

## **ATTACHMENT 1**

Saturday, 09 October 2021

### **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE INQUIRY**

#### **“AUSTRALIA’S ENGAGEMENT IN AFGHANISTAN”**

**Dr Kay Danes OAM**

*The enclosed includes examples of communications (inclusive of raw data), personal observations, questions, and recommendations*

With:

Over 2,300 Afghans now supported and represented

Over 20,000 individual pieces of communication shared and actioned  
(be it emails, texts, phone calls)

Offers of support including the sourcing of more aircraft

Dozens of letters sent to Ministers of Parliament

Current situation in Afghanistan as of 04 October 2021

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## Historical example of Evacuation under emergency situation Operation Ramp (Lebanon)

In August 2006 ADF personnel were deployed to the Middle East as part of the DFAT led NEO of Australians from Lebanon. The NEO known as Operation RAMP saw the ADF deploy approximately 120 personnel to assist DFAT in a number of specialised roles. The ADF provided a team of 22 to provide direct support to the DFAT staff in Beirut, Cyprus and Turkey as well as a task force of 96 that included a command element, **two evacuee processing teams, liaison officers, movements officers, health specialists and linguists**. The operation illustrated the capabilities of the ADF to respond to **short notice crises** and provide effective support to Australians in need. The **ADF supported the Evacuation of over 5,300 Australians and over 1,300 AFN from the Lebanese ports of Beirut and Tyre.**

## The closure of the Embassy in Kabul

Late in April 2021, the Department of Defence and the Office of National Intelligence advised DFAT on a number of occasions that the closure of the Australian Embassy in Kabul might be required owing to the deteriorating security situation and the drawdowns of US and international forces and the ADF from Afghanistan.

On 04 May 2021, the Australian Foreign Minister the Hon. Marise Payne received a formal recommendation from her Department to close the Australian Embassy, five days before she arrived in Kabul on 9 May 2021. During this period, the Australian Embassy contractors began downsizing their personnel.

On 28 May 2021, the Australian Embassy in Kabul was officially closed, as the Australian military withdrew from Afghanistan. This left thousands of Australian passport and visa holders, at considerable risk, and at the mercy of hostile forces and other belligerents occupying Afghanistan at the time. Those particularly 'at-risk' were over 200 individuals who worked for the Australian Embassy as Security Guards and Contractors, inclusive of their families, which brings their total to at least 1000 individuals left with no support from the Australian Government.

On 15 June 2021, the Australian Embassy Security guards were served Employment Termination Notices by hand. The advice to them and those terminated prior to this date was 'due to the project reduction and downsizing of personnel requirements, as notified by GardaWorld's client.'

On or around 02 August 2021, two months after the Australian Embassy 'temporarily' closed, it was observed by former security staff that an Australian delegation accessed the Embassy over a period of several hours. A GardaWorld Operations Manager, accompanied by five members of a GardaWorld Security Assessment Team were seen to be escorting 'a group of individuals' into the Embassy. With the benefit of hindsight, the persons who observed these events believe the purpose of the visit was to 'remove, secure or destroy critical documentation and assets of the Australian Embassy' ahead of the Embassy's permanent closure.

At no time leading up to the fall of Kabul were the Australian Embassy security guards and other contractors notified that the Embassy was closing permanently, even though it would have been obvious to those parties sent to sterilise the Embassy.

On 15 August 2021, two weeks after the Australian Embassy was 'sterilised'-- the city of Kabul fell into the hands of the Taliban, who vowed to hunt down and kill anyone who had helped the 'foreigners' in the country. At the very top of that 'kill list' were Government, military, police, Embassy security personnel, judicial members, and journalists.

The closure of the Australian Embassy may have been the right thing to do to protect the lives of Australian diplomats and locally engaged staff, many of whom were evacuated well ahead of the 31 August deadline. However, it had devastating consequences for the Australian Embassy guards, contractors, and their families (the Embassy Group) who were deemed ineligible to apply for a humanitarian visa under the 'At Risk Afghan Employees Visa Scheme,' reserved only for those who were directly employed by the Embassy, not contractors.

The denial of responsibility for the Embassy Group was evident in media statements, particularly at a Ministerial level. Whilst it is true that the Australian Embassy group were the direct (employee) responsibility of the Private Security Company—GardaWorld, arguably there was a moral responsibility on the part of the Australian Government to afford the Embassy Group a duty of care, as the Government understood the Embassy Group were at risk due to the nature of their service to the Australian Government. The rhetoric at the ministerial level that the Private Security Companies and other Australian contractors were coordinating the Evacuation of the Embassy Group is false.

Under pressure from the Australian media, the Government did a back flip on the visa issue and allowed Afghans at risk to seek a Humanitarian Stay (Temporary) subclass 449 Visa. This subclass of visa has no recognised application mechanism such that it is a highly discretionary grant on the part of the Government. But with the Embassy closed, many Afghans, including the Embassy group, were unable to lodge their applications in person, which at the time was a stipulation of lodgement. Consider that the postal service for the entire country was shut down and that Visa applications require a high level of administration, English language, and cognitive ability. Most Afghans working for the Australian Embassy have a reasonable to high-level command of the English language, but English is not their first language. Many of the Embassy group struggled to understand the detailed instructions, language, and syntax of the Visa application process. Moreover, under normal circumstances, the Embassy group would have been able to seek advice from consular or immigration officers to assist them with their applications. But with the Embassy's sudden closure, the Embassy group were prevented from accessing that expertise. Moreover, they were no longer receiving any salary. Their contracts were cancelled, and the stipend of US\$2500 paid as severance pay was quickly consumed by rent, food, and medical supplies. Certainly, the Embassy Group did not have sufficient funds to engage a local Migrant Agent with the professional acumen to assist them with the insurmountable task of navigating the Australian migration policy and legislation, let alone being able to afford the US\$1,000-US\$1,500 price tag for that service. That is, of course, assuming they could find someone both qualified and willing to assist them, given that the country's entire legal sector had shut down. The Embassy Group have no means to pay for commercial air flights when these resume, and without an income, they and their families will be subject to further hardship, assuming they survive the Taliban's promised retribution.

There can be no denying that the sudden closure of the Australian Embassy denied thousands of vulnerable individuals and groups of people the critical time they needed to create emergency contingencies to move themselves and their families to safety. As a result, those Australian visa holders remain in Afghanistan and face the likelihood of brutal reprisals.

Afghanistan veteran and director of *GAPLS*, Glenn Kolomeitz, said, '*this is a disgraceful abrogation of responsibility on the part of the bureaucracy in this country. For DFAT staff to throw their hands up in surrender and give Afghan-Australians so little hope is inexcusable.*'

## Decisions relating to the Evacuation of at-risk Afghan nationals and partners and family members of Australian citizens and permanent residents

**News headline: 'If I die, it will be on her shoulders': Afghan contractor's message for Marise Payne.**

In the lead up to the 31 August deadline, the Taliban's message has been consistently explicit. They have vowed for years that they will kill any Afghans who have worked for the US and Coalition forces in Afghanistan, branding them "traitors." The Australian Embassy group were no stranger to death threats from the Taliban. Many Embassy guards and contractors have been subjected to acts of violence in the decades they were employed at the Australian Embassy. The Australian Government were aware they would be at risk but avoided taking any responsibility for them until media pressure forced the Minister to backflip and issue emergency visas.

On Sunday 22 August 2021, over 200 Humanitarian Stay (Temporary) e-Visas subclass 449 were issued en masse via email to a large number (not all) of the Australian Embassy group, along with an Australian evacuation flight offer letter, as shown in the examples below.

----- Forwarded message -----

From: [redacted]

Date: Sun, 22 August 2021 at 09:36

Subject: Australia: Grant of your Humanitarian Stay (Temporary) visa subclass 449 [SEC=UNOFFICIAL]

To: [redacted] Cc: [redacted]

Dear [redacted]

The Australian Government has considered the current circumstances in Afghanistan and is offering the above individual a Humanitarian Stay (Temporary) visa subclass 449 visa to facilitate urgent travel to Australia.

This email also confirms that the Grant of your Humanitarian Stay (Temporary) visa subclass 449 visa will be recorded in the Department of Home Affairs systems imminently.

Please read the attached information on the Australian evacuation flight offer, including advice that you should travel to Kabul Hamid Karzai International Airport today, if you are able to do so safely, to await a planned outbound military flight.

Once in Australia the Department of Home Affairs will engage with you in relation to a permanent visa process.

Regards



Australian Government  
Department of Home Affairs

## Australian Evacuation Flight Offer

### Current advice

Dear Visa Holder

You have been invited by the Australian Government to apply for a Temporary Humanitarian Stay visa (subclass 440). This message is to advise Australian visa-holders that they should travel to Kabul Hamid Karzai International Airport when you judge it is safe to do so, to await a planned outbound military flight. By travelling to the airport and presenting this letter you are indicating that you have accepted the offer of a temporary stay in Australia.

The Australian Government cannot ensure safe passage to the airport. At all times please be mindful of your personal surroundings and safety. Please read the below:

Go to the East Gate, South Gate (east of the commercial terminals, near the Baron Hotel) or North Gate (Qasaba Road, Khana Sazy Square). We have been advised that all three gates may open and close intermittently. Be aware that large and potentially volatile crowds may be present. Expect delays, and have food and water.

You must be able to identify yourself as an Australian visa holder. Forming groups with other Australian passport and Australian visa holders, and together showing your documents to soldiers on the gate, may increase your chances of being admitted. Each member of a group should carry documents in case of separation in the crowd.

Australian and other foreign officials must stay within the airport. Once inside the airport, you will be directed to where Australian officials will be waiting. Take their direction on departure arrangements. Again, expect delays, and have food and water.

Only one item of hand luggage per passenger, weighing no more than 10kg, will be accepted on the aircraft. Ensure your travel documents are on your person, and that only essential items are in your hand luggage. Travel as light as possible.

