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**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

### **Written statement\* submitted by Human Rights Research League, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2025]

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\* Issued as received, in the language of submission only.



## **Nascent Attempts at International Accountability, While Atrocity Crimes Continue in Afghanistan Amid Humanitarian Crisis**

Afghanistan continues to represent one of the gravest humanitarian crises in the world, characterized by some of the most serious human rights violations, coupled with economic instability and natural disasters leading to acute food insecurity. On top of the atrocious human rights situation especially for women and girls in the country, the ban on girls' education beyond the sixth grade and the almost complete prohibition of women's participation in public life, including in the work place, and the concomitant huge gaps in health and other service provisions for vulnerable populations that depend on women performing their job functions, these ramifications contribute to undermining Afghanistan's recovery from four decades of conflict. The recent expulsions of Afghans from neighboring Pakistan [1] and the Islamic Republic of Iran [2], along with the continuing threats of further push-back against these vulnerable populations even further exacerbated the already dire situation. Many of the forced returnees now form part of the more than three million internally displaced persons [3] and add to those that will be in need of external aid for their survival.

Therefore, today, in the fourth year after the de facto government assumed power, still almost half the population – an estimated 22.9 million people – will require humanitarian assistance to survive in 2025 [4], which is only marginally up from the 24.4 million in 2022, during the first year after the de facto government assumed power. [5]

### **Ongoing Atrocity Crimes in Afghanistan**

In our previous report on Revenge Killings and Other Serious Human Rights Violations in Afghanistan in the Aftermath of the Taliban's Seizure of Power [6], documenting more than 770 serious violations of human rights, including more than 400 killings, we indicated that where "the data we collected may add useful information and may be beneficial to certain case files and investigations before the International Criminal Court or other (future) international accountability mechanisms, we intend to contribute, where appropriate and possible in a suitable manner, more detailed information on individual cases" [7].

Unfortunately, we see that the broad pattern of revenge killings and other serious human rights abuses that our report depicted, not just in a few provinces, but throughout the entire country, not just during the immediate power transition period, but more several years after the de facto authorities' seizure of power, and not just against people directly connected to the former government, but against all people, including women and children targeted by association, still continues today, sometimes even abroad.

In August 2024, e.g., a former member of the police in Pakita province was reportedly killed in Balochistan province in Pakistan, while selling groceries.

In September 2024, a former local police officer was killed in Helmand province, another police officer of the former government from Kapisa was kidnapped, tortured and killed.

In November 2024, two ex-army officers were kidnapped and killed in Parwan province.

In January 2025, ex-police office was kidnapped and killed in Samagan province. In Herat province, a member of the local ex-government, was killed in a night raid.

These are only a few examples of a long list of recent crimes committed and while a certain drop in the number of such revenge killings and other serious crimes compared to the initial months following the take-over by the Taliban was to be expected, these atrocities continue still today, across the country.

## **Nascent Attempts at International Accountability at the International Criminal Court**

Now, in the face of the grim situation in Afghanistan, especially for women and girls, we welcome the announcement of the Prosecutor of the International Criminal Court (ICC) that his office had filed two applications for arrest warrants before Pre-Trial Chamber II of the ICC in the Situation in Afghanistan. In particular, the Office of the Prosecutor submitted that there were “reasonable grounds to believe that the Supreme Leader of the Taliban, Haibatullah Akhundzada, and the Chief Justice of the “Islamic Emirate of Afghanistan”, Abdul Hakim Haqqani, bear criminal responsibility for the crime against humanity of persecution on gender grounds, under article 7(1)(h) of the Rome Statute”. [8]

The Office of the Prosecutor further concluded “that these two Afghan nationals are criminally responsible for persecuting Afghan girls and women, as well as persons whom the Taliban perceived as not conforming with their ideological expectations of gender identity or expression, and persons whom the Taliban perceived as allies of girls and women. This persecution was committed from at least 15 August 2021 until the present day, across the territory of Afghanistan”, and consisted of “numerous severe deprivations of victims’ fundamental rights, contrary to international law, including the right to physical integrity and autonomy, to free movement and free expression, to education, to private and family life, and to free assembly. [9]

Human Rights Research League further appreciates the ICC Prosecutor’s emphasis that these applications for arrest warrants in the Situation in Afghanistan are only the first, and that his office will file further applications for senior members of the Taliban soon. [10]

However, from the outset, we have also been keenly aware of the restrictions and limitations of prosecutions before the International Criminal Court. As acknowledged in our previous report, “[f]rom a prosecutorial point of view, the challenge for the ICC is that the current situation in Afghanistan does neither qualify as an international armed conflict, nor (apart perhaps from certain pockets of the country) as a non-international armed conflict as defined in international law. As far as many of the crimes committed after 15 August 2021 are concerned, due to the lack of nexus with war, they could not be prosecuted as war crimes.

