PEOPLE'S TRIBUNAL FOR WOMEN OF AFGHANISTAN

August 2025

THE WOMEN, GIRLS, AND PEOPLE OF AFGHANISTAN,

Complainants,

-versus-

HABATULLAH AKHUNDZADA,
SIRAJUDDIN HAQQANI,
MULLAH MOHAMMAD YAQOOB,
ABDUL GHANI BARADAR,
NOOR MOHAMMAD SAQIB,
SHEIKH MOHAMMAD KHALID HANAFI,
SHAIKH ABDUL HAKIM HAQQANI,
NEDA MOHAMMAD NADEEM,
HABIBULLAH AGHA,
ABDUL HAQ WASIQ,
THE TALIBAN, AND
THE STATE OF AFGHANISTAN.

Defendants.

INDICTMENT

The Prosecutors, on behalf of the women, girls, and people of Afghanistan, aver that:

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I. PREFARATORY STATEMENT

A. Statement of Purpose

1. This indictment is respectfully submitted to the Permanent People's Tribunal (PPT) in response to the deliberate, systematic, and institutionalized campaign of gender-based persecution carried out by the Taliban de facto authorities against women and girls in Afghanistan since August 15, 2021.

2. Drawing upon survivor testimonies, corroborated documentation, and the findings of international bodies, the prosecutorial team submits that the Taliban's policies of exclusion, repression, and erasure (grounded in misogyny and enforced through mechanisms of state-like control), constitute crimes against humanity under Article 7(1)(h) of the Rome Statute, particularly the crime of gender persecution.

3. The purpose of this indictment is threefold: (1) to restore visibility and dignity to Afghan women and girls whose rights have been erased and whose voices have been forcibly silenced; (2) to pursue accountability through people's justice where formal remedies remain absent, slow, inaccessible, or ineffective; and (3) to contribute to the development of jurisprudence on gender persecution and gender apartheid, addressing urgent legal and normative gaps in the global accountability framework.

4. The acts detailed herein are neither incidental nor the result of temporary cultural or social divergence. They are deliberate, comprehensive, and enforced through systemic violence, surveillance, and threats aimed at erasing the legal personhood, autonomy, and public existence of women and girls in all spheres of life in Afghanistan. They seek to eliminate the presence of women and girls from public, educational, civic, and economic life. These actions breach Afghanistan's binding obligations under numerous international treaties and represent a coordinated attack on the foundational principles of equality and dignity.

5. This Peoples' Tribunal is an opportunity to establish accountability for these violations, as well as a moral reckoning, a platform of conscience and justice (free from political constraints), to document harm, restore truth, and affirm the resilience of Afghan women and girls. Through this Tribunal, the Complainants seek to give shape to lived experiences, break imposed silences, and contribute to the global insistence that gender persecution must be named, confronted, and never normalized. Where official mechanisms have failed to deliver justice, this Tribunal symbolizes a defense of universal rights and the enduring struggle for human dignity. It represents the hope of breaking an imposed silence through collective acknowledgment, while offering an opportunity for recognition, redress, and healing.

B. Basis for Jurisdiction

6. This Tribunal has jurisdiction under the long-established moral and juridical mandate of the PPT, which, since 1979, has served as an independent forum for cases of grave violations of human and peoples' rights where formal legal systems have failed to act. Its authority is grounded in the conscience of humanity and guided by internationally recognized legal norms, including international criminal law, international humanitarian

law, customary international law, and the fundamental principles enshrined in international human rights treaties.

7. The Taliban's sustained and deliberate campaign of gender-based persecution, carried out through edicts, institutional decrees, and systemic violence, constitutes a direct and egregious violation of international criminal law. Under Article 7 of the Rome Statute, acts of persecution, torture, imprisonment, and other inhumane treatment, when committed as part of a widespread or systematic attack against a civilian population, qualify as crimes against humanity. The facts and evidence presented in this indictment demonstrate that the Taliban's gender-based policies and practices meet this threshold.

8. Additionally, the Taliban's actions as the *de facto* authorities of Afghanistan breach numerous core international human rights instruments of which Afghanistan is a State Party. As affirmed by the United Nations (UN) Human Rights Committee and international jurisprudence, treaty obligations do not lapse with political transition; they persist and continue to bind any successor or *de facto* authority.[1] Although the Taliban are not recognized as the legitimate government of Afghanistan, their exercise of effective control means that they have a legal responsibility to ensure compliance with Afghanistan's binding obligations.

9. In the absence of effective domestic remedies and amid the limitations of international legal pathways, this Tribunal stands as a necessary venue for truth-telling, recognition, and public judgment. It will help to restore voices where silence has been imposed, to recognize the dignity of women and girls whose rights have been erased, and to assert that justice is not the privilege of power, but the shared inheritance of all people. This process affirms that where impunity reigns, justice must be reclaimed by the people, for the people.

II. THE ACCUSED

10. Since the Taliban's return to power in August 2021, Afghanistan has witnessed a sweeping erosion of women's and girls' rights under a regime that systematically institutionalises gender-based oppression. The Prosecutors identify the Taliban and its individual leaders as the principal perpetrators of a pattern of persecution that meets the threshold of the crime against humanity of gender persecution detailed in Article 7(1)(h) of the Rome Statute of the International Criminal Court.[2]

11. Accordingly, the Prosecutors hereby present their official indictment of: (A) Individual Taliban Leaders; (B) The Taliban as a group; and (C) The State of Afghanistan under the Taliban's *de facto* control.

[1] U.N. Human Rights Comm., General Comment No. 26, Continuity of Obligations (State Successions), ¶ 4, U.N. Doc. CCPR/C/21/Rev.1/Add.8 (Dec. 8, 1997); Int'l Law Comm'n, Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries, art. 1 cmt. 4, U.N. GAOR, 56th Sess., Supp. No. 10, at 31, U.N. Doc. A/56/10 (2001).

[2] Rome Statute of the International Criminal Court art. 7(1)(h), July 17, 1998, 2187 U.N.T.S. 90, https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf.

A. Individual Taliban Leaders

12. Since its founding, the Taliban has been led by a small circle of influential figures whose decisions have shaped the group's ideological direction, military strategies, and governance style. These leaders operate through both formal structures—such as the Leadership Council (Rahbari Shura)—and informal structures, including networks with religious fronts, as well as insurgency fronts.

13. The Taliban's system of governance is closed, which means the entire authority is exclusively centered around the supreme leader and his decisions, particularly on key national issues. None of the powerful and influential leaders within the movement has so far been able to challenge the top leadership. This governance model is deeply centralised, theocratic, and unaccountable, lacking any civilian oversight or independent judiciary.[3] Despite promises of moderation, the Taliban have systematically dismantled democratic institutions and human rights frameworks, particularly targeting women, ethnic minorities, and former government officials.

14. The following individuals represent the core of the Taliban's current power hierarchy: (i) Hibatullah Akhundzada; (ii) Sirajuddin Haqqani; (iii) Mullah Mohammad Yaqoob; (iv) Abdul Ghani Baradar; (v) Noor Mohammad Saqib; (vi) Sheikh Mohammad Khalid Hanafi; (vii) Sheikh Abdul Hakim Haqqani; (viii) Neda Mohammad Nadeem; (ix) Habibullah Agha; and (x) Abdul Haq Wasiq.[4]

i. Hibatullah Akhundzada

15. **Title:** Supreme Leader (Amir al-Mu'minin).

16. **Role:** Holds the highest religious and political authority; issues binding edicts (fatwas); ultimate decision-maker.

17. Appointed in 2016 following the death of his predecessor, Akhundzada is the Taliban's top religious and political authority.[5] A conservative cleric from Kandahar with a background in Islamic jurisprudence, he exercises ultimate authority over all political, military, and legal matters. His rulings are considered binding, and his leadership has coincided with the Taliban's increasing ideological rigidity, especially regarding women's rights. Akhundzada

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[3] Frud Bezhan, *Key Figures in the Taliban's New Theocratic Government*, RADIOFREEEUROPE/RADIOLIBERTY (Sept. 7, 2021, 5:50 PM), https://www.rferl.org/a/afghanistan-taliban-government-figures/31448372.html; U.S. Dep't of State, *2022 Country Reports on Human Rights Practices: Afghanistan* (Mar. 20, 2023), https://www.state.gov/report/custom/2aca652f63/#:~:text=The%20Taliban%20is%20a%20Sunni,political%20settlement%20or%20unity%20government (stating that Afghanistan is experiencing "...serious problems with the independence of the judiciary..."); Vanda Felbab-Brown, *The Taliban's Three years in Power and What Lies Ahead*, BROOKINGS (Aug. 14, 2024), https://www.brookings.edu/articles/the-talibans-three-years-in-power-and-what-lies-ahead.

[4] *Afghanistan: Who's Who in the Taliban Leadership*, BBC (Sept. 7, 2021), https://www.bbc.com/news/world-asia-58235639; *See also Who's Who in Taliban Interim Government?*, AA (Sept. 9, 2021), https://www.aa.com.tr/en/asia-pacific/whos-who-in-taliban-interim-government/2360424.

[5] John Geddie, et al., Hibatullah *Akhundzada: Shadowy Taliban Supreme Leader Whose Son Was a Suicide Bomber*, REUTERS (Sept. 7m 2021, 3:40 PM), https://www.reuters.com/world/haibatullah-akhundzada-shadowy-taliban-supreme-leader-whose-son-was-suicide-2021-09-07.

rarely appears in public and governs primarily through religious edicts.[6] Since the Taliban's return to power, there has been no video or photograph of him showing his face. He is one of the individuals for whom the office of the Prosecutor of the International Criminal Court (ICC) filed a request for an arrest warrant, which the ICC recently issued.[7]

ii. Sirajuddin Haqqani

18. **Title:** Minister of Interior; Leader of Haqqani Network.[8]

19. **Role:** Oversees internal security, policing, and intelligence; controls powerful military and paramilitary forces.

20. Sirajuddin, son of Jalaluddin Haqqani, is both Deputy Leader of the Taliban and head of the Haqqani Network, a semi-autonomous faction known for suicide attacks and ties to al-Qaeda.[9] As Minister of Interior, he controls the police, internal intelligence, and the Taliban's enforcement apparatus.[10] He now holds one of the most powerful positions in the regime. Although Haqqani remains a Specially Designated Global Terrorist, the U.S. removed the $10 million bounty on him in March 2025.[11]

iii. Mullah Mohammad Yaqoob

21. **Title:** Minister of Defence.

22. **Role:** Commands the Taliban's military forces; son of founder Mullah Omar; influential in strategy and appointments.

23. The son of Taliban founder Mullah Omar, Yaqoob is widely seen as a potential future leader of the movement.[12] As Minister of Defence, he oversees the Taliban's armed forces and has called for greater unity within the movement.[13] Some reports suggest he is more

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[6] Sara Abbasi, *The Taliban Claims that Women Have a "Comfortable and Prosperous Life" in Afghanistan. Its Actions Say Otherwise*, FEMINIST MAJORITY FOUND. (June 29, 2023), https://feminist.org/news/the-taliban-claims-that-women-have-a-comfortable-and-prosperous-life-in-afghanistan-its-actions-say-otherwise/.

[7] *Situation in Afghanistan: ICC Pre-Trial Chamber II Issues Arrest Warrants for Hibatullah Akhundzada*, ICC PRESS RELEASE (July 8, 2025), https://www.icc-cpi.int/news/situation-afghanistan-icc-pre-trial-chamber-ii-issues-arrest-warrants-haibatullah-akhundzada.

[8] Thomas Rutti, *Loya Paktia's Insurgency: The Haqqani Network as an Autonomous Entity,* in DECODING THE NEW TALIBAN, INSIGHTS FROM AFGHAN FIELD 8 (Antonio Giustozzi ed., 2009) https://www.afghanistan-analysts.org/wp-content/uploads/2009/07/20090224-HQN-as-autonomous-T-entity.pdf.

[9] *Situation in Afghanistan: ICC Pre-Trial Chamber II Issues Arrest Warrants for Haibatullah Akhundzada and Abdul Hakim Haqqani*, ICC PRESS RELEASE (July 8, 2025), https://www.icc-cpi.int/news/situation-afghanistan-icc-pre-trial-chamber-ii-issues-arrest-warrants-haibatullah-akhundzada.

[10] *Afghanistan: Who's Who in the Taliban Leadership*, BBC (Sept. 7, 2021), https://www.bbc.com/news/world-asia-58235639.

[11] *US Lifts $10m Reward for Major Taliban Leader Haqqani*, AL JAZEERA (Mar. 22, 2025), https://www.aljazeera.com/news/2025/3/22/us-lifts-10m-reward-for-major-taliban-leader-haqqani.

[12] Paul Cruickshank & Madeline Field, *A View from the CT Foxhole: Edmund Fitton-Brown, Outgoing Coordinator, ISIL (Daesh)/Al-Qaida/ Taliban Monitoring Team, United Nations*, 15 CTC SENTINEL 16, 18 (Aug. 2022) https://ctc.westpoint.edu/wp-content/uploads/2022/08/CTC-SENTINEL-082022.pdf.

[13] Paul Cruickshank & Madeline Field, *A View from the CT Foxhole: Edmund Fitton-Brown, Outgoing Coordinator, ISIL (Daesh)/Al-Qaida/ Taliban Monitoring Team, United Nations*, 15 CTC SENTINEL 16, 17 (Aug. 2022) https://ctc.westpoint.edu/wp-content/uploads/2022/08/CTC-SENTINEL-082022.pdf.

pragmatic and open to diplomatic engagement than other senior figures, though he remains loyal to the group's core ideology.[14]

iv. Abdul Ghani Baradar

24. **Title:** Deputy Prime Minister (Political).

25. **Role:** Co-founder of the Taliban; led the Doha negotiations; symbolically significant.

26. A founding member of the Taliban and former head of its political office in Doha, Baradar played a central role in negotiating the 2020 Doha Agreement with the U.S.[15] He has been somewhat sidelined through internal power struggles, but nevertheless remains a symbolic and influential figure, especially in foreign diplomatic circles.[16]

v. Noor Mohammad Saqib

27. **Title:** Minister of Hajj and Religious Affairs.

28. **Role:** Issues religious guidelines; instrumental in shaping the Taliban's policies on gender and morality.

29. A senior religious figure, Saqib has been instrumental in issuing fatwas that justify the Taliban's gender policies, including bans on women's education and employment.[17] He is closely aligned with the hardline stance of Akhundzada and plays a key role in the Taliban's ideological indoctrination.[18]

vi. Sheikh Mohammad Khalid Hanafi

30. **Title:** Minister for Promotion of Virtue and Prevention of Vice.

31. **Role:** Heads the morality police; enforces bans on women's freedoms, media, and social behaviour.