It is possible the flight will be postponed or cancelled at short notice. The security situation at the airport remains uncertain. You may need to return to your accommodation or a place of safety.

Keep your telephone charged, on and close so we can contact you. Check your email for updates.

Department of Home Affairs  
Canberra, Australia

Unfortunately, since the Embassy group were forced into hiding in safe houses across Kabul, the majority of those who received these critical documents were unable to print a copy of them. This created an incredible amount of anxiety amongst the Embassy group. To that end, Dr Danes used her diplomatic networking capacity to promptly make contact with the DFAT POC inside Kabul airport. Dr Danes was able to confirm the Embassy group would need only show a digital copy of their documentation from their mobile phone to soldiers at the gate. The DFAT POC further agreed to meet the Embassy group at the Abbey gate and escort them through for further processing.

Having a Point Of Contact (POC) at each end of the Evacuation is crucial to communicate the decisions that impact the evacuation process and evacuees. One of the major challenges in this humanitarian crisis is the lack of dialogue between the DFAT POC and those assisting Australian visa holders in Afghanistan. The limited information that was made available lacked substance and was not relayed in a timely fashion. This made it extremely difficult to develop contingencies around safeguarding measures and the Evacuation of the Embassy group and other Australian visa holders in Afghanistan.



## The Evacuation Phase

'The last flights from Afghanistan were operating during evacuation week from Sunday 22 August to the 31 August deadline. It was as if the entire population of 38 million had decided to leave Afghanistan via the Kabul airport during that week.' Dr Kay Danes

At 8pm on Sunday, 22 August 2021, the Embassy group comprised of up to 1000 individuals (Security Guards, Contractors, and their families). Over three hours, they successfully navigated their way through several Taliban checkpoints to arrive together and without incident at the DFAT designated RV (Abbey Gate) at 11pm Sunday. The Taliban had enforced a curfew at the airport at 10pm, which meant no one could access entry at any of the airport gates until after 4am. The Embassy group were safely positioned away from the Taliban and well-postured to have the best chance of getting through the gate. They patiently waited over five hours for the curfew to lift.

At 8:15am, Dr Kay Danes sent a WhatsApp message to the DFAT POC inside Kabul airport:

"The boys are at the gate, and they will have one hand on their head as a signal to the ADF guys. Dr [name of security delegate redacted] is on WhatsApp [his number is provided to you]. They are all together at the abbey gate."

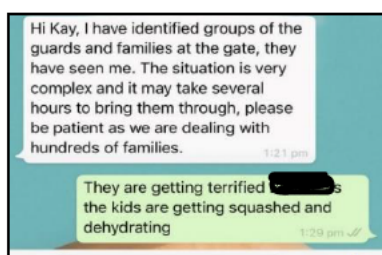
At 10:11am the DFAT POC responded:

"Thanks Kay. Apologies, I've been trying to get a few hours sleep. I'll be back at the gate in about 2 hours and will make it a priority to identify them in the crowd. Please ask the Group to be patient, it is incredibly chaotic at the gates."

By the time this message came through, the Embassy Group had been waiting outside the designated gate for almost 12 hours. As midday approached, over 20,000 people had moved inside the airport perimeter making the conditions chaotic. The international community had decided to issue electronic visas to applicants of all nationalities and advised them to go to the airport. Those visa documents did not have coinciding names and reference numbers, so they were easily copied as screen shots on smartphones and distributed en masse by Afghans to other Afghans who were not eligible for a visa. The area inside the perimeter of Kabul airport became increasingly perilous as dozens of people died from the stampedes and gunshot wounds. The Taliban used intermittent (crowd controlling) gunfire to keep people from overrunning the airport.

During this time, critical information provided by Dr Danes kept the group alert to new and emerging threats. The swelling crowds on the grounds and around the airport had created a haven for ISIS-K and other belligerent groups. The risks increased as the day wore on. It soon became apparent that the potential for the loss of life was not isolated to the threat of car bombs or suicide bombers, or intermittent gunfire. The approaching midday temperatures were causing dehydration, and this was exacerbated by the close proximity of people crushed against other people. Some of the small children and women had started to show signs of heat illness. The six delegates of the Embassy Group moved around the Group, checking vital signs of individuals with a particular focus on the most vulnerable.

At 1:21pm on Monday 23 August 2021, approximately 13 ½ hours after first arriving at the DFAT designated RV point, the DFAT POC sent a WhatsApp message to Dr Danes:



"HI Kay, I have identified groups of the guards and families at the gate, they have seen me. The situation is very complex, and it may take several hours to bring them through, please be patient as we are dealing with hundreds of families."

Dr Danes responded: "They are getting terrified [name of DFAT POC redacted] as the kids are getting squashed and dehydrating."

**Question:**

- With the benefit of hindsight, might it have been helpful if the DFAT POC had been able to articulate what specific complexities were impacting the situation?

In any given crisis, such that was unfolding at the Kabul airport, communication is understandably limited and often unclear. However, communication between key decision-makers and recovery groups is critical and must consider the urgency and necessity for information, albeit limited, in order to develop ongoing contingencies to safeguard vulnerable populations.

**Question:**

- What specific instructions was the DFAT POC operating under in terms of communication between those inside Kabul airport and those outside?

The Embassy group had waited 13 ½ hours in the most cramped and life-threatening conditions with their 10 kg backpacks crammed full of all their worldly possessions. They sat shoulder to shoulder, back-to-back and with not a centimetre to spare. They ate sparingly from the handful of provisions they'd each managed to carry with them and drank bottled water running precariously low. The Embassy group's morale sank immediately upon hearing DFAT's rescue plan. Reports came over the WhatsApp chat quickly and with a sense of urgency as each of the six delegates worked their way through the Embassy group, checking that no one had expired. One of the Embassy guards had a desperate situation on his hands as his young daughter started to slip into unconsciousness. He was last seen running with her in his arms back out the way the Group had come in and directly into the Taliban perimeter. Concerns were raised to the DFAT POC inside the airport about those in the Embassy Group whose health and wellbeing was deteriorating. At some point, the Embassy group would have to consider moving to a less congested area as more people started pushing into the already overly congested airport space. It was a perilous situation for anyone caught in that crush. Gunfire and screams could be heard from all directions. People had starting to talk of new routes and access points. The Taliban filtered this information out through the people, likely in an attempt to help disperse what seemed to be the entire population of Kabul city descending on the airport.

At 2:21pm on Monday 23 August 2021, now 14 ½ hours after arriving at the DFAT designated RV point, the DFAT POC sent this WhatsApp message:

"Hi Ka[y], we have many large groups trying to come through today and it is pretty dire on the ground with the congestion. I can't guarantee that we can get them out in any particular time frame. They need to prioritise their safety and health so if they need to leave and come back tomorrow, they should do so. I'm sorry, the situation is changing every minute with restrictions on access and capacity. If the team is able to come down Abby Road rather than through the ditch it may be easier."

By 2:44pm, it was impossible for the Embassy group to maintain their position at the DFAT designated RV point. The crowd had begun pushing them further and further down towards 'the ditch' and is where they all eventually landed. Thousands of people, the Embassy group among them, found themselves crammed into a water canal filled with human waste. At 3:38pm, one of the delegates sent a WhatsApp message to report the situation of his Group:

"I tried too much and we saw [the DFAT POC] ... we signed three times and she understood and she speak to the ADF guys but they didn't help us ....to take us out from one metre water... so getting of fucking Australian visa like that is impossible and no one accept it... so try to speak to the ADF or [DFAT POC] to check our files forms and passports on the bridge... we don't want it like that."

The Embassy group had again put their hand to their head to signal to the DFAT POC that they were the Australian Embassy group. But again, they were not evacuated as promised. The disappointment among the Embassy Group was evident.



*An Embassy guard sent this voice message to Dr Danes:*

*'One thing from yesterday, [name redacted] he dropped his daughter and his son in the water and [the soldier] are there at the water close to us... and still he didn't pass. And still he was there and called me '[redact name] what to do?' There's no answers for us. I said 'we cannot do anything. We are in the same position. And other guys they had like 3 or 4 months baby. The baby were crying because of the fricken oxygen and crying. And we were giving water and also his mum, she was in the water, she couldn't feed her breast to the baby because of the putrid and standing in the dirty water...and the baby was crying and we took him up ... and we told him 'put him on the wall' and we will hand to someone [the soldier] through to the water...but please let him because there is no oxygen here ... and they [the soldiers] were shouting 'no... stand down... keep it with yourselves...' They were saying like that.. even these fucking people they didn't help the small babies of two months old or three months old. So how will they help us? We are thinking about which kind of people you have in your country? Just we faced with the good people. We did not know you have bad people too. That they don't care of the humanity of kids or womans. But they are speaking about the human rights, children rights and woman rights. No. It's just lying.*

### **Australian Defence Force (ADF) soldiers reject Temporary Humanitarian Stay visa (subclass 449)**

The Embassy group were repeatedly rejected by ADF and foreign soldiers who did not accept the digital e-Visa or the Australian Evacuation Flight offer. They said both were fake. This is likely because the email and the Flight offer did not have any corresponding reference number that would link the letter to the e-Visa email. Either that or the soldiers were not informed that the Embassy group and countless others would be descending upon them with digital e-Visas.