For those crimes, the prosecutorial efforts would have to focus on crimes against humanity, which may be committed in times of war as well as peacetime” [11], but in order to qualify as crimes against humanity in accordance with Article 7 (1) of the Rome Statute, any of the enumerated acts must have been “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack” [12], which requires documentation and resources that may prevent the ICC from acting in more than a very few, select cases.

## **Conclusion**

We welcome the efforts on the part of the ICC to issue the first couple of arrest warrants against leading representatives of the de facto government in Afghanistan on the basis of their criminal responsibility for the crime against humanity of persecution on gender grounds, under article 7(1)(h) of the Rome Statute. At the same time, we ask states and other parties concerned to envision further accountability mechanisms, with a view to ensuring that more than just a few perpetrators will be held accountable. However, every case counts, and while holding individual perpetrators of the most serious crimes to account is never a quick endeavor, and necessarily selective, we believe that “the outlook of being able to eventually see at least a few of those responsible for the atrocities committed put on trial, even in a distant future, may provide some sense of justice and hope to all those who now feel utterly forgotten by the international community: Those We Left Behind.” [13]

[1] While more than 813,000 Afghans have reportedly returned to their home country since September 2023, either because they wanted to, or in order to preempt being expelled, more than 38,000 have been deported within that same time frame. Most recently, in the first two weeks of January 2025, Pakistan reportedly deported even Afghans in possession of preliminary documents issued by UNHCR (which could indicate that the agency may be in the process of determining their refugee status, or that the person concerned may be in the early stages of a resettlement process), a novum compared to previous practice. Cf. Voice of America, ‘Pakistan Deports Afghans with UNHCR Papers’, January 16, 2025. Available at: <https://www.voanews.com/a/pakistan-deports-afghans-with-unhcr-papers/7939282.html>.

[2] According to news reports, several hundred Afghans are daily deported from the Islamic Republic of Iran, and Iranian police chief Ahmad Reza Radan stated the country planned to expel some 2 million Afghans by March 2025. Cf. Radio Free Europe, ‘‘Treated Like Criminals’: Iran Intensifies Deportation of Afghans’, September 30, 2024, available at: <https://www.rferl.org/a/afghanistan-iran-migrants-refugees-deportation/33137746.html>.

[3] UNHCR estimates the current number of IDPs in Afghanistan to 3.1 million. Cf. UNHCR, Afghanistan Situation, available at: <https://reporting.unhcr.org/operational/situations/afghanistan-situation>.

[4] Cf. UN OCHA, Afghanistan: Humanitarian Needs and Response Plan. Humanitarian Programme Cycle 2025 (December 2024), p. 3. Available at: <file:///C:/Users/tomss/Downloads/Afghanistan-Humanitarian-Needs-and-Response-Plan-2025.pdf>.

[5] Cf. Humanitarian Response Plan Afghanistan, UNOCHA (March 2023), p. 13. Available at: <https://www.unocha.org/attachments/86fcc7cc-1fc7-490b-bdeb-75ea760281bc/Afghanistan-Humanitarian-Response-Plan-2023.pdf>

[6] Human Rights Research League, ‘Those We Left Behind: Revenge Killings and Other Serious Human Rights Violations in Afghanistan in the Aftermath of the Taliban’s Seizure of Power’, November 2023, available at: [https://www.hrrleague.org/gallery/HRRL-AFG%20Report%20\(Those%20We%20Left%20Behind\)%20\(FINAL\).pdf](https://www.hrrleague.org/gallery/HRRL-AFG%20Report%20(Those%20We%20Left%20Behind)%20(FINAL).pdf).

[7] *Ibid.*, p. 20.

[8] Cf. International Criminal Court, Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for Arrest Warrants in the Situation in Afghanistan, January 23, 2025, available at: <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-afghanistan>.

[9] *Ibid.*

[10] *Ibid.*

[11] *Supra*, note 6, p. 23.

[12] Emphasis added.

[13] *Supra*, note 6, p. 69