32. Hanafi oversees the religious police and the enforcement of Taliban morality laws.[19] His ministry is responsible for decrees banning women from public life, music, entertainment,

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[14] *See* Steve Inskeep & Fazelminallah Qazizai, *We Visited a Taliban Leader's Compound to Examine His Vision for Afghanistan*, (Aug. 5, 2022) https://www.npr.org/2022/08/05/1115388675/taliban-afghanistan-leader-us-relationship.
[15] *Abdul Ghani Baradar*, EBESCO (2024), https://www.ebsco.com/research-starters/biography/abdul-ghani-baradar.
[16] *Abdul Ghani Baradar*, EBESCO (2024), https://www.ebsco.com/research-starters/biography/abdul-ghani-baradar.
[17] Thomas Joscelyn & Bill Roggio, *Taliban's Government Includes Designated Terrorists, Ex-Guantanamo Detainees*, LONG WAR J. (Sept. 8, 2021), https://www.longwarjournal.org/archives/2021/09/talibans-government-includes-designated-terrorists-ex-guantanamo-detainees.php.
[18] Thomas Joscelyn & Bill Roggio, *Taliban's Government Includes Designated Terrorists, Ex-Guantanamo Detainees*, LONG WAR J. (Sept. 8, 2021), https://www.longwarjournal.org/archives/2021/09/talibans-government-includes-designated-terrorists-ex-guantanamo-detainees.php.
[19] *Mawlawi Sheikh Mohammad Khalid al-Hanafi*, MIDDLE E. INST., https://talibantracker.mei.edu/english/taliban/leadership-tracker/Mawlawi-Sheikh-Mohammad-Khalid-al-Hanaf (last visited Aug. 1, 2025).

and mixed-gender interaction, effectively institutionalising what some refer to as "gender apartheid."[20]

vii. Sheikh Abdul Hakim Haqqani

33. **Title:** Chief Justice of the Supreme Court.

34. **Role:** Top judicial authority; shapes legal interpretations under the Taliban's Islamic law system.

35. Shaikh Abdul Hakim Haqqani is a senior Taliban cleric and currently serves as the Chief Justice of the Supreme Court of the Islamic Emirate of Afghanistan.[21] He is a founding member of the Taliban's religious establishment and was previously the head of the Taliban's negotiating team during peace talks in Doha.[22] A graduate and former teacher at Darul Uloom Haqqania in Pakistan—a major Taliban-aligned seminary—he is a key architect of the group's judicial ideology.[23] Haqqani plays a central role in interpreting Sharia law for the Taliban judiciary, reinforcing hardline rulings, including those restricting women's rights and instituting public punishments.[24] He is one of the individuals for whom the office of the Prosecutor of the ICC filed a request for an arrest warrant, which the ICC recently issued.[25]

viii. Neda Mohammad Nadeem

36. **Title:** Minister of Higher Education.

37. **Role:** Responsible for the Taliban's ban on women in universities; promotes hardline curriculum.

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[20] Lisa Curtis & Hadeia Amiry, *Don't Betray the Women of Afghanistan*, CENT. ASIA-CAUCASUS INST. SILK ROAD STUD. PROGRAM (Sept. 2024), https://silkroadstudies.org/publications/silkroad-papers-and-monographs/item/13522-dont-betray-the-women-of-afghanistan.html; *Mawlawi Sheikh Mohammad Khalid al-Hanafi,* MIDDLE E. INST., https://talibantracker.mei.edu/english/taliban/leadership-tracker/Mawlawi-Sheikh-Mohammad-Khalid-al-Hanafi (last visited Aug. 8, 2025).

[21] *Sheikh Mawlawi Abdul Hakim Haqqani*, MIDDLE E. INST., https://talibantracker.mei.edu/english/taliban/leadership-tracker/Sheikh-Mawlawi-Abdul-Hakim-Haqqani (last visited Aug. 1, 2025).

[22] *Sheikh Mawlawi Abdul Hakim Haqqani*, MIDDLE E. INST., https://talibantracker.mei.edu/english/taliban/leadership-tracker/Sheikh-Mawlawi-Abdul-Hakim-Haqqani (last visited Aug. 1, 2025).

[23] *Brief Introduction of Members of the Negotiating Team of the Islamic Emirate of Afghanistan*, ISLAMIC EMIRATE AFGHANISTAN (Sept. 30, 2020, 6:34 PM), https://www.alemarahenglish.af/brief-introduction-of-members-of-the-negotiating-team-of-the-islamic-emirate-of-afghanistan; Frud Bezhan, *Why Did the Taliban Appoint a Hard-Line Chief Negotiator for Intra-Afghan Talks*, RADIOFREEEUROPE/RADIOLIBERTY (Sept. 10, 2020) https://www.rferl.org/a/why-did-the-taliban-appoint-a-hard-line-chief-negotiator-for-intra-afghan-talks-/30832252.html.

[24] *Brief Introduction of Members of the Negotiating Team of the Islamic Emirate of Afghanistan*, ISLAMIC EMIRATE AFGHANISTAN (Sept. 30, 2020, 6:34 PM) https://www.alemarahenglish.af/brief-introduction-of-members-of-the-negotiating-team-of-the-islamic-emirate-of-afghanistan; *Sheikh Mawlawi Abdul Hakim Haqqani*, MIDDLE E. INST., https://talibantracker.mei.edu/english/taliban/leadership-tracker/Sheikh-Mawlawi-Abdul-Hakim-Haqqani (last visited Aug. 1, 2025).

[25] *Situation in Afghanistan: ICC Pre-Trial Chamber II Issues Arrest Warrants for Haibatullah Akhundzada and Abdul Hakim Haqqani*, ICC PRESS RELEASE (July 8, 2025), https://www.icc-cpi.int/news/situation-afghanistan-icc-pre-trial-chamber-ii-issues-arrest-warrants-haibatullah-akhundzada.

38. Neda Mohammad Nadeem is the Minister of Higher Education under the Taliban regime.[26] He previously served as a Taliban provincial governor and is known for his hardline ideological stance.[27] As minister, he has enforced the ban on women attending universities and introduced sweeping reforms to the higher education curriculum aimed at aligning it with the Taliban's strict interpretation of Islam.[28] Nadeem has publicly stated that co-education and the presence of female students violate Islamic principles, making him a central figure in the regime's gender-based repression in academia.[29]

ix. Habibullah Agha

39. **Title:** Minister of Education.

40. **Role:** Oversees the general education system; has implemented and defended bans on girls' secondary education.

41. Habibullah Agha currently serves as the Minister of Education in the Taliban government.[30] He oversees school policy and curriculum at the national level. A senior figure within the Taliban's ranks, Agha is responsible for the continued ban on secondary education for girls (grades 7 -12), which has drawn strong international condemnation.[31] His ministry has prioritised religious studies over secular subjects, further institutionalising the Taliban's ideological control over Afghan education.[32]

x. Abdul Haq Wasiq

42. **Title:** Director of the General Directorate of Intelligence (GDI).

43. **Role:** Leads the country's intelligence operations across Afghanistan.

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[26] Associated Press, *Taliban's Higher Education Minister Defends Ban on Women from Universities,* PBS NEWS (Dec. 22, 2022, 2:15 PM) https://www.pbs.org/newshour/world/talibans-higher-education-minister-defends-ban-on-women-from-universities.

[27] *Neda Mihammad Nadim: Taliban's Minister Behind Education Ban*, AMU TV (Aug. 27, 2024) https://amu.tv/119779.

[28] Associated Press, *Taliban's Higher Education Minister Defends Ban on Women from Universities,* PBS NEWS (Dec. 22, 2022, 2:15 PM), https://www.pbs.org/newshour/world/talibans-higher-education-minister-defends-ban-on-women-from-universities.

[29] Associated Press, *Taliban's Higher Education Minister Defends Ban on Women from Universities,* PBS NEWS (Dec. 22, 2022, 2:15 PM), https://www.pbs.org/newshour/world/talibans-higher-education-minister-defends-ban-on-women-from-universities.

[30] *Taliban Supreme Leader Appoints New Education Minister,* THE HINDU (Sept. 21, 2022) https://www.thehindu.com/news/international/taliban-supreme-leader-appoints-new-education-minister/article65918903.ece.

[31] *Afghanistan School Year Starts Without Millions of Teenage Girls*, AL JAZEERA (Mar. 23, 2023) https://www.aljazeera.com/news/2023/3/23/afghanistan-school-year-starts-without-teenage-girls.

[32] Haroun Rahimi & Andrew Watkins, *The Taliban's Dynamic Efforts to Integrate and Regulate Madrasas and the Motives for Doing So*, RAOUL WALLENBERG INST. 1 (May 2025) https://rwi.lu.se/wp-content/uploads/2025/05/Rahimi-and-Watkins-2025.pdf.

44. Abdul Haq Wasiq is the Director of the GDI, the Taliban's principal intelligence and domestic surveillance agency.[33] A long-time Taliban figure, he was previously held at Guantanamo Bay and released in 2014 as part of a prisoner exchange.[34] Since the Taliban's return to power, Wasiq has led efforts to consolidate control through a nationwide intelligence apparatus known for surveillance, detention, and interrogation of former security personnel, journalists, civil society actors, and women activists. Under his leadership, the GDI has become a key instrument of state repression, carrying out enforced disappearances and arbitrary arrests with near-total impunity.[35]

B. The Taliban as a Group

45. Founded in 1994 in the southern province of Kandahar, the Taliban emerged from the chaos of post-Soviet Afghanistan as a movement of religious students (Talibs) and former mujahideen fighters under the leadership of Mullah Mohammed Omar.[36] Initially portraying themselves as a force of moral and political restoration, the Taliban quickly gained notoriety for their strict enforcement of a puritanical interpretation of Sunni Islam, infused with Deobandi ideology.[37] By 1996, the Taliban had captured Kabul and declared what they called the Islamic Emirate of Afghanistan, ruling most of the country until their ouster in 2001 by a U.S.-led coalition.

46. During both its first regime (1996–2001) and its insurgency period (2001–2021), the Taliban maintained rigid gender norms, restricting women's access to education, employment, healthcare, and political participation. Since their return to power in 2021, these restrictions have become increasingly formalised and all-encompassing, amounting to systematic gender based discrimination, which certain civil society groups refer to as "Gender Apartheid." The United Nations has described the situation as a form of "extreme institutionalized gender-based violence."[38]

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[33] Abdul-Haq Wassiq, *Narrative Summary of Reasons for Listing*, U.N. Sec. Council Al-Qaida & Taliban Sanctions Comm. (1988 Sanctions regime) (Jan. 31, 2001, 12:00 PM), https://main.un.org/securitycouncil/en/sanctions/1988/materials/summaries/individual/abdul-haq-wassiq.

[34] Tim Lister & Eliza Mackintosh, *Taliban Name Ex-Guantanamo Detainees and Wanted Man to New Caretaker Government*, CNN WORLD, https://www.cnn.com/2021/09/07/asia/taliban-government-announcement-intl (last updated Stpt. 8, 2021, 4:38 am). *See also* Abdul-Haq Wassiq, *Narrative Summary of Reasons for Listing*, U.N. Sec. Council Al-Qaida & Taliban Sanctions Comm. (1988 Sanctions regime) (Jan. 31, 2001, 12:00 PM), https://main.un.org/securitycouncil/en/sanctions/1988/materials/summaries/individual/abdul-haq-wassiq.

[35] See WORLD ORG. AGAINST TORTURE, EVERY HOUR FELT AS LONG AS A YEAR: VOICES OF DETAINEES HELD BY AFGHANISTAN'S DE FACTO GENERAL DIRECTORATE OF INTELLIGENCE (2025), https://www.omct.org/site-resources/legacy/Afghanistan_DetentionReportFinal_2025-07-01-122133_mztm.pdf; EUR. UNION AGENCY FOR ASYLUM, AFGHANISTAN TARGETING OF INDIVIDUALS: COUNTRY OF ORIGIN INFORMATION REPORT (Aug. 2022), https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Targeting_of_individuals.pdf.

[36] Joseph Smiles, *The Taliban Regime in Afghanistan*, 29 J. CONTEMP. HIST. 221, 223 (2004) https://journals.ufs.ac.za/index.php/jch/article/view/426/407.

[37] https://journals.ufs.ac.za/index.php/jch/article/view/426/407 Arwa Ibrahim, *Explainer: The Taliban and Islamic Law in Afghanistan*, AL JAZEERA (Aug. 23, 2021) https://www.aljazeera.com/news/2021/8/23/hold-the-taliban-and-sharia-law-in-afghanistan.

[38] *Afghanistan: Women Tell UN Rights Experts 'We're Alive, But Not Living,'* U.N. NEWS (May 5, 2023), https://news.un.org/en/story/2023/05/1136382; Richard Bennett (Special Rapporteur on the Situation of Human

47. Accordingly, the Taliban is herein identified not merely as a *de facto* governing authority, but as a perpetrator of a coordinated, state-level campaign of gender persecution, carried out with the intent to erase women from public life and to restructure Afghan society around male supremacy. The Taliban's campaign is enforced through violence, coercion, and alleged religious justification based solely on the Taliban leadership's perception of Islam and Sharia'.[39]

48. The prosecutorial team submits that the Taliban's actions amount to gender persecution as a crime against humanity, and calls for recognition, accountability, and international response to this crime.

i. Timeline of the Taliban Movement

a. Pre-1996: Formation and Rise (1994-1996)

49. 1994: The Taliban emerge in Kandahar, southern Afghanistan, founded by Mullah Mohammed Omar and other former Mujahideen and madrasa students.[40] Frustrated by warlord violence and lawlessness, they promise to restore order and Islamic justice.[41]

50. 1995–1996: The Taliban rapidly gain territory, capturing key provinces and imposing their strict version of Sharia law.[42] Their military success is bolstered by external support, notably from Pakistan's Inter-Services Intelligence (ISI) and some Gulf donors.[43]

51. September 1996-1997: The Taliban capture Kabul, oust the Mujahideen-sponsored President, Burhanuddin Rabbani, and execute former President Mohammad Najibullah.[44] The Taliban then establish what they call the Islamic Emirate of Afghanistan.[45]

b. Taliban Rule (1996-2001)

52. 1996–2001: The Taliban rule most of Afghanistan, enforcing ultraconservative religious rules.[46] Women are banned from education and employment, public executions and amputations become common, and music, television, and photography are banned.[47] Public

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Rights in Afghanistan), *Situation of Women and Girls in Afghanistan*, ¶ 95, U.N. Doc. A/HRC/53/21 (June 15, 2023), https://docs.un.org/en/A/HRC/53/21.

[39] The Taliban's extreme interpretation of Islam and Sharia' is strongly disputed by Islamic scholars. Annex A to this Indictment provides a more in-depth analysis of various women's rights under Islam.

[40] Lindsay Maizland, *The Taliban in Afghanistan*, COUNCIL ON FOREIGN RELS., https://www.cfr.org/backgrounder/taliban-afghanistan (last updated Jan. 19, 2023, 10:45).

[41] Lindsay Maizland, *The Taliban in Afghanistan*, COUNCIL ON FOREIGN RELS., https://www.cfr.org/backgrounder/taliban-afghanistan (last updated Jan. 19, 2023, 10:45).

[42] *Who Are The Taliban?*, BBC (Aug. 12, 2022) https://www.bbc.com/news/world-south-asia-11451718.

