displaced from remained unsold, as it was locally recognized as Hazara-owned, although some parcels were leased. Evicted families, especially during winter months when access was restricted, faced harsh conditions. In Munar-e-Rasul, displaced people carried belongings on donkeys across Sar-e-Jangan to find transportation. Many displaced families sought refuge within Lal-e-Sarjangan, while others fled to Herat, Kabul, or Iran.

Both interviewees indicated that eviction decisions were enforced by armed Kuchis, backed by the Taliban, who brought in their own administrative officials from Kabul. Local Taliban commanders also played a role in enforcing the evictions, arriving with armed forces to remove residents, after which the nomads took over the properties.

Several other villages in Ghor are at risk of eviction, with Kuchis claiming ownership over entire areas, including Sange Nawishta, Dahan-e-Chaka, Nawa-e-Dangak, Tomborak-e-Kiran, and Abto-e-Kirman.

In 2023, four families in Panjab district, Bamiyan, were forcibly evicted after a commission ruled that their land belonged to the Kuchis. The Hazara commissioners did not sign this decision.<sup>310</sup> These families fled for safety, having previously faced threats and detentions. The evictions coincided with the resignation of Bamiyan commissioners in protest against similar cases. By 2024, four more incidents of forced displacement occurred—two in Panjab's Shaheen

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<sup>307</sup> 00042URZ.

<sup>308</sup> Hasht-e-Subh, "Taliban Evicted Indigenous Hazaras from Daikundi's Gizab, 400 Families Displaced So Far" (10 January 2023) <https://8am.media/eng/taliban-evicted-indigenous-hazaras-from-daikundis-gizab-400-families-displaced-so-far/>.

<sup>309</sup> 00036GHO; 00037GHO:

According to this media report, in November 2022, the Taliban forced the residents of several villages in Lal-e-Sarjangan to leave their houses and land: Ufuq News, "Taliban Hazara ha ra dar Ghor wa Daikundi "Wadar ba Koch Ijbari Mekonand" (13 November 2022) <https://ufuqnews.com/archives/206181>.

<sup>310</sup> 00022BAM.

village (Tagabbar and Mah-e-Panjab areas) and two in Waras (Sorkhbodri and Qonakh).<sup>311</sup> Additionally, three cases are pending, with forced displacement expected soon in Waras (central Waras and Sarab Waras) and Panjab (Tagabbar area of Shaheen village). These evictions affect entire villages, with approximately 10 families displaced per village, totalling about 20 families in Panjab and 7 in Waras. The commission's decisions are enforced by the district commander, who removes locals from their land.

In Daikundi, according to a source from Miramor district, families from 18 villages, primarily in Gizab and Patoo districts, were forcibly displaced by the Taliban, losing significant amounts of land.<sup>312</sup> The displacement, described as "koch-e-ijbari" (forced displacement), was largely a Taliban-led campaign, ordered by the provincial security commander and the Director of National Security, both from the Haqqani Network. Armed Taliban forces destroyed homes at night, threatening residents with eviction and giving them one to two weeks to leave. Many displaced families sought refuge in Nilli, Kabul, and Mazar, with some facing imprisonment or death for resisting. After initial calm, some returned to their land but were met with further threats. While an order from Kabul temporarily halted the displacement, the source fears it may recur, as the Taliban could use the presence of Kuchis as an excuse to seize the land.

In Ghazni province, after the Taliban took control, most Hazara families in Ayin and Toochi, Qarabagh, fled due to insecurity, intimidation, and threats of violence, leaving only a few families behind.<sup>313</sup> This created pressure on Hazaras to sell their land and homes at low prices, leading to a steady exodus. Families in Ayin, Toochi, Jangalek, Qoloch, Aghzeer, Nekhta, and Golko left their properties to escape perceived threats. While not direct forced displacement, the instability and lack of safety under the Taliban regime drove many to leave their homes and villages in Hazarajat.

#### **D. Other Abuses**

Armed Kuchis, often supported by the Taliban, continued to attack villages in Maidan Wardak, Ghazni, and Ghor provinces, resulting in casualties, the destruction of homes, and encroachment on people's property. Despite protests and appeals to international organizations like UNAMA, the government offered minimal response, and in 2019, government-backed forces even attacked local resistance efforts, causing significant casualties.

During the Republic era, nomadic encroachment into Hazarajat often led to violent incidents with locals. Armed Kuchis, sometimes supported by the Taliban, attacked villages in Maidan Wardak, Ghazni, and Ghor provinces, resulting in casualties, the destruction of homes, and encroachment on people's property, according to local sources.<sup>314</sup> A source from Daikundi noted that the Taliban supported Kuchis not only because of ethnic ties but also out of gratitude: "The Taliban owe the Kuchis because, when they fought the government and external forces, the Kuchis were part of the Taliban's armed forces. The Taliban are indebted to them. They take people's land and homes and give them to the Kuchis to keep them satisfied."<sup>315</sup>

Nomads also faced hardships under the Republic, including violence, harassment, and economic struggles. Labelled as Taliban supporters, many endured arrests, public humiliation, and abuse including by villagers in Hazarajat, according to nomad participants.<sup>316</sup> Restricted access to Hazara areas hindered their ability to visit their lands or sustain livestock. Local militias extorted money, seized property, and confiscated livestock, deepening their poverty and

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<sup>311</sup> 00022BAM.

