

Second Edition

Avenues for Justice for Afghan Survivors of Human Rights Violations

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Table of Contents

Introduction	1
Structure of the report	2
Victim/Survivor-centred justice and guiding principles	3
Judicial Accountability Mechanisms	5
The International Criminal Court	6
The International Court of Justice	9
Universal Jurisdiction	11
Obligations of Foreign Forces and Corporations	14
Limitations of Judicial Accountability Mechanisms	18
Common Limitations Across All Mechanisms	18
Unique Limitations of Each Mechanism	18
Non-judicial Accountability Mechanisms	21
United Nations Mechanisms	21
Human Rights Council (HRC)	21
The UN Independent Investigative Mechanism for Afghanistan	22
Special Rapporteur on the Situation of Human Rights in Afghanistan	24
OHCHR – Human Rights Service (HRS)	26
Civil Society Initiatives	29
People’s Tribunal for Women of Afghanistan (PTWA)	29
Memorialisation: Afghanistan Memory Home	30
The Codification of Gender Apartheid Campaign	32
Limitations of Non-Judicial Accountability Mechanisms	33
Common Limitations Across Mechanisms	34
Unique Limitations of Each Mechanism	34
Glossary	35

Introduction

Afghanistan exemplifies impunity and violence, with decades of conflict and authoritarian rule causing countless victims of human rights violations, including war crimes, crimes against humanity, and possibly genocide. Perpetrators enjoy immunity, while survivors lack justice. The post-Bonn political order failed to establish peace and democracy, allowing impunity to persist and enabling the Taliban's return in 2021. Since then, the Taliban have suspended legal safeguards, dismantled accountability institutions, and granted general amnesty for all past crimes, allowing ongoing systemic violations with no remedies inside Afghanistan. Thus, pursuing justice outside Afghanistan is urgent.

This report offers resources for accountability beyond Afghanistan. While no mechanism offers complete justice, understanding their potential and limits helps support survivors, combat impunity, maintain international focus, and promote future reconciliation and the rule of law in Afghanistan.

This is the second edition of the *Avenues for Justice for Afghan Victims of Human Rights Violations* report that was published in May 2024. This updated version incorporates recent developments in accountability efforts, as well as valuable feedback from partners and peers to enhance clarity, accuracy, and usability.

Structure of the report

This report begins with a definition and an overview of the guiding principles of victim/survivor-centred justice. Readers are encouraged to keep these principles in mind when reviewing the mechanisms described below, as they provide a lens for assessing how different processes approach victims and survivors.

It then outlines two separate sections on (international) judicial and non-judicial accountability mechanisms for Afghan survivors and civil society. Each mechanism is presented in a uniform format to facilitate clarity and comparability:

- *What it is*: description of the institution or process.
- *Triggers*: legal or political conditions for activation.
- *What it delivers*: potential outcomes, such as prosecutions, judgments, or reparations.
- *How to engage*: opportunities for participation by victims, CSOs, and advocates.
- *Afghanistan relevance*: jurisdiction over and a brief engagement background with Afghanistan.

The broad and unique risks and limitations of each of these mechanisms are then presented at the end of each section.

Victim/Survivor-centred justice and guiding principles

Victim/survivor-centred justice places those most affected by violations and crimes at the centre of accountability efforts. It recognises both the legal identity of victims (essential for rights such as participation and reparations) and the human identity of survivors, emphasising resilience, strength, and lived experience. Unlike traditional justice models that focus primarily on perpetrators or states, this approach prioritises the safety, agency, and dignity of survivors as its central concern.

The guiding principles are understood as follows:

Do no harm: A principle that highlights the need to protect the safety and well-being of survivors and to ensure that justice initiatives do not expose them to new risks or retraumatisation.

- *Informed consent:* The requirement that testimonies, stories, and evidence are used only with survivors' voluntary, prior, and informed agreement.
- *Confidentiality and protection:* The duty to safeguard identities, testimonies, and evidence, including the secure storage of survivors' data to prevent reprisals, stigma, or renewed trauma.
- *Impartiality:* The commitment to ensure that justice initiatives are not perceived as serving one political interest or faction, thereby reinforcing trust and credibility.
- *Conflict sensitivity:* The awareness that justice initiatives may affect community dynamics and the need to avoid worsening existing divisions or grievances.
- *Active participation:* The principle that survivors should be regarded as stakeholders whose voices and perspectives shape accountability strategies, including decisions on priorities and approaches.
- *Ongoing information:* The understanding that survivors have the right to be kept informed about progress in justice processes, with regular updates building transparency, inclusion, and trust.
- *Complementarity of mechanisms:* The recognition that no single process can deliver full justice and that judicial, non-judicial, local, and international avenues may be most effective when combined.
- *Realistic expectations:* The acknowledgement that justice is often gradual, with interim gains representing essential steps forward that can help sustain survivors' engagement and hope.

Victim/survivor-centred justice ensures that Afghan victims and survivors are not only acknowledged in legal proceedings but also empowered as active agents in the fight against impunity.



Judicial Accountability Mechanisms

Photo: Wikimedia Commons Website

Judicial accountability mechanisms are formal legal processes that can hold perpetrators criminally accountable or state actors legally liable for violations of international law. These mechanisms require meeting certain legal criteria and often lengthy procedures, but they can result in binding judgments.

The International Criminal Court

What it is: the International Criminal Court (ICC) is a treaty-based court of law established by the 1998 Rome Statute. It began operating in 2002, with headquarters in The Hague, Netherlands, and currently has 125 state parties, including Afghanistan (since 2003) and Palestine (since 2015). Major powers such as China, Russia, and the United States are not members. The court investigates and prosecutes individuals accused of the most severe international crimes, including genocide, war crimes, crimes against humanity, and the crime of aggression. It has jurisdiction over crimes committed after 1 July 2002 (when the Rome Statute entered into force); either on the territory of a State Party to the Rome Statute or by a national of one of the State Parties. The ICC is a court of last resort, which means that it only intervenes when national authorities are unable or unwilling to act. The Court consists of four main organs: 1) the Presidency; 2) the Judicial Divisions (Chambers), composed of 18 judges, all of whom are elected by the Assembly of States Parties (ASP); 3) the Office of the Prosecutor (OTP); and 4) the Registry. The Court has over 900 staff members from approximately 100 countries.

Triggers: an ICC investigation can be triggered by 1) a State Party referring a situation to the OTP; 2) the UN Security Council referring a situation to the OTP; or 3) the ICC Prosecutor, acting *proprio motu* (on their own initiative), with authorisation from ICC judges.

What it delivers: criminal accountability for individuals most responsible for international crimes. The ICC can issue arrest warrants, conduct trials, and, if a suspect is convicted, deliver sentences and court-ordered reparations for victims and survivors. The Court's achievements since its formation include; 1) addressing 33 cases (some cases with more than one suspect); 2) issuance of 61 arrest warrants; 3) detention and appearance of 22 accused before the Court; and 4) issuance of 11 convictions. However, 30 suspects remain at large; eight suspects died and had their cases terminated, and four accused were acquitted.

