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Genocide in Afghanistan: Toward a Hazara Tribunal?

On the examples of the China Tribunal and the Uyghur Tribunal, an independent international court may bring the Hazara case to the attention of the world.

*by Marco Respinti**

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Hazaras in Central Afghanistan. Credits.

In Afghanistan, the basic human rights of citizens are not respected. In fact, they are violated in the most brutal ways. The main cause (though not the only one, as phenomena never have only one cause) is the way the government of that country exercises power and that government’s conception of the exercise of power.

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Legitimate and illegitimate governments

In the West, classical political philosophy divides the types of possible governments into two large macro-areas. There are governments that strive to respect what are today commonly called human rights and governments that, in different forms and to different degrees, violate human rights. As the perfect government does not exist, the governments that citizens are willing to tolerate are those whose wrongdoings can, although not excused, be endured in view of possible improvements, since they do not violate fundamental human rights. This does not mean that a government's wrongdoings against its citizens should simply be ignored. It means that when they do not affect the fundamental rights of the person, those wrongdoings do not call into question the legitimacy of a government per se. It follows then that the legitimacy of governments that do violate fundamental human rights of a person can and should be called into question.

The two previously evoked macro-areas convey another distinction: that between legitimate and illegitimate governments. If the basic rights of the person are fundamental, it means that they are inescapable. In fact, they both make the person what the person is and guarantee social coexistence. If they are missing, coexistence is severely impaired to the point of becoming impossible. And a government that disregards the foundation of social coexistence is not only a government that governs badly but also a government that tyrannizes its own citizens.

In the West, the term "democracy" is used to indicate not a regime, but the condition of associated life among people where the wrongdoings that a government may do to the detriment of its citizens do not affect the fundamental rights that found their dignity and their possibility to live together. The concept of democracy thus indicates a mode of the exercise of power by a government that does not infringe on the fundamental rights of the person and is based on the maximum possible participation of the citizens in public life. Compatible with different concrete forms of government (monarchical, aristocratic, and representative), democracy describes a mode of power opposite to that in which citizens are offended in their fundamental human rights, as occurs in the different forms of despotic, tyrannical, and totalitarian governments. This is the heritage of Western culture, and entirely Western may be the language with which it is described here, but its constituent elements are universal because they are based on reason and evidence.

Justice for Victims of Genocide




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The poster of the conference.

In Afghanistan, the blatant disregard for human rights that founds the dignity of the person and the coexistence among citizens makes the government despotic and therefore illegitimate. The human rights violated by the Afghan government infringe on the foundations of the person herself. How can one consider legitimate, that is to say plausible, possible, and tolerable, a government that radically undermines the human person and the social coexistence, thus justice and peace, not only within its own borders but, consequently, throughout the world?

Afghanistan's denial of the first political human right, the one that founds both every other right and social coexistence, namely religious liberty, eloquently demonstrates its government's illegitimacy.

Religious liberty is the first political human right because it offers the criterion for social living. If citizens have the faculty to freely relate to the most important issue of them all, the one on which all other evaluations, rights and freedoms rest, then their associated living makes sense. If, on the other hand, a government reduces or prevents the free expression of that faculty, it reduces or prevents the social freedom of citizens. The most important issue the person must be free to relate to is the meaning of life and the question about the very author of life itself; God, the gods, the Supreme Being or the cosmic principle, depending on religious traditions and spiritual ways, whatever the name used, and the rituals followed. All must have the full power to relate to this first, last, and ultimate reality, having the freedom to conform their life to the moral precepts derived from it and to operate in history, individually and socially, accordingly. They must also be free to reject the God or Supreme Principle hypothesis and live accordingly.

No state or organized group can prevent a person from enjoying this foundational right. In fact, religious liberty is not only the freedom to believe in God, the gods, the Supreme Being or the cosmic principle privately and covertly. Religious liberty takes the question of the Supreme Principle seriously and knows that sincerely believing, whatever the name of the divine used and the rituals followed, involves living and creating culture institutions in a certain specific way.

