



Afghanistan Transitional Justice Coordination Group*

Press Statement: Marking the 21st Anniversary of Afghanistan's Membership in the International Criminal Court; and

Emphasising a Rapid and Holistic Investigation, Effective Public Outreach and the ICC's Principals Afghanistan Visits

Issued on 1 May 2024

Today, as we commemorate the 21st anniversary of Afghanistan's accession to the International Criminal Court (ICC), we reflect on the significance of this milestone in the context of current international judicial efforts and the ongoing struggle against impunity and justice delivery. Since November 2022, the ICC has been actively investigating serious allegations of human rights abuses and international crimes committed on Afghanistan soil or related to the Afghanistan conflicts since 1 May 2003, the date Afghanistan became a member of the Court. The investigation scope includes those involving the Taliban, the Islamic State – Khorasan Province (ISKP), the US's CIA and Army, and the National Security Forces of the fallen Republic of Afghanistan.

The Importance of ICC's Role

The ICC's mandate to fight impunity and deliver justice is more relevant today than ever, especially as Afghanistan faces ongoing challenges of gender and ethnic persecution. By prosecuting those responsible for serious crimes, the ICC must provide a path to justice for victims and serve as a deterrent against future violations. Yet, the effectiveness of the ICC cannot be isolated from broader international efforts. Collaboration with United Nations agencies, universal jurisdiction, and proactive national inquiries by states with a historical military presence in Afghanistan are vital. These efforts should be synchronised to reinforce the ICC's capacity to bring perpetrators to justice.

Urgent Need for Rapid and Comprehensive Investigations

The Office of the Prosecutor (OTP) of the ICC has prioritised investigations into atrocities committed by the Taliban and ISKP. This focus is crucial; however, addressing allegations against other actors, including the US CIA and its Army, is equally important. Accountability must be exhaustive and inclusive to ensure justice for all victims and to end the cycles of violence and retribution that have plagued Afghanistan for decades.

The ICC's investigation into the situation in Afghanistan is one of the Court's longest-running investigations. We understand there have been many hurdles, but Afghanistan is yet again at a crossroads; we would anticipate an impeding development in this case. This will further strengthen the widespread call for accountability for atrocity crimes committed in Afghanistan.

The Need for Enhanced Public Outreach

One critical area needing immediate improvement is the ICC's engagement with the Afghan public and other stakeholders such as civil society organisations and media outlets. Effective public outreach is essential to educating and involving victims and informing the community about the ICC's work, processes, and goals. Public awareness initiatives can bolster support for the ICC's mission and enhance the legitimacy and effectiveness of its investigations.

Recommendations

To the ICC and the OTP:

- According to the approved mandate, expand and deepen investigations to include all parties alleged to have committed atrocities, ensuring a comprehensive approach to justice.
- Implement robust public outreach programs in multiple languages relevant to Afghanistan to connect with and educate affected communities and deter potential future perpetrators.
- Speed up the investigation and issuing of arrest warrants against the primary perpetrators of past and ongoing international crimes in Afghanistan.
- The Court's principals must travel to Afghanistan and directly meet victims and members of affected communities.

To UN Agencies, including the UNSR for Afghanistan:

- Support the ICC's efforts through logistical support, data sharing, and facilitating access to witnesses and evidence.
- Enhance victim support programs to address the immediate needs of affected populations, focusing on psychological and legal assistance.

To State Parties to the ICC:

- Provide the ICC with sustained political, financial, and technical support for thorough, unbiased investigations.
- Promote and practice cooperation with the ICC's requests for information and assistance, including arresting and surrendering suspects.

To States with Past Military Presence in Afghanistan:

- Initiate or continue national investigations into the conduct of their deployed forces, ensuring transparency and adherence to international legal standards.
- Share findings and cooperate with the ICC to facilitate broader accountability efforts.

To the Taliban:

- Reverse their discriminatory policies and practices against women and girls immediately.
- Stop their ethnic and religious-based discrimination and atrocities.
- Adhere to Afghanistan's international obligations, including those human rights treaties Afghanistan is a member of.

As we mark this anniversary, let us renew our commitment to justice and peace in Afghanistan through strengthened cooperation and an unwavering pursuit of accountability. With support from the global community and other relevant actors, including victims' groups, the ICC must continue to play a pivotal role in these efforts, ensuring that no perpetrator of severe international crimes remains beyond the reach of justice.

END

* About the TJCG: Afghanistan Transitional Justice Coordination Group (TJCG) is a coalition of human rights organisations and individual experts active in the field of transitional justice for Afghanistan. The TJCG was formed in 2008 to strengthen advocacy and strategic coordination between organisations involved in transitional justice in Afghanistan. Since its inception, the group has been active and outspoken on transitional justice issues, including accountability for mass atrocities committed against the civilian populations in Afghanistan. It has dedicated itself to raising the voices of Afghanistan's victims of war and oppression.