[43] Robert M. Cassidy, *War, Will, and Warlords: Counterinsurgency in Afghanistan and Pakistan,* MARINE CORPS UNIV. PRESS 61 (2012) https://www.marines.mil/Portals/1/Publications/War,%20Will,%20and%20Warlords.pdf.

[44] Robert M. Cassidy, *War, Will, and Warlords: Counterinsurgency in Afghanistan and Pakistan,* MARINE CORPS UNIV. PRESS 25 (2012) https://www.marines.mil/Portals/1/Publications/War,%20Will,%20and%20Warlords.pdf.

[45] Robert M. Cassidy, *War, Will, and Warlords: Counterinsurgency in Afghanistan and Pakistan,* MARINE CORPS UNIV. PRESS 27 (2012) https://www.marines.mil/Portals/1/Publications/War,%20Will,%20and%20Warlords.pdf.

[46] Robert M. Cassidy, *War, Will, and Warlords: Counterinsurgency in Afghanistan and Pakistan,* MARINE CORPS UNIV. PRESS 27 (2012) https://www.marines.mil/Portals/1/Publications/War,%20Will,%20and%20Warlords.pdf.

[47] *The Taliban & Afghan Women*, FEMINIST MAJORITY FOUND., https://feminist.org/our-work/afghan-women-and-girls/the-taliban-afghan-women (last visited Aug. 1, 2025).

lashing of women with modest and non-blue Burqa veiling became very common across the country.[48]

53. 1998: Taliban forces massacre civilians in Mazar-i-Sharif, targeting the Hazara community in one of the worst sectarian killings in the country's history.[49]

54. 2001: Taliban commit a mass execution of over 170 (though some estimates suggest over 300) Hazara people (including men, women, and children) in the Yakawlang District of Bamyan Province in Afghanistan. [50]

55. 2001: The Taliban destroy the ancient Bamiyan Buddhas, sparking international outrage over cultural desecration.[51]

56. September 11, 2001: al-Qaeda, sheltered by the Taliban, orchestrate the 9/11 attacks on the U.S.[52]

57. October–December 2001: The U.S.-led invasion of Afghanistan begins. The Taliban regime collapses quickly; Taliban leaders flee or go underground.[53]

c. Insurgency Period (2001-2021)

58. 2002–2005: The Taliban regroup as an insurgency from safe havens in Pakistan.[54] They begin launching attacks against Afghan civilians, government, and international coalition forces.[55]

59. 2006–2015: Violence escalates. The Taliban use Improvised Explosive Devices (IEDs), suicide bombings, and targeted assassinations. Civilian casualties increase, and Taliban control spreads to rural areas.[56]

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[48] *The Taliban & Afghan Women*, FEMINIST MAJORITY FOUND., https://feminist.org/our-work/afghan-women-and-girls/the-taliban-afghan-women (last visited Aug. 1, 2025).

[49] *The Massacre in Mazar-I Sharif*, 10 HUM. RTS. WATCH (Nov. 1998) https://www.hrw.org/legacy/reports98/afghan/Afrepor0.htm.

[50] *Afghanistan: Massacres in Yakaolang*, AMNESTY INT'L 3 (Mar. 2001) https://www.amnesty.org/fr/wp-content/uploads/2021/06/asa110082001en.pdf.

[51] *Bamiyan Buddhas*, HARV. UNIV. https://whoseculture.hsites.harvard.edu/bamiyan-buddhas (last visited Aug. 1, 2025).

[52] Bruce Riedel, *Pakistan, Taliban and the Afghan Quagmire*, BROOKINGS (Aug. 24, 2013) https://www.brookings.edu/articles/pakistan-taliban-and-the-afghan-quagmire.

[53] Lindsay Maizland, *The Taliban in Afghanistan*, COUNCIL ON FOREIGN RELS. https://www.cfr.org/backgrounder/taliban-afghanistan (last updated Jan. 19, 2023, 10:45); *1999-2021: The U.S. War in Afghanistan*, COUNCIL ON FOREIGN RELS., https://www.cfr.org/timeline/us-war-afghanistan (last visited Aug. 1, 2025).

[54] News Desk, *A Historical Timeline of Afghanistan*, PBS NEWS, https://www.pbs.org/newshour/politics/asia-jan-june11-timeline-afghanistan (last updated Aug. 20, 2021, 5:27 pm).

[55] Griff Witte, *Afghanistan War*, BRITANNICA, https://www.britannica.com/event/Afghanistan-War (last updated July 22, 2025).

[56] U.N. Assistance Mission in Afghanistan (UNAMA) / Office of the U.N. High Commissioner for Human Rights, *Afghanistan: Civilian Casualties Hit New High in 2015*, PRESS RELEASE (Feb. 14, 2016) https://www.ohchr.org/en/press-releases/2016/02/afghanistan-civilian-casualties-hit-new-high-2015.

60. 2015–2020: The Taliban expand influence amid weakening Afghan governance. They begin shadow governance by collecting taxes, running courts, and administering religious schools.[57]

61. February 2020: The U.S.–Taliban agreement (Doha Agreement) is signed, leading to a U.S. withdrawal deal in exchange for Taliban counter-terrorism guarantees.[58]

62. May–August 2021: Following the U.S. troop withdrawal, the Taliban launch a final offensive, rapidly seizing districts and provincial capitals.[59]

d. Taliban Return to Power (2021-Present)

63. August 15, 2021: The Taliban enter Kabul virtually unopposed; the Islamic Republic of Afghanistan collapses; President Ashraf Ghani flees.[60]

64. September 2021: The Taliban re-establish what they call the Islamic Emirate, announcing an all-male, hardline leadership.[61]

65. 2021–2023: The Taliban impose increasingly repressive decrees; banning girls' education beyond grade six, barring women from universities and most employment, and enforcing public floggings and executions.[62]

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[57] Ashley Jackson, *Life Under the Taliban Shadow Government*, ODI GLOB. (June 20, 2018) https://odi.org/en/publications/life-under-the-taliban-shadow-government; Weeda Mehran, et al., *Rebel Governance: An Analysis of the Taliban's Governance from 2001-2021,* SMALL WARS & INSURGENCIES 1 (Nov. 8, 2023), https://www.tandfonline.com/doi/epdf/10.1080/09592318.2023.2282817?needAccess=true.

[58] Lindsay Mizland, *U.S.-Taliban Peace Deal: What to Know*, COUNCIL ON FOREIGN RELS, https://www.cfr.org/backgrounder/us-taliban-peace-deal-agreement-afghanistan-war (last updated Mar. 2, 2020, 3:00 pm).

[59] Graeme Smith, *Afghanistan Three Years After the Taliban Takeover*, INT'L CRISIS GRP. (Aug. 14, 2024) https://www.crisisgroup.org/asia/south-asia/afghanistan/afghanistan-three-years-after-taliban-takeover; The Visual Journalism Team, *How the Taliban Stormed Across Afghanistan in 10 Days*, BBC (Aug. 16, 2021) https://www.bbc.com/news/world-58232525.

[60] *Afghan President Ghani Flees Country as Taliban Enters Kabul*, AL JAZEERA https://www.aljazeera.com/news/2021/8/15/afghan-president-ghani-flees-country-as-taliban-surrounds-kabul (last updated Aug. 16, 2021, 8:28 am).

[61] Claire Mills, et al., *Recent Developments in Afghanistan* (House of Commons Library Research Briefing CBP-10215, Mar. 18, 2025) https://commonslibrary.parliament.uk/research-briefings/cbp-10215/.

[62] Belquis Ahmadi & Scott Worden, *Two Years of the Taliban's 'Gender Apartheid' in Afghanistan*, U.S. INST. PEACE (Sept. 14, 2023) https://www.usip.org/publications/2023/09/two-years-talibans-gender-apartheid-afghanistan; *FAQs: Afghan Women Three Years after the Taliban Takeover*, U.N. WOMEN (Aug. 12, 2024) https://www.unwomen.org/en/articles/faqs/faqs-afghan-women-three-years-after-the-taliban-takeover.

66. 2023–Present: The Taliban face international isolation, worsening humanitarian conditions, and internal resistance.[63] The UN and human rights organisations increasingly describe the Taliban's treatment of women as gender persecution and Gender Apartheid.[64]

ii. From an Organized Politico-Military Group to De Facto Authority

67. The Taliban gradually built a parallel governance structure as a shadow state in the areas where they had a stronger presence or complete control in Afghanistan throughout 2002-2021.[65]

68. They ruled by issuing edicts, collecting taxes, resolving disputes via shadow courts, and managing basic services in areas under their control.[66] This shadow administration mirrored government institutions and gradually earned social legitimacy, even before their 2021 takeover.[67]

69. The Taliban rapidly developed centralized command structures, disciplined fighting units, and a parallel judicial system based on an ultraconservative interpretation of Sunni Islam.[68]

70. Following the U.S. withdrawal and the collapse of the Afghan Republic, the Taliban seized power with striking speed, consolidating political control through Kabul and declaring the return of the Islamic Emirate of Afghanistan.

71. Though they remain unrecognised by other states, the Taliban, as the *de facto* authorities, have established ministries, enforced law through religious police, and controlled national

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[63] Heather Barr, *The Taliban and the Global Backlash Against Women's Rights*, HUM. RTS. WATCH (Feb. 6, 2024, 1:29 pm) https://www.hrw.org/news/2024/02/06/taliban-and-global-backlash-against-womens-rights; Filippo Boni, *Afghanistan 2023: Taliban Governance and International Isolation*, ASIA MINOR https://www.asiamaior.org/the-journal/18-asia-maior-vol-xxxiv-2023/afghanistan-2023-taliban-governance-and-international-isolation.html (last visited Aug. 1, 2025).

[64] Belquis Ahmadi & Scott Worden, *Two Years of the Taliban's 'Gender Apartheid' in Afghanistan*, U.S. INST. PEACE (Sept. 14, 2023) https://www.usip.org/publications/2023/09/two-years-talibans-gender-apartheid-afghanistan; *Induce Taliban to End 'Gender Apartheid' in Afghanistan through All Available Means, Speakers Urge Security Council*, Security Council Press Release No. SC/15421 (Sept. 26, 2023).

[65] *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy*, CONG. RSCH. SERVICE 7-18 (Dec. 3, 2017) ww.everycrsreport.com/files/20171213_RL30588_0a51c51635f5c5fcd227fe6dc9d4dda135ef1aa4.pdf; Ashley Jackson & Rahmatullah Amiri, *Insurgent Bureaucracy: How the Taliban Makes Policy*, U.S. INST. PEACE 6-10 (Nov. 2019) https://www.usip.org/sites/default/files/2021-08/pw_153-insurgent_bureaucracy_how_the_taliban_makes_policy.pdf. *See generally* Antonio Giusozzi & Adam Baczko, *The Politics of the Taliban's Shadow Judiciary, 2003-2013,* CENT. ASIAN AFF. (Dec. 1, 2021) https://sciencespo.hal.science/hal-03460578/file/2014-baczko-taliban-shadow-judiciary-central-asian-affairs-1-2.pdf.

[66] *See e.g., "A Disaster for the Foreseeable Future,"* HUM. RTS. WATCH (Feb. 12, 2024) https://www.hrw.org/report/2024/02/12/disaster-foreseeable-future/afghanistans-healthcare-crisis (stating that "[t]he sharp reduction in financial and technical development support for Afghanistan's public health system since the Taliban takeover in August 2021 has severely harmed the country's healthcare system.").

[67] Pamela Constable, *The Taliban has Successfully Bult a Parallel State in Many Parts of Afghanistan, Report Says*, WASH. POST (June 21, 2018) https://www.washingtonpost.com/news/worldviews/wp/2018/06/21/the-taliban-has-successfully-built-a-parallel-state-in-many-parts-of-afghanistan-report-says/.

[68] Pamela Constable, *The Taliban has Successfully Bult a Parallel State in Many Parts of Afghanistan, Report Says*, WASH. POST (June 21, 2018) https://www.washingtonpost.com/news/worldviews/wp/2018/06/21/the-taliban-has-successfully-built-a-parallel-state-in-many-parts-of-afghanistan-report-says/.

resources and borders.[69] Despite their claims of moderation, their governance has revealed a rigid ideological structure, marked by systemic gender repression, ethnic discrimination, and the silencing of dissent.[70]

C. The State of Afghanistan Under the Taliban's *De Facto* Control

72. The prosecutorial team submits that the Taliban *de facto* authorities have engaged in a deliberate, systematic, and institutionalized campaign of repression targeting women, girls, and other marginalized groups in Afghanistan. These acts are grounded in a discriminatory ideology and enforced through coercion and violence, constituting multiple, serious violations of binding international human rights treaties to which Afghanistan remains a State Party.

III. THE CHARGES

A. Count 1: The Taliban's Institutionalized Discrimination Against Women Amounts to Gender Persecution

73. The prosecutorial team relies on multiple types of evidence—the Taliban's edicts and decrees, their violent enforcement mechanisms, and witness testimonies—to prove that the Taliban have severely deprived the women and girls of Afghanistan of their fundamental rights, in violation of international law.

74. The prosecutorial team further maintains that the victims have been targeted by reason of their gender, which is universally recognised as impermissible under international instruments.[71]

75. Furthermore, the prosecutorial team respectfully submits that the Taliban's institutionalized persecution on the basis of gender is an integral part of the systematic and widespread attacks against the civilian population, and is carried out as part of the Taliban's organisational policy with an intent to further that policy and control.

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[69] Center for Preventative Action, *Instability in Afghanistan*, COUNCIL ON FOREIGN RELS, https://www.cfr.org/global-conflict-tracker/conflict/war-afghanistan (last updated Feb. 12, 2025); Franz J. Marty, *Afghanistan's Border (and What it Says About Their Regime)*, DIPLOMAT (Aug. 8, 2023) https://thediplomat.com/2023/08/how-the-taliban-guard-afghanistans-border-and-what-it-says-about-their-regime/; *The Taliban's Morality Police are Contributing to a Climate of Fear Among Afghans, UN Says*, ASSOCIATED PRESS (July 9, 2024) https://apnews.com/article/afghanistan-taliban-vice-virtue-ministry-un-report-98c11cdfa5e12b9e0df9e5c085b622e8.

[70] Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan, U.N. Doc. A/HRC/52/84 (Mar. 2023); *Afghanistan: Death in Slow Motion: Women and Girls Under Taliban Rule*, AMNESTY INT'L. (July 27, 2022), https://www.amnesty.org/en/documents/asa11/5685/2022/en/.

[71] International Criminal Court, *Elements of Crimes*, art. 7(1)(g)-(h) (2011), https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf.