<sup>312</sup> 00028DAI; See displacements of Hazaras in Daikundi also covered by Human Rights Watch, 'Afghanistan: Taliban Forcibly Evict Minority Shia' (22 October 2021) <https://www.hrw.org/news/2021/10/22/afghanistan-taliban-forcibly-evict-minority-shia>.

<sup>313</sup> 00039GZN.

<sup>314</sup> 00038GZN; 0036GHO; 00034MAW; 039GZN; 00042URZ; Qaane, One Land, Two Rules; Foschini, F., 'The Kuchi-Hazara Conflict, Again', *Afghanistan Analysts Network* (27 May 2010) <https://www.afghanistan-analysts.org/en/reports/war-and-peace/the-kuchi-hazara-conflict-again/>.

<sup>315</sup> 00028DAI.

<sup>316</sup> 00013DAI; 00012GZN; 00015GZN; 00018GZN; 00020WRD; 00011WRD; 0001PAK; 00017GZN.



Villagers feel that power asymmetry leaves them vulnerable and defenceless. An interviewee from Miramor district noted that armed nomads bring livestock into villages without consequence, saying, “No one can say anything.”<sup>325</sup> Another source added, “Think about defenseless, unarmed people against those with guns.”<sup>326</sup> This imbalance fuels recurring violence, leaving Hazaras feeling powerless, as one villager put it, “People can’t do anything against them.”<sup>327</sup>

The power asymmetry and impunity resulting from the lack of response by local Taliban authorities have enabled abuses. Local sources reported several incidents where armed nomads entered villages, facilitating property destruction, land seizure, intimidation, killings, threats of violence, and sexual abuse of women.<sup>328</sup>

Local sources reported cases in which locals were shot and killed, allegedly by armed nomads, in Ghazni, Maidan Wardak, Bamiyan, and Uruzgan provinces:<sup>329</sup>

- In 2022, in Nawur District, a young Hazara boy, around 5–6 years old, was shot and killed by a Kuchi while playing football near his home, according to an interviewee.<sup>330</sup> When community elders approached the Kuchis to seek justice, the perpetrator admitted guilt but faced no significant consequences. Instead, the Kuchis offered a minimal blood payment of 2 lag AFN (20,000 AFN). The Taliban, acting as arbiters, refused to prosecute the case or hold the Kuchis accountable. Villagers, fearing further violence and retaliation, reluctantly accepted the compensation.
- In 2022, in Marak Village, Dai-Mirdad District, Maidan Wardak, a local Hazara shepherd was killed by armed nomads while tending to his flock.<sup>331</sup> The nomads, claiming the grazing lands as their own, not only took the shepherd’s life but also seized his herd.
- In Dai-Mirdad District, Maidan Wardak, a young Hazara boy was abducted from his village in 2022.<sup>332</sup> After a week of searching, his lifeless body was found in a mountainous area near Kuchi camps. Villagers believed the boy had been taken and killed by the nomads, but fear of retaliation and the armed presence of Kuchis prevented them from taking action. When the boy’s family sought justice from the Taliban, their pleas were dismissed, with the Taliban claiming ignorance of the case and refusing to investigate. Additionally, a commissioner highlighted a series of suspicious killings in Bamiyan since the Taliban’s takeover, where the perpetrators remain unidentified. While some individuals have documented the names, dates, and locations of the Hazaras’ killings, no investigations have been conducted. One such case involved a villager named Hayatullah Khandan, who was attacked at his home, later taken to Iran for treatment, and died in the hospital.

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<sup>325</sup> 00027DAI.

<sup>326</sup> 00040GZN.

<sup>327</sup> 00039GZN.

<sup>328</sup> Other reports also highlight destruction of property, cases of injuries, and killings: KabulNow, 'Armed Kochis Take Livestock Belonging to Locals in Behsud' (20 April 2021) <https://kabulnow.com/2021/04/armed-kochis-take-livestock-belonging-to-locals-in-behsud/>; U.S. Department of State, *Afghanistan 2023 Human Rights Report* (February 2024) [https://www.state.gov/wp-content/uploads/2024/02/528267\\_AFGHANISTAN-2023-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2024/02/528267_AFGHANISTAN-2023-HUMAN-RIGHTS-REPORT.pdf);

Shafaqna, 'Tadawom e Feshar e Taliban bar Shiya’an-e Hazara dar Afghanistan: “Az Yorush be Behsud ta Kuch-e Ejbari dar Balkhab”' (5 May 2024) <https://fa.shafaqna.com/news/1467900/5-آز-ارود-د-هزار-شيعيان-طالiban-فشار-تداوم>; Jomhor News, 'Kochi ha Yak Alam din ra dar Behsud Mawrid e Zarb o Sitam Qarar Dadand' (14 July 2024) <https://www.jomhornews.com/fa/news/162159/>; Etilaatroz, 'Kuchi-ha dar Nawor ba khater e Zakhmi Shodan e Yak Kuchi Hodud do Million Afghani az Hazara ha Khesarat Mikhahand' (23 December 2022) <https://www.etilaatroz.com/162303/اخاډى-کوچى-هادر-نور>.