How to engage: victims and civil society can engage by documenting crimes and submitting information or communications to the ICC Prosecutor's office (e.g., under Article 15). Victims can also register to participate in cases through legal representatives, which allows their voices to be heard and claims for reparations to be made. Advocacy by civil society can urge the ICC to prioritise certain crimes (for example, Afghan advocates campaigned to investigate gender persecution) and press States to cooperate (for arrests, enforcement, or referrals).

The ICC and Afghanistan: the ICC has become directly relevant for Afghanistan following the July 2025 Pre-Trial Chamber II's issuance of arrest warrants against two senior Taliban leaders, Hebatullah Akhundzada (Supreme Leader of the Taliban) and Abdul Hakim Haqqani (Chief Justice of the Taliban). The arrest warrants were issued based on charges of gender persecution against Afghan women, girls, and members of "other persons non-conforming with the Taliban's policy on gender." This milestone comes after nearly two decades of the ICC's engagement with Afghanistan. The following table highlights the Court's engagements with Afghanistan in chronological order.

Table: Key ICC Steps in Relation to Afghanistan

Year	Development
2003	Afghanistan ratified the Rome Statute and become a State Party.
2006	The OTP opened a preliminary examination into Afghanistan.
2016	The OTP issued its last preliminary examination report, indicating an imminent request for authorisation to open a full investigation under Article 15.
2017	The OTP formally submitted its request for authorisation to the ICC Pre-Trial Chamber (PTC).
2018	The first consultation with victims concluded. Over 6000 submissions were made on behalf of more than one million Afghan victims and 26 villages. The overwhelming majority of those consulted supported the ICC investigation.
2019	The PTC rejected the OTP's request to open a formal investigation, citing the broad scope of the proposed investigation, and finding that it would not serve "the interests of justice" or the interests of victims
2020	The Appeals Chamber overturned the PTC's decision and authorized a formal investigation.
2020	The Afghan government submitted a deferral request under Article 18 of the Rome Statute, claiming willingness to investigate domestically.
2021	The OTP requested to resume the investigation. Prosecutor Karim Khan announced a focus on crimes by the Taliban and Islamic State – Khorasan Province (ISKP), as well as a "deprioritization" of crimes by the former Afghan government and US forces in order to focus limited resources.
2022	The second consultation with victims concluded with 16 submissions filed on behalf of approximately 11,000 individuals & 130 families.
2022	The OTP's request to resume the investigation is authorised.
2025	The OTP requested arrest warrants against two senior Taliban leaders, Akhundzada and Haqqani. The PTC II issued the requested warrants.

Useful Resources on the ICC:

The ICC Afghanistan Situation page provides court documents, status updates and victims' participation info (some information also available in Dari and Pashto) <https://www.icc-cpi.int/afghanistan>

Afghan analyst, Ehsan Qaane, followed the court closely for the Afghanistan Analysts Network. For his publications, see here:

<https://www.afghanistan-analysts.org/en/pubauthor/ehsan-qaane/>

and

<https://rwi.lu.se/publications/international-criminal-courts-afghanistan/>

2024 study published by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, titled Accountability for Human Rights Violations and Violations of International Humanitarian Law:

https://rwi.lu.se/wp-content/uploads/2025/01/Accountability-for-Human-Rights-Violations-and-Violations-of-International-Humanitarian-Law-Digital_1.pdf

First edition of this Report, published in May 2024:

<https://rawadari.org/papers/avenues-for-justice-for-afghan-victims-of-human-rights-violations/>

The International Court of Justice

What it is: the International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). It adjudicates legal disputes between UN member States and provides advisory opinions on matters of international law to UN entities and specialised agencies. The ICJ, which began operating in 1946, is distinct from the ICC in that, while the ICC prosecutes individuals for international crimes, the ICJ holds States accountable for breaches of international law, including human rights treaties such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Triggers: only States can initiate cases at the ICJ. A dispute is typically triggered when one UN member State files an application accusing another State of violating an international treaty or obligation, as long as both States have accepted the ICJ's jurisdiction. For example, the ICJ can adjudicate a dispute against Afghanistan under CEDAW because Afghanistan ratified the Convention (which has an ICJ dispute settlement clause) without reservations. In the human rights context, there is growing willingness by State parties to human rights treaties to bring cases before the ICJ on behalf of victimised populations (e.g., *The Gambia v. Myanmar* for the Rohingya genocide or South Africa against Israel for violations of the Genocide Convention regarding Palestine).

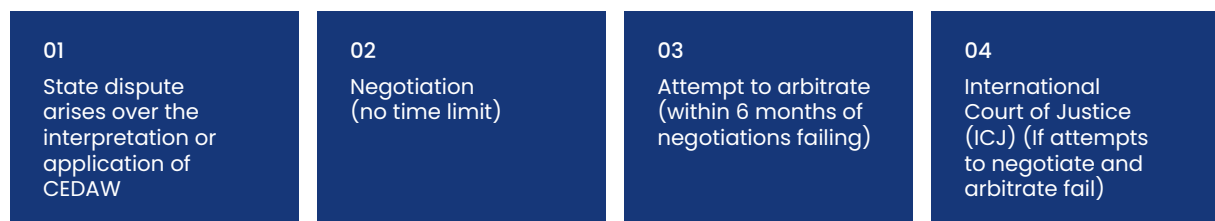
What it delivers: the ICJ can order a State to cease violations of international law and sometimes to provide reparations (e.g., compensation and guarantees of non-repetition). It can also issue provisional measures to protect rights pending the outcome of the case. The Court's decisions are binding and non-compliance can be taken before the UN Security Council. Overall, the Court possesses considerable political and judicial authority, with its jurisprudence frequently cited by other courts.

How to engage: civil society cannot file a case themselves; only states can sue, but civil society can mobilise a friendly State to champion the cause. This involves advocacy and providing documentation to a willing government to support a case. Civil society can also contribute expertise and evidence to the state's legal team that takes up the case, and utilise the ICJ proceedings to galvanise media and public attention. Additionally, they can attend public hearings in The Hague, where the ICJ is headquartered or organise solidarity actions to maintain political pressure for the enforcement of any judgment.

The ICJ and Afghanistan: Afghanistan is a party to several treaties with ICJ dispute settlement clauses, including CEDAW. Afghan civil society has urged States to bring a CEDAW case against Afghanistan for the Taliban's systematic violations of women's rights. In September

2024, Australia, Canada, Germany, and the Netherlands formally announced their intent to initiate ICJ proceedings, with over 20 additional States expressing solidarity with the initiative.

The following chart illustrates the dispute settlement process under Article 29 of CEDAW. It begins with negotiation, then an attempt to arbitrate, and finally to the ICJ if both the attempts to negotiate and arbitrate fail .