With the benefit of hindsight, it was obvious why the ADF soldiers thought the e-Visas and Evacuation flight offer were fake because the wording in the opening paragraph of the Evacuation flight offer was contradictory. In the initial sentence, the letter 'invited' the Visa Holder to 'apply' for a Temporary Humanitarian Stay visa (subclass 449). In the subsequent sentences, the letter 'advised' the visa holder that the presentation of the letter indicated 'acceptance' of the offer of a temporary stay in Australia. The advice in the attached letter did not align with the advice at the airport. The instructions in the letter directed people to gates that were not open or were controlled by the Taliban and, therefore, presented a security risk to the Embassy group. As it was, DFAT had sent e-Visas to thousands of people who were clinging to them with every hope of Evacuation, but for the fact, those papers were worthless because time and time again, the soldiers rejected anyone who didn't have an actual visa in their passport, or who was trying to enter the airport with an Australian or US (or other coalition) passport. Again, with the benefit of hindsight, it was clear that DFAT had not considered some of the critical dilemmas Australian visa holders would face while waiting to be pulled from the canal of human sewage. For one, there were no phone charging facilities in 'the ditch', which countered the advice DFAT had issued in the email that directed people to 'keep your telephone charged.' Fortunately, the Embassy Group had the foresight to take multiple phone chargers with them and were wisely conserving the life of each battery.

### **The confusion around Gate Access**

The Taliban at the airport were cooperating with the Coalition military forces. They were not preventing people from leaving Afghanistan.

*'The greatest challenge we had was not from the Taliban. Granted, getting through those checkpoints was not easy and at times our people were beaten quite savagely. But our main problem was the lack of communication with DFAT, and less communication with our ADF. It felt very much like we were outsiders, not to be trusted or even eligible to evacuate. I felt extremely frustrated by the fact that whilst I had contact with the DFAT POC, they seemed to be completely overwhelmed. The lack of information to Australian visa holders was extremely poor'* says Dr Kay Danes.

### **Question:**

- How many DFAT staff were actually deployed to Kabul airport to facilitate the process of the Evacuation of Australian Visa Holders?

The Australian Evacuation Flight Offer letter that DFAT emailed to the Embassy group stated that they go to the East, South or North gates. DFAT confirmed these instructions in several WhatsApp phone calls and text messages.

'There was some confusion among the Embassy Group when talking about which gate to go to. The DFAT POC told me to get them to the 'Abbey' Gate, but this created some confusion as many of the Embassy group were not exactly sure where the Abbey Gate was. We had to google a map to confirm the location. It would have been helpful if DFAT could have included a map with their Australian Evacuation Flight Officer letter,' said Dr Kay Danes.



Two explosions near to Kabul airport killed tens of civilians and US soldiers.

To make it easier for the soldiers to clearly identify the Australian Embassy group out of the masses of people who were at the Abbey gate, the Embassy group created a signal by placing one hand on their hand to distinguish them from others in the crowds. DFAT was informed of this signal in advance of the Embassy Group's arrival at the airport. The 'Master List of the Australian Embassy Group' was sent to the DFAT POC with a request that the DFAT POC instruct the soldiers accordingly. But when the Embassy Group repeatedly applied the signal to the soldiers, they were ignored.

At 5:31pm, 17 ½ hours from arriving at the Abby gate, a video was sent through WhatsApp to the DFAT POC. In that video, it showed the conditions of the Embassy Group standing waist-deep in the dirty water [sewage].

Dr Danes wrote a message to the DFAT POC:

This is horrendous they are in water.

At 5:59pm, the DFAT POC sent a WhatsApp message in response:

Are you still at Abby gate? You need to show your papers to the Australian soldiers at the gate, so they know that you have a visa. It is difficult for us to remove people at the moment, but we will when we can. Please be patient.



At 6:05pm, the 'Master List of the Australian Embassy group' was again resent to the DFAT POC. That list included their photographs for easy identification, along with all the biodata that DFAT had requested to expedite their entry to the airport. Within minutes, the DFAT POC responded:

'It is horrendous. We do not control the security of the gate and have been prevented from removing people from the canal following an earlier surge of people that threatened the perimeter security. We are hoping that we will have a window of time to pull as many people out as we can but can't provide further details. I'm sorry that I can't provide you any more information or assurance at this time. Please know that we know they are there and are trying to do what we can.'

Communication between the DFAT POC and Dr Danes was limited but even so, there was a pattern that could not be explained.

"Each time one of our Australian Visa Holders approached an ADF soldier seeking to evacuate from the sewage channel to the safety of Kabul airport, they were turned away. It made no sense at all and I was extremely frustrated that it was continuing to happen. I had rung the Brigadier on the ground associated with this operation, granted it was a DFAT NEO, however, since the communication problem seemed to be with the ADF and not the DFAT POC, I decided to contact the ADF Commanders directly. They kept telling me that the issue was with DFAT and not their soldiers. My colleague Glenn Kolomeitz also notified the Deputy Secretary of Consular Services about this continued problem" says Dr Kay Danes.

Dr Danes directed frequent messages containing video footage of the conditions the Embassy group were facing to the DFAT POC, the ADF, including senior Commanders of the Special Operations Command (SOCOMD) and Officers from the Defence Intelligence School at Canungra, Queensland. This was a desperate attempt to break through the barriers of communication failings that were putting the lives of Australian visa holders at risk. Voice messages were also sent so that DFAT and the ADF would have critical information about what was going on outside the gates, which was valuable information to give the ADF Force Element so they could gain some perspective. Dr Danes also offered aircraft assets to support the Australian Evacuation.

"I offered up to DFAT 1 x 747-400, 1 x A300 and 1 L100 available on 12 hours notice from a colleague. Those air assets could have moved thousands of Australian visa holders. No one took up my offer. It was incredibly frustrating having to beg for help but get none. In those early stages, before I had direct contact with the Brigadier running the ADF side of things overseas, I had communicated with a number of very Senior ADF Officers who had graciously endeavoured to assist me by passing on my messages to the Brigadier. Eventually, however, I had to shut down that avenue of communication when it became clear to me that the Officer was feeling triggered by the reports I had sent him from Kabul." said Dr Kay Danes.

Every contingency was being explored to provide the Embassy group with the best chance of Evacuation, but time and time again, they faced rejection after rejection.

"The directions came from DFAT. Who knows where in DFAT...? But look... there's a breakdown in communications here... not just between DFAT and the ADF but between DFAT and DFAT ... Canberra and Kabul and that's going to cost lives. These people are making it to the gate. They've done everything they've been asked to do, and they've been turned away at these chaotic gates" says Glenn Kolomeitz.

The Embassy group had used every tactic they could to get their families safely inside the perimeter of the Kabul airport and then herd them to the gates only to be turned away at that critical juncture. This was disheartening.



Over the course of those four days that the Embassy group stood in the canal of sewage waiting to be rescued, *GAPLS* made every attempt to create opportunity after opportunity to evacuate the Embassy group. They communicated for those four days with the DFAT POC in Kabul and ADF commanders in Canberra and other locations. They communicated with DFAT Consular Operations (CONOPS), Immigration and Home Affairs. The communication was akin to an impenetrable fortress. *GAPLS* sent 'map coordinates' via WhatsApp messages to the DFAT POC so there could be no mistaking where the Embassy group were located. They even downloaded an actual digital map of Kabul airport and provided this to the DFAT POC, marking the point where the Embassy Group were located. The Australian Embassy delegates sent photos of themselves in front of identifiable airport buildings (the tower with the Turkish flag on it), which were forwarded to the DFAT POC.

The DFAT POC was provided with the mobile phone details of the six Embassy Group delegates who were coordinating each of the Embassy groups. The DFAT POC did not, however, utilise this method of communication to support the Evacuation of this particular Group of at-risk Australian Visa Holders.

DFAT in Canberra too had been given the Master List of the Embassy Group, as had the ADF, and was instructed BEFORE any evacuation process as to who the Group were, the six delegates responsible for coordinating the Group on the ground, and the Australian team (*GAPLS*) managing the Evacuation of their clients—the Embassy Group.

Repeatedly, the Embassy group managed to push their way through the swarms of bodies and through the sewage water to engage the ADF and other foreign soldiers. At each attempt, they were repeatedly told they did not have the 'appropriate visa' or 'you need a visa in your passport.' The soldiers continued to tell the Embassy group that their visas were 'fake' and ordered them at gunpoint to leave the area. As a result, their pleas for help continued to fall on deaf ears. They and their families were forced to stand in the dirty water [sewage] for days. Others had to rush their loved ones to a hospital because of the extended time in horrendous conditions. They ran the gauntlet that was the Taliban perimeter.



Dear DFAT officer in Kabul airport. Our Australian Embassy Security guards are at the gate still waiting for you to dispatch that one ADF soldier to bring them into the airport. You can see they followed your instructions to fly the flag and our guy on the right is re reading his DFAT issued eVisa. Note they are all waste high in the dirty water filled with human excrement. As you also know they have been standing in that spot since 10pm last night. They did not think you would fail them. But I did tell them you were very busy as you told me how overwhelmed you are. Please send someone urgently. Dr Kay Danes

At one point, the DFAT POC suggested the Embassy group 'draw a flag of Australia' and show this to the soldiers at the gate. The Embassy group flew an actual Australian Flag. Again, the coordinates of their location were sent to the DFAT POC. Still, no one came to escort them inside as promised.

### **Australian Embassy Group make a desperate effort to evacuate by bus**

Sensing that DFAT was not able to evacuate the Embassy group, the delegate team leaders activated another contingency to secure buses to take all of the families through the vehicular gate at the Kabul airport. Numerous requests for assistance were made to DFAT and to the ADF for a gate pass. No assistance was given despite the fact that the Embassy group had secured the buses and the drivers to escort everyone through the gate.

At 7:18 am on 26 August 2021, Dr Danes sent a WhatsApp message to the DFAT POC inside Kabul airport:

[Number redacted] families have not left the gate as they are convinced our ADF are coming to rescue.

Almost three hours passed. At 10:40 am, a response was given by the DFAT POC:

'I'm so sorry we have been trying but the security situation has been very difficult. I advised [your security officer] that we are very concerned about the security at the airport and we advise to leave to a safe location and await further advice. We are unable to come out and get them and they should leave immediately to a safe location. Our travel advice has been updated to reflect this. Please ask everyone to register through <https://covid19.dfat.gov.au> so that we can make sure they get any update to our advice.