<sup>329</sup> According to Afghan Etilaatroz, in 2022, several incidents took place in the Miramor district involving nomads. These incidents included kidnappings, cattle theft, shootings, and restrictions imposed on the collection of firewood in the villages of Nik, Zardargi, Cheketo, Ab Zwar Ali, Dandab, and Barker: J. Rounaq, 'Sakenan Miramor Amaj Hamlaye Kuchiyān', *Etilaatroz* (5 November 2022) <https://www.etilaatroz.com/158824/ساکنان-میرامور-آماج-حملہ-کوچیان>.

<sup>330</sup> 00034MAW.

<sup>331</sup> 00034MAW.

<sup>332</sup> 00034MAW.

- In Kindir, Gizab District, Uruzgan, two sources reported that in August 2023, a villager was killed while retrieving his livestock.<sup>333</sup> The man, who had 5–6 goats, found that three or four were missing, prompting him to search for them. His body was later discovered 300–400 meters from a camp of nomads in the mountains. The incident was reported to the Taliban, including the district governor. The nomads were questioned, but no further action was taken.

This research documented instances of injury following disputes between locals and nomads over grazing. In Ghazni, during Eid-e-Qurban in 2024, a clash occurred in Miradeena, Malistan, when armed nomads brought their herds onto farmland of a villager, damaging his crops. When the villager confronted them, a fight broke out, leaving three locals injured by gunshots. The locals filed a complaint with district authorities, leading to the formation of a commission to address the matter. However, a local source remarked, “This will not get anywhere, as the government always supports nomads.”<sup>334</sup> In Miramor district, a similar incident occurred after the Taliban takeover, according to another source.<sup>335</sup> Nomad herds destroyed crops, leading to a physical altercation. A community elder attempted to mediate but was shot and injured. He was hospitalized, but no action was taken by authorities.

In July 2024, tensions escalated into a clash between Kuchi nomads and Hazara residents in Panjab, Bamiyan, after armed Kuchis entered agricultural lands and damaged crops.<sup>336</sup> A large group of armed Kuchis, traveling from Behsud, set up camp on grazing and agricultural land in the Koh-e-Beron area, at the border between Panjab and Behsud. When locals confronted them, a brawl broke out. The Kuchis then moved toward Ghaw-Gardo, where another violent confrontation occurred. Armed with guns, they opened fire, injuring four locals, two critically. The injured were rushed to the Panjab district hospital, and local authorities restricted family access, likely to prevent media coverage. Despite the locals’ complaints, they were directed to the Bamiyan commission, but no proper investigation or resolution occurred. A former Bamiyan commissioner also reported a similar conflict in Deraz Qol, Panjab, in which three locals were injured.<sup>337</sup>

Destruction of local property by armed nomads was reported in Ghazni and Bamiyan. In 2024, Kuchis in Nawur, Ghazni, took over a school as a resting place for their herds, damaging agricultural lands. Residents later restored the school.<sup>338</sup> Similarly, in Band-e-Kosa Bazaar, Waras, Bamiyan, Kuchis occupied the area for 2–3 weeks, bringing their herds into the bazaar and surrounding mountains, preventing locals from accessing essential supplies.<sup>339</sup> Another report noted a major dispute “regarding an estate in Band-e Kusa, which includes three schools and a bazaar with around 200 shops.”<sup>340</sup>

#### *i. Taliban detention of community elders and leaders*

While earlier sections touched on Taliban intimidation—particularly through the detention of community elders—it is important to examine this issue in detail, as it plays a significant role in the broader pattern of abuse. Many Hazara participants, when discussing land dispute cases, highlighted the Taliban's active involvement. Detentions of community elders were reported in

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<sup>333</sup> 00042URZ; 00043URZ.

<sup>334</sup> 00030GZN.

<sup>335</sup> 00026DAI; Also, according to media reports, armed nomads attacked the villages of Bargar, Aabzawar Ali, and Dand Aab in Miramor, Daikundi, killing one local resident and injuring another: Hasht-e-Subh, 'Settlement of Hundreds of Nomad Families in Northern Afghanistan's Takhar Province' (5 September 2022)

<https://8am.media/eng/settlement-of-hundreds-of-nomad-families-in-northern-afghanistans-takhar-province/>.

<sup>336</sup> 00020BAM.

<sup>337</sup> 00021BAM.

<sup>338</sup> 00038GZN.

<sup>339</sup> 00031BAM.

<sup>340</sup> Foschini & Mirzada, *The Pastures of Heaven*.