76. Therefore, the prosecutorial team alleges that the Taliban's institutionalised system of oppression against women and girls constitutes gender persecution as defined under the Rome Statute, Article 7(1)(h).[72]

77. Article 7(1)(h) of the Rome Statute defines the crime against humanity of gender persecution as follows:

> *For the purpose of this Statute, "crimes against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:*
>
> *[…]*
>
> *(h). Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court.*

78. The Trial Chamber at the ICC recently held in the Al-Hassan case that:

a. Under Article 7(1)(h), an act of persecution encompasses discriminatory measures, [that] '*infringe […] on basic rights and reach[] the necessary level of gravity', such as the 'right to education*'.[73]

b. According to Article 7(1)(g), the deprivation of fundamental rights must be 'severe, with consideration of their cumulative effect.'[74]

79. The prosecutorial team respectfully submits that there are reasonable grounds to believe that the Taliban leadership and their affiliated personnel have severely deprived the women and girls of Afghanistan of their fundamental rights through issuing and imposing discriminatory edicts and decrees prohibiting them from exercising their fundamental rights.

80. Based on the evidence presented in this Indictment, the prosecutorial team submits that there are reasonable grounds to believe that, since August 15, 2021, the Taliban leadership and its affiliated personnel are responsible for gender persecution as a crime against humanity.

81. The Taliban's actions systematically excluding women and girls from education, employment, public life, and freedom of movement constitute gender persecution. These

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[72] Rome Statute of the International Criminal Court art. (7)(1)(h), July 17, 1998, 2187 U.N.T.S. 90, https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf; ICC OFFICE OF THE PROSECUTOR, POLICY ON THE CRIME OF GENDER PERSECUTION 3 (Dec. 7, 2022), https://www.icc-cpi.int/sites/default/files/2022-12/2022-12-07-Policy-on-the-Crime-of-Gender-Persecution.pdf (defining gender persecution as "the crime against humanity of persecution on the grounds of gender, under article 7(1)(h) of the Statute. Gender persecution is committed against persons because of sex characteristics and/or because of the social constructs and criteria used to define gender").

[73] Prosecutor v. Al Hassan, ICC-01/12-01/18, Trial Judgment ¶ 1201 (June 26, 2024), https://www.legal-tools.org/doc/o613gxre/pdf.

[74] Prosecutor v. Al Hassan, ICC-01/12-01/18, Trial Judgment ¶ 1205 (June 26, 2024), https://www.legal-tools.org/doc/o613gxre/pdf.

acts have been committed with discriminatory intent, enforced through state mechanisms and under official policy. As such, they meet the threshold of a crime against humanity under Article 7(1)(h) of the Rome Statute, which prohibits persecution "*against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender (...) grounds that are universally recognized as impermissible under international law*."[75]

82. To establish the crime against humanity of gender persecution under Article 7(1)(h) of the Rome Statute:[76]

a. The perpetrator must have severely deprived, contrary to international law, one or more persons of fundamental rights;

b. The perpetrator must have targeted such person or persons by reason of the identity of a group or collectivity or targeted the group or collectivity as such;

c. Such targeting must have been based on political, racial, national, ethnic, cultural, religious, **gender** as defined in Article 7(3) of the Statute, or other grounds that are universally recognised as impermissible under international law;

d. The conduct must have been committed in connection with any act referred to in Article 7(1) of the Statute or any crime within the jurisdiction of the Court;

e. The conduct must have been committed as part of a widespread or systematic attack directed against a civilian population; and

f. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.

83. Most of the individual elements of this framework will be discussed in detail in the sections that follow. The two that are not individually discussed, are discussed in combination with some of the other elements.

i. Severe Deprivation of Fundamental Rights

84. Through 126 edicts and decrees,[77] the Taliban have severely deprived the women of Afghanistan of various fundamental rights, including their rights to: education, work, bodily integrity freedom of movement, speech, assembly, public participation, access to justice and healthcare.[78] The Taliban has perpetrated this deprivation of fundamental rights through violent enforcement mechanisms, including the feared Ministry for the Promotion

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[75] Rome Statute of the International Criminal Court art. 7(1)(h), July 17, 1998, 2187 U.N.T.S. 90.

[76] ICC OFFICE OF THE PROSECUTOR, POLICY ON THE CRIME OF GENDER PERSECUTION ¶ 34 (Dec. 7, 2022), https://www.icc-cpi.int/sites/default/files/2022-12/2022-12-07-Policy-on-the-Crime-of-Gender-Persecution.pdf; Prosecutor v. Al Hassan, ICC-01/12-01/18, Trial Judgment ¶¶ 1199-1201 (June 26, 2024), https://www.legal-tools.org/doc/o613gxre/pdf.

[77] *Taliban Must Uphold International Obligations, Restore Women's 'Non-Negotiable' Rights, Security Council Told*, U.N. NEWS (Mar. 10, 2025), https://press.un.org/en/2025/sc16015.doc.htm.

[78] ICC OFFICE OF THE PROSECUTOR, POLICY ON THE CRIME OF GENDER PERSECUTION ¶¶ 36-38 (Dec. 7, 2022), https://www.icc-cpi.int/sites/default/files/2022-12/2022-12-07-Policy-on-the-Crime-of-Gender-Persecution.pdf (emphasizing that gender persecution encompasses a range of violations, including restrictions on movement, expression, and access to justice, reflecting the multifaceted nature of gender-based oppression).

of Virtue and the Prevention of Vice (the "Ministry of Vice and Virtue"),[79] and with tools such as arbitrary detention, imprisonment, torture and other inhumane acts, rape and sexual violence, and enforced disappearances.[80]

85. This severe deprivation of fundamental rights of women and girls in Afghanistan will undoubtedly have an intergenerational impact, affecting all parts of Afghan society, with irreversible consequences. As an example, the Taliban had imposed similar restrictions on women's fundamental rights during their first time in power in the 1990s, which resulted in a lack of female professional cadre, particularly in vital positions of doctors and lawyers for the two decades that followed.[81]

ii. Targeting a Group or Collectivity

86. This element of the crime is further discussed in conjunction with the element that follows.

iii. Targeting Based on Gender as Defined in Article 7(3) of the Rome Statute

87. As will be further discussed in Section IV below, the Taliban's ideology and model of governance are deeply rooted in their belief in male superiority; they reject equality between women and men.

88. As already mentioned, Article 7(1)(h) of the Rome Statute criminalizes persecution against any identifiable group or collectivity on a political, racial, national, ethnic, cultural, religious, gender, or other grounds universally recognized as impermissible under international law.[82]

89. The term "gender," as defined in Article 7(3), "refers to the two sexes, male and female, within the context of society," and must be interpreted in light of its ordinary meaning and the object and purpose of the Statute.[83] This definition requires that the persecution be grounded in the individual's socially constructed role, behavior, or status associated with their sex.[84]

90. It is not necessary for the persecution to be based on biological sex alone; rather, targeting individuals because they are perceived and treated as women within the sociocultural context is sufficient to trigger Article 7(1)(h).[85]

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[79] Heather Barr, *For Afghan Women, the Return of Frightening Return of 'Vice and Virtue'*, HUM. RTS. WATCH (Sept. 29, 2021, 10:00 AM), https://www.hrw.org/news/2021/09/29/afghan-women-frightening-return-vice-and-virtue.

[80] *Afghanistan: The Taliban's War on Women: The Crime against Humanity of Gender Persecution in Afghanistan*, AMNESTY INT'L 20 (May 25, 2023), https://www.amnesty.org/en/documents/asa11/6789/2023/en/.

[81] *Flying Down to Kabul: Women in Afghanistan: Employment, PBS* (Aug. 1, 2006) https://www.pbs.org/wnet/wideangle/interactives-extras/photo-galleries/women-in-afghanistan-employment/2202.

[82] Rome Statute of the International Criminal Court art 7(1)(h), July 17, 1998, 2187 U.N.T.S. 90, https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf.

[83] Rome Statute of the International Criminal Court art 7(3), July 17, 1998, 2187 U.N.T.S. 90, https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf.

[84] ICC OFFICE OF THE PROSECUTOR, POLICY ON THE CRIME OF GENDER PERSECUTION ¶¶ 25, 42 (Dec. 7, 2022), https://www.icc-cpi.int/sites/default/files/2022-12/2022-12-07-Policy-on-the-Crime-of-Gender-Persecution.pdf.

[85] ICC OFFICE OF THE PROSECUTOR, POLICY ON THE CRIME OF GENDER PERSECUTION ¶¶ 25, 42 (Dec. 7, 2022), https://www.icc-cpi.int/sites/default/files/2022-12/2022-12-07-Policy-on-the-Crime-of-Gender-Persecution.pdf.

91. The Taliban's conduct, as documented through a consistent and wide-ranging pattern of decrees, edicts, and enforcement mechanisms, constitutes an intentional and severe deprivation of fundamental rights against a specifically identified group, women and girls, on the basis of their gender.[86] The discriminatory measures imposed are not facially neutral but instead explicitly target female persons because of their status as women.[87]

92. These acts are committed in furtherance of policy that reinforces and institutionalizes male dominance, and they reflect a deliberate denial of legal equality between men and women.[88] As such, the Taliban's actions fall within the scope of persecution on gender grounds as defined and prohibited under Article 7(1)(h), read in conjunction with Article 7(3) of the Rome Statute.

93. The Taliban has explicitly targeted women and girls through decrees and edicts. According to human rights reporting, the group has issued over 126 gender-specific directives**,** the vast majority of which—approximately 70 to 118—directly regulate the status, conduct, and rights of women and girls, systematically depriving them of their most fundamental freedoms. Moreover, the establishment of gender-specific enforcement mechanisms, such as the morality police under the Ministry of Vice and Virtue, and the imposition of severe and disproportionate punishments on women and girls, compared to male counterparts, demonstrate that the Taliban has targeted these groups explicitly because of their gender identity.

94. At the same time, there are intersectional vulnerabilities within the Taliban's gender-based persecution. Historically, the Taliban have deep hostilities towards ethnic and religious minorities. In 2024 and July 2025, the Taliban started a campaign of arbitrarily detaining women in the streets of Kabul for not following the Taliban's oppressive dress code. The Taliban has deliberately focused its operations on predominantly Hazara, Uzbek and Tajik-populated areas. Based on the accounts of the women detained, Taliban fighters used racial slurs while carrying out arrests.[89]

iv. Conduct of Acts Referred to in Article 7(1) of the Rome Statute or Any Crime Within the Jurisdiction of the ICC

95. This element of the crime is discussed in conjunction with the other elements.

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[86] Richard Bennett (Special Rapporteur on the Situation of Human Rights in Afghanistan), *Situation of Women and Girls in Afghanistan*, ¶¶ 17-23, U.N. Doc. A/HRC/53/21 (June 15, 2023), https://docs.un.org/en/A/HRC/53/21.
[87] Richard Bennett (Special Rapporteur on the Situation of Human Rights in Afghanistan), *Situation of Women and Girls in Afghanistan*, ¶¶ 16-17, U.N. Doc. A/HRC/53/21 (June 15, 2023), https://docs.un.org/en/A/HRC/53/21.
[88] Richard Bennett (Special Rapporteur on the Situation of Human Rights in Afghanistan), *Situation of Women and Girls in Afghanistan*, ¶¶ 16, 20, U.N. Doc. A/HRC/53/21 (June 15, 2023), https://docs.un.org/en/A/HRC/53/21.
[89] Zahra Nader & Freshta Ghani, *'I Was Arrested for the Crime of Being a Hazara and a Woman': The Taliban's 'Bad Hijab' Campaign Targets Hazara Women*, ZAN TIMES (Jan. 22, 2024), https://zantimes.com/2024/01/22/i-was-arrested-for-the-crime-of-being-a-hazara-and-a-woman-the-talibans-bad-hijab-campaign-targets-hazara-women.

v. Conduct Part of a Widespread or Systematic Attack Directed Against a Civilian Population

96. The prosecutorial team presents that the Taliban's actions against women and girls are a widespread and systematic attack directed against women and girls as part of the civilian population.

97. The Taliban's edicts and decrees, enforced through its notorious Ministry of Vice and Virtue, as well as the High Directorate of Supervision and Prosecution of Decrees and Edicts,[90] demonstrates the systematic nature of the persecution of women on the basis of gender.

98. Moreover, the Taliban's conduct is not an ad hoc and isolated act but part of a systematic, organised, and deliberate set of measures of a widely feared ministry and its affiliated religious police violently enforcing the decrees.

99. At the same time, the prosecutorial team argues that the Taliban's persecution is widespread, rather than random acts being committed by the Taliban forces. The Taliban's gender-based persecution is part of an all-encompassing policy that has impacted women and girls and the society as a whole with an intergenerational impact.

100. Overall, the Taliban's decrees and policies are treated as laws that apply to all women and girls in Afghanistan, meeting the requirement of a specific civilian population, and their widespread brutal enforcement mechanism demonstrates the systematic nature of the Taliban's gender-based persecution.

vi. Knowledge that Conduct Was Part of or Intended to be Part of a Widespread or Systematic Attack

101. It is clear that the Taliban's leadership, judges, the Ministry of Vice and Virtue, the religious police, and Taliban-affiliated groups meet the *mens rea* element of the crime against humanity of gender persecution.

102. The Rome Statute defines intent or knowledge as "awareness that a circumstance exists or that a consequence will occur in the ordinary course of events."[91] In the present case, the Taliban is aware of the circumstances that they are creating for women, as well as the consequences that the ordinary course of events (*i.e.*, their discriminatory policies and their enforcement) will have.

103. In fact, the Taliban have repeatedly expressed their specific intent to discriminate against women and girls on the basis of their gender. This can be easily deduced from their public statements, as well as the text of their edicts and decrees, 100 of which specifically deprive women of their most fundamental rights.[92]

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[90] Belquis Ahmadi & Scott Worden, The Taliban Continue to Tighten Their Grip on Afghan Women and Girls, U.S. INST. PEACE (Dec. 8, 2022) https://www.usip.org/publications/2022/12/taliban-continue-tighten-their-grip-afghan-women-and-girls.

[91] Rome Statute of the International Criminal Court art. 30(2)(a), July 17, 1998, 2187 U.N.T.S. 90.

[92] Feminist Majority Foundation, *A Timeline of Horror: 100+ Taliban Edicts, Orders and Directives Denying Afghan Women and Girls Their Human Rights*, MS. (Aug. 15, 2023), https://msmagazine.com/2023/08/15/list-timeline-taliban-orders-women-girls-afghanist.

104. The Taliban's policies and enforcement reflect a clear and deliberate discriminatory intent**,** systematically depriving women, and girls of their fundamental rights. By issuing gender-specific decrees banning girls' secondary and higher education, prohibiting women from paid employment (including in healthcare), and restricting their movement, expression, and public presence, the Taliban manifestly targeted females under ideological and institutional mandates.[93]

105. Furthermore, the establishment of female-only morality policing and disproportionate punishment for women underscores intentional targeting based on gender identity.[94]

B. Count 2: The Taliban's Actions Amount to "Other Inhumane Acts" Under the Rome Statute

106. Article 7(1)(k) of the Rome Statute references "other inhumane acts of a similar character intentionally causing great suffering" within the enumerated Crimes Against Humanity. The prosecution team argues that what is currently being referred to as "Gender Apartheid" qualifies as "other inhumane acts" under Article 7(1)(k).