At the same time, a person must be free to disbelieve in God and live accordingly. Only this freedom can truly allow human beings to access the truth.

Religious liberty is, moreover, not to be confused with relativism, for it does not claim that all religions, beliefs, and spiritual paths are equal. Instead, it claims something much more serious: the full right to truth that all human beings possess. It is the right to freely seek the truth that is the fabric and the heart of every religion, belief, or spiritual path. No government or organized group can therefore be allowed to trample on this human right to truth. This is the true meaning of religious liberty.



Marco Respinti speaking at the Turin conference. At his side, Mr. Qorbanali Esmaeli, spokesman of the Cultural Association of Afghans in Italy.

Afghanistan and freedom of belief

Today, however, Afghanistan is a country where the right to truth is restricted, denied and repressed, even through abuse and violence. Of course, it is not the only country where this happens. It is a country where various religious communities pay the price for a policy that is both undemocratic and contrary to the legitimate aspirations of human nature, something that the world seems to have forgotten. It looks as if the world believes that by now Taliban Afghanistan is a concluded chapter, a hopeless dead end.

Instead, Afghanistan is a country where real people live, real people no one cares about. Real people who are Christians, Buddhists, Hindus, and Muslims. People who suffer the abuse and violence of a government that arbitrarily decides what religious truth is and impose it on everyone. Some suffer for the only sin of being who they are. In fact, the right of the people who are citizens of Afghanistan to the first, last and ultimate truth is denied daily by a political ideology that imposes its truth and requests blind obedience—or else.

The truth that the Afghan government imposes is an interpretation of Sunni Islam that violently excludes anyone who does not accept it: Christians, Buddhists, Hindus, and yes, other Muslims. Those Muslims whom the Islamic truth pre-packaged by the Taliban government deems not to be Muslims. and therefore, dangerous heretics: for example, Ahmadis and Hazaras.

To get along it is not necessary to be all the same. Comparison between worldviews, religions and theologies is important, indeed appropriate, and even necessary. Even frank and therefore apologetic discussion is good. But no one has the right to turn this into harassment and violence. If violence becomes the instrument of theological confrontation, it means that something is wrong in the theological conception itself.

Today we are here to discuss Afghanistan, but the same thing is happening in neighboring Pakistan, and essentially because similar worldviews on the right to truth and religious liberty rule both countries. Even in Pakistan those who do not conform to the theological truth imposed by the government suffer ostracism and violence through that set of legal rules that are called the "blasphemy law."

In Afghanistan, the case of the Hazaras is particularly serious. An entire community constantly lives under threat and suffers daily violence because the Taliban government, trained in those Afghan and Pakistani Quranic schools that give a fundamentalist interpretation of Islam, considers them simply outcasts, heretics, outside the faith, and therefore condemns them to annihilation.

Stating that the religious view of the Hazaras is different from that of other faiths and other Muslims is so obvious to become unnecessary. All religious views are different from one another. But what kind of a country is that where one of the different religious traditions that live there, and is rooted in history, is excluded by violence precisely because of that diversity? It is a totalitarian society, one where the despotic government absorbs every social function and every liberty, becoming the only source of law, the ultimate arbiter of good and evil, and in essence a god to itself.



Protest against the Taliban regime in Frankfurt, Germany. *Credits.*

The policy of genocide

Totalitarian governments, of secularist or religious brand, absorb all political space into themselves and rule without answering to anyone above or below them. Those of a secularist brand simply replace God, the gods, the Supreme Being or the cosmic principle, in fact claiming to be a new secular deity. Those of a religious brand, bend God, the gods, the Supreme Being or the cosmic principle to their own absolute will to power. This claim to a usurped totality delineates an ineradicable common trait between secular and religious totalitarian regimes. They are both genocidal. They eliminate those who do not fit into their mold.