Ghazni, Ghor, Maidan Wardak, and Uruzgan.<sup>341</sup> These incidents often occurred when nomads made individual or collective territorial claims. In response, the Taliban detained local elders to intimidate and pressure communities—either to impose pre-determined decisions on villagers or to force their participation in Taliban-led *musaliha* processes, which typically resulted in outcomes unfavourable to the villagers. These detentions were designed to instil fear and served as a key tactic to compel Hazara compliance, further reinforcing the power imbalance in such disputes.

In Ghor province's Lal-e-Sarjungal district, the imprisonment and physical abuse of Hazara villagers—particularly community elders—have been reported in connection with land disputes.<sup>342</sup> In 2023, in Sange Nawishta village, local villagers were summoned by district authorities to present land ownership documents, resulting in the detention of two individuals who were beaten, forcibly submerged in water as punishment, and held from morning until late afternoon before their release. That same year, in Nawe Dangak village, several villagers were detained amid ongoing disputes with Kuchi claimants; those who resisted evictions or attempted to defend their land were detained. Similar incidents occurred between 2022 and 2023 in Tomborak-e-Kiran and Abto-e-Kirman villages, where nomads, supported by armed intimidation and judicial cover from Taliban-appointed officials, sought to suppress local resistance. Villagers defending their land claims were arrested and faced ongoing threats of imprisonment unless they agreed to vacate the contested areas.

In Ghazni province, reported cases from Malistan and Qarabagh districts show how the Taliban used elder detentions to pressure Hazara communities in land and compensation disputes. For example, in 2022, five elderly Hazaras, aged 75 to 90, were imprisoned in Ghazni under a Taliban directive tied to a long-standing Kuchi claim. The claim stemmed from an allegation that a Kuchi herd was stolen in 1994 near the Malistan–Ajristan border. Despite no evidence, the Taliban ruled in favour of the Kuchis and imposed a 55 million AFN fine on Malistan residents. When locals couldn't raise the funds quickly, the Taliban detained the elders to pressure the community. The detainees endured five days of harsh conditions, forcing the community to pool resources for their release. The fine was eventually paid, according to a local source.<sup>343</sup> In another case in Ghazni, related to a compensation claim by nomads in Malistan, two guarantors were imprisoned by the Taliban when the community failed to raise the required fine.<sup>344</sup> The fine, stemming from a decades-old dispute over an alleged Kuchi herd theft, required contributions from all Malistan households. Delays in payment led to the detention of the guarantors, Juma Qurbani (who later passed away) and Jawad Rasul,<sup>345</sup> until the full fine was collected. In Qarabagh, Ghazni, Hazara representatives were detained and pressured by the Taliban to accept rulings favouring Pashtuns in a land dispute over Kalambagh.<sup>346</sup> Despite presenting evidence of ownership, they were coerced into withdrawing objections.

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<sup>341</sup> Other reports also highlight detention of community elders and in some cases individuals involved in disputes to pressurise them to either provide an amount of payment or to leave their land: *Etilaatroz*, 'Koochi-ha dar Nawur ba Khatar Zakhmi-Shudan yak Koochi, Hadood do Milyon Afghani az Hazara-ha Khasarat Mikhaahand' (23 December 2022) <https://www.etilaatroz.com/162303/%D8%A7%D8%AE%D8%A7%D8%B0%DB%8C-%DA%A9%D9%88%DA%86%DB%8C-%D9%87%D8%A7-%D8%AF%D8%B1-%D9%86%D8%A7%D9%88%D8%B1/>; H. A. Haidari, 'Kuchis Are Taking Advantage of Hazara Farmlands in Ghazni's Nawur District', *Hasht-e-Subh* (20 September 2021) <https://8am.media/eng/kuchis-are-taking-advantage-of-hazara-farmlands-in-ghaznis-nawur-district/>; J. Rownaq, 'Nawur Ghazni; Kochi-Ha Mirawand Amma Chizi Baraye Zemestan Mardom Baqi Namanda And', *Etilaatroz* (13 October 2022) <https://www.etilaatroz.com/157144/%DA%A9%D9%88%DA%86%DB%8C-%D9%87%D8%A7-%D8%AF%D8%B1-%D9%86%D8%A7%D9%88%D8%B1-%D8%BA%D8%B2%D9%86%DB%8C/>.

<sup>342</sup> 00037GHO; 00036GHO.

<sup>343</sup> 00038GZN.

<sup>344</sup> 00040GZN.

<sup>345</sup> Pseudonyms are used for the safety of the remaining guarantor, the families of both guarantors, and the interviewee.

<sup>346</sup> 00040GZN.

Detention was also documented in Maidan Wardak in relation to two cases of extortion. First, in 2022, incidents in Sarchishma village, in Jalriz District, exposed the power imbalance faced by Hazara communities. In Sarchishma, after nomads claimed their sheep had been stolen by locals in the past, the Taliban detained 17 village elders, including Hajis and public leaders.<sup>347</sup> The Taliban demanded a compensation amount of 330,000 AFN. Hazara villagers were compelled to make this payment to secure the elders' release. In a similar incident in Jalriz district of Siah Khak village, 12 community elders were detained and physically abused by the Taliban after Kuchis claimed their herds of 400 sheep had been lost in the area years ago.<sup>348</sup> The Taliban demanded 7 million AFN in compensation and used the elders as leverage, beating them. The villagers were forced to pool resources, and the elders remained detained until the fine was paid.