Exhausted, the Embassy group waited the entire day for help to arrive, but it never came.

At 5:17pm, another WhatsApp message was sent to the DFAT POC:

Can I ask if you would be willing to throw me a bone and give [the Embassy group] a gate pass. So he could get the bus driver to bring our Aust Embassy security guards and their families in?

No response was forthcoming.

At 6:34pm, a final WhatsApp message was sent to the DFAT POC:

I also have 8 buses our embassy guards, SIVs and French and [REDACTED] judges and a former Afghan [REDACTED] children. The Afghan judges are connected to Australian federal and high court judges. And they have requested our assistance to extract them.

No response was forthcoming.

It was confirmed much later by several Australian visa holders who made it to Australia that DFAT and the Australian military had left Kabul on that Thursday. Many Australian visa holders were still inside the airport waiting to be evacuated. Fortunately, those Australian visa holders were airlifted by American forces before the 31 August deadline. Unfortunately, hundreds of other Australian visa holders were left behind and are now hiding throughout Afghanistan in safe houses.

Tragically, amidst the mounting chaos at the Kabul airport, a deadly suicide bombing at a US checkpoint killed at least 170 Afghans and 13 American soldiers in a matter of moments. Thankfully none of the Australian Embassy Group was harmed as they had all been moved from the vicinity of the Abbey gate two hours before the explosion. Dr Danes' contacts in United States Government had alerted her to the potential threat.

### **The aftermath of the Evacuation**

The withdrawal of all foreign militaries and aircraft on 31 August 2021 signalled the end of the humanitarian Evacuation. The total number of Australian visa Holders evacuated from Afghanistan was estimated to be over 4100, among them several hundred individuals from the Embassy Group. Many of these families have been repatriated to varying states in Australia, and while their future is still so uncertain, they are able to articulate the level of risk that their colleagues face in Afghanistan. This is best captured in an extract of an article written by Sydney journalist Cydonee Mardon.

#### **Desperate scramble for shot at freedom**

By Cydonee Mardon (The Daily Telegraph)

An Afghan man waded through waist-deep sewage for six hours with his wife and three small girls to reach Kabul airport and a chance at life away from the Taliban. Now safe in Australia, Sammaad — who “worked for the enemy” in the eyes of the Taliban — knew that if he stayed in his homeland he would be killed...

He said the Taliban had already questioned his father. Their gunmen had put markings on doors of people they were hunting for and believed had been working for the Coalition.

“If I couldn’t come here and I stayed there I am sure one day the Taliban will find me. You work for the foreigners, then they will kill me. The Taliban in Afghanistan is not merciful.”

The Humanitarian 449 visa was a quick-fix visa with a valid life of three months and with severe restrictions and conditions imposed. Sammaad and others like him are entitled to a permanent visa due to the work they did for Australia, but there is still a lot more work needed to be done to get him permanency and certainty through the appropriate class of visa.

### Mass rejections of Afghan LEE visa applications

Typically, Visa applications for Afghan nationals take a minimum of 12 months to 10 years to process. However, as the country descended into chaos, the visa applications for the Embassy group were processed very quickly.

On 21 August 2021, dozens of individuals from the Embassy Group received mass rejection letters in Microsoft Word format (File Number: [REDACTED]), a standard templated letter with the same group file number. This, despite the fact that all of the applications were submitted by individuals and not as a group. The mass rejection letters lacked any consistency. Dozens were sent randomly to the Embassy Group, and many of those officers had impeccable documentation.

On 21 August 2021, at approximately 5:55am, one of the most senior Australian Embassy Security Guards, [name redacted], was sent a rejection letter. This did not make any sense. Senior Security Officer [name redacted] provided service to the Australian Embassy from 2010 up until June 2021. He had risked his life many times to protect Australian diplomatic staff and visitors. He had been subjected to many incidents of harm over the course of his employment.

The wording in the letter sent to him on the eve of the Evacuation was clinical and insensitive. There was no articulation or explanation as to why his application was rejected. Simply that it had been.



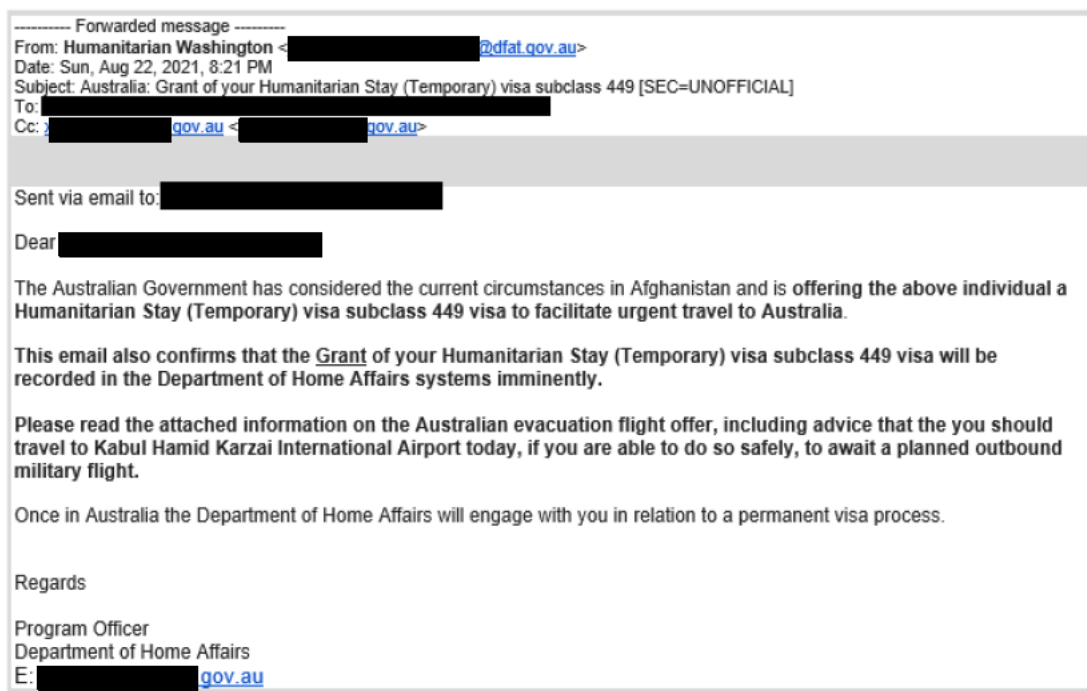
The rejection letter did not give any consideration to the fact that as a Senior Embassy Security Guard, [name redacted] was seen by the Taliban to be 'traitorous' because he worked for the Australian Embassy and its Government and for the benefit of the Afghan President Ghani. [Name redacted] also submitted details of his ethnicity in his LEE application. His ethnicity put him at considerable risk from Taliban reprisals. So the wording in the rejection letter states '*Particular priority will be given to persecuted minorities...*' which was, in reality, less than authentic. [Name redacted] had clearly articulated in his 'threat statement' to the Australian Government that he was at significant risk due to him and his family being part of an ethnic minority. In fact, several of the Australian Embassy group and their families are Hazara, an ethnic group who have endured a distinct history of oppression, including slavery, torture and genocide. Others in the Embassy Group also belong to a minority by faith—Shia Muslim. These elements and by the nature of their employment alone should have guaranteed the Embassy Group priority for Evacuation. [Name redacted] was one of 200 Australian Embassy Security Guards and Contractors who faithfully served the Australian Government for over a decade. Yet, like [name redacted], many of those were also sent rejection letters.

What is most disturbing is that the Australian Government knew the risks the Embassy group and their families faced on a daily basis as a result of their employment. They and their families were frequently and deliberately targeted for harm. The Taliban Government publicly and repeatedly broadcasted their intentions to seek retribution against anyone who worked for the Coalition forces and Foreign Governments, including the Australian Embassy Security Guards, Contractors and their families.

#### Question:

- Did the Australian Government think the threat to the Embassy guards and their families was minimal?
- Did the Australian Government have any plan to evacuate the Australian Embassy guards and their families, at any time, before or after the 31 August deadline?
- Did the Australian Government at any time discuss the Evacuation of the Australian Embassy guards and their families with the Private Security Company that employed them (GardaWorld)?

On Sunday 22 August at 8:21pm, Australian Embassy Security Guard [name redacted] received another letter from the Australian Government. This time he was granted a Humanitarian Stay (Temporary) visa subclass 449 to facilitate urgent travel to Australia.





### Embassy Group Rejection Letters make no sense

Two hundred and six (206) Humanitarian Stay (Temporary) subclass 449 e-Visas were issued to the Embassy Group on 22 August at 8:21pm. At least [REDACTED] Australian Embassy Guards and Contractors were excluded. This represents approximately over [REDACTED] individuals from that specific cohort (our clients), of which 73% are children and [REDACTED] at significant risk. These figures do not represent the other individuals and families who were not part of this particular cohort but whom *GAPLS* represent.

In the weeks following the 31 August deadline for the International military forces to evacuate Afghanistan, *GAPLS* were able to analyse some of the Embassy Group's LEE Visa applications and were not at all surprised to discover that many of those rejection letters indicated the forms had not been completed correctly or entirely. Those in the Embassy group who received rejection letters sought to submit a clarification of their application in order to make their situation more clearly understood.

Dr Kay Danes wrote to DFAT on 08 September 2021 on behalf of the Embassy Group.

Of the Embassy contractors without Visas, I have examined their original LEE Visa applications and it is very obvious to me that most of those [REDACTED] were done on the run under extreme difficulty. Hence, there were issues around language and a lack of cognitive understanding of some of the questions asked. Mostly their inability to articulate their situation thoroughly.