107. Gender Apartheid is not yet defined under international law. However, the term "crimes against humanity" can evolve to meet new international needs whereby unenumerated acts may be crimes against humanity if they are "*of a similar character intentionally causing great suffering, serious injury to body or mental or physical health*."[95]

108. The prosecutors submit that Gender Apartheid as a currently uncodified act meets the specific requirements of another "inhumane act" as established under the ICC's recent case law and precedent.

109. For instance, in the *Prosecutor v. Dominic Ongwen*,[96] the Chamber emphasised that for an act to be considered under "other inhumane acts," it should meet the Chapeau elements of the crime against humanity (*e.g*., that the perpetrator acted with "knowledge that their actions are part of a widespread or systematic attack against a civilian population." Additionally, the Chamber established a three-part test to determine when an act may properly be determined as an "other inhumane act":

    a. *The act must be of a nature and gravity equivalent to any other act referred to in Article 7(1);*

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[93] *Afghanistan: Taliban's Gender Crimes Against Humanity*, HUM. RTS. WATCH (Sept. 8, 2023, 8:00 AM), https://www.hrw.org/news/2023/09/08/afghanistan-talibans-gender-crimes-against-humanity.

[94] Azadah Raz Mohammad, *Why the Taliban's Persecution of Women Meets the Bar of a Crime Against Humanity*, ATLANTIC COUNS. (Mar. 14, 2024), https://www.atlanticcouncil.org/blogs/new-atlanticist/taliban-persecution-of-women-crime-against-humanity.

[95] Rome Statute of the International Criminal Court art. 7(1)(k), July 17, 1998, 2187 U.N.T.S. 90. *See also* Amanda Price, "*Other Inhumane Acts of a Similar Character Intentionally Causing Great Suffering." Does Ecocide Fit Within the Bounds of Crimes Against Humanity?*, 56 CASE W. RES. J. INT'L L. 1, 591, 602 (2024), https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2691&context=jil; Prosecutor v. Ongwen, ICC-02/04-01/15, Trial Judgment, ¶¶ 2742-2747 (Mar. 23, 2016), https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2021_01026.PDF.

[96] *See generally Prosecutor v. Ongwen*, Case No. ICC--02/04-15 Decision on the Confirmation of Charges, Pre-Trial Chamber (Mar. 23, 2016).

b. *The act must have resulted in great suffering, or serious injury to body or mental or physical health;* [and]
c. *The act must have been part of a widespread or systematic attack directed against any civilian population.*[97]

110. Therefore, within Article 7(1)(k) of the Rome Statute, the prosecution team respectfully submits that there are reasonable grounds to believe that the Taliban have committed "Gender Apartheid" within the context of "other inhumane acts."

111. The prosecutorial team also takes this opportunity to reiterate the urgent need to criminalise "Gender Apartheid" as a stand-alone international crime. This could fill the impunity gap that exists and provide an appropriate legal tool to cover the totality of the crimes committed.

C. Count 3: The State of Afghanistan, Under the Taliban's *De Facto* Control, Has Violated the Core Human Rights of Women and Girls in Afghanistan

112. The Taliban *de facto* authorities have engaged in a deliberate, systematic, and institutionalized campaign of repression targeting women, girls, and other marginalized groups in Afghanistan. These acts constitute multiple serious violations of binding international human rights treaties to which Afghanistan is a State Party.

113. These violations are not isolated or incidental. Rather, they reflect an orchestrated strategy of gender-based subjugation, a campaign with the intent and effect of erasing women and girls from all dimensions of public, political, educational, cultural, and economic life.

114. Thus, the prosecutorial team hereby charges the State of Afghanistan under the Taliban's *de facto* control, with ongoing of Afghanistan's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),[98] the International Covenant on Civil and Political Rights (ICCPR),[99] the International Covenant on Economic, Social and Cultural Rights (ICESCR),[100] the Convention Against Discrimination in Education (CADE),[101] the Convention on the Political Rights of Women (CPRW),[102] the Convention on the Rights of the Child (CRC),[103] the Convention against Torture and other Cruel, Inhumane, Degrading Treatment or Punishment (CAT),[104] and the Convention on the Rights of Persons with Disabilities (CRPD).[105]

115. The following table shows the dates on which Afghanistan became a State Party to each of the human rights referenced in the previous paragraph:

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[97] *Prosecutor v. Ongwen*, Case No. ICC-02/04-01/15 A, Judgment, ¶¶ 41–43 (Dec. 15, 2022).
[98] U.N. Gen. Ass., Convention on the Elimination of All Forms of Discrimination Against Women, 1249 U.N.T.S. 13 (Dec. 18, 1979).
[99] International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.
[100] International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3.
[101] Convention Against Discrimination in Education, Dec. 14, 1960, 429 U.N.T.S. 93.
[102] Convention on the Political Rights of Women, Mar. 31, 1953, 193 U.N.T.S. 135.
[103] Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.
[104] Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85.
[105] Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3.

Human Rights Treaty	Date of Ratification
CADE	10 March 1974
ICCPR	24 January 1983
ICESCR	24 January 1983
CPRW	22 July 1983
CAT	26 June 1987
CRC	28 March 1994
CEDAW	5 March 2003
CRPD	18 September 2012

116. These treaties, to which Afghanistan is a state party, constitute binding obligations under international law.[106] As affirmed by the UN Human Rights Committee, international treaty obligations remain binding upon successor authorities, regardless of political or regime changes.[107] The Taliban, as the *de facto* governing entity in Afghanistan, are therefore obligated to uphold these legal commitments and should be held accountable for any violations under international law.

117. Each charge herein presented is supported with facts and evidence detailed further in Section IV (Statement of the Case). These charges are cumulative, interrelated, and represent a coherent system of state-like repression.

IV. STATEMENT OF THE CASE

118. In February 2020, the US and the Taliban signed an agreement for all foreign forces to withdraw from Afghanistan. In April 2021, Joe Biden decided that, following the agreement, all troops would withdraw from Afghanistan by September of that year.[108]

119. In August 2021, after nearly two decades, the Taliban regained control of Afghanistan. The comeback, which was the result of a rapid withdrawal of US and NATO forces, demonstrated the speed and precision of the Taliban's planning.[109]

120. The Taliban's return to power was not only a political upheaval but also a turning point in Afghanistan's human rights record. Shortly after taking over, a wave of systematic

[106] Vienna Convention on the Law of Treaties arts. 26, 27, 29, May 23, 1969, 1155 U.N.T.S. 331.

[107] Human Rights Comm., General Comment No. 26, Continuity of Obligations, ¶ 4, U.N. Doc. CCPR/C/21/Rev.1/Add.8/Rev.1 (Dec. 8, 1997); Human Rights Comm., General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, ¶¶ 3–4, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (May 26, 2004).

[108] Terri Moon Cronk, *Biden Announces Full U.S. Troop Withdrawal From Afghanistan by Sept. 11*, DOD NEWS (Apr. 14, 2021), https://www.defense.gov/News/News-Stories/Article/Article/2573268/biden-announces-full-us-troop-withdrawal-from-afghanistan-by-sept-11.

[109] Azam Moghadass, *Investigating the Causes and Contexts of the Taliban's Return to Power in Afghanistan (2015-2021), A Three-Level Analysis*, 9 J. POL, SOCIO. ISLAMIC WORLD 19, 55, 55 (2021), https://iws.shahed.ac.ir/article_3654_d9824dde72ddfadfc472f638adb51057.pdf?lang=en.

restrictions on the fundamental freedoms of citizens, especially women and girls, began.[110] Women were denied secondary and higher education, their employment opportunities were reduced to almost zero, their freedom of movement was restricted to the company of a male guardian, and their participation in public and civic life was severely curtailed. Media repression, arbitrary arrests, and extrajudicial executions also created a climate of fear and silence.[111]

121. What makes the Taliban's return so notorious from a human rights perspective is not simply the widespread violation of rights, but the establishment of a system based on structural gender discrimination that even many international bodies have described as "Gender Apartheid."[112] This situation has turned Afghanistan into one of the most severe human rights crises of our time.[113]

A. Overview of Decrees and Policies Targeting the Rights of Women and Girls in Afghanistan

122. Following the Taliban's return to power in August 2021, a wide range of discriminatory decrees and policies were enacted against women and girls. According to a report by UN Women, more than 70 formal and informal orders have been issued by the Taliban, including bans on education, employment, freedom of movement, and presence in public spaces.[114] These rules do not allow women to work or participate in society; instead, they are forced to stay at home.[115]

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[110] https://ejournal.umm.ac.id/index.php/audito/article/view/23237/11469Marti Flacks & Lauren Burke Preputnik, *New Century, Old Taliban*, CSIS (Aug. 18, 2022) https://www.csis.org/analysis/new-century-old-taliban.

[111] https://www.eastwestcenter.org/sites/default/files/2024-01/Human rights in Afghanistan API No. 162 Draft 01.pdfZakia Adeli, *The Consequences of Taliban Policies on Human Rights in Afghanistan (August 2021–August 2023),* 27 E.-W. CTR. 162, 2, 5 (Feb. 2024), https://www.eastwestcenter.org/sites/default/files/2024-01/Human%20rights%20in%20Afghanistan%20API%20No.%20162%20Draft%2001.pdf.

[112] Richard Bennett (Special Rapporteur on the Situation of Human Rights in Afghanistan), *The Phenomenon of an Institutionalized System of Discrimination, Segregation, Disrespect for Human Dignity and Exclusion of Women and Girls*, ¶88, U.N. Doc. A/HRC/56/25 (May 13, 2024), https://docs.un.org/en/A/HRC/56/25; Azadah Raz Mohammad & Gissou Nia, *UN Special Rapporteur Report on Afghanistan Adds to Momentum to Recognize Gender Apartheid as a Crime Against Humanity*, JUST SECURITY (June 27, 2024), https://www.justsecurity.org/97249/afghanistan-gender-crimes; *Global: Gender Apartheid Must Be Recognized as a Crime Under International Law*, AMNESTY INT'L (June 17, 2024), https://www.amnesty.org/en/latest/news/2024/06/gender-apartheid-must-be-recognized-international-law.

[113] https://www.harvardmodelcongress.org/s/SP-UNSC-1-2023.pdfAudrey Moorehead, *Human Rights in Afghanistan Following Taliban Takeover,* HARV. MODEL. CONG. 1 (2023) https://static1.squarespace.com/static/5cb7e5637d0c9145fa68863e/t/636d28b5690c99183f76f64c/1668098236829/SP+UNSC+1+2023.pdf.

[114] https://asiapacific.unwomen.org/en/stories/in-focus/2024/08/afghan-women-and-girls-push-for-their-rights-over-three-years-of-taliban-rule*In Focus: Afghan Women and Girls Push for their Rights Over Three Years of Taliban Rule,* U.N. WOMEN (Aug. 13, 2024) https://asiapacific.unwomen.org/en/stories/in-focus/2024/08/afghan-women-and-girls-push-for-their-rights-over-three-years-of-taliban-rule.

[115] https://jis.pu.edu.pk/44/article/view/1335Sofia Sarwar, et al., *Women's Rights in Afghanistan Under Taliban Regime Amid Indian Influence: A Way Forward (2016-2022)*, 9 J. INDIAN STUD. 207, 213 (Dec. 2023) https://pu.edu.pk/images/journal/indianStudies/PDF/7_v9_2_23.pdf.

123. Despite initial promises to respect women's rights "within the framework of Sharia," the Taliban quickly began implementing practical restrictions.[116] At first, women in most provinces were barred from returning to their government jobs, except those working in professions such as health and primary education. Girls' secondary and high schools were closed with promises of reopening, but their reopening was postponed indefinitely. The Taliban also dissolved the Ministry of Women's Affairs and replaced it with the Ministry of Vice and Virtue. These decisions indicated that the new Taliban political structure would not allow the formal, organized presence of women.

124. In the second year of Taliban rule, new decrees focused more on ideology and symbolism. In May 2022, women were ordered to wear the burqa in public, with punishment for non-compliance directed at their male guardians. Later that year, women were banned from attending universities and from working in non-governmental organizations (NGOs). These actions removed women from both higher education and civil work.[117]

125. In 2023, Taliban decrees extended beyond schools and workplaces to include private and public recreational areas. Women were banned from amusement parks, gyms, public baths, and family restaurants in several provinces. Female media presenters were required to wear face masks, and some were prohibited from appearing on air. Informal education centers and private courses for girls were also shut down in many areas. These decrees significantly increased restrictions on women's daily lives in both public and informal settings.[118]

126. In 2024, the Taliban introduced further rules to regulate women's presence in society, and some were detained for using public transportation while unaccompanied.[119] Hairdressing salons for women were closed in several provinces, and new dress codes prohibited colorful or "attention-grabbing" clothing. Reports also mentioned limits on women's attendance at weddings, funerals, and religious gatherings. Additionally, some female teachers in primary schools were threatened or dismissed.[120]

127. In the first half of 2025, the Taliban not only continued the path of restriction, but also integrated it into the government structure. New Sharia bills are being prepared that aim to "organiz[e] the family based on Islamic principles," but in practice are tools for legalizing greater control over women. In some provinces, decrees have even been issued holding men responsible for the "moral behavior" of their female family members, with penalties for violations.[121] The Taliban have also created institutions to monitor women's dress, behavior, and communications. These actions mark a shift from tactical restrictions to

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[116] European Union Agency for Asylum (EUAA), *Country Guidance: Afghanistan – Common analysis and guidance note, May 2024*, EUAA (23 May 2024), https://euaa.europa.eu/sites/default/files/publications/2024-05/2024_CG_AFG_Final.pdf.

[117] Mir Hussain Amiri & Benafsha Ahmadi, *Investigating the Status of Women's Education Under Taliban Rule* 2 INT'L J. ISLAMIC STUD. HIGHER EDU. 205 (2023), https://insight.ppj.unp.ac.id/index.php/insight/article/view/150/50.

[118] Setara Javed, et al., *The Systemic Oppression of Afghan Women and Girls Since the Taliban's Takever in 2021*, 4 J. RSCH. TRENDS SOC. SCI. & HUMANITIES 22, 24 (Mar. 20, 2025) https://rcsdevelopment.org/index.php/aplikatif/article/view/555/242.

[119] Meerullah, et al., *Exploring Public Views on the Taliban Ban on Women Education in Afghanistan*, 3 J. SOC. SCI. ACHIEVES 3 (Jan. 4, 2025) https://jssarchives.com/index.php/Journal/article/view/86/118.

[120] *Afghanistan: The Taliban's War on Women: The Crime Against Humanity of Gender Persecution in Afghanistan*, AMNESTY INT'L 42 (May 25, 2023) https://www.amnesty.org/en/documents/asa11/6789/2023/en/.

[121] UN Assistance Mission in Afghanistan (UNAMA), *Report on the Human Rights Situation in Afghanistan: January–June 2025* (UNAMA, July 2025).

widespread social engineering; a shift that seeks to reduce women's roles to mere domesticity and absolute subjugation.[122]

B. Denial of the Right to Education

128. As previously mentioned, since August 2021, the Taliban have progressively imposed a blanket prohibition on girls' access to secondary and tertiary education. Under this policy, girls beyond the sixth grade are categorically barred from attending school, and all public universities have been closed to female students. Private educational institutions have likewise been compelled to comply. This ban is absolute, indefinite in duration, and offers no legal or administrative remedy.