Useful Resources on the ICJ:

ICJ Handbook: <https://www.icj-cij.org/sites/default/files/documents/handbook-of-the-court-en.pdf>

Bringing a Case Before the International Court of Justice for the Rights of Afghan Women and Girls (English, Dari, and Pashto): <https://rawadari.org/papers/bringing-a-case-before-the-international-court-of-justice-for-the-rights-of-afghan-women-and-girls/>

The ICJ's judgments and advisory opinions: <https://www.un-ilibrary.org/content/series/24140732>

Application of South Africa v. Israel: <https://www.icj-cij.org/case/192>, Application of the Gambia v. Myanmar: <https://www.icj-cij.org/case/178> and Canada and Netherlands v. Syrian Arab Republic: <https://www.icj-cij.org/case/188>

Universal Jurisdiction

What it is: universal jurisdiction (UJ) is a legal principle allowing any State to prosecute individuals for the most serious international crimes, regardless of where the crime occurred or the nationality of the perpetrator or the victim. It stems from the idea that certain crimes affect the fundamental security and interests of the international community as a whole. In practice, many countries' laws allow national courts to prosecute crimes like genocide, crimes against humanity, war crimes, and torture committed abroad. Over the past three decades, more than 20 countries have used their authority to initiate investigations and prosecutions. For example, in 2021, a German court found an Iraqi member of the Islamic State of Iraq and Syria (ISIS) who was living in Germany, guilty of genocide, crimes against humanity, and war crimes against Yazidis. Neither the defendant nor the victims were German, and the crimes had not been committed on German territory.

Triggers: a UJ case is triggered when national authorities, such as police or prosecutors in a country, decide to investigate or charge an individual with international crimes. Specific triggers vary by country, with some requiring the suspect to be present in the territory (while others, like Argentina, do not), victims filing a complaint, or approval by an attorney general. Often, victim complaints or NGO reports prompt prosecutors to take action.

What it delivers: a criminal investigation can lead to convictions and prison sentences. Depending on the country's legal framework, reparations may be available for victims. Sometimes, the investigation may not lead to a trial, but may publicly reveal evidence that helps establish the truth and can lead to broader acknowledgement of abuses. Notably, a few UJ cases related to Afghanistan have taken place (examples are provided below).

How to engage: Victims and NGOs can play a significant role in UJ cases by helping identify perpetrators living in or travelling to countries with UJ laws, as well as filing complaints and sharing evidence with local authorities. Engaging experienced international lawyers or organisations to prepare case files and liaise with prosecutors greatly improves the chances of a UJ case moving forward. Survivors and witnesses can also testify once trials are under way. For example, in the Netherlands, survivors identified, reported, and gave testimonies against individuals that had committed war crimes in Afghanistan in the late 1970s and 1980s. These efforts resulted in investigations and subsequent trials.

UJ and Afghanistan: The following table lists a few examples of UJ cases related to Afghanistan.

Hesamuddin Hesam	Head of the Military Intelligence Service (MIS) of KhAD and Deputy Minister of State Security of Afghanistan (1983–1990).
	Prosecuted in the Netherlands as a co-perpetrator of torture of detainees in Afghanistan.
	Sentenced to 12 years imprisonment in 2005. Released in 2015.
Habibullah Jalalzoy	Head of the Interrogation and Investigation Department of MIS (1979–1989); subordinate to Hesamuddin Hesam (1983–1989).
	Prosecuted in the Netherlands in parallel with Hesamuddin Hesam for co-perpetration of torture.
	Sentenced to nine years imprisonment in 2005.
Abdullah Faqirzada	Police officer and deputy to Hesamuddin Hesam in the MIS of KhAD (1979–1989).
	Prosecuted in the Netherlands for involvement in torture of detainees in Afghanistan.
	Acquitted and released in 2007 due to insufficient evidence.
Amanullah Osman	Head of the Interrogation Department for Safeguarding the Interests of Afghanistan (AGSA), predecessor to KhAD.
	Suspected of torture and involvement in disappearances and executions of thousands of prisoners in Afghanistan.
	Died in 2012, shortly before planned arrest and prosecution by the Netherlands. However, the investigation revealed the “death list” of 5000 victims of forced disappearances.
Sadeq Alamyar	Commander of the 444th Commando Unit of the Afghan army (1978–1979).
	Suspected of involvement in the Kerala massacre (1979) in which hundreds were killed and buried in mass graves.
	Acquitted and released by the Netherlands in 2017 due to insufficient evidence.
Abdul Razaq Arif	Senior official at Pul-e-Charkhi prison in Afghanistan (1982–1987), including as general director.
	Arrested in the Netherlands in November 2019 on charges of torture and war crimes.
	A district court sentenced him to 12 years’ imprisonment in April 2022, but the Court of Appeal acquitted him in June 2024. The prosecution announced its intention to seek review before the Supreme Court; however, he died in March 2025 and the proceedings were closed before the case was finalised.

Useful Resources on UJ:

Handbook on UJ: Holding the Taliban Accountable for International Crimes: https://www.monash.edu/_data/assets/pdf_file/0006/3800859/Handbook-on-Universal-Jurisdiction-Ham-Diley-Campaign.pdf

TRIAL International UJ Tools: <https://trialinternational.org/universal-jurisdiction-tools/>

Clooney Foundation for Justice's global mapping tool identifying countries applying UJ: <https://justicebeyondborders.com/>

Afghan War Crimes Trials in the Netherlands: <https://www.afghanistan-analysts.org/en/reports/rights-freedom/afghan-war-crimes-trials-in-the-netherlands-who-are-the-suspects-and-what-have-been-the-outcomes/> and Zardad Faryadi's case in the UK: <https://www.afghanistan-analysts.org/en/reports/rights-freedom/afghan-war-criminal-zardad-freed-no-protection-for-witnesses/>

Obligations of Foreign Forces and Corporations

What it is: Extraterritorial jurisdiction based on the active personality principle allows a State to prosecute its nationals, residents, service members, or corporations for crimes and human rights violations committed outside its territory. Unlike universal jurisdiction, which depends on the crime's nature, this principle is based on a personal link between the offender and the prosecuting State. It thus covers a wide range of conduct (not only core international crimes). This power is enacted through domestic law and supported by treaties, such as the CAT and the International Convention for the Suppression of the Financing of Terrorism, which require states to prosecute or extradite offenders. In Afghanistan, this principle is also upheld by multilateral/bilateral Status of Forces Agreements (SOFAs) signed with troop-sending States from 2001 to 2021.

Triggers: Proceedings typically begin when civilian or military prosecutors open an investigation into unlawful conduct committed by their nationals abroad. In practice, complaints by victims or NGOs, referrals from military police, parliamentary disclosures, and media investigations often prompt action.

What it delivers: It can result in full criminal accountability before national courts. Where criminal thresholds are not met, it may still lead to administrative, civil, or other disciplinary measures, as well as public reports that acknowledge wrongdoing and preserve the historical record. States exercising this jurisdiction can compel cooperation from their service members and access official logs and classified documents. In cases where suspects are outside their own borders, the State can request cooperation for their arrests from a third State. Reparations for survivors may also be available in some jurisdictions through related civil claims.

