



**International Organization for
Transitional Justice and Peace**
سازمان بین‌المللی عدالت انتقالی و صلح
د انتقالی عدالت او سولې نړیوال سازمان

A Meaningful Online Discussion

On

*Afghan Women's Situation: Allegations of Crimes Against Humanity and Gender-Based
Discrimination, and the Path to Hold Taliban Accountable*

INTRODUCTION:

The International Organization for Transitional Justice and Peace (ITJP) wants to host an online discussion on "Assessing the Situation of Afghan Women: Allegations of Crimes Against Humanity and Gender-Based Discrimination, and a Pathway to Hold the Taliban Accountable." This comprehensive discussion seeks to analyze and evaluate Taliban decrees, especially those against girls' education rights and women's rights to education and employment, in the context of crimes against humanity defined in the Rome Statute and international laws.

The objective of this responsible discussion is to seek and lay the legal grounds for holding the Taliban, particularly Haibatullah Akhundzada, the Taliban leader, and other officials directly supporting the prohibition of women's education and employment, accountable in international criminal courts and other responsible international bodies. Additionally, we will discuss UN commitments and national governments' and international criminal court mechanisms in bringing individuals involved in crimes against humanity and those openly supporting such actions to justice.

Furthermore, this discussion addresses procedural mechanisms available to the International Criminal Court for expeditiously addressing potential crimes against humanity in Afghanistan, assessing the court's capabilities, addressing Taliban illegitimacy and non-cooperation, and holding the Taliban accountable for committing crimes against humanity and gender-based discrimination.

Through this pragmatic and responsible discussion, we anticipate overcoming any hurdles to practical judicial actions by the ICC and other responsible entities. We seek effective collaboration with the ICC to ensure and expedite accountability for the Taliban.

BACKGROUND:

Following the fall of Afghanistan, Haibatullah Akhundzada, the Taliban leader, and their ministries and subordinates issued several decrees, directives, and orders regarding Afghan women that completely banned their fundamental rights. Some of Haibatullah Akhundzada's decrees were

published by the Taliban Ministry of Justice in Official Gazette No. 1432, dated May 9, 2023. These orders include prohibiting Afghan women from education, employment, freedom of movement, freedom of expression and music, creating restrictions on accessing essential services and healthcare, preventing the right to protest, and engaging in cultural activities such as participating in public gatherings, sports programs, and travel. Overall, these decrees have suppressed women, deprived them of all rights, freedoms, and independence, placing them under complete male dominance and confinement.

However, the most concerning anti-women decrees issued by the Taliban to date include the closure of schools above the sixth grade for girls, banning women from attending universities, and prohibiting women's employment in government and non-governmental entities, including UN agencies.



Source: USIP

On September 17, 2021, the Taliban issued an order prohibiting girls' education beyond the sixth grade in Afghanistan. Furthermore, additional orders were imposed on December 5 and 7, 2022, which prevented women and girls from continuing their education in universities and private courses until further notice. Additionally, on December 11, 2022, they officially prohibited women's employment in domestic and international non-governmental organizations. This restriction was later expanded in April 2023, and female United Nations personnel in Afghanistan were also banned from working in UN agencies.

CONFIRMED GUESTS:

1. **Ms. Shamiso Mbizvo**, International Cooperation Adviser to the Office of the Prosecutor, International Criminal Court, ICC. (As per a decision by the Office of the Prosecutor, Ms.

Shamiso's attendance was recently withdrawn due to unforeseen circumstances, despite several prior confirmations)

2. **Mr. Nasir Andisha**, Ambassador and Permanent Representative, Permanent Mission of Afghanistan to Geneva
3. **Ms. Fawzia Koofi**, Former Deputy Speaker of the Afghan Parliament.
4. **Mr. David LaBahn**, President at US Association of Prosecuting Attorneys.
5. **Ms. Heather Barr**, Associate Women's Rights Director at Human Rights Watch.

EVENT DETAILS:

- Date: May 10, 2024, during Equality, Diversity, and Human Rights Week (May 8th-13th).
- Time: 9:00 AM - 11:00 AM EST (New York)
- Location: Online via Zoom (hosted by ITJP)
- Moderator: Dr. Haroon Mutasem, Professor of Criminal Law, American University of Afghanistan, holding a PhD in Law from the University of Hamburg. Research Fellow at the Humboldt-Universität zu Berlin. Former Director of Legal, Legislative, and Judicial Affairs at the Office of the President of Afghanistan.

KEY TOPICS AND SPEAKERS:

| Topics | Directed To | Time | Remarks |
|---|---|-----------|--|
| Opening (Discussion Introduction) | ITJP | 3 minute | Discussion time won't exceed two hours unless critical. Zoom meeting will be scheduled for two and a half hours for flexibility. |
| Understanding the Afghan women's situation and examining the impact of the Taliban's decrees, particularly those issued by Akhuzada, on Afghan women's fundamental rights (girls' and women's right to education and employment) | Ms. Fawzia Koofi and Mr. Andisha | 20 minute | |
| Reviewing Afghanistan's case and recent developments within the ICC. | ICC | 15 minute | |
| Examining whether the prohibition of Afghan girls' education and women's employment under Akhuzada's decrees meets the criteria for crimes against humanity and gender-based discrimination under the Rome Statute and international laws. | ICC, HRW, APA-US | 25 minute | |
| Unraveling the legal avenues and procedural steps for holding Taliban, particularly Akhundzada and those directly involved and supporting his decrees on the prohibition of girls' education and women's employment accountable | ICC, Mr. Andisha. APA-US and HRW also should be engaged | 35 minute | |
| Possible questions or clarifications from the distinguished attendees. | Attendees (max 3 attendees) | 10 | |

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| | including the journalists) | | unrelated to Afghan women's rights (ITJP's specific topic) will not be addressed during the discussion. |
| Conclusion (clear path and steps for accountability and next steps) | Moderator (ITJP) | 5 minute | Total specified time: 113 minutes out of 120 (two hours) |

PARTICIPATION:

The media, select victims, and partner organizations will be invited to participate in the discussion. The event will be recorded for wider dissemination and reference

Together, we can raise awareness and advocate for a future where Afghan women's fundamental rights are respected and protected.

Please RSVP at info@itjp.us to confirm your attendance.

ATTENDEES:

1. ...