129. By excluding all girls from post-primary education solely on the basis of their sex, the Taliban have effectively annulled the right to education for half the population, institutionalizing sex-based discrimination with foreseeable intergenerational harm. For instance, a high school teacher in a northern province reported that the local Taliban education directorate convened a meeting of all female staff and announced the indefinite suspension of girls' education beyond the sixth grade. When she attempted to organize informal, home-based instruction for her former students, Taliban agents visited her residence and threatened her with arrest. She recounted: "*They said I was promoting Western values by teaching girls. I was told I would be arrested if I didn't stop immediately*." [123]

130. Multiple verified accounts across various provinces confirm the widespread and systematic enforcement of these educational restrictions. The ban is implemented through coercive measures including surveillance, intimidation, and arbitrary detention.

131. For example, a teenage girl from eastern Afghanistan testified that after being denied entry to school in September 2021, she enrolled in an underground class led by a local woman. Within weeks, the teacher was detained, and several students were harassed by Taliban operatives. The girl reported experiencing severe psychological trauma, stating: *"I wanted to be a doctor. Now I cannot even walk freely outside."* [124]

132. Similarly, a final-year medical student from Herat recounted being denied re-entry to her university in December 2022. When she joined a peaceful protest at the university gates, Taliban security personnel assaulted several of the female demonstrators. She reported: *"They told us we were immoral and had no place in science."*[125]

133. These testimonies constitute direct and credible evidence of a nationwide, state-enforced policy of gender-based exclusion from education. The discriminatory nature of this policy is not only codified in official directives but also aggressively enforced at the local level through punitive and violent means.

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[122] *See generally* Felicity Nneoma Ike, et al., *Closing Gender Equality Gaps in Taliban-Ruled Adghanistan*, DISCOVER PUB. HEALTH (May 8, 2025) https://link.springer.com/article/10.1186/s12982-025-00636-0 (discussing the systemic exclusion of women from public life, employment and movement restrictions imposed on women, dress codes and confinements, health and education denials, and enforcement of these restrictions through fear and violence).

[123] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.

[124] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.

[125] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.

C. Denial of the Right to Health

134. Since the Taliban's return to power in August 2021, women and girls in Afghanistan have faced a rapid and systemic collapse in access to healthcare, constituting a grave violation of their right to health as protected under international human rights law, including Article 12 of CEDAW and Article 12 of the ICESCR.

135. Taliban-issued decrees prohibit women from accessing medical treatment unless accompanied by a male guardian (*mahram*), thereby rendering healthcare functionally inaccessible to vast numbers of women, particularly in rural areas where such accompaniment is often unavailable.[126] At the same time, female healthcare workers have been banned or subjected to severe employment restrictions, resulting in acute shortages of female medical personnel in clinics and hospitals. The cumulative effect is the denial of maternal, reproductive, and gender-sensitive healthcare on a nationwide scale. Testimonies obtained from witnesses provide evidence of the implementation and consequences of these discriminatory policies.

136. For example, a pregnant woman in Ghor province reported being denied access to emergency obstetric care when she arrived at a hospital without a male relative. She recounted: *"When we reached the hospital, they said women were not accepted without a mahram. I was in labor, but we had to return [home]."* [127]

137. In another instance, A female physician in Kunduz stated that she and her female colleagues were removed from their posts and replaced with male staff. As a result, many women refused to seek treatment from male doctors, leading to a rise in preventable medical emergencies and unmet health needs. [128]

138. These violations are further exacerbated by the collapse of mental health services specifically tailored to women and survivors of gender-based violence.[129]

139. Additionally, women and girls with disabilities face total exclusion from healthcare due to a lack of inclusive infrastructure and personnel trained in disability-sensitive care. For instance, a mother from Balkh province reported that her daughter, who has a disability, was repeatedly turned away from local clinics due to the absence of female and disability-trained staff. She explained: *"My daughter is disabled, but there was no one at the clinic to examine her. They said there was no female doctor, and no one was trained."* [130]

140. These accounts reflect not only the direct denial of essential healthcare services but also the systemic and ideologically-driven dismantling of Afghanistan's gender-responsive healthcare system. These restrictions are enforced through coercive and discriminatory practices and are unfolding amidst an intensifying humanitarian crisis, which disproportionately impacts women due to structural, legal, and gender-based barriers. The

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[126] *Afghanistan: Aid Cutbacks, Taliban Abuses Imperil Health*, HUM. RTS. WATCH (Feb. 12, 2024, 1:00 AM), https://www.hrw.org/news/2024/02/12/afghanistan-aid-cutbacks-taliban-abuses-imperil-health.

[127] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.

[128] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.

[129] Manizha Ashna, *Violations of Health Rights Under Taliban Rule: Impacts on Afghan Women's Physical and Mental Health*, INTERDISC ASS'N FOR POPULATION HEALTH SCI. (June, 2024), https://iaphs.org/violations-of-health-rights-under-taliban-rule-impacts-on-afghan-womens-physical-and-mental-health.

[130] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.

Taliban's healthcare policies constitute a clear breach of Afghanistan's obligations under international.

D. The Taliban's Discriminatory Measures

141. The Taliban's governance structure is fundamentally rooted in systematic, sex-based exclusion. Since their return to power in August 2021, the Taliban have issued over 126 decrees and policies that impose sweeping bans and restrictions on women and girls, explicitly discriminating against them in virtually every sphere of life. The discriminatory nature of these policies is extensively documented through individual testimonies collected by human rights monitors and legal investigators.

142. For example, in November 2024, the Taliban's Ministry of Higher Education issued a formal letter ordering the dismissal of three female professors from Bamiyan University without any stated cause. One of the affected academics reported that while numerous staff members, both male and female, were subsequently reassigned or dismissed, the targeting of women was deliberate and clearly gender-based, consistent with a broader campaign to exclude women from public intellectual life.[131]

143. In another case, a long-serving civil society activist in Herat was barred from continuing her professional work solely due to her gender following the Taliban's takeover. She described being systematically excluded from public workspaces and stripped of her role in civic life.

144. This regime of discrimination is neither incidental nor isolated; it is intrinsic to the Taliban's exercise of authority and is explicitly justified on the basis of gender. The resulting legal and social order systematically denies women and girls equal protection under the law and relegates them to the status of de facto and de jure second-class citizens.

E. Suppression of Freedom of Movement and Bodily Autonomy

145. Since August 2021, the Taliban have also implemented a systematic and discriminatory regime of gender-specific restrictions on the freedom of movement of women and girls in Afghanistan. These measures constitute a direct violation of the rights to liberty of movement, personal autonomy, and non-discrimination, as guaranteed by international law.

146. Under Taliban directives, women are prohibited from traveling beyond certain distances without the accompaniment of a male guardian (*mahram*), even in cases of medical urgency. This constraint effectively curtails women's access to essential services including healthcare, education, and employment, particularly in rural areas where male accompaniment is often logistically unavailable or socially restricted.

147. For example, a young woman in Nangarhar Province attempted to travel to a nearby city to obtain medical care. She was stopped at a Taliban checkpoint and denied passage because she was unaccompanied by a male guardian. She recounted: *"They told me I*

[131] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.

couldn't even go for medicine without a mahram. I went back and suffered until my illness got worse."[132]

148. In another case, the family of a woman in Kandahar reported that she was arrested and imprisoned after going to the market alone. Although the Taliban accused her of begging—a claim unsupported by any evidence—her family confirmed that she had done no such thing and had no need to. The real reason for her detention was her presence in public without a (*mahram*.[133]

149. Restrictions on mobility also extend beyond essential services to encompass all forms of social and recreational participation. Women and girls are barred from accessing parks, gyms, and other public spaces under the pretext of enforcing moral codes. A school-aged girl in Bamyan reported being expelled from a public park while accompanied by her family. Taliban members declared the area male-only and forced them to leave. She recalled: *"I went to the park with my family, but they said it wasn't a place for women and made us leave."*[134]

150. These practices are not isolated incidents but constitute a deliberate and state-sanctioned policy of gender segregation and public erasure.

151. The Taliban have further criminalized women's public presence by enforcing coercive dress codes, including the compulsory wearing of full-body and full-face coverings. Enforcement is carried out through intimidation, harassment, and violence.

152. For instance, a university student from Herat reported being verbally abused and physically assaulted by Taliban agents for appearing in public without a face veil. She stated: *"I wasn't wearing a face veil, and one of the Taliban said I was immoral and shoved me violently."*[135]

153. The cumulative effect of these restrictions is the near-total elimination of women's autonomy in public life. These measures not only severely curtail the ability of women and girls to move freely and access essential services, but also inhibit their capacity to gather, express themselves, or participate in any meaningful form of civic, social, or cultural life without fear of reprisal. Adolescent girls are particularly impacted, as these constraints deprive them of critical developmental opportunities, undermining their mental health, emotional well-being, and long-term social integration.

F. Suppression of Freedom of Expression

154. The Taliban have also systematically dismantled independent women-led media. Numerous women's media outlets have been forcibly shut down, and female journalists have been harassed, detained, or silenced through intimidation and violence. This targeted suppression has effectively eradicated essential platforms for public expression and information dissemination.

[132] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.
[133] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.
[134] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.
[135] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.

155. Although the exact number of female journalists working before August 2021 is unclear, reports indicate that in the initial months following the Taliban's takeover, only around 100 of the approximately 700 female journalists returned to work.[136] Shortly thereafter, the Taliban imposed sweeping restrictions on the media, effectively erasing women from the profession.

156. On November 20, 2021, the spokesperson for the Taliban's Ministry of Vice and Virtue announced that women would no longer be allowed to appear in local media, including television programs featuring female characters.[137] The announcement was accompanied by a set of strict guidelines, warning that any media outlet violating the rules would face closure and judicial action. These directives primarily focused on removing women from broadcast media, banning programs that featured women, enforcing strict dress codes, and prohibiting foreign programming deemed immoral.[138] In the wake of these restrictions, several media outlet leaders were detained.[139] By May 2022, the Taliban further tightened the restrictions by banning women journalists from showing their faces on television.[140]

157. The Taliban's restrictions on women's voices in public spaces further represent a deliberate strategy to erase women from Afghanistan's public sphere. The restriction prevents women from hosting or appearing on television or radio programs and also extends to female voices being heard in any form including prerecorded segments, interviews, or even call-ins from female listeners.[141] In 2024, the Taliban further issued a ban on women's voices and bare faces in public.[142]

158. The Taliban's morality police have reportedly conducted random audits of local broadcast content, warning station managers, detaining journalists, and in some cases forcibly shutting down stations for airing women's voices.[143] Even fictional content or dramatizations that include women's voices have been banned or censored by the Taliban. Combined, these measures amount to an institutionalized erasure of the right to freedom of

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[136] See *Fewer than 100 of Kabul's 700 women journalists still working*, REPORTERS WITHOUT BORDERS (Aug. 31, 2021), https://rsf.org/en/fewer-100-kabul-s-700-women-journalists-still-working.

[137] See Ehsan Popalzi, *Women Banned from Afghan Television Dramas Under New Taliban Media Rules*, CNN (Nov. 22, 2021), https://www.cnn.com/2021/11/22/asia/taliban-women-banned-tv-drama-afghanistan-intl/index.html; [*The Ministry of Vice & Virtue Bans Women in Media*], BBCPERSIAN, https://www.bbc.com/persian/afghanistan-59365818 (last visited Aug. 7, 2025). See also *Taliban Release Media Guidelines, Ban Shows with Female Actors*, REUTERS (Nov. 23, 2021), https://www.reuters.com/business/media-telecom/taliban-release-media-guidelines-ban-shows-with-female-actors-2021-11-23/; Ministry for the Promotion of Virtue and Prevention of Vice [@MOPVPE1], X (FORMERLY TWITTER) (May 10, 2022, 9:05 AM), https://x.com/MOPVPE/status/1524037222399369217.

[138] *Taliban Issues New Rules Banning Women In TV Dramas*, RADIOFREEEUROPE/RADIOLIBERTY (Nov. 22, 2021, 2:09 AM), https://www.rferl.org/a/taliban-women-media-television-/31572603.html.

[139] Ruchi Kumar, *Off Air: One By One, the Taliban Are Removing Women's Voices from Afghan Radio*, THE GUARDIAN (Feb. 19, 2025), https://www.theguardian.com/global-development/2025/feb/19/off-air-one-by-one-the-taliban-are-removing-womens-voices-from-afghan-radio.

[140] Simon Fraser, *Afghanistan's Female TV Presenters Must Cover Their Faces, Say Taliban*, BBC NEWS (May 19. 2022), https://www.bbc.com/news/world-asia-61508072.

[141] See Ruchi Kumar, *Off Air: One By One, the Taliban Are Removing Women's Voices from Afghan Radio*, THE GUARDIAN (Feb. 19, 2025), https://www.theguardian.com/global-development/2025/feb/19/off-air-one-by-one-the-taliban-are-removing-womens-voices-from-afghan-radio.

[142] Christina Goldbaum & Najim Rahim, *With New Taliban Manifesto, Afghan Women Fear the Worst*, N.Y. TIMES (Sept. 4, 2024), https://www.nytimes.com/2024/09/04/world/asia/women-taliban-prohibitions-afghanistan.html.

[143] Ehsan Popalzi, *Women Banned from Afghan Television Dramas Under New Taliban Media Rules*, CNN (Nov. 22, 2021), https://www.cnn.com/2021/11/22/asia/taliban-women-banned-tv-drama-afghanistan-intl/index.html.

expression and female identities, perspectives, and existence from Afghanistan's media environment.

G. Suppression of Freedom of Assembly and Association

159. Since the Taliban's return to power in August 2021, Afghan women and girls have been subjected to systematic, violent repression of their civil and political rights. Peaceful demonstrations, many organized under slogans such as "bread, work, freedom," have been met with disproportionate and state-sanctioned violence. Taliban security forces have employed live ammunition, tear gas, physical assaults, electric shocks, and arbitrary detention to suppress peaceful assembly and expression.[144]

160. Numerous firsthand accounts corroborate the Taliban's use of violence, intimidation, and enforced disappearance to suppress dissent. For example, a young woman who participated in a peaceful protest in Kabul in 2022 was arrested along with several others and detained at an undisclosed location. During her detention, she was physically assaulted and threatened with long-term imprisonment should she engage in any future protest activity.[145]

161. These testimonies are consistent with a broader pattern. Independent sources have verified that dozens of women protesters and female journalists across cities including Kabul, Herat, and Mazar-i-Sharif have been arbitrarily detained, interrogated, and subjected to physical and psychological abuse.[146] In several cases, Taliban forces have extended punitive actions to family members of women activists, underscoring the collective and retaliatory nature of the repression.