How to engage: Survivors and Civil Society Organisations (CSOs) can utilise this avenue by identifying which states sent troops to Afghanistan and submitting case files of violations to their respective authorities, such as war crimes units, service police, public prosecutors, and judges. Providing organised case files that cover incident details, unit information, casualty lists, medical records, satellite imagery, and witness statements, is especially helpful. If national courts are ineffective in pursuing these cases, they can then be filed in regional courts, such as the European Court of Human Rights (ECtHR) (e.g., the Kunduz Airstrike Case for which details are provided in the table below).

Extraterritorial Jurisdiction and Afghanistan: Several countries, including the United States of America (US or USA) and other North Atlantic Treaty Organisation (NATO) members, deployed military forces to Afghanistan from 2001 to 2021. It is alleged that, during that time, these military forces committed various human rights violations, war crimes, and crimes against humanity. The former Afghan government signed SOFAs with countries sending their forces, agreeing that, should their civil and military personnel commit any crimes on Afghan soil, they would not be investigated by Afghanistan or a third party, but rather by their own States.

Thus, this principle, rooted in international law, bilateral treaties, and domestic laws, can be a powerful tool for Afghan survivors and CSOs to seek justice in domestic courts, as well as through public inquiries.

The Table below provides some examples of cases where this pathway has been utilised:

Country	Case/Inquiry	Description
Germany	Kunduz Airstrike Case	In September 2009, a German colonel ordered an airstrike in Kunduz province against two hijacked fuel tankers, causing numerous fatalities including civilians. German prosecutors examined potential criminal charges under domestic law but declined to prosecute the commander, arguing he lacked the intent to kill civilians. Abdul Hanan, the father of two of the victims, after exhausting German remedies, applied to the ECtHR, alleging that Germany had failed to fulfil its duty under Article 2 of the European Convention on Human Rights (ECHR) to effectively investigate the loss of life. In February 2021, the Grand Chamber of the ECtHR held that Germany had jurisdiction (given its control over deployed forces and criminal jurisdiction at home) and therefore owed a procedural duty to investigate, but ultimately found no violation because the investigation met the Convention's requirements. The judgment is a key precedent showing how troop-contributing states retain extraterritorial investigative obligations for lethal incidents abroad. See here for details: https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-166884%22]}
Australia	Afghanistan Inquiry (Brereton Report)	Between 2016 and 2020, Australia's Inspector-General of the Australian Defence Forces (ADF) conducted an inquiry into the conduct of special forces in Afghanistan and reported credible information of the unlawful killing of 39 individuals during the Afghanistan war. The Australian government then established the Office of Special Investigator (OSI) in 2020 to pursue criminal investigations with the Australian Federal Police. In March 2023, a former Special Air Service (SAS) soldier (Oliver Schulz) was arrested and charged with the war crime of murder for a 2012 killing in Uruzgan, the first charge arising from the Inquiry. Proceedings continue, with further cases under active investigation. See OSI's website for details: https://www.osi.gov.au/

Netherlands	Chora Case	During the 2007 battle of Chora (Uruzgan), Dutch forces bombed a qala (a residential complex). Survivors of the bombing sued the Dutch State in The Hague. On 23 November 2022, the District Court ruled that the bombing had breached the rule of distinction under International Humanitarian Law (IHL) and held the State liable in tort. On 3 February 2023, the Dutch government announced it would not appeal and would compensate the plaintiffs. See the judgement here: https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBDHA:2022:12424
USA	Senate Torture Report and trials	In 2014, the U.S. Senate Intelligence Committee released the public summary of its Study of the CIA Detention and Interrogation Program, documenting abuses that included conduct linked to Afghanistan and underscoring accountability gaps. Their findings are public and became useful sources for the ICC's Office of the Prosecutor's preliminary examination into Afghanistan. Under the Uniform Code of Military Justice, U.S. service members can be tried for crimes committed abroad; for example, Staff Sgt. Robert Bales pleaded guilty and received life without parole for murdering 16 Afghan civilians in Kandahar in 2012. Additionally, the Military Extraterritorial Jurisdiction Act extends U.S. criminal jurisdiction to certain civilian contractors overseas. In 2011, two Blackwater contractors (Justice Cannon and Corpus Christi) were convicted of involuntary manslaughter for a 2009 Kabul shooting that killed two civilians and injured one more. See the report summary here: https://www.intelligence.senate.gov/wp-content/uploads/2024/08/sites-default-files-documents-crpt-113srpt288.pdf

Related avenues to explore (corporate accountability and US civil litigation): Some domestic legal systems hold corporations criminally liable, not just individual wrongdoers. In France, the *Cour de Cassation* upheld charges of complicity in crimes against humanity against Lafarge SA related to its operations in Syria. In Sweden, two Lundin Energy (formerly Lundin Petroleum) executives, the chairman and former CEO, were indicted for aiding and abetting war crimes in southern Sudan during the period 1999–2003. The trial commenced in Stockholm in September 2023. These examples demonstrate that corporate accountability for serious violations remains possible under national laws, offering a precedent that may be relevant to Afghanistan, particularly in the context of private military contractors.

Under the Alien Tort Statute (ATS), US courts have historically offered a venue for foreign victims to pursue civil claims for human rights violations that took place outside of the US. Approximately 25 cases resulted in monetary judgments, which helped establish legal recognition of international law violations. However, recent Supreme Court decisions (such as *Kiobel*, *Jesner*, and *Nestle*) have severely narrowed the ATS's extraterritorial application and limited avenues against corporate defendants. Another avenue, the Torture Victim Protection Act (TVPA), still allows lawsuits in the US, but only against individuals, not corporations.

Useful Resources

Extraterritorial Jurisdiction definition by Max Planck Encyclopaedias of International Law: <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1040>

Breton Report and the Australian Defence Minister's apologies: <https://www.defence.gov.au/about/reviews-inquiries/afghanistan-inquiry>

UNAMA's reports on civilian casualties: <https://unama.unmissions.org/reports-protection-civilians-armed-conflict>

Afghanistan-NATO 2014 SOFA agreement: https://www.nato.int/cps/en/natohq/official_texts_116072.htm?selectedLocale=en

Limitations of Judicial Accountability Mechanisms

Judicial mechanisms offer vital paths for justice but also come with obstacles that can make accountability hard to obtain. Recognising these difficulties helps activists and CSOs choose feasible options, manage survivor expectations, and develop strategies that take into account political, legal, and practical challenges.

Common Limitations Across All Mechanisms

- *Political will:* Most of these mechanisms rely on State cooperation. Without political commitment, investigations stall and judgments remain unenforced.
- *Enforcement gaps:* Arrest warrants, ICJ judgments, or reparations orders may not be implemented if suspects are in power, protected by allies, or outside cooperating jurisdictions.
- *Lengthy proceedings:* Complex procedures often take years or decades, leaving survivors waiting a long time for justice.
- *Evidence barriers:* Gathering reliable evidence across borders, especially in cases involving long-standing crimes, is complex and costly.
- *Victim access:* Survivors face obstacles, including language barriers, financial constraints, legal complexity, and security risks when engaging with the courts.