It must also be noted that in a case in Behsud, a member of the Ahamdzai tribe reported a verbal dispute over mountain lands between the Kochi and Hazara people in 2024.<sup>349</sup> The Taliban sided with the Hazara people and subsequently imprisoned the Kochi individuals involved. While there may have been minor quarrels, no further details about the specific incidents were provided.

## *ii. Taliban's targeted repression of opposition and dissent*

Research indicates a strict suppression of both perceived armed opposition and civic dissent related to land seizures. This includes individuals suspected or accused of being former members of the Resistance Front. With no effective media outlets to highlight the Hazara community's grievances, protests or other forms of expression have also been systematically suppressed.

The Taliban has conducted crackdowns on former and suspected Resistance Front members. During the second year of Taliban rule, a coordinated attack took place in Lal-e-Sarjantal, targeting the home of a Resistance Front member. The assault, allegedly carried out by the Taliban and nomads, resulted in the death of a nomad fighter.<sup>350</sup> This occurred just three days before a major confrontation between the Taliban and Mawlawi Mahdi in Balkhab, highlighting escalating tensions in the region.<sup>351</sup> In another case, Dawood Ali (pseudonym),<sup>352</sup> a key figure of the Resistance Front, chose to remain in Bamiyan after the Taliban's return to power and declaration of amnesty.<sup>353</sup> He was arrested by the Taliban and has been imprisoned for over a year, reportedly enduring severe torture, including the removal of his nails.<sup>354</sup> His family now faces hardship in his absence. Subject to verification, the alleged collaboration between nomadic groups and the Taliban raises concerns about the Taliban further deepening divisions by using nomads to suppress Hazara resistance.

Many local Hazaras have been imprisoned on accusations of supporting the resistance. In numerous cases, individuals were detained based on flimsy accusations or forced confessions obtained through torture. Ordinary villagers have been targeted for providing food or for having indirect ties to former Resistance Front members. For example, in Maidan Wardak, Hassan Rahimi (pseudonym),<sup>355</sup> an ordinary worker, was detained by the Taliban for allegedly supporting resistance forces.<sup>356</sup> His supposed crime was providing tea and food to resistance members during their visits. Despite having no formal ties to the resistance, he was accused of

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<sup>347</sup> 00035MAW.

<sup>348</sup> 00034MAW.

<sup>349</sup> 00011WRD.

<sup>350</sup> 00046GHO.

<sup>351</sup> NDTV, 'Disgruntled Taliban Commander Killed While Trying to Flee to Iran' (18 August 2022)

<https://www.ndtv.com/world-news/disgruntled-taliban-commander-killed-while-trying-to-flee-to-iran-3267074>.

<sup>352</sup> The interviewee shared the individual's name, but it has been withheld for security reasons.

<sup>353</sup> 00032MAW.

<sup>354</sup> 00046GHO.

<sup>355</sup> The interviewee shared the individual's name, but it has been withheld for security reasons.

<sup>356</sup> 00032MAW.

aiding their operations and remains imprisoned. Hamid Karim (pseudonym),<sup>357</sup> a business owner, was accused of supporting the resistance because his company sold materials to them.<sup>358</sup> The Taliban detained and tortured him, demanding 20 lag AFN (200,000 AFN) in fines. Despite explaining that the resistance was merely a paying customer, he was labelled a collaborator. The torture left him in poor health. Additionally, a teacher involved in an education program facilitated by Hamid Karim was also detained.<sup>359</sup> The teacher had purchased whiteboards and markers for teaching purposes, which the Taliban interpreted as evidence of collaboration with the resistance. Under duress, the teacher signed a forced confession admitting to buying guns and was fined 1 lag AFN per alleged weapon.

Media reports also highlight the Taliban's crackdown on resistance members, which has created a climate of fear and insecurity within the community. According to one report, in 2022, in Behsud, the Taliban conducted a widespread operation in Hazara-inhabited villages, including Taka-to, Awlis, and Markaz, after receiving false intelligence about armed militias in the area.<sup>360</sup> During this operation, the Taliban engaged in house-to-house searches, arrested, tortured, and looted the homes of Hazara residents. They destroyed one house with a rocket and set fire to three others, looting belongings from around 20 more homes. One individual was shot and killed after being arrested, another was injured, and two others went missing. Taliban forces also targeted properties once associated with the Resistance Front. These actions, including the ongoing targeting of Hazara communities, have led to widespread fear, displacement, and the continuation of tensions in the region.

A devastating incident occurred in Daikundi on 24 November 2022, when Taliban forces killed an entire family of eight, including three children and an elderly person. Five others were imprisoned, and one was injured. The account of this tragedy was recounted by a person who witnessed the events and fled Afghanistan afterward.