162. One such case involved a women's rights activist from Ghor province who participated in a protest against the Taliban's ban on girls' education. On 8 March 2023, she and her father were detained by the Taliban's GDI, highlighting the regime's targeting of both activists and their relatives in acts of reprisal.[147]

163. The case of Mursal Ayar further exemplifies this pattern. Ayar, a prominent women's rights activist, was arrested for participating in peaceful demonstrations and held in solitary confinement for 40 days. During her detention, she endured both physical and psychological torture. Her prolonged incommunicado detention constitutes a serious violation of international human rights standards. Following her release, she fled Afghanistan and now resides in Canada.[148]

164. This campaign of repression does not represent isolated or sporadic incidents, but rather reflects a coordinated and deliberate strategy aimed at erasing women from the civic and public domain. As noted by the United Nations Human Rights Office and the UN Security Council, the systematic dismantling of women's civil society in Afghanistan poses an

[144] Wahida Amiri, *Women, Protest and Power – Confronting the Taliban*, AMNESTY INT'L (Mar. 7, 2023), https://www.amnesty.org/en/latest/campaigns/2023/03/women-protest-and-power-confronting-the-taliban,
[145] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.
[146] *Afghanistan: Death in Slow Motion: Women and Girls Under Taliban Rule*, AMNESTY INT'L 70, 72-73 (July 27, 2022), https://www.amnesty.org/en/documents/asa11/5685/2022/en.
[147] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.
[148] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.

urgent and ongoing threat to gender equality, civic participation, and democratic pluralism.[149]

H. Denial of Civil and Political Rights and Civic Participation

165. Since August 2021, women in Afghanistan have also been subjected to total and systematic exclusion from all levels of political life. The formation of an all-male caretaker cabinet and the formal dissolution of the Ministry of Women's Affairs constitute emblematic acts of institutional erasure of women's participation in governance. Women have been categorically barred from voting, standing for election, holding public office, or participating in any decision-making body at the national or local level.

166. Former female parliamentarians, ministers, judges, and civil servants have been removed from their positions, threatened, and, in many cases, compelled to flee the country. There are currently no women occupying roles within the judiciary, executive, or legislative structures under the Taliban regime.

167. This policy of exclusion extends even to women who previously held legal authority within the formal justice system. For example, Lal Begum Sayedi, a former prosecutor, reported that after she initiated legal proceedings against a man accused of murdering his wife, Taliban officials intervened and declared that women were not permitted to serve in judicial or prosecutorial roles. She was subsequently forced into hiding and later sought refuge in Pakistan due to threats to her safety.[150]

168. In addition to the elimination of formal political roles, Afghan women have been prohibited from engaging in collective organizing or advocacy. This includes bans on civil society associations, political gatherings, and women's rights groups, thereby extinguishing any remaining avenues for political expression or representation.

169. These measures represent a deliberate and comprehensive effort to exclude women from the political sphere, amounting to a *de facto* and *de jure* denial of their right to political participation, in violation of Afghanistan's obligations under international human rights law, including CEDAW and the ICCPR.

I. Denial of the Right to Work

170. The Taliban have implemented a systematic and comprehensive ban on women's employment across both public and private sectors, encompassing government institutions, NGOs, healthcare, media, education, and international agencies. The vast majority of female civil servants have been suspended without pay, with narrow exceptions granted to certain healthcare and primary education workers, who remain subject to strict gender segregation and intrusive surveillance.

[149] *Security Council Emphasizes That Punitive Restrictions on Women's Rights, Escalating Hunger, Insecurity Taking Devastating Toll in Afghanistan*, U.N. NEWS (Mar. 8, 2023), https://press.un.org/en/2023/sc15222.doc.htm.
[150] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.

171. Multiple accounts from women across various occupational sectors confirm that they have been forcibly removed from their positions, denied remuneration, and subjected to threats or violence for attempting to work.

172. One midwife from Kandahar reported that although she and her colleagues were initially permitted to continue practicing under segregated conditions, by early 2022 they had either been replaced by male staff or forced to operate under such intense scrutiny that many resigned. She stated: *"They told us, 'your place is in the home, not among men or in clinics.' I lost my job, my income, and my patients."* [151]

173. Women are expressly prohibited from employment with NGOs, international organizations, and private enterprises. A former employee of an international NGO based in Kabul reported that she, along with all female colleagues, was summarily dismissed in early 2023 following the issuance of a Taliban decree banning women from working with humanitarian organizations. Upon protesting the decision, the organization's offices were visited by Taliban intelligence agents, and male staff were threatened with arrest should they continue employing women.[152]

174. Even women engaging in self-employment or informal labour face severe constraints. For example, a widow and sole provider for her household in Mazar-i-Sharif testified that she was prohibited from selling clothing at a local market. Despite repeated attempts to continue, her stall was ultimately destroyed by Taliban agents. She recalled being told: *"A woman cannot do business and must rely on a man. But I have no man to rely on."* [153]

175. These employment prohibitions are not incidental outcomes of the economic or security context but are rooted in explicit policy directives grounded in gender-based ideology. As a result, many women-headed households have been rendered destitute, denied access to aid, and stripped of any means of independent income. These policies have led to widespread deprivation, economic marginalization, and the erosion of women's autonomy and social agency.

176. These incidents establish that the Taliban's employment ban is deliberate, systematic, and enforced across all sectors, both public and private. It is carried out through coercive means including intimidation, surveillance, and destruction of property. The resulting harm is particularly acute for vulnerable groups such as widows, female heads of household, and humanitarian workers, who are disproportionately affected by the elimination of lawful avenues for work and economic survival.

J. Arbitrary Detention, Ill-Treatment, and Torture of Women and Girls

177. The Prosecution highlights the widespread and systematic use of arbitrary detention, physical abuse, and other forms of ill-treatment against Afghan women and girls under the Taliban's de facto rule.

178. Evidence shows that women have been arrested and detained for alleged "moral" transgressions, including failure to wear a full-body covering, traveling without a *mahram*,

[151] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.
[152] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.
[153] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.

or participating in peaceful protest activities. These detentions are often carried out without formal charges, judicial oversight, or access to legal representation, and are frequently conducted in undisclosed locations, constituting *de facto* incommunicado detention.

179. Survivors report having been subjected to brutal beatings, threats of further violence, psychological abuse, and forced confessions extracted under duress. In numerous instances, women have been publicly humiliated through coerced televised "apologies," a tactic intended to shame the individual and suppress broader resistance.

180. Girls, including minors, have also been detained and abused, reflecting the complete collapse of institutional safeguards and protective mechanisms. Victim and survivor testimonies consistently reveal a pattern of targeted arrests, torture, and gender-based violence, particularly against women engaged in peaceful protest, civil activism, or human rights advocacy. Notable cases include:

    a. A prominent women's rights protester, who was arbitrarily detained by Taliban authorities and held for seven months. During her detention, she was subjected to repeated acts of sexual violence and physical abuse. Her case demonstrates the deliberate use of rape and detention as tools of punishment, coercion, and gender-based repression.

    b. A well-known women's rights activist, who was forcibly taken from her residence by Taliban agents. Widely circulated video footage captured her pleading for help during the arrest. She was held without charge and released only after sustained international advocacy.

    c. A women's rights defender who organized peaceful civil assemblies in opposition to Taliban policies was detained for an extended period and subjected to both physical and psychological torture during her incarceration.

181. These incidents are not isolated or exceptional but are indicative of a systematic and institutionalized campaign of repression. The acts described reflect a deliberate state policy aimed at dismantling women's agency, deterring dissent, and reinforcing a coercive system of gender subordination through fear, violence, and public humiliation.

K. Treatment of Girls

182. Since the Taliban's return to power in August 2021, Afghan girls have been systematically and unlawfully excluded from formal education beyond the primary level (Grade 6). This exclusion is the result of a widespread and state-imposed ban on girls' secondary and tertiary education, the closure of thousands of girls' schools, and the replacement of qualified female educators with male religious instructors. These policies form part of a broader architecture of gender-based discrimination. Testimonies collected from affected individuals illustrate the breadth and impact of these measures:

183. A girl born in originally from Panjshir and currently residing in Kabul, recounted how she was forced to end her education upon completing the sixth grade. She stated:

"After finishing sixth grade in Kabul, I was no longer allowed to continue my education. Now I stay at home."[154]

184. In addition to being denied access to education, girls are barred from entering public spaces such as libraries, parks, and public baths, and are excluded from civic discourse and decision-making forums.

185. Another teenage girl from eastern Afghanistan testified that after being denied entry to school in September 2021, she joined a clandestine class organized by a local woman. Within weeks, the teacher was arrested, and the students—including the witness—were subjected to harassment and intimidation. She reported: *"I wanted to become a doctor. Now I cannot even walk freely outside."*[155]

186. These accounts reflect the blanket, discriminatory prohibition imposed on girls' education and underscore the profound consequences on their psychological well-being, bodily autonomy, and future prospects. In some cases, girls subjected to religious indoctrination in lieu of formal education are taught obedience and silence, stifling critical thought and suppressing agency.

187. The education ban is also directly linked to the alarming increase in forced and early marriages. Deprived of schooling and faced with economic hardship, many families arrange marriages for their daughters, sometimes to Taliban members themselves, as a survival strategy or as a means of preserving perceived family "honour." These coercive practices, rooted in a climate of fear and deprivation, further entrench gender-based subjugation and systemic harm.

188. These cumulative measures constitute a deliberate and institutionalized effort to deny Afghan girls their fundamental rights under international law, including the right to education, freedom from discrimination, and protection from harmful traditional practices. By stripping Afghan girls of their education, autonomy, and future, the Taliban's policies not only violate legal norms but also constitute an assault on their inherent dignity and humanity.

L. Treatment of Women and Girls With Disabilities

189. Under Taliban rule, Afghan girls and women with disabilities have been subjected to systematic exclusion from all spheres of public life, constituting a clear violation of their rights under international human rights and humanitarian law. There are no inclusive or accessible educational opportunities available to girls with disabilities. Formal education for girls beyond the primary level has been entirely suspended nationwide, and informal or community-based alternatives remain inaccessible to those with mobility, sensory, or cognitive disabilities due to a lack of accommodation, physical accessibility, and specialized instruction.[156]

190. Access to healthcare has also deteriorated drastically. Clinics frequently lack basic accessibility features such as ramps, adapted examination facilities, and sign language

[154] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.
[155] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.
[156] Belquis Ahmadi, *The Challenges Facing Afghans with Disabilities*, U.S. INST. PEACE (Feb. 29, 2024). https://www.usip.org/publications/2024/02/challenges-facing-afghans-disabilities.

interpretation.[157] The imposition of strict gender-based restrictions, including the ban on women traveling without a *mahram*, further marginalizes women and girls with disabilities, many of whom are unable to obtain medical treatment independently.[158] These restrictions are particularly acute in urban areas, where the combination of inaccessible infrastructure and enforced gender segregation renders basic mobility and health access nearly impossible.[159]

191. For example, a mother from Balkh Province described repeated attempts to secure medical care for her daughter, who has a physical disability. She recounted: *"My daughter is disabled, but there was no one at the clinic to examine her. They said there was no female doctor and no one was trained."* [160]

192. This account exemplifies the intersectional discrimination faced by Afghan girls with disabilities, denied care due to their gender, disability, lack of accessible facilities, and the absence of trained female healthcare professionals. These cumulative and overlapping barriers result in the effective denial of the right to health.

193. The dismantling of critical state institutions has further exacerbated the situation. Government bodies previously tasked with gender and disability support, such as the Ministry of Women's Affairs and relevant disability departments, have been abolished and replaced with male-dominated institutions and male staff, lacking any mandate or capacity to serve persons with disabilities. No specialized or inclusive services have been provided in their place.[161]

194. These conditions have culminated in a regime of social confinement. Girls and women with disabilities are effectively imprisoned in their homes, cut off from education, healthcare, social interaction, mental health support, and community life. This enforced isolation entrenches dependency on male relatives and strips them of dignity, autonomy, and the possibility of independent living.[162]

V. VIOLATIONS OF INTERNATIONAL LAW

195. As the Statement of the Case shows, since August 2021, the Taliban has enacted a coordinated and institutionalized campaign of repression. Women and girls have been barred from education and employment, restricted from movement and public life, subjected to arbitrary arrest and torture, and denied access to basic rights and services.

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[157] WORLD HEALTH ORG., GLOBAL REPORT ON DISABILITY AND HEALTH ACCESSIBILITY 100-01 (2022), https://www.who.int/teams/noncommunicable-diseases/sensory-functions-disability-and-rehabilitation/global-report-on-health-equity-for-persons-with-disabilities.

[158] Belquis Ahmadi, *The Challenges Facing Afghans with Disabilities*, U.S. INST. PEACE (Feb. 29, 2024). https://www.usip.org/publications/2024/02/challenges-facing-afghans-disabilities.

[159] AFGHANISTAN: THE TALIBAN'S WAR ON WOMEN: THE CRIME AGAINST HUMANITY OF GENDER PERSECUTION IN AFGHANISTAN, AMNESTY INT'L 15-16 (May 25, 2023), https://www.amnesty.org/en/documents/asa11/6789/2023/en.

[160] Based on forthcoming witness statements that the prosecution will present to the Tribunal at a later date.

[161] Belquis Ahmadi, *The Challenges Facing Afghans with Disabilities*, U.S. INST. PEACE (Feb. 29, 2024). https://www.usip.org/publications/2024/02/challenges-facing-afghans-disabilities.

[162] Belquis Ahmadi, *The Challenges Facing Afghans with Disabilities*, U.S. INST. PEACE (Feb. 29, 2024). https://www.usip.org/publications/2024/02/challenges-facing-afghans-disabilities.

These actions are neither isolated nor incidental, they are deliberate, gender-based policies enforced across the country.

196. The applicable law before this International Peoples' Tribunal includes, international customary law, international criminal law (particularly the Rome Statute of the International Criminal Court), as well as UN human rights treaties to which Afghanistan is a party.

197. Therefore, the prosecutorial team respectfully submits that the Taliban's systematic persecution of women and girls in Afghanistan constitutes grave violations of international criminal law, amounting to crimes against humanity, particularly gender persecution under Article 7(1)(h) of the Rome Statute.

198. Additionally, while the Taliban group is not recognized as the legitimate government of Afghanistan, it functions as the *de facto* authority and remains bound by Afghanistan's obligations under key international treaties, including CEDAW, ICCPR, CAT, ICESER, and CRC. The prosecutorial team respectfully submits that the Taliban's policies targeting women and girls constitute various violations of these treaties.

A. Criminal Responsibility

199. The prosecution contends that the Taliban's actions against women and girls are not isolated abuses, but a coordinated and state-like system of oppression.

200. Through formal policies and coercive enforcement, the Taliban have built a governance structure that deliberately dismantles women's rights and legal identity. These violations, ranging from exclusion from education and healthcare to arbitrary detention, torture, and the erasure of civic participation, reflect a deliberate strategy to subordinate women. This regime of gender-based repression stands in direct violation of Afghanistan's binding obligations under international human rights law, including the ICCPR, CEDAW, CRC, CRPD, and ICESCR.

201. Given the scope, repetition, and intent behind these acts, the prosecution submits that they amount to crimes against humanity, particularly gender persecution, as recognized under customary international law and Article 7(1)(h) of the Rome Statute.