Unique Limitations of Each Mechanism

ICC: 1) Narrowed scope: the OTP currently prioritises Taliban and ISKP crimes and deprioritises U.S. and Afghan government cases due to resource limits. 2) Non-cooperation: the Taliban reject ICC authority, blocking investigations and outreach in Afghanistan. The U.S. opposes the ICC and now sanctions its officials and supporters.

ICJ: 1) State-only access; Victims and CSOs cannot file cases. A supportive State must bring the case, and no Islamic State has joined the potential CEDAW case as an Applicant State against Afghanistan. 2) Political blockages; enforcement depends on the UN Security Council, where veto powers (e.g., Russia, US, China) could obstruct action.

Universal Jurisdiction: 1) Presence rules; many states require the suspect to be physically present on their territory (or there is a likelihood of their presence) before a case can be investigated. 2) Evidentiary barriers, especially when it comes to documentation and access to witnesses concerning crimes that took place long ago (e.g., in the 1970s). 3) Political sensitivity, as prosecutors may hesitate to pursue cases against former Afghan officials or powerful actors linked to foreign (allied) governments. 4) Enforcement of arrest warrants and/or judgments where the accused are not in the State prosecuting and/or have passed away.

Extraterritorial Jurisdiction (Active Personality Principle): 1) Military secrecy, especially when

it comes to accessing operational logs, targeting data, and classified files. 2) Bias risk as States may shield their own soldiers or contractors to avoid political embarrassment. 3) Narrow accountability as inquiries acknowledge abuses, but prosecutions are rare and often selective.



Non-judicial Accountability Mechanisms



Photo by FABRICE COFFRINI/AFP via Getty Images

Non-judicial accountability mechanisms complement judicial avenues by documenting violations, preserving memory, amplifying survivors' voices, and shaping international norms. They play a crucial role in maintaining visibility, validating victims' experiences, and laying the groundwork for judicial accountability efforts. These mechanisms may operate through UN-led processes, such as those involving Special Rapporteurs, the Human Rights Council, the Office of the High Commissioner for Human Rights, as well as civil society-led initiatives, including people's tribunals, documentation, memorialisation projects, and advocacy. Together, they ensure that even when formal justice is impeded or delayed, survivors' demands for truth and recognition remain central to international engagement on Afghanistan.

United Nations Mechanisms

The UN promotes accountability for serious human rights violations, including in Afghanistan. It does not directly prosecute offenders but supports monitoring, documenting, investigating, and reporting abuses, as well as applying diplomatic pressure on States and authorities. Through its Charter-based bodies (e.g., Security Council, General Assembly, Human Rights Council), treaty mechanisms, and operational entities (e.g., Office of the High Commissioner for Human Rights (OHCHR), United Nations Assistance Mission in Afghanistan (UNAMA)), the UN provides platforms to highlight violations, shape norms, and prepare evidence for judicial processes.

Afghan civil society and survivors can access these mechanisms to submit information, shadow reports, testimonies, and for advocacy that informs reports, debates, and resolutions. Although these efforts do not directly lead to prosecutions, they help preserve records, validate victims' voices, and motivate action by States and different courts. This Report discusses the UN Human Rights Council, the UN Special Rapporteur (UNSR) on the human rights situation in Afghanistan, the OHCHR's Human Rights Service, and the newly established ongoing Independent Investigative Mechanism for Afghanistan (IIM-A).

Human Rights Council (HRC)

What it is: The Human Rights Council (HRC) is the UN's intergovernmental body of 47 Member States, based in Geneva, responsible for promoting and protecting human rights around the world. Among its activities, it oversees the Universal Periodic Review (UPR) of UN Member States, as well as Special Procedures, which include country-specific and thematic mandates, such as those of Special Rapporteurs.

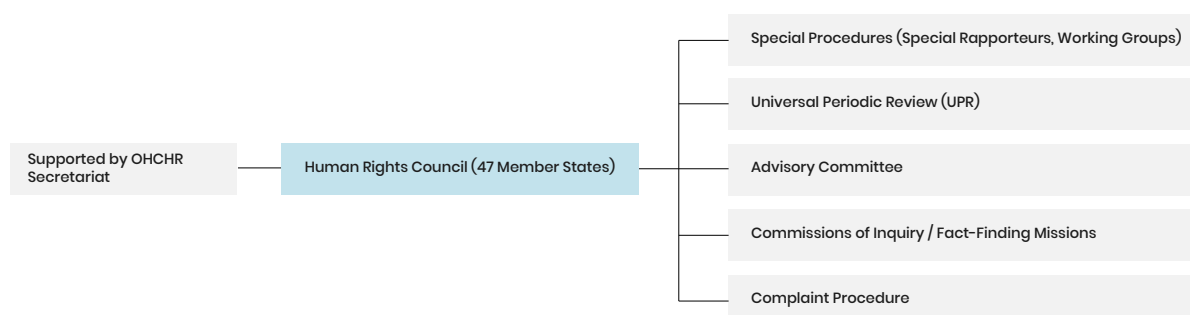
Triggers: The HRC acts through resolutions proposed by Member States, often in response to reports from UN bodies, NGOs, or worsening crises. In 2021, through Resolution 48/1, it established the current mandate of the Special Rapporteur on the situation of human rights in Afghanistan.

What it delivers: The HRC issues resolutions, establishes mandates, and can create independent investigative mechanisms like the Independent Investigative Mechanism for Myanmar (IIMM) or the Independent Investigative Mechanism for Afghanistan (IIM-A or IIMA). Its outputs shape political pressure and can support judicial processes.

How to engage: The HRC holds three regular sessions each year (February, June, and September), each lasting four weeks. It can also convene special sessions in urgent situations. CSOs can engage by submitting statements, briefing States, and organising side-events.

The HRC and Afghanistan: The HRC is one of the forums where Taliban abuses are often debated, and it renews the appointment of the Special Rapporteur on Afghanistan on an annual basis. Afghan CSOs use it to push for stronger responses, including calls for an independent investigative mechanism for Afghanistan. While in many cases the HRC cannot directly enforce its resolutions, it sustains scrutiny and supports broader accountability.

Human Rights Council Organisational Structure



The UN Independent Investigative Mechanism for Afghanistan

What it is: On 6 October 2025, the UN Human Rights Council created an ongoing, independent investigative for Afghanistan (IIM-A). The mechanism's mandate is to collect, consolidate, preserve and analyse evidence of serious international crimes and the most serious violations of international law, including international human rights law, identify alleged perpetrators, and prepare case files admissible in national, regional or international proceedings, including the ICC and ICJ. It is expected to being able to examine past, ongoing and future crimes perpetrated in Afghanistan by all actors.