#### Case study: Killing of an entire family in Daikundi

On the morning of 24 November, the Taliban surrounded the family's house, including local spies and several Taliban members. Fearing for their lives, the family refused to surrender. The Taliban then brought the family's uncle to negotiate their surrender, which they eventually did. Five family members were bound and taken away in a car toward the provincial centre. While en route, the Taliban attacked the family's nephew. Armed personnel and neighbours, who had previously been involved in the death of the brothers, were present. The Taliban then fired a rocket at the house, causing it to collapse. Inside, three brothers were killed, followed by the execution of two schoolboys, aged 7 and 8. One of the wives was injured while trying to protect her son. Another mother attempted to stop the abduction of her son, holding his hand, but the Taliban dragged him away and shot him in the back of the head. She later recounted, "When they shot him, they let him go. He fell down. I held his head for half an hour before he died."

After executing the three brothers and the children, the Taliban returned to the house where the five family members had surrendered. They discovered one son hiding inside. He was dragged out, shot in front of the house, beaten, and then killed. The family's uncle was forced to explain why the son had not surrendered, though he claimed he hadn't seen him and thought he had gone to his uncle's house. Despite this, the boy was executed in front of his family.

In total, eight family members were killed, and five others were detained, including the uncle and cousins. These five individuals were taken to Pul-e-Charkhi prison in Kabul, where they remain imprisoned for 10 years. They were denied the right to a fair trial,

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<sup>357</sup> The interviewee shared the individual's name, but it has been withheld for security reasons.

<sup>358</sup> 00032MAW.

<sup>359</sup> 00032MAW.

<sup>360</sup> M. Wafa'i, 'Hojum-e Taliban be Behsud; Yak Ghair e Nizami Tirbaran wa Do Nafar Napadid Shodan', *Independent Persian* (21 October 2022) <https://www.independentpersian.com/node/277666>.

with the Taliban writing fabricated reports and sentencing them without allowing a defence or the ability to select a lawyer. One of the detainees suffers from a health condition, but the Taliban refuses to provide medical treatment. Family visits are allowed once every 15 days, but strict limitations are imposed, forcing family members to maintain distance during visits.

The killings were orchestrated by the Taliban's intelligence director in Daikundi, Faizdani (also known as Faiz Jani), and the assistant to the security commander of Bamiyan. During the victims' burial, the Taliban confiscated people's phones and deleted any images or videos. They threatened anyone who shared such materials, saying, "If the footage of those killed becomes public, we will kill all of you." Some images and videos were left on a woman's phone and will be sent separately.

The source noted of several other suspicious killings in Daikundi.<sup>361</sup> One involved a young boy from Patoo district, who was killed by the Taliban at night without justification. Another victim, a student from Nili district, was shot dead by the Taliban while traveling to Patoo. A third individual from Patoo district, living in Shahrstan district, was also executed when the Taliban intercepted his vehicle in Chabanak kotal. Additionally, a former technical security director from Sangtakht district, residing in Nili, was shot and killed after being ordered out of his home by the Taliban. In all these cases, no investigations or attempts at justice were made, emphasizing the Taliban's impunity and disregard for human rights.

This research further reveals that the Taliban has targeted individuals with house-to-house searches and extortion schemes, demanding money or weapons under duress.<sup>362</sup> After searching homes and finding no evidence, officials demanded payment or threatened detention, leveraging fear to extract financial gain. A villager from Ghazni reports a troubling trend across Hazarajat, where Taliban members target wealthy individuals with baseless accusations of weapon possession, often citing anonymous sources.<sup>363</sup> For example, in Malistan, a 25-year-old man from Kabul, was falsely accused of possessing a weapon and imprisoned.<sup>364</sup> While in custody, he was severely beaten and ultimately died as a result of the torture. After his death, authorities staged the scene by placing a rope in his prison cell, claiming he had committed suicide. In Ashtarlai district, Daikundi, an interviewee shared that his brother was arrested and imprisoned by the Taliban on allegations of possessing a Kalashnikov.<sup>365</sup> Locals vouched for his innocence, confirming he was a civilian without any weapon. The Taliban insisted that he return weapons allegedly held by his security guards during the republic era. However, locals reiterated that he had no weapon, and he was eventually released

Behsud I and II districts, according to a source from Maidan Wardak, have experienced some of the highest levels of extortion by Taliban forces.<sup>366</sup> In Behsud II, Taliban forces conducted house-to-house searches for weapons and demanded ransom payments, even when no weapons were found.<sup>367</sup> Residents were forced to sell belongings, including homes and livestock, to meet these demands. Many people in Bamiyan have been detained, and families are too fearful to speak out, according to a local source from the province.<sup>368</sup> One villager, detained for alleged collaboration with the previous government, was released on bail and threatened not to speak about his detention. Another individual from Haji, Ahmadi (pseudonym) was detained, and his whereabouts were initially unknown. A resident of Lal-e-Sarjantal described the overall

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<sup>361</sup> 00030DAI; J. Rowanq, 'Sakanan-e Miramur Amaj-e Hamle-ye Kochiyan', *Etilaatroz* (5 November 2022)

<https://www.etalatroz.com/158824> (describes cases of kidnappings, killings, and theft of herd in Daikundi)

<sup>362</sup> *Hasht-e-Subh*, 'Hamsooyi-e Taliban ba Kuchi-ha; Bashendegan-e Woloswali-ha-ye Nawur, Jaghori wa Malistan ba Setoh Amada-and' (18 September 2022) <https://8am.media/fa/alignment-of-the-taliban-with-the-nomads/>.