I am in daily contact with them and have suggested they revisit their applications to better articulate their situation, before returning these to me, along with critical data that was not in their initial application. (Passports, Taskeeras, employment records, references, Embassy ID cards etc.). It would be reassuring if these go through to the relevant Department that they are not considered to be 'new applications.' It is understandable that their focus at the time was to get their families to safety and each have expressed that they certainly struggled with the enormity of the application that was written in English, as opposed to Dari or Pashto.

The only other issue I wanted to raise was the priority to those who are in hiding and my hope that they can be pushed through with some urgency.

Dr Kay Danes, OAM  
Independent Humanitarian Advocate  
for the Australian Embassy Security Guards and Contractors

Following this correspondence, on 09 September 2021, Dr Kay Danes wrote a subsequent email to provide information to Payne's office and, with that, a request that the previous applications be treated with some urgency.

Dr Danes wrote: "I would be grateful if [REDACTED] families' visa applications can be treated as URGENT and not as new applications. This Group is at very high risk from the Taliban as they are Hazara, Tajiks and Shia who worked for the Australian Embassy."

As stated, priority should have been given on the grounds of ethnic persecution. The response from DFAT was that *'[names redacted] will ensure these details get to the right areas.'*

The following is an example of the cover letter that the Australian Embassy guards were encouraged to write to DFAT to explain their intention to provide more information in response to the rejection of their original LEE Visa Application. Dr Kay Danes forwarded their documentation to Payne's office at the request of those [REDACTED] families.

Dear Sir,

My letter is to you from a [REDACTED] and hope that you can assist me urgently as my family and are facing extreme danger because of my work for Australian Embassy. My wife and I are Shia Muslim and Tajek from Panjshir province which makes our family at great risk. I originally submitted my LEE visa application on 03 JUNE 2021. At that time I made my application me and my colleagues (196+ Australian Embassy security guards, contractors and families) were hiding from the Taliban and insurgents (ISIS) after the Australian Embassy closed in 28 May 2021. Many of us filled out our application forms very quickly and we did not have any assistance to help us understand the language that is not our language. So we were not able to provide the information that would have allowed the DFAT to assess our claims properly. We received a letter on 21 August 2021. This letter made our morale go very low as it was from the Department of Foreign Affairs saying "Australia's Minister for Foreign Affairs has considered your application. Unfortunately, you are not eligible for certification under this visa policy." Since that rejection, we continue to hide in a safe house. We must stay hidden because if we are caught then we could put many lives at risk because we are in contact with many other Australian visa holders who worked with us at the Australian Embassy. We contact each other to make a network to stay safe. I am one of the delegates of the Australian Embassy group. I am responsible for helping my colleagues stay safe and communication on their behalf with our humanitarian advocates and migrant lawyer in Australia. We are also in contact with other Australian and other countries visa holders [REDACTED]. The Taliban and ISIS are looking for anyone who worked with the foreign governments and every day our lives are in danger. We have a lot of stress and fear. Our Group was unlucky to get the rejection letter because we did not have any help to fill the forms. Many of my Embassy colleagues got their eVisa s449 already on that day and they had help that we did not. Many of us have the same work history as them but some of us did not get that visa because our application was not clear. Some of our friends got accepted in the airport and flew to Australia. I ask you to help us get our information to be accepted from DFAT. You can see we have provided all our details correctly this time Insha'Allah. Thank you very much for your help to our Group. Each of my colleagues will include a similar statement in their application to your Department. We are a [REDACTED] Australian Embassy guards, contractors and families.

[NAME REDACTED]

Australian Embassy Security Guards and Contractor Delegate

Correspondence was sent on 09 September 2021 to request the Department reconsider their visa applications.

### **Australian volunteers doing the heavy lifting**

The mission of rescuing all those Australian Visa Holders who have been left behind by the Australian Government falls to private rescue groups who are made up of civilians, humanitarians, Veterans, faith-based and human rights charities. Whilst these individuals and groups are inspiring in their endeavours, as most are volunteering their own time and resources, there is an enormous amount of pressure on them to meet the expectations of those they seek to help. They operate in an environment that is as secretive as it is confusing and try to get people half a world away on someone's radar for Evacuation.

'All of the Australian Embassy Security, Contractors and their families and many other Australian Visa holders are relying on volunteers, like myself, to ensure they have accurate information to make informed decisions about their safety. Some volunteers feel completely frustrated and despair because they don't have the financial capacity to help secure flights for people being hunted. That's an enormous moral undertaking for volunteers when it should be the responsibility of governments who have the financial capacity, human resources and political clout for such things. I know of many small businesses in Australia that are doing a great deal of work for free and at the expense of their core business. Australians are generous, but sadly their Government is not matching that generosity, and that failure will be one of the considerations of a Senate Inquiry,' said Dr Kay Danes, OAM.

Unfortunately, there are so many Australian visa holders to rescue and not enough assets and resources. Until the Australian Government makes a deal with the Taliban for air travel and overland routes, those Australian visa holders will remain at significant risk.

#### **Statement from an Australian Embassy Security Guard who was not evacuated**

*I have been working as a former security guard at the Australian Embassy in Kabul about six years. During this six year I have been working honestly with other Australians day and night for the life and property of diplomats and Embassy security staff. Despite the many risks I was still honestly protected even at that time. I was not safe and I couldn't go out from Kabul and I couldn't have any fun because of my job. It caused my family a bad situation now. The Taliban come during night to find those who worked for foreigners and searching the house and kill in front his family. Now I live like a thief or a prisoner. I change my place [REDACTED] days and now I live in [REDACTED] Even we have nothing to eat and I can't sleep whole night up to morning. Therefore, I ask you and the Australian Federal Government to help and rescue us as soon as possible before they find me and put a knife by these executioners to reach to our throats. Save us from this misfortune. We ask you please.*

Dr Danes continues to remotely coordinate contingencies in support of overland evacuations for Australian and other countries visa holders left behind in Afghanistan and who are at serious risk of harm.

"I am part of a network of professionals who remotely manage overland evacuations. I work with [REDACTED] who cannot be named for security reasons but who accept the names of evacuees on my list, and together we seek to get them safely out of Afghanistan. It's a big job because the people who come to me are in despair, having been abandoned by their Government. I've been working solidly around the 24 hour clock for months, across three different time zones, trying to save lives. But it's the people on the ground who are taking all the risk. [REDACTED]

Sometimes when we have [REDACTED]

The names on my list grow daily, and I know that there are far too many people to rescue and not nearly enough resources. However, if they are genuine visa holders, our team will try and do what we can to help them. There are strict protocols in place to ensure security vetting processes. We take that very seriously and send our list through to the various Government departments, so we don't compromise the security of Australia and other host countries," said Dr Kay Danes.

So whilst it is a well-known fact that volunteers are working around the clock to assist Australian visa holders and those who have visa applications pending, what is not known is how the Australian Government departments have designated their staff to specifically undertake the processing of visa applications relating to Afghanistan.

I personally would welcome an opportunity to explore how our best practice model compares to that of the Government since we have been able to achieve incredible outputs with very limited resources.

#### **Questions:**

- How many DFAT staff were directly tasked to process visas specifically for Afghan evacuees?
- What is their specific work schedule? What shifts are they working? How many hours each day/night do they work? Does their schedule include weekends?
- What were the qualifications of the DFAT POC in the Kabul Airport?
- Was there one DFAT POC who was using an alias, or were there multiple DFAT POC (s)?
- What instructions were the DFAT POC (s) operating under? Did they have a priority list for evacuations? What was the order and number of evacuees (i.e., Australian passport holders, DFAT or AusAID, ADF...etc.)?

- Did DFAT have any idea of the number of Australian visa holders they were expecting to evacuate? Was there a specific number or quota system?
- Where on the DFAT list were the Australian Embassy Security Guards, Contractors and their families?

### Inadequacy of Australia's evacuation response

Whilst it is acknowledged that the Australian Government has faced immense challenges with the evacuation response, there are deep concerns within the community about the lack of engagement between the Australian Government and those advocating for Australian visa holders and non-visa holders in Afghanistan. Evacuation planning and implementation are shared responsibilities. In some circumstances, the responsibility to decide to evacuate, or seek shelter, falls on individuals, assisted by the warnings and information provided to them by Government. Evacuation routes are assisted by local knowledge to understand not only the risks that could arise to evacuees but also the knowledge of and availability of the routes themselves. Local capabilities are a critical source of information and resource that, in this case, was under-utilised by the Australian Government and its agencies. Thus, many Australian visa holders were left to fend for themselves in an extremely volatile situation that was made more dangerous due to the lack of communication and support from the Australian Government. Consider this context: the US Government approved a plan and a budget within days to utilise outside groups to evacuate their people and Afghans who hold US visas via charter flights.

### Questions:

- Did the Australian Government at any time seek to negotiate with the Taliban to utilise charter flights to provide a similar service as their American counterparts?
- Did the Australian Government allocate any financial resources that could be used to support local contractors undertake overland evacuations?
- What resources did the Australian Government allocate to support Australian Visa Holders who were able to evacuate to third countries like Pakistan?

### Recommendation:

Create a task force comprising of those working with local contractors to feed into a Crisis Control Centre (hubs in each state and territory) that are manned 24/7. A task force could be utilised to ensure relevant, best practice and coordinated crisis planning, risk mitigation, response and recovery are conducted at all levels within the evacuation response framework. Thus, opening the possibility to creating a more effective and efficient humanitarian response service: information sharing, collaboration, understanding of hazard exposures, vulnerabilities and triggers, community awareness, interoperability and capability development.