The word “genocide” is a heavy term, fraught with consequences. It is not “simply” a massacre of human beings. Rather, it is the lucid will to completely extirpate from the world and erase from history a human group identifiable by culture, ethnicity, or religion. As such, genocide is a prepared and premeditated crime, with a time for planning and a time for implementation. Indeed, the intent characterizes it: the intent to eliminate an entire human group, even if sometimes, in practice, the elimination luckily fails. That is why a genocide can also be cultural: the attempt, more diluted in time but no less ferocious, to completely eliminate a human group by assassinating its future. This is done by preventing the transmission of that complex of customs, traditions, beliefs, and language that configures the unique and unrepeatable identity of a human group (ideally corresponding, on a social level, to the uniqueness and unrepeatability of each individual human being) and by thwarting its survival in the new generations, through the various invasive and bloody methods that technology makes available today.

It happens, and it happens much more often than we imagine even today, in 2023, even now, in this moment. We at “Bitter Winter” deal with it daily, trying to bring a little light where too much darkness still reigns.

In Afghanistan, Hazaras face a supreme threat. A government that claims to be able to determine the truth about God, religion, freedom, and truth itself, while in fact ignoring the true meaning of all these concepts, threatens the Hazaras, a human group identifiable by customs, traditions, and faith, through a physical genocide, made of violence, destruction, and killing, and a cultural genocide, made of ever-increasing obstacles to the free and peaceful transmission of a unique cultural identity to future generations.

The case of the Hazaras in an Afghanistan that is ruled by a totalitarian and genocidal state, is highly significant for different reasons. First, it shows how Islam is not a monolith: if there are ways of understanding it that make abuse and violence the norm, they cannot claim that the Muslim religious tradition legitimizes their violences and abuses. Moreover, other Islams are possible, and indeed exist. There are Islamic paths that respect the dignity, liberty and right to truth of Islamic believers and everybody else. Only, in countries such as Afghanistan those who believe in these paths pay with their lives for it.

The case of the Hazaras also demonstrates that unfortunately genocidal totalitarianism is not just a memory of the past, but a reality today, on a large scale. Finally, it shows that although it happens on a large scale, the genocide we are talking about today is not recognized by many who do not know or do not want to know the pain Hazaras are forced to endure on a daily basis.

I wonder, perhaps all too naively, what kind of world is that in which communities like the Hazaras are abandoned to the double oblivion of physical annihilation and the international organizations’ selective attention.



Protesting the Hazara genocide. From Twitter.

The future

As mentioned, the crime of genocide constitutes a special, unique penal case. Its perpetrators therefore deserve to be exposed in order to be stopped. But it is necessary to nail them to their responsibility in a conclusive manner. Perhaps then Hazaras might consider imitating what other persecuted groups victims of genocides have been doing with increasing success. Falun Gong, a new Chinese religious movement persecuted by the Chinese Communist Party (CCP) with a heinousness that resembles horror movies, established the **China Tribunal**. And the Uyghurs, a population mostly Muslim but with a Christian minority too, similarly persecuted by the CCP in what they, and other Turkic minorities, call East Turkestan, have imitated Falun Gong by establishing the **Uyghur Tribunal**. These were independent courts, both convened in London and placed under the direction of Sir Geoffrey Nice, who from 1998 to 2006 presided over the trial of Serbia's former president, Slobodan Milošević, conducted by the United Nations' International Criminal Tribunal for the Former Yugoslavia.

Both rigorously followed the practices of international criminal tribunals, accumulating evidence, discussing it, and putting persecution on record to then draw a verdict, in both cases contained in several hundred pages and in both cases of guilt. The value of those forms of justice is cultural, but international legal institutions can hardly now ignore their results. In short, after the China Tribunal and the Uyghur Tribunal, the world can no longer pretend not to know.

Perhaps the Hazaras could think of a Hazara Tribunal that would lay on the table the incontrovertible evidence of the ongoing genocide perpetrated against them in Afghanistan, and in front of the world hold the Taliban government accountable for this premeditated slaughter. Perhaps, and I have the humility to insist on "perhaps," something may begin to change.