<sup>363</sup> 00040GZN.

<sup>364</sup> 00040GZN.

<sup>365</sup> 00030DAI.

<sup>366</sup> 00032MAW.

<sup>367</sup> Shafaqna, 'Tadawom e Feshar e Taliban bar Shiy'an-e Hazara dar Afghanistan: "Az Yorush be Behsud ta Kuch-e Ejbare dar Balkhab"' (5 May 2024) <https://fa.shafaqna.com/news/1467900/5-ا-هز-اره-در-طالبان-بر-شيعيان-هزاره-در-ا/>.

<sup>368</sup> 00020BAM.

situation as tense for locals.<sup>369</sup> The Taliban's security forces threaten people at gunpoint, warning, "If you do this or speak with anyone outside, we will act." According to the resident, the Taliban has spies among the people, instilling fear and preventing locals from speaking to anyone.

In the Ashtarlai district, provincial authorities allegedly brought Pashtuns to the area under the "ashar" (traditional communal labour system), deploying them as auxiliary private security forces to patrol and control the region. "This is meant to keep people subdued and prevent any uprising," a source explained.<sup>370</sup> The *ashar* conducted daily patrols, harassing and disturbing the local population. The source reported two sexual assault cases in June 2024—one perpetrated by *ashar* members and another by the Taliban. In the first case, the perpetrators entered a woman's home while her husband was absent and assaulted her in front of her elderly father-in-law. Despite her screams for help, the assailants fled. "People here are deeply protective of their honor and dignity. If abuse happens, they often say, 'No, we screamed, and they ran away,' but others believe the assault did occur," the source explained. The woman's home is near the Taliban centre and the district governor's office in Ashtarlai. Locals reported the incident to the district governor, who promised punishment, but no action was taken. "For Hazaras, there is no justice," the source complained. "Today, the blood, honor, and dignity of Hazaras are devalued." While this information remains unverified, its seriousness necessitates further investigation, particularly into the involvement of affiliated forces and their potential for abuse. This raises significant concerns regarding how to hold these groups accountable for abuses and prevent impunity.

## Conclusion

The ongoing land conflict in Hazarajat between sedentary Hazara communities and nomadic Kuchi pastoralists has intensified under the Taliban, characterized by heightened disputes over land ownership, access to pasture, and the forced eviction and displacement of local Hazaras. Rooted in historical grievances and competing land ownership claims, this conflict can be traced back to the policies of land confiscation and displacement of the Hazaras that began under Abdur Rahman Khan. These policies established a foundation for continued tensions over land access and rights in the region.

Under the Taliban, nomads have gained increased access to Hazarajat pastures. However, they continue to face significant challenges, including limited access to basic necessities such as healthcare, clean water, education, and even mosques for prayer. They also expressed concerns over new restrictions on their annual migration, noting that the Taliban now require a permission letter to travel to Pakistan. Some suggested that their hardships could be alleviated through resettlement and secure access to land.

From the experience of locals, increased nomad access to Hazarajat has led to overgrazing of pastures, damage to their crops, and significant land losses. Since the Taliban's takeover in 2021, nomads have made multiple land claims, often over entire villages in Hazarajat, citing historical *farmans* that Hazaras contest as illegitimate. In most cases, decisions by local Taliban authorities have favoured nomadic interests, resulting in the forced eviction and displacement of local Hazaras.

The paper also examined the Taliban's approach to resolving land disputes, which relies heavily on informal mechanisms, such as standing or ad hoc commissions, that lack due process. Moreover, in some cases, provincial and district governors have enforced decisions without any transparency regarding the process or basis for their rulings. Decisions are sometimes reached through the intimidation of villagers, pressuring them to accept processes and outcomes that typically favor nomads. Several cases documented in this report reveal that villagers have either lost their land or been forced to pay large sums of money to keep their property. From the

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<sup>369</sup> 00044GHO.

<sup>370</sup> 00030DAI.

perspective of locals, this inequity is further reinforced by flawed land laws rooted in a history of dispossession, in which their lands were taken and formally granted to nomads through official acts such as royal decrees. These laws conflict with local customs and practices regarding land access and rights.

The report further highlighted the human rights impact of the dispute and the Taliban's response, which disproportionately affects sedentary Hazara communities. Documented violations include arbitrary deprivation of land, forced evictions, forced displacement, extortion, and economic exploitation. The Taliban's tactics—such as arbitrary arrests, extrajudicial killings, and the detention of community elders serve to suppress any form of dissent and enforce compliance. This has created a precarious situation for villagers. The historical memory of their dispossession in the past, compounded with their displacement and land loss under the Taliban, has ignited fears of continued forced migration and loss of territory.