One of *GAPLS* clients is an Afghan interpreter who worked for the ADF and who is now an Australian citizen. He articulated valid concerns in respect to Australia's evacuation response:

*"My brother and his family are currently stuck in Afghanistan despite having visas issued. He has put his life in danger by working as an interpreter for the ADF for 5+ years. Yesterday when the international flights started I was overwhelmed with joy. I contacted the Consular Emergency to see what Australia's plan is. The operator stated that my brother has to get out of Afghanistan by himself. She also stated that he has to get his own flight as Australia isn't as powerful as America. She told me that my brother has to get a visa for a third country and pay for all his expenses then catch a flight to the third country. My brother has no income right now, and no embassy is open in Afghanistan other than the Pakistani Embassy. Which is overloaded with people desperate for visas. Even if he does get a visa from Pakistan he will have to travel to Pakistan by crossing the border which is extremely dangerous. With no income or the ability to get another visa, how will my brother and his family come out of Afghanistan? I was told, that there weren't any plans to arrange for a flight out of Kabul, since the Australian Government won't negotiate with Taliban. They could at least ask the Americans or other countries for help.*

*The option which they suggest, is not practical, achievable and at the same time is extremely risky. If Australia isn't powerful enough to get out it's people and the people who worked with them, why don't they ask for America, Britain or Qatar Airlines for help? All of those places managed to get their people out and are continuing to do that. If Australia doesn't want to communicate or cooperate with the Taliban then why not cooperate with Qatar? They could hire Qatar planes and organise flights for the citizens and visa holders."*

**Questions:**

- When was the evacuation plan created for Australia's evacuation response to Afghanistan?
- What agencies were involved in creating that plan?
- How much of an impact did COVID and Quarantine have on the Evacuation of Australian visa holders?

Arguably, many feel the Australian Government did not plan well for a more orderly evacuation and could have easily sent emails to Australian visa holders instructing them to evacuate according to a clear process that would have mitigated the risks they were exposed to. This, as opposed to simply advising them to go to the airport when they thought it was safe to do so.

**Recommendation:**

Australian visa holders could have been advised that "Only Australian passport holders should make their way to the airport at this time. All other Australian visa holders should remain at home until further advised." Such a simple message could have prevented much of the congestion at the airport gates to mitigate unnecessary risk.

Certainly, in the days leading up to the 31 August deadline, only US passport holders were being evacuated. If Australian visa holders had been told this information, then they would likely not have risked their lives and that of their families to maintain vigilance at the airport. Thus, exposing them to Taliban reprisals.

**Question:**

- Why did the Australian Government direct all Australian visa holders to the one congested airport gate (Abbey Gate) instead of utilising the abandoned Australian Embassy or some other building as a collection point, similar to when the Americans and other countries utilised the Baron Hotel, roof tops and lobbies of buildings, and charter planes and buses for evacuations?

The Qatar Embassy utilised the Serena Hotel to pick up people and bus them into the airport. Likewise, other countries used the Baron Hotel, and many were able to offer their visa holders alternatives to the 'Kabul only' route.

**Questions:**

- Did the Australian Government consider engaging Coalition partners to negotiate evacuation options for Australian visa holders, and assuming they did, was there any consideration to utilise other transport and route options?
- Did the Australian Government have any 'overland contractors' to advise them or facilitate support to Australian visa holders in Afghanistan post the 31 August deadline (other than Dr Danes and her associates)?

In many of the Australian press conferences undertaken by the Australian Government, there appeared to be many instances where information downplayed the threat that Australian visa holders faced.

19 August, 2021

Defence Minister Peter Dutton has accused some Afghans who worked alongside Australian forces of "shifting" their allegiances, as the federal Government faces stress to soak up extra who are fleeing the Taliban. <https://au.newschant.com/national/peter-dutton-suggests-some-afghans-who-worked-with-australia-have-shifted-allegiances/>

**Question:**

- Was the Australian Government or its media representatives engaging any independent contractors in Kabul to get feedback concerning the impact that the Australian Government's messaging and other media messaging was having on Australian visa holders?

The Australian Embassy guards had worked with Australia for a decade. All of the evidence they submitted to the Australian Government was appropriately security vetted. They would still be working for the Australian Embassy had they not had their employment contract terminated '*due to the project reduction and downsizing of personnel requirements, as notified by GardaWorld's client.*' They are now being hunted by the Taliban. They do not sympathise at all with the Taliban.

**Question:**

- Did the Australian Government at any time ask what assistance GardaWorld and other Australian companies were providing, if any, to Australian visa holders who worked for the Australian Embassy under their employee?

*GAPLS* have been working pro bono, in shifts, and around the clock to cater to different time zones. *GAPLS* caseload has been enormous, and its staff efforts have been constantly met with obfuscation or total non-responsiveness. On one occasion, a DFAT deputy secretary did respond, in the initial phase leading up to the Evacuation phase, it was to thank *GAPLS* for providing 'actionable' information about the situation on the ground in Kabul. The problem was the actionable information was not subsequently acted on. Embassy guards were repeatedly turned away at the airport.

**Question:**

- Why was it so difficult for the Australian Government to communicate with essential service operators who could have been utilised to help mitigate the chaos that consumed the Kabul airport evacuation points where Australian visa holders were being directed?

Hundreds of Australian Visa Holders were turned away from the Kabul airport gates because they only had visas in 'email format' from the Australian Government. Even after this actionable matter was brought to the attention of the deputy secretary, hundreds of Australian visa holders continued to be turned away, and even after they had managed to fight their way through crowds and Taliban checkpoints. The ADF soldiers repeatedly turned the Australian Embassy Group away, telling them they did not have the right visa or that they needed a visa stamped inside their passport.

**Questions:**

- Did the Australian Government consider that Australian visa holders would be unable to print their 449 e-Visas, given that the country was in a humanitarian crisis?
- Did the Australian Government consider the impossibilities that Australian visa holders would face if their mobile phone batteries went flat, thus, preventing them from showing their e-Visas to soldiers at the gate?
- What level of communication was in place between DFAT and ADF to ensure soldiers at the gate understood what the e-Visa was?
- Did the ADF Soldiers know what a 449 Visa was?
- What instructions were given to the ADF soldiers in the event they were approached by Australian visa holders?

**Recommendation:** Implement an Australian Emergency Passport (with an emergency travel visa) to assist those persons who are at risk of persecution and require urgent Evacuation during a humanitarian crisis, and to those who are unable to obtain their country's approved travel documents as a result of that country becoming a failed state.



### Misleading facts about the airport evacuation

A number of statements were made to the media that gave the impression that many Australian visa holders could simply not access the airport, and that is why they were not evacuated. Granted, the outer perimeter of Kabul airport was controlled by the Taliban, and it was a very difficult space to navigate. However, the Taliban were cooperating and allowing people through.

Mr Morrison additionally confirmed on Wednesday 26 individuals – which included Australian residents, Afghan visa holders, and an international official – flew out of Kabul. Mr Dutton defended the comparatively small flight and stated there could be extra evacuation flights to comply with.

“We had limitations on how people can get to the airport and it’s a very difficult situation on the ground,” he stated.

“It’s not like turning up to a normal airport where people can come and go freely. It’s clearly a difficult situation for people to make their way to the airport and I think that’s the reality of the circumstances on the ground.”

On the contrary, thousands of Australian visa holders waited for days in the sewage channels. All of them had notified DFAT in advance of their arrival, when they were expected to arrive at the gate, and where they would be positioned. This is evident in the text messages that Dr Kay Danes shared with the DFAT POC and the Embassy Group, and ADF.

#### Question:

- Did the Australian Government plan for thousands of Australian Visa holders to be evacuated, or was that number more modest?
- Did the Australian Government have a specific deadline for when it would finally leave Kabul airport?

Many have accused the Australian Government of bureaucratic bungling, which they suggest has put lives at unnecessary risk. *GAPLS* became aware of one of its clients addressing this issue in the media:

#### ***Najia’s Amairi’s family has a bloody history working for Australia. By Cydonee Mardon (NewsCorp)***

Her brother Hashmatullah Amiri was killed by a rogue member of the Afghan National Army alongside three Australian soldiers during an operation in the province of Uruzgan a decade ago. Fearing her husband, a former interpreter, would be next, Najia fled Afghanistan to the safety of Newcastle. But her mother and father, her siblings, her aunts and uncles were a collective red rag to a bull to the vengeful Taliban, hungry to hunt down traitors and make an example of them. The family fled to Pakistan, hoping it would be the first step to a safe passage to Australia but calls for help fell on deaf ears. Their visa expired and they were deported back to Afghanistan.

“The Taliban soon knew we were back in Afghanistan and they knew they would kill them,” Najia told the *Saturday Telegraph*. “They were calling my family, they were saying we want your son. We will find you. We will find you and punish you for working with the Australians. Then on 15 August the Taliban attacked my uncle’s house trying to find my family to kill them. They attacked and killed all of my uncle’s family, son, daughter ....very upsetting,” she said through tears. “My dad was hiding, my sister was hiding, everyone was hiding separate but when my dad knew the Taliban killed his brother and my uncle’s sons and daughters he again called the Australian Government. He said the Taliban told me it’s a warning we will find you as soon as possible and kill you. My dad said, ‘Send us a visa or something we will go to airport and we will save our life’.”



When the family first managed to get inside the Hamid Karzai International Airport terminal they were told by an Australian civilian to leave because they did not have a visa. They presented correspondence from their legal team in Australia stating they were represented and being arranged visas. "We then arranged for them to be evacuated by US aircraft," said lawyer and veteran Glenn Kolomeitz. "This family got to Al-Maktoum from HKIA and then sat there waiting for more than 28 hours for Department of Foreign Affairs and Trade or the Australian Defence Force to retrieve them and take them to the Al Minhad Air Base in Dubai. DFAT never arrived such that the family was transferred to the Ramstein Air Base processing centre in Berlin, Mr Kolomeitz said. "They were subsequently placed in the Ramstein Air Base Refugee Camp pending transfer to their "designated country" – they have been told this will probably be Uganda. They are in possession of correspondence from us stating we act for them and expect the Australian Government to exercise its responsibility in this regard."