Triggers: The mechanism was established by HRC resolution 60/9 adopted by consensus. Its work proceeds proactively under that mandate; it does not require separate state referrals to start collecting and preserving evidence.

What it delivers: at least, it could deliver 1) evidence files meeting criminal law standards for use by national courts (including universal/extraterritorial jurisdiction cases), regional courts such as the European Court of Human Rights (ECtHR) (e.g., Kunduz Air Strike Case) and international courts (e.g., the ICC and ICJ); 2) Identification of suspects and cooperation with prosecutors; and 3) victim-centred and gender responsive practices that help ensure survivor participation and Protection. The outputs raise political costs for ongoing abuses and could help close the impunity gap.

How to engage: CSOs can: 1) brief supportive states and UN actors to strengthen the mechanism's resourcing and cooperation; 2) align documentation to prosecutorial needs (chain of custody, metadata, corroboration); 3) submit dossiers; and 4) advocate publicly to sustain cross-regional support.

IIM-A and Afghanistan: Existing UN tools (the Special Rapporteur and UNAMA/HRS) document violations but were not designed to produce and archive admissible case files. The IIM-A bridges that gap by preserving evidence for future trials and reinforcing accountability efforts already underway. Broad support at the HRC and among NGOs underscores momentum, though effective cooperation and access will remain ongoing challenges. In May 2021, in the aftermath of a bloody attack on a girls school in Kabul, targeting the Hazara community, Afghanistan Independent Human Rights Commission (AIHRC) called the attack 'Genocide' and called for an UN independent investigative mechanism. Since then, Afghan NGOs played an effective advocacy role for the establishment of the IIM-A.

The IIM-A's model follows Syria's IIM (UNGA Res 71/248) and Myanmar's IIMM (HRC Res 39/2), which have supported prosecutions by preparing case files to criminal-law standards. More details on them in the following table:

Mechanism	Established By	Mandate	Significance
IIM – International, Impartial and Independent Mechanism for Syria	UN General Assembly Resolution 71/248 (21 Dec 2016).	Collects, consolidates, preserves, and analyses evidence of serious crimes in Syria since March 2011; prepares files for use in national, regional, or international criminal proceedings.	First GA-created accountability mechanism of its kind; operates to criminal-law standards to support prosecutions.
IIMM – Independent Investigative Mechanism for Myanmar	UN Human Rights Council Resolution 39/2 (Sept 2018).	Collects and preserves evidence, identifies alleged perpetrators, and prepares case files for serious international crimes committed in Myanmar since 2011 for use by competent courts (national, regional, international).	HRC-mandated "sister" mechanism to IIM; central to accountability efforts for crimes against Rohingya and others in Myanmar.

Special Rapporteur on the Situation of Human Rights in Afghanistan

What it is: Appointed in April 2022 by the HRC, the UN Special Rapporteur on Afghanistan, Richard Bennett, is the independent expert mandated to, among other things, monitor, report on, and make recommendations to improve the human rights situation in Afghanistan. His mandate, first adopted in October 2021, has been renewed annually ever since.

Triggers: The UNSR's mandate is proactive and ongoing, meaning the Rapporteur does not need to wait for formal complaints or referrals to take action. Instead, he acts on information received from survivors, civil society organisations, States, and UN agencies. He may also initiate inquiries, communications, and thematic reporting on his own initiative.

What it delivers: The UNSR publishes public reports detailing rights violations, thematic letters to authorities, and briefings to UN bodies. These reports inform press coverage, civil society advocacy, diplomatic debates, and HRC resolutions. They are also often cited during accountability discussions before judicial bodies, such as the ICC.

How to engage: Civil society can submit written evidence, survivor testimonies, and analytical briefs to the UNSR. They can also invite the UNSR to participate in their gatherings and listen to survivors' and activists' stories and recommendations. In turn, he briefs them about his mandate and work.

UNSR and Afghanistan: The UNSR has become one of the most authoritative international voices on Afghanistan's human rights crisis. His reports have consistently documented the Taliban's systematic abuses (particularly against women, girls, and other marginalised groups) and have advanced the framing of these violations as gender persecution and gender apartheid. The UNSR also coordinates closely with other special procedure mandate-holders on Afghanistan-related issues, ensuring stronger international visibility and pressure. Some of those other mandate-holders are as follows:

Other UNSR(s) relevant to Afghanistan

Mandate	What it covers	Contact details
UNSR on violence against women and girls, its causes and consequences	Gender-based violence, discrimination, state obligations to protect women	hrc-sr-vaw@un.org
UNSR on torture and other cruel, inhuman or degrading treatment or punishment	Torture, ill-treatment in detention, accountability obligations	hrc-sr-torture@un.org
UNSR on the rights to freedom of peaceful assembly and of association	Protests, associations/CSOs, enabling civic space	hrc-sr-freeassembly@un.org

UNSR on the promotion and protection of the right to freedom of opinion and expression	Media freedom, online/offline speech, censorship	hrc-sr-freedex@un.org
UNSR on extrajudicial, summary or arbitrary executions	Unlawful killings, death threats, use of force	hrc-sr-eje@un.org
UNSR on minority issues	Rights of ethnic/religious/linguistic minorities	hrc-sr-minorityissues@un.org
UNSR on the right to education	Access to education, discrimination, school closures	hrc-sr-education@un.org

OHCHR – Human Rights Service (HRS)

What it is: The Human Rights Service (HRS) functions within UNAMA as OHCHR's integrated field presence. It is explicitly mandated to monitor, document, analyse, and report on the human rights situation across Afghanistan, while also engaging in advocacy and technical cooperation with relevant actors. In principle, this supports the UN's broader political, development, and stabilisation objectives in the country. It has a presence in different provinces across Afghanistan.

Triggers: HRS operates under a permanent, proactive mandate defined in successive UN Security Council resolutions. It produces regular human rights updates and reports, and responds to urgent incidents without waiting for external referrals.

What it delivers: Regular situation updates and thematic reports, covering areas such as protection of civilians, women's rights, detainees' rights, fundamental freedoms, and the situation of minorities and children in Afghanistan. Documentation of violations, serving as a credible evidence base for diplomacy and accountability. Advocacy with authorities, urging investigations and access to justice.

How to engage: Civil society organisations and survivors can submit accounts of violations to HRS, particularly where these are linked to its priority areas.

OHCHR – HRS and Afghanistan: Since the Taliban regained control, HRS has remained among the most consistent sources of reliable human rights reporting based in Afghanistan, particularly on violations like the ban on girls' education, restrictions on women's freedom of movement, arbitrary arrests, and enforced disappearances. Its findings maintain international pressure and underpin efforts towards both accountability and human rights advocacy.