B. State Responsibility

202. Since 15 August 2021, the Taliban de facto authorities have implemented a deliberate, systematic, and institutionalized campaign of repression against women, girls, and other marginalized groups in Afghanistan. This campaign, operationalized through a series of edicts, ministerial decrees, and coercive enforcement mechanisms, constitutes an orchestrated attempt to eliminate women from public, political, social, and economic life.[163]

[163] For further detail on the Taliban's edicts, decrees, and public statements, see Part III, *Statement of Facts*, specifically the subsections titled "Overview of Decrees and Policies Targeting the Rights of Women and Girls in Afghanistan" and "*Documented Taliban Decrees and Public Statements*" in this indictment.

203. These measures include:

a. A nationwide ban on girls' education beyond the sixth grade, with complete exclusion from secondary schools and universities.

b. Prohibitions on women's employment in most sectors, including public service, NGOs, and private business.

c. Severe restrictions on women's freedom of movement, requiring a male *mahram* for travel and public presence.

d. Mandated dress codes enforced by morality police, including full-body coverings and face veils.

e. The dissolution of the Ministry of Women's Affairs and the exclusion of women from all political and public office.

f. Arbitrary detention, enforced disappearances, and torture of women protesting peacefully.

g. Systematic exclusion of women and girls with disabilities from education, healthcare, and public space.

204. It is also clear that none of these policies are temporally or geographically limited, but are instead enforced across Afghanistan with the explicit intention of subordinating women to a position of legal and social inferiority.

205. The violations are not incidental or the result of rogue actors, but rather form a coordinated, deliberate policy enforced through a state-like apparatus, including the Ministry of Vice and Virtue and the religious police.

206. Based on the evidence provided in the Statement of the Case and the Taliban's own public decrees, as well as Witness Testimonies that will be provided, the prosecutorial team submits that the Taliban leadership and affiliated authorities have engaged in widespread and systematic violations of all of the previously-listed international human rights conventions.

i. Right to Life

207. The right to life is one of the most fundamental and inalienable human rights, enshrined in Article 3 of the Universal Declaration of Human Rights and Article 6 of the ICCPR. It is the foundation of other human rights and is understood to mean the protection of human life against arbitrary killing, extrajudicial execution, and life-threatening conditions. Governments are obligated not only to prevent arbitrary killings, but also to create conditions in which human life can be preserved with dignity.[164]

208. Between 2001 and 2021, there was insecurity in Afghanistan. Targeted killings, suicide attacks, and impunity for perpetrators of structural violence were still an issue, and minorities, human rights defenders, and journalists were at constant risk. However, human

[164] Hum. Rts. Comm., *General Comment No. 36 on Article 6: Right to Life*, ¶¶ 4, 7, U.N. Doc. CCPR/C/GC/36 (Sept. 3, 2019).

rights institutions and the elected government were making efforts to reduce armed violence and promote the rule of law.

209. Nevertheless, since August 2021, the situation has drastically deteriorated. The Taliban have been carrying out arbitrary executions (many without trial or on vague charges), enforced disappearances, killings of former members of the security forces, and have been targeting ethnic and religious minorities (particularly the Hazaras[165] and Sikhs).

210. There has been an increase in targeted and extrajudicial killings, including of ethnic minorities, women, and girls.[166] Moreover, there has been a sharp increase in suicide among women due to social pressures, employment bans, and extreme restrictions, which indicates that these extreme conditions have destroyed human dignity and life.[167]

ii. Right to Education

211. The right to education is a fundamental human right recognized in international instruments such as the Universal Declaration of Human Rights (Article 26), the ICESCR (Article 13), CEDAW (Article 10), CRC (Article 28), and CADE (Articles 1–3).

212. According to these instruments, all individuals—without discrimination on grounds of gender, [168] race or religion—should have access to free, quality and equal education. They require States Parties to ensure equal access to all levels of education for women and girls; to eliminate stereotyped gender roles in curricula; and to guarantee that educational institutions are accessible, acceptable, and adaptable to the needs of all learners.

213. In fact, the right to education is seen as so fundamental that the Human Rights Committee has emphasized that "education is both a human right in itself and an indispensable means of realizing other human rights."

214. After the Taliban returned to power in August 2021, one their first decisions was to deny girls the right to secondary and university education. This move was met with widespread international criticism, but restrictions were tightened in 2022 and 2023, and Afghan

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[165] Mohammad S. Razai et al., *Two Years On From Taliban Takeover of Afghanistan, the Hazaras Community is a Neglected People at Risk of Genocide*, 382 BMJ 10, 1888, 1888 (Aug. 15, 2023); *Afghanistan: Taliban Torture and Execute Hazaras in Targeted Attack — New Investigation*, AMNESTY INT'L, https://www.amnesty.org/en/latest/news/2022/09/afghanistan-taliban-torture-and-execute-hazaras-in-targeted-attack-new-investigation (Sept. 25, 2022).

[166] *Afghanistan: Taliban Torture and Execute Hazaras in Targeted Attack — New Investigation*, AMNESTY INT'L, https://www.amnesty.org/en/latest/news/2022/09/afghanistan-taliban-torture-and-execute-hazaras-in-targeted-attack-new-investigation (Sept. 25, 2022).

[167] See *In Focus: Afghan Women and Girls Push for Their Rights Over Three Years of Taliban Rule*, U.N. WOMEN, https://asiapacific.unwomen.org/en/stories/in-focus/2024/08/afghan-women-and-girls-push-for-their-rights-over-three-years-of-taliban-rule (Aug. 13, 2024).

[168] U.N. EDUC., SCI. AND CULTURAL ORG., UNESCO IN ACTION FOR GENDER EQUALITY 14-16 (2023), https://www.gcedclearinghouse.org/sites/default/files/resources/230310eng.pdf.

women and girls are now effectively excluded from most educational opportunities.[169] This ban contradicts international law and the Islamic principles claimed by the Taliban.[170]

215. Girls' right to education is recognized as both a fundamental human right and a key factor for sustainable social and economic progress (including poverty reduction and improved health of the community).[171] As access to this right remains restricted in certain regions, including Afghanistan, international organizations, governments, and human rights bodies are increasingly called upon to respond through political engagement, targeted support, and expansion of remote learning opportunities.[172] Limiting girls' access to education can have long-term consequences for development, equality, and global well-being.[173]

216. Thus, the systematic exclusion of girls and women from education constitutes a grave violation of international law, which recognizes education as a right essential for the full development of human dignity.

iii. Right to Health

217. The right to the highest attainable standard of physical and mental health is a cornerstone of international human rights law.[174] Article 12 of the ICESCR obliges states to ensure access to healthcare services for all, without discrimination. Article 12 of CEDAW mandates that women must enjoy equal access to health care services, including those related to family planning and reproductive health. Article 24 of the CRC guarantees a child's right to health care, with particular attention to maternal and child health. Article 25 of the CRPD affirms the right of persons with disabilities to enjoy the highest standard of health without discrimination. Together, these instruments require states to maintain functioning, accessible, and equitable healthcare systems and to ensure that no group, particularly women, children, or persons with disabilities, is denied care on the basis of identity.

218. Before the Taliban's return, women's access to health services, particularly in the areas of safe childbirth, vaccination, and reproductive health education, had improved with the

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[169] Sahar Fetrat, *Taliban's Attack on Girls' Education Harming Afghanistan's Future*, HUM. RTS. WATCH (Sept. 17, 2024, 4:01 PM), https://www.hrw.org/news/2024/09/17/talibans-attack-girls-education-harming-afghanistans-future.
[170] Mir Hussain Amiri & Benafsha Ahmadi, *Investigating the Status of Women's Education Under Taliban Rule*, 2 INT'L J. ISLAMIC STUD. 3, 205, 216 (2023), https://insight.ppj.unp.ac.id/index.php/insight/article/view/150/50. The Taliban's extreme interpretation of Islam and Sharia' is strongly disputed by Islamic scholars. Annex A to this Indictment provides a more in-depth analysis of various women's rights under Islam.
[171] Mir Hussain Amiri & Benafsha Ahmadi, *Investigating the Status of Women's Education Under Taliban Rule*, 2 INT'L J. ISLAMIC STUD. 3, 205, 207 (2023), https://insight.ppj.unp.ac.id/index.php/insight/article/view/150/50; U.N. EDUC., SCI. AND CULTURAL ORG., GIRLS' AND WOMEN'S RIGHT TO EDUCATION 105 (2014), https://unesdoc.unesco.org/ark:/48223/pf0000227859.
[172] U.N. EDUC., SCI. AND CULTURAL ORG., BANNED FROM EDUCATION: A REVIEW OF THE RIGHT TO EDUCATION IN AFGHANISTAN 52 (2025), https://unesdoc.unesco.org/ark:/48223/pf0000393229.
[173] Sayeed Naqibullah Orfan & Abdul Wahab Shams, *"Why I Was Born A Woman": Female Students' Challenges in Afghanistan Higher Education Under the Taliban Rule*, HIGHER EDUCATION 1 (2025), https://www.researchgate.net/publication/391484944.
[174] This right includes not only access to health services, but also mental health, reproductive health, adequate nutrition, and a healthy environment.

support of international institutions.175 The number of female health workers had increased, and clinics had been established in remote areas.

219. With the Taliban's return, increasing restrictions have been imposed on women's presence in healthcare settings.[176] Female health workers are no longer allowed to work in many areas, and, in the absence of female doctors, female patients have been forced to see male doctors or not see doctors at all.[177] Restrictions on women's movement without a male guardian have also reduced access to health facilities.

220. Widespread bans have led to increased maternal mortality, high-risk pregnancies, and the spread of depression and mental disorders among women. Adolescent girls in particular, deprived of education, are more vulnerable to forced marriage, domestic violence, and early pregnancy, which pose a serious threat to their health.[178]

221. These Taliban-imposed restrictions constitute systematic violations of the right to health and social protections, targeting women and girls as second-class. Under Article 12 of the ICESCR, the State's obligation to ensure equitable access to healthcare is breached by both restrictive policies (such as male escort requirements) and the effective collapse of women's health services.

222. CEDAW Article 12 is also breached through the State's failure to provide equal access to reproductive and maternal healthcare, as well as the erosion of institutional frameworks supporting women's health.

223. The denial of essential services to girls, including vaccination, reproductive education, and pediatric care, is in direct breach of CRC Article 24, which compels states to prioritize child health without discrimination.

224. Furthermore, the exclusion of women with disabilities from accessing healthcare, whether by architectural inaccessibility, lack of trained staff, or institutional neglect, constitutes a direct violation of CRPD Article 25, which mandates accessible, non-discriminatory health services for persons with disabilities.

225. These measures, driven by explicit policy, enforced through coercion, and implemented at scale, reflect a deliberate deprivation of health and social protections, aimed at erasing women from public health systems altogether.

226. The Taliban's conduct demonstrates not merely a failure to meet international obligations but an affirmative program of gender-based exclusion from life-saving services, in breach of the core tenets of international human rights law.

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[175] Zainab Ezadi et al., *Afghan Women and Access to Health Care in the Past 25 Years*, 43 LANCET 1, 1, 1 (Dec. 13, 2021), https://pmc.ncbi.nlm.nih.gov/articles/PMC8669297.

[176] *Afghan Women's Health and Lives on the Brink*, HOLOGIC (2023), https://hologic.womenshealthindex.com/afghan-womens-health-and-lives-brink.

[177] Jacaues Follorou, *The Risk to Women's Health in Afghanistan: The Consequences of This Segregation Are Catastrophic*, LE MONDE (Jan. 31, 2025, 3:01 PM), https://www.lemonde.fr/en/international/article/2025/01/31/the-risk-to-women-s-health-in-afghanistan-the-consequences-of-this-segregation-are-catastrophic_6737624_4.html.

[178] *A Disaster for the Foreseeable Future: Afghanistan's Healthcare Crisis*, HUM. RTS. WATCH (Feb. 12, 2024), https://www.hrw.org/report/2024/02/12/disaster-foreseeable-future/afghanistans-healthcare-crisis.

iv. Right to Non-Discrimination

227. The right to equality and the prohibition of discrimination on the basis of sex or gender is a basic principle of international human rights law, enshrined in foundational international instruments such as the Universal Declaration of Human Rights (Article 2), the ICCPR, ICESCR, CRC, CADE, CRPD, CPRW, and CEDAW. According to this principle, no one should be deprived of their fundamental rights on the grounds of sex, ethnicity, religion, language, race, or political opinion.

228. Under Article 2 of the ICCPR, State Parties undertake to respect and ensure all rights without distinction of any kind, including sex. Article 3 of the ICCPR further guarantees the equal enjoyment of all civil and political rights by women and men.

229. Article 2 of the ICESCR provides an identical non-discrimination obligation with respect to economic, social, and cultural rights.

230. Article 1 of CEDAW defines discrimination as "any distinction, exclusion or restriction made on the basis of sex" and, under Article 2, obliges State Parties to pursue "by all appropriate means and without delay a policy of eliminating discrimination against women."

231. Parallel guarantees of non-discrimination appear in Article 2 of the CRC, Article 1 of CADE, Article 1 of the CPRW, and Article 6 of the CRPD, which recognizes that women and girls with disabilities are subject to multiple and intersecting forms of discrimination.

232. Before the Taliban's return to power, the Afghan Constitution of 2004 recognized the principle of equality of all citizens (Article 22) and prohibited discrimination based on gender and ethnicity.[179]

233. With the Taliban's reassertion of control over Afghanistan in August 2021, the principle of equal rights for citizens was rapidly erased. Women and girls are now denied the right to education, employment, and social and political participation.[180] Religious minorities, such as Hazaras, Sikhs, and Shias, also face targeted violence, discrimination in access to services, and exclusion from government positions.[181] Taliban decrees and policies are implemented without a legal basis and the possibility of public protest.

234. Systematic violations of the principle of equality have led to the marginalization of millions of people in Afghanistan. Deprivation of education and employment, increased poverty, forced migration, mental depression, and reduced civic participation are among the most

[179] See Const. of Afg., Jan. 26, 2004, art. 22.

[180] See Iwetta Andruszkiewicz & Natalia Strzemkowska, *The Principle of Equality and Non-Discrimination in EU Sources of Law, and the Situation of Women in Afghanistan*, 17 ROCZNIK INTEGRACJI EUROPEJSKIEJ 1, 295 (2023), http://rie.amu.edu.pl/wp-content/uploads/2024/03/18a-Andruszkiewicz_Strzemkowska.pdf.

[181] Syed Sibtain Hussain Shah, Sara Khatoon & Lubna Abid Ali, *The Trepidation Amid Non-Muslims in Afghanistan: A Critical Analysis of the Apprehension Confronted by the Religious Minorities in Taliban's Rule*, 4 J. NAUTICAL EYE & STRATEGIC STUD. 2, 65, 65, 73 (Dec. 30, 2024), https://ojs.mul.edu.pk/index.php/J-NESS/article/view/592/425

important consequences.[182] This situation is particularly exacerbated for women, religious minorities, LGBTQ+ people, and journalists