Mr Kolomeitz and the team from GAP Legal Services have sent multiple emails urging the Australian Government to intervene and bring the family to Australia to their relatives in Newcastle - but they are met with silence. Now, the 17 relatives of Hashmatullah - who lost his life fighting for Australia - are stuck in a refugee camp in Texas. It's a devastating situation for Hashmatullah's sister, helplessly waiting and hoping her family will be reunited.

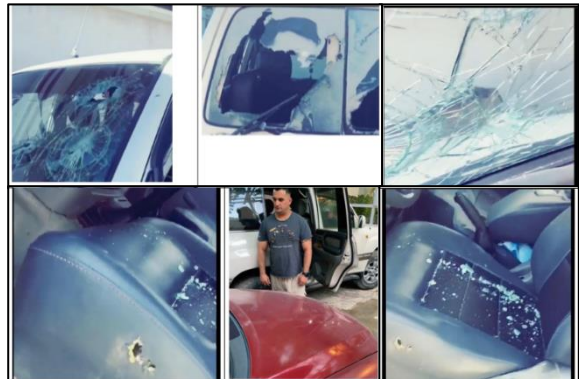
"There are 17 members of my family in Texas, my two brothers, wives and his kids, one of my sister's husband. My mum is crying, saying please please help us. My other brother, three sisters are left behind in Afghanistan. One sister is missing. On 28 August they attacked her house, broke her cars, they broke her leg, they hit my other sister. It's very very bad for them. My neighbours took my sister to hospital. There is no one from the Government helping my family. I can't call my sisters now because they will find them. The Taliban said this is a warning. Any minute they will kill my sister this is so very upsetting. My family helped the Australians, why won't they help us and bring my family."

International humanitarian Dr Kay Danes said "the failure of the Australian Government in this story reflects a dilemma that thousands of Australian visa holders are experiencing in Kabul as they move from house to house hoping to avoid brutal reprisals from Taliban. All of these families and those from the US, UK and Germany are now relying on volunteers like myself to ensure they have accurate information to make informed decisions about their safety. Some feel completely frustrated and despair because they don't have the financial capacity to help secure flights for people being hunted. That's an enormous moral undertaking for volunteers when it should be the responsibility of governments who have the financial capacity, human resources and political clout for such things." Dr Danes said she also knew of many small businesses in Australia that are doing a great deal of work for free, and at the expense of their core business. "Australians are generous but sadly their Government is not matching that generosity and that failure will be one of the considerations of a Senate Inquiry." The Department of Foreign Affairs and Trade has been contacted for comment.

[https://www.dailytelegraph.com.au/subscribe/news/1/?sourceCode=DTWEB\\_WRE170\\_a&dest=https%3A%2F%2Fwww.dailytelegraph.com.au%2Fnews%2Fworld%2Fafghan-family-hunted-by-taliban-battle-australian-government-for-visas%2Fnews-story%2F25a1687de34b65a0d5e6c174c64e958d&memtype=anonymous&mode=premium&v21=dynamic-hot-control-score&V21spcbehaviour=append](https://www.dailytelegraph.com.au/subscribe/news/1/?sourceCode=DTWEB_WRE170_a&dest=https%3A%2F%2Fwww.dailytelegraph.com.au%2Fnews%2Fworld%2Fafghan-family-hunted-by-taliban-battle-australian-government-for-visas%2Fnews-story%2F25a1687de34b65a0d5e6c174c64e958d&memtype=anonymous&mode=premium&v21=dynamic-hot-control-score&V21spcbehaviour=append)

## DFAT Response to the Shooting of Australian Embassy Guard

Reports from [redacted] have confirmed that one security officer was shot dead in front of his son. Another died from an improvised explosive device planted in front of his house. And another was shot at while travelling with his family. [Name redacted] and family were travelling in their vehicle in [redacted] Province, Afghanistan, on [redacted] June 2021. [Name redacted] is employed by Garda World at the Australian Embassy, Kabul. While coming back from his in-law's house [redacted] province, an unknown gunman shot 5 bullets at his vehicle. His wife and small son were in the vehicle. [Name redacted] took evasive action to avoid being killed or captured. He was targeted because of his employment with the Australian Embassy. He and his family now live in their home like prisoners.



When [Name redacted] wrote to DFAT in [redacted] to inform them of this incident.

DFAT responded by asking [Name redacted] for a copy of policy/hospital admission reports to support his claim.

### DFAT response to the shooting

**From:** Afghan LEE <[redacted]>

**Date:** [redacted] 2021 at 3:19:48 PM GMT+4:30

**To:** [Name redacted]

**Subject:** Additional information required [SEC=OFFICIAL: Sensitive]

**OFFICIAL: Sensitive**

Dear Mr [Name redacted],

You provided an account of your kidnapping and torture. Did you report this to the police, did you get treatment from hospital for your injuries? Can you provide policy / hospital admission reports to support your claims?

Please provide by 22 [redacted] if possible.

Yours sincerely

Department of Foreign Affairs and Trade

In any other situation, DFAT's response would be considered reasonable. However, given the situation unfolding in Afghanistan and the threats that had already resulted in the decision to close the Australian Embassy and evacuate its staff, DFAT's response in that context shows a lack of appreciation for the Embassy guard's situation and for the environment and political hostilities in which he and his family were facing at that time. Although the Embassy Guard provided photographs of the incident, he was not able to report the matter to the police because the country was in turmoil. Many of the police had abandoned their stations or were in the process of doing so. The hospitals were not safe places for him to go because the Taliban were looking for anyone who worked with US or Coalition forces and had already issued threat notices to them and to the Australian Embassy Group.

## Letters from the Embassy Guards to Government

When we informed our clients [REDACTED] that there was to be a Senate Inquiry, many of them wanted to raise their voice to the Australian Government. These are just some of those examples:

### Embassy Guard -A

*I am one of the former static guard. I have done my job with complete honesty for more than eleven years for Australian Embassy in Kabul. Because I have a small child at the age of one and a half year and my wife she is pregnant, I could not take advantage of the Evacuation granted by the Australian Government, while I also have a visa. And now I am hiding in a house of my friends where no one knows me. You and all the people of the world understand that the Taliban are looking for people who have worked with foreigners and the former Afghan Government. They seek to trap us and every day we see arrests in different parts of the city. This work of the Taliban has a very bad effect on the morale of me and my pregnant wife. I do not sleep for more than an hour or two in 24 hours. I always looking to the doorbell ring or when the door is opened and the Taliban enter. I am scared they will arrest me or shoot me in front of my family. This is a nightmare that my family and I see with our open eyes every day and night. Please let our voice be heard by the Australian Government. There is a lot of pain and complaints but not everything can be explained here. We are hiding.*

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### Embassy Guard -B

*I am a former Australian Embassy security guard and I am [REDACTED]. I couldn't get into the airport even though I spend 4 days around it, mostly in the ditch of dirty water. I am now under the serious threat from two sides. One I was working with Australian Embassy and two, I am Panjshir which is a direct threat for me. Taliban have check points on the main road and they arrest every one that they are from Panjshir and they have big containers putting 50 to 80 people into that and taking them to an unknown area. Nobody knows where and what they are they doing with them. We don't know but please help me. I am in high risk.*

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### Embassy Guard -C

*I am one of the Australian Embassy guards. I am under the serious threat from three sides. One, I was working with Australian Embassy and second my father was a [REDACTED]. On behalf of my dad as [REDACTED] we are all under the threat. The third one is that I am from the Panjshir and the Taliban will kill me because they take everyone from the Panjshir and do something bad to them. They are putting their bodies in the containers. I am very afraid they will do that to me.*

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### Embassy Guard -D

*'I am really happy that you guys can make most of our guys evacuate from this hell with their families...this is really a pleasure to me...and to other guys also. So now it's a time for [REDACTED] that they left behind...so please give us advice...or tell us what we should do...we didn't know our problem, we didn't know our mistake ... we didn't know what we done...and no one respond to us...We sent an email to DFAT... to everywhere... still I didn't receive anything...so the guys keep asking me so I also have a lots of tension and worried same like others... please help us ... I am waiting for your reply ... for your response... thank you my dear sister!*

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### Embassy Guard -E

*I'm one of the Security guards of the Australian Embassy. It is clear that the Taliban take all over Afghanistan and they start their activities against those people that they worked with foreign countries, especially all Embassies. They also do house to house investigations. They conduct nightly operations in 17 Districts of Kabul city where myself and my Embassy guards live. that I live. They are undertaking violence activities as the name of Taliban (stolen, kidnapping , occupying properties). We are under the threat of Taliban because of our work for Australia. We can't work. We can't travel. And we don't have money so no one can buy anything for keeping our life. We are like personal prisoners in our own house. We don't have any ambition to our life without Evacuation from this bad situation. I'm under the serious violence act of Taliban. They say in media we are allowed the amnesty but it's just slogan still yet. Please try to rescue us.*

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### Embassy Guard -F

*So we went to the Kabul airport several times for a long time. I had a rough time taking my family with me there. The airport had 7 gates and all the gates were closed. Only one gate was open and everyone entered through the same gate. I was in the airport for three days and nights but I could not enter the airport. I was still told that the airport was being attacked. I met the Australian people several times but they did not accept my documents and just told me to wait. I did not know why they did not accept my documents. It was the letter they told us to bring with us. We did everything they told us but they did not accept us. It's very hard going through a very dirty atmosphere with your family. We had wore our best clothes because we were think that we go to Australia and want to look our best for our new country. But they put us in the dirty water and it gave my family a terrible feeling. My children were crying and my wife was crying to me. I could not do anything because the DFAT told us to stay there and be patient. Which was also a very difficult task. After three days it was warned that the field would be attacked. I had to come home with my family. I could not risk them to the shooting any more. I am still at home. The situation [REDACTED] is not good and we cannot go outside to find any job because we are risking our lives. Everything has closed down and it's getting worse and worse everyday. So if you can do something about this please do it and try to help me and my family get out of this place we are at right now. I don't understand why the Australian Government gave us the visa to leave but then they leave us here. Thank you so much if you can help us because we have no one else.*