The Taliban, as the de facto authorities, have failed to uphold their obligations under international law to respect, protect, and fulfill human rights—particularly the rights to access justice and to an effective remedy. Resolving land disputes through competent, independent, and impartial tribunals and courts that adhere to due process is essential to ensuring fair and just outcomes.

Moreover, the Taliban's role in the conflict has not only intensified tensions but also further eroded trust between the Hazara and Kuchi communities. Local villagers link the ongoing land losses to the Taliban's support for the nomads, which amplifies their sense of insecurity and deprivation. Nomads, on the other hand, view the Taliban's return as beneficial, as it has granted them increased access to Hazarajat, while they consider the previous regime unfavourable, citing the state violence and social discrimination they endured before 2021.

Any future responses to the ongoing land conflict in Hazarajat must adopt a multifaceted approach, integrating both legal and historical perspectives, with a strong emphasis on procedural and substantive justice. A deep understanding of the historical factors that have shaped the conflict is essential to creating an equitable path forward and breaking from past patterns. Moreover, the Taliban's subversion of the *musaliha* dispute resolution mechanism may have undermined trust in such processes, particularly among sedentary communities. Future use of *musaliha* must preserve its localized, accessible nature while ensuring impartiality and independence.

The international community must continue to monitor the human rights situation of ethnic and religious minorities under Taliban rule, including land and property rights. Ongoing monitoring and research into the dynamics of land conflicts are vital—not only to document rights violations under the Taliban but also to inform the development of fair and just response mechanisms for the future.

Continued research is critical for understanding the evolving dynamics of land disputes in Afghanistan and for developing solutions that look beyond top-down interventions, which in this case have often exacerbated rather than resolved the conflict. This research highlights the need for further exploration into the perceptions and experiences of both sedentary and nomadic populations. Future studies could investigate how these communities view potential resolutions, including possibilities for bottom-up approaches and inter-communal reconciliation initiatives.

## **Recommendations**

### **1. Immediate Cessation of Forced Dispossession:**

- The Taliban de facto authorities must immediately cease all forced evictions, land seizures, and land grabs, including through upholding their international human rights obligations.

## **2. Reform of Land Dispute Resolution Mechanisms:**

- The Taliban de facto authorities must urgently reform the current land dispute resolution mechanisms, particularly the commission process and the use of *musaliha*, to ensure impartiality, transparency, and fairness.
  - a. This reformed system must include the meaningful participation of elected representatives from both sedentary and nomadic communities, alongside independent legal experts, throughout the entire process, to guarantee equitable and non-coercive resolution of land claims.
  - b. The Taliban de facto authorities must refrain from any undue influence or interference in these processes, ensuring their impartiality, independence, and adherence to due process.

## **3. Remedies for Displaced Communities:**

- The Taliban de facto authorities must provide full remedy, including by ensuring safe return and resettlement, to sedentary communities who have been forcibly evicted or displaced. Comprehensive protection measures must be implemented to safeguard these communities against further violence, intimidation, and coercion.

## **4. Accountability for Human Rights Abuses:**

- The Taliban de facto authorities must implement robust mechanisms to monitor, investigate, and ensure accountability for the actions their forces and affiliated groups involved in human rights abuses, including extortion, unlawful killings, arbitrary detentions, and other violations.

## **5. Equitable Application of Rules and Guidelines:**

- The Taliban de facto authorities must apply all existing rules and guidelines relevant to this conflict in a consistent manner, ensuring fair and equitable treatment for both sedentary and nomadic communities. This includes:
  - a. Strict prohibition of encroachment upon private property and pasture, with full respect and protection for the rights of landholders.
  - b. Impartial enforcement of all regulations and restrictions regarding arms possession.
  - c. Consistent upholding of the amnesty for alleged losses sustained by both communities in the past, preventing the use of historical grievances for extortion or further conflict.

## **6. International Pressure on De Facto Authorities:**

- UNAMA, UNSRs, and diplomatic envoys must exert sustained and coordinated pressure on the Taliban de facto authorities to:
  - a. Immediately cease the illegal seizure of land and forced displacement.
  - b. Commit to addressing land-related disputes through reformed legal channels, by establishing and adhering to an impartial, independent, and transparent legal mechanism that ensures the fair and just resolution of land disputes.

## **7. Strengthened UN Documentation and Reporting:**

- UNAMA and other relevant UN bodies must:
  - a. Prioritize the rigorous and systematic collation of all human rights violations impacting ethnic and religious minorities, including those

arising from forced displacement and land seizures, into a comprehensive special report.

**8. Prioritized Action by Civil Society:**

- Civil society must prioritize action to document, advocate and raise awareness about the human rights situation of ethnic and religious minorities, including their land rights.

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OF HUMAN RIGHTS AND HUMANITARIAN LAW

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