Useful Resources on UN Accountability Mechanisms:

List and introduction to UN human rights instruments and mechanisms:

<https://www.ohchr.org/en/instruments-and-mechanisms>

OHCHR in Afghanistan: <https://www.ohchr.org/en/countries/afghanistan/our-presence> and Civil Society and OHCHR: <https://www.ohchr.org/en/resources/civil-society>

UNSR on the situation of human rights in Afghanistan: <https://www.ohchr.org/en/special-procedures/sr-afghanistan>

Resolution 60/9, establishing IIM-A: <https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/60/Pages/resolutions.aspx> and COS's letter recommending the IIM-A's establishment: <https://rawadari.org/statements/call-for-an-immediate-halt-to-the-mass-deportation-of-afghans-in-violation-of-international-law/>

Civil Society Initiatives



PEOPLE'S TRIBUNAL FOR
WOMEN OF AFGHANISTAN

PERMANENT PEOPLE'S TRIBUNAL



دادگاه مردمی برای زنان افغانستان
دادگاه



ی محکمه

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CSOs play a crucial role in advancing accountability when formal judicial and State-led systems fall short. They document violations, preserve victims' voices, mobilise advocacy, and create platforms for truth-telling and justice. From symbolic tribunals and digital memorialisation, to campaigns for new legal norms and calls for international investigative mechanisms, CSOs ensure that survivors remain at the centre of justice efforts. This section introduces a few key initiatives led by Afghan and international CSOs, including the People's Tribunal for Women of Afghanistan, Afghanistan Memory Home, and the Gender Apartheid Codification Campaign. These initiatives illustrate the diverse ways in which civil society contributes to truth, memory, and accountability.

People's Tribunal for Women of Afghanistan (PTWA)

What it is: The PTWA was a specially convened public tribunal that was held from 8 to 10 October 2025, under the auspices of the Permanent Peoples' Tribunal (PPT), through which a coalition of four Afghan civil society organisations (including Rawadari, AHRDO, DROPS, and HRD+), presented various charges against the Taliban, their senior leaders and their policy of gender persecution. It was a symbolic and narrative-focused process, modelled on past international people's tribunals, which are intended to document abuses, preserve survivors' voices, and issue moral verdicts.

Triggers: The four CSOs submitted a formal request to the PPT in December 2024, which was accepted in February 2025. The PTWA was officially launched in July 2025, with hearings scheduled for 8–10 October 2025 in Madrid and a judgement expected on December 11, 2025.

What it delivers: The Tribunal offered an inclusive space for survivors to speak, with public hearings featuring survivor testimonies and a formal opinion designed to influence global public discourse. It has contributed to the broader accountability narrative, reinforcing other mechanisms such as ICC and UN-led efforts.

How to engage: other CSOs and community groups can engage by organising follow up events, ensuring survivors are supported and protected, and using the PTWA's findings to bolster advocacy and international campaigning.

The PTWA and Afghanistan: Women and girls in Afghanistan face a profound rollback of their rights, including bans on education, work, and public life, resulting in one of the most extreme forms of gender-based oppression in the world today. The PTWA has provided a critical platform to amplify survivors' experiences, elevate allegations of gender persecution, and assert the need for comprehensive and victim-centred justice beyond what judicial mechanisms alone may deliver.

Examples of People's Tribunals in Other Contexts: The PTWA builds on a long tradition of civil society-led tribunals that have documented grave abuses, amplified survivors' voices, and

influenced public policy debates when formal justice has been impeded or delayed.

Tribunal	Context and Focus	Significance/Outcome
Russell Tribunal on Vietnam, 1966–67	Assessed U.S. conduct in the Vietnam War (aggression, prohibited weapons, civilian targeting); issued non-binding findings.	Popularised civil society-led tribunals and shaped discourse on war crimes and public opinion.
Permanent Peoples’ Tribunal (PPT), est. 1979	Successor to the Russell Tribunals; permanent platform under the Basso Foundation; 50+ sessions on war crimes, crimes against humanity, genocide, and systemic harms.	Standing forum to expose accountability gaps beyond courts; mobilises expert panels and public records.
Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery, 2000/2001	People’s tribunal in Tokyo (Dec. 2000) with judgment in The Hague (Dec. 2001) on “comfort women”; found State/superior responsibility; recommended acknowledgment, apology, compensation.	Created a detailed factual/legal record, amplified survivor testimony, and sustained advocacy for acknowledgment and reparations.
Iran People’s Tribunal, 2012–13	Truth Commission hearings (London, June 2012) and Tribunal (Peace Palace, The Hague, Oct. 2012) on 1980s mass killings; final judgment issued in 2013.	Kept memory and evidence alive; urged UN action; contributed to international awareness despite lack of formal judicial process.

Memorialisation: Afghanistan Memory Home

What it is: Afghanistan Memory Home (AMH) is a virtual, victim-centred museum and database created by Afghanistan Human Rights and Democracy Organisation (AHRDO). It preserves the stories and objects of war victims and survivors through a virtual museum, a searchable database of Afghan victims, and memory boxes, altar-like collections of photographs, clothing, diaries, and mementoes.

Triggers: AMH builds on AHRDO’s Memory Box Initiative (launched in 2011) and the Afghanistan Centre for Memory and Dialogue (ACMD), the first war museum created by an Afghan CSO, which opened in Kabul in February 2019. After the Taliban takeover in 2021 forced the closure of the physical museum, AHRDO partnered with HURIDOCS in 2022 to digitise and relaunch the project, with a public launch in early 2024.

What it delivers: AMH provides a safe and inclusive space for survivors and the diaspora; documents and virtually archives personal and official materials; and offers tools for

memorialisation, education, advocacy, and symbolic reparations. By preserving materials to a standard usable for truth-telling and potential future justice processes, it sustains a living record of harm.

How to engage: CSOs and survivors can contribute memory boxes, testimonies, objects, and propose exhibits. Submissions are coordinated via the AMH Contact page. The collection can be utilised for advocacy, educational outreach, and transitional justice planning.

Memorialisation and Afghanistan: In a context of erasure and impeded formal justice, such as in Afghanistan, AMH functions as a digital shrine and counter-archive, honouring victims, empowering survivor narratives, and preserving evidence for future truth-seeking and accountability efforts.

Memorialisation: examples from other contexts

Site	Focus	Significance
Perm-36 (Gulag Museum), Russia, Since 1990s	Former labor camp preserved as a museum of political repression; taken over by local authorities in 2014–2015, with narrative reframing; virtual efforts that now help preserve the original spirit.	Shows how state capture can repurpose memory sites; civil society can pivot to digital memorials to safeguard narratives.
District Six Museum, South Africa (1966–1980s)	Community-rooted museum documenting forced removals in Cape Town; extensive oral histories and personal artifacts from former residents.	Model of survivor-led collecting and public education that anchors truth in lived experience.
Nyayo House Torture Chambers, Kenya (1980s and 90s)	Former clandestine torture site in central Nairobi; survivors campaigned for protection as a public memorial; access remains restricted.	Illustrates advocacy to convert active State spaces into sites of memory; litigation and media maintain pressure.
Comarca Balide, Centro Nacional Chega! (CNC), Timore-Leste	Former prison turned national memory and human-rights centre by Decree-Law 48/2016; preserves graffiti, hosts education, archives testimony.	Example of State-backed memorialisation implementing truth-commission recommendations.
Liberation War Museum, Bangladesh (1971)	Museum founded in 1996, moved to a new building (2017); large citizen-donated collection; education and research programs.	A “people’s museum” built through public donations and community curation.

The Codification of Gender Apartheid Campaign

What it is: The Gender Apartheid Codification Campaign is an initiative launched by women's rights defenders, jurists, and legal experts after the Taliban returned to power. The campaign's aim includes codifying "gender apartheid" as a crime under international and domestic law, thereby expanding the current definition of apartheid in international criminal law. Multiple States have welcomed the inclusion of gender apartheid in the working draft of the Crimes Against Humanity treaty.

Triggers: This initiative follows decades of sustained violations, under both the first Taliban regime (1996–2001) and following their return in 2021, where women and girls have been intensely restricted in education, employment, healthcare, movement, and public life. The term "gender apartheid" resonates strongly among Afghan women, becoming a political and legal framing tool in both local advocacy and UN discourse.

What it delivers: The campaign proposes codifying gender apartheid through an amendment to the Proposed Convention on the Prevention and Punishment of Crimes Against Humanity to explicitly include gender alongside race; a potential Rome Statute revision to add gender apartheid to the ICC's ambit; and passage of domestic laws recognising these crimes. Codifying gender apartheid would fill a critical legal gap, enabling victims and survivors access to justice, and compelling states to prevent, investigate, and punish gender apartheid.

How to engage: CSOs can amplify the campaign by sharing its Joint Letter and Legal Brief, endorsed by global jurists, Nobel laureates, and women's rights leaders. They may advocate with UN Member States, especially in the Sixth Committee (Legal) and the Human Rights Council, to include gender apartheid in treaty negotiations.

Gender Apartheid Campaign and Afghanistan: codifying gender apartheid would validate Afghan survivors' lived experiences, elevate protections in the face of Taliban-sponsored repression, and help mobilise international mechanisms, including asylum, sanctions, and referrals to judicial avenues like the ICC or ICJ, for greater accountability.

"Inhumane acts committed in the context of an institutionalised regime of systematic oppression and domination by one gender group over another gender group or groups, and committed with the intention of maintaining that regime."

The End Gender Apartheid Campaign

Limitations of Non-Judicial Accountability Mechanisms

Common Limitations Across Mechanisms

- *No prosecutorial power*: these initiatives cannot directly prosecute; they depend on political will to link findings to judicial action.
- *Political headwinds*: States or de facto authorities may block access, smear reports, or stall mandates.
- *Protection & reprisals*: sources, staff, and family members can face threats after public reporting.
- *Evidence fragility*: gaps in the chain of custody, metadata, or corroboration can limit future legal use.
- *Sustainability*: short grants and staff turnover disrupt continuity and archives.

Unique Limitations of Each Mechanism

- *UNSR for Afghanistan*: annual renewal makes the mandate politically vulnerable; field access is restricted; sources risk reprisals after communications.
- *OHCHR –HRS*: Embedded in a political mission; access subject to de facto authorities; sensitive info may be inadmissible in court if protective rules are not followed.
- *HRC*: Resolutions are non-binding; mandates can be weakened by bargaining.
- *Peoples’s tribunals*: Moral (not legal) verdicts; exposure risks for witnesses; allegations may attract defamation challenges.
- *Memorialisation*: Narrative contestation, politicisation, and takedowns; re-traumatisation risks; long-term hosting and data-sovereignty issues.
- *Codifying Gender Apartheid*: Slow treaty timelines; State pushback; risk of confusion with existing crimes (e.g., gender persecution), causing messaging drift.

Glossary

Amnesty: A legal or political decision that removes or limits punishment for individuals who have committed crimes, often implemented as part of peace agreements. It is criticised because it can allow serious abuses to go unpunished and victims' harm to remain unaddressed.

Arrest Warrant (ICC): A formal order issued by judges of the ICC Pre-Trial Chamber requiring a person suspected of international crimes to be detained and handed over to the ICC.

Article 15 Communication: Information or evidence submitted to the ICC Prosecutor by individuals, groups, or organisations. The Prosecutor may use this to initiate a preliminary examination, which could later lead to an investigation.

Complementarity: A principle in the Rome Statute stating that the ICC only intervenes when national courts are unwilling or unable genuinely to prosecute international crimes. If a country conducts its own credible investigation and trial, the ICC defers.

Core International Crimes: The four crimes under ICC jurisdiction: genocide, crimes against humanity, war crimes, and (since 2018) aggression.

Crimes Against Humanity: Highly serious acts such as murder, torture, enforced disappearance, persecution, etc., committed as part of a widespread or systematic attack against civilians. These crimes can occur in both war and peace.

Documentation: The meticulous process of gathering, verifying, and preserving evidence, testimonies, photographs, reports, and other information regarding human rights violations or international crimes.

Extraterritorial Jurisdiction (Active Personality Principle): The authority of a state to exercise legal power over its nationals for crimes committed abroad.

Gender Persecution: A crime against humanity under the Rome Statute involving the intentional and severe deprivation of fundamental rights based on gender, in relation to one or more other criminal acts listed in the Rome Statute.

Genocide: The deliberate act of destroying, in whole or part, a national, ethnic, racial, or religious group through killing members of the group, causing serious harm, preventing births, or forcibly transferring children.

Investigation (ICC): A formal stage following authorisation, during which the Prosecutor gathers evidence, interviews witnesses, and develops cases for potential trials.

Memorialisation: Efforts to preserve the memory of victims-survivors and atrocities, including museums, monuments, digital archives, ceremonies, and oral history projects.

Reparations: Measures designed to redress harm suffered by victims, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.

Status of Forces Agreement (SOFA): A treaty or agreement between a host country and foreign military forces setting out the legal status of those forces, including which laws apply to them and which country has jurisdiction over crimes committed by them.

Survivor: An individual who has endured violations or atrocities. The term highlights agency and resilience, contrasting with the more legal term 'victim,' which may carry the connotation of passivity, defeat, or helplessness. Advocates favour using this term instead of victim.

Transitional Justice: Measures to address past human rights violations, such as prosecutions, truth-recovery, reparations, and institutional reforms, implemented as societies transition from conflict or repression to peace and democracy.

Victim: An individual or group who has suffered harm (physical, mental, material, or social), directly or indirectly, as a result of crimes or human rights violations. In the ICC context, victims have rights to participation and reparations.

Victim Participation (ICC): A process allowing victims to express their views, concerns, and claims for reparations before the ICC, usually through legal representatives. This ensures their perspectives are considered in trials, investigations, and decisions.

Victim/Survivor-Centred Justice: An approach to accountability that emphasizes victims' rights, dignity, active participation, and needs in processes of truth, justice, reparations and transition.

War Crimes: Serious breaches of international humanitarian law committed during armed conflict, such as targeting civilians, torture, or the use of prohibited weapons.