## PETITIONS SUBMITTED TO AUSTRALIAN PARLIAMENT

### Petition EN2764 - Advocating URGENT protections for Afghan Mission Essential Personnel:

[https://www.aph.gov.au/e-petitions/petition/EN2764?fbclid=IwAR3jeVgS76WXiRUag5R3VsDpnp5LO67xpgZzifJRaFb\\_SQTvoLWbE4SmrQs](https://www.aph.gov.au/e-petitions/petition/EN2764?fbclid=IwAR3jeVgS76WXiRUag5R3VsDpnp5LO67xpgZzifJRaFb_SQTvoLWbE4SmrQs)

On 28 May 2021, the Australian Government closed its Embassy in Kabul ahead of its final troop withdrawal. There was no bipartisan consultation on this important decision that has a direct negative impact on Australia's ability to deliver and monitor our ongoing development partnership with Afghanistan. The Embassy's closure has also diminished our Nation's reputation as a reliable strategic partner. Throughout two decades of war, Afghan citizens worked as contractors for the Australian Defence Force and other Australian agencies. They provided mission essential services and put their own lives, and that of their families, at extreme risk. They sacrificed their safety to protect Australian troops conducting operations in Afghanistan. They wore the Australian uniform in battle; they protected Australian assets and were directly targeted as a result. They gave their lives for the pursuit of "freedom" and "democracy" - ideals that our Government and its coalition partners promised them. The impact of abandoning those Afghans who gave their loyalty, trust and friendship to Australia and its people, also has the potential to exacerbate existing traumas among Defence and Veterans. Many who may feel deeply troubled by the deteriorating security situation in Afghanistan and the fate and betrayal of their 'brothers-in-arms'.

**Petition Request:** We, therefore, ask the House to act with expediency to uphold that the Australian Government has both a moral responsibility and a strategic imperative to offer safe haven to those Afghans and their families who face imminent danger of being persecuted because of their direct support to Australia. ACT NOW!

### Petition EN2474 - END the violence against Afghan human rights defenders and journalists

[https://www.aph.gov.au/e-petitions/petition/EN2474?fbclid=IwAR315-y8\\_CmDamBktosqZSmLpRgK2jso-SaJOWMkWQ6Fog3mTrJoiGOwGM](https://www.aph.gov.au/e-petitions/petition/EN2474?fbclid=IwAR315-y8_CmDamBktosqZSmLpRgK2jso-SaJOWMkWQ6Fog3mTrJoiGOwGM)

According to its Constitution, Afghanistan is a nation that respects the rule of law, social justice, protecting integrity and human rights, and attaining peoples' freedoms and fundamental rights. The Australian Government has supported Afghanistan through decades of war. Still, as peace talks seek to end the violence, hundreds of Afghan human rights defenders, journalists, and media workers have been deliberately targeted and killed. These attacks undermine the importance of freedom of speech, human rights, and the foundation of a lawful society. The protection of Afghan women fulfilling professional roles in society is also a concern and the protection of women in general. Afghan women lawyers, judges, educators, students, political analysts, civil servants are extremely vulnerable. Many have already been displaced from their roles in several provinces or killed. The deliberate killing of civilians is contrary to international humanitarian law and may amount to war crimes. The Afghan people deserve the protections afforded to them by international treaties and conventions as a human right.

**Petition Request:** We, therefore, ask the House to call on the Australian Government to publicly condemn the violence against Afghan human rights defenders, journalists and media workers, and especially violence against Afghan women in these and other roles in society. We ask the Australian Government to increase its support to the Afghanistan Government by providing urgent and immediate protections for Afghans in these roles, and to protect their legitimate rights to life, freedom of expression, to access education, employment and other fundamental freedoms without fear of reprisal or attack. (Ministerial response provided 18 June 2021)

[file:///C:/Users/the\\_d/Downloads/EN2474%20-%20Ministerial%20response%20-%20Foreign%20Affairs%20\(1\).pdf](file:///C:/Users/the_d/Downloads/EN2474%20-%20Ministerial%20response%20-%20Foreign%20Affairs%20(1).pdf)

## Current situation with Evacuations (04 October 2021)

The evacuation process continues to be extremely challenging for Australian visa holders. Unlike other coalition partners, the Australian Government does not provide in-country evacuation processes. Australian volunteers, like those who work for GAP Legal Services, assist Australian visa holders free of charge and often work, on average, 18-hour days with very little respite. The current crisis has created a growing black market of operators who sell a range of services at grossly inflated prices. For example, a visa to Pakistan normally costs US\$8 per PAX and can be purchased online. Not everyone has internet access, so they are forced to buy from black market operators. Some of whom are Australians who help broker everything from visas (ranging from US\$250 to US\$350) and passport deals (from US\$800 to US\$1800 or a two for one deal) to safe houses, safe transportation, and country border passes (US\$800 per PAX). They justify their activities by providing a necessary service to those in crisis, those who do not have the connections to broker these critical resources themselves. In other words, people who are extremely desperate. They prey on families who are afraid for their loved ones left behind to face Taliban reprisals.

'I know some of those operators. Not personally, but some have contacted me with offers of help. That help I have not taken of course. Many people would be surprised to know who they are. Some of whom operate in very respectable occupations. Some are well-intentioned but there can be serious repercussions for people when you bend or break the rules. That's something I won't do,' said Dr Kay Danes, OAM

A number of Charter Flights have been operating out of Marzar I Sharif in the north of Afghanistan for Afghans who have passports. One Australian visa holding family was offered seats on one of those flights departing for North Macedonia. The price per seat for a one-way flight was US\$4700 (regardless of age). That family risked their lives hoping to get that flight, but as it turned out, several of the family had expired passports, and some had no passports and because of this they were all rejected. It may have been a blessing in disguise because there is no Consulate operating in North Macedonia at the present time. Assuming that family had been allowed to fly without passports, which is illegal, they would have arrived in that country illegally and could have been subjected to detention, even deportation. Certainly, their 449 visas would have been cancelled, and they would never have any opportunity in the future to apply for immigration to Australia under such circumstances.

Black market operators don't provide the best alternatives when people are in desperate situations. They say there are no guarantees and that much is true. But their services are likely to create more harm than good.

### Question:

- Has the Australian Government considered the situation that Australian visa holders face in the absence of an effective strategy for Evacuation?
- Does the Australian Government intend to broker an agreement with other countries to help facilitate the lawful Evacuation of Australian visa holders from Afghanistan?
- Has the Australian Government considered making an approach to the Qatar Government to ask for its support, given that Qatar is evacuating other countries, visa holders, via the Serena Hotel / Kabul airport on charter flights?
- Would the Australian Government make an approach to Governments controlling the borders of Tajikistan and Uzbekistan to put in place a similar border crossing process as in Pakistan, utilising the issue of a Special Gate Pass through the Australian High Commission?
- Could Australia negotiate to secure private charter flights as other coalition partners are doing? Considering the number of Australian visa holders is considerably less than other countries, it would not be an unreasonable cost to evacuate those who hold visas and passports, thus upholding international travel practices.



The situation for Australian visa holders will only become worse. Already, many of them and their families have been brutally beaten by the Taliban, disappeared, shot and even killed. The window of opportunity to escape brutal reprisals is quickly closing.

The Pakistan Government currently offers the only tangible opportunity for Australian visa holders to evacuate from Afghanistan. However, this option is only available to those who meet a very strict criteria. Every individual who intends to travel must have a valid passport, a Pakistan visa, an Australian 449 visa and a Government issued Border Pass. If they meet those requirements, then and only then, can those individuals and families begin the perilous journey through multiple Taliban checkpoints.

“Many Australian visa holders don’t have passports, but they do have valid Taskeras (National Identification Cards) and other certified documents. I don’t know why our Government can’t simply issue an Australian Emergency Passport (with an emergency travel visa) to assist these people? Their situation is as dire as it is extenuating. These are the kind of challenges we continue to face. Hence why it’s important to maintain a dialogue with DFAT. I am personally willing to share whatever information I can to ensure positive outcomes are gained from all the lessons we have learned from these experiences!” Dr Kay Danes, OAM.



## Conclusion

More than a month has passed since the 31 August deadline in Afghanistan. As of 30 September, *GAPLS* has represented 2,337 individuals and remain committed to seeking assurances for those who receive a Humanitarian Stay (Temporary) 449 e-Visa and those who did not. Our combined efforts keep us committed to providing clear and compelling information to help those who remain in Afghanistan protect themselves and their families.

We acknowledge the support from the Australian Government. We are grateful that even in this late stage of the evacuations, they continue to push through hundreds of our evacuation requests. The level of support from the Australian Government has remarkably improved, and for that, we are very grateful.

“On a personal note, I would like to acknowledge three people who have supported me personally throughout this crisis: Warrant Officer (Retd) Kerry Danes, Mr Justin Bassi, Chief of Staff for the Australian Minister of Foreign Affairs, and Mr Dan Parker, Chief Operations Manager of the Australian Special Forces Veteran Charity—Wandering Warriors. Together we have been working on the operational side of things to plan and execute overland evacuations. I am very grateful for their expertise and guidance, given the enormity of our task and the challenges that we continue to encounter on the ground.

Acknowledging the team:

### *GAPLS*

Dr Kay Danes, OAM  
Mr Kerry Danes, CSM  
Mr Glenn Kolomeitz  
Mr Doug Grierson  
Ms Bronwyn Archer Dawson  
Ms Grace Tasic  
Mr Andrew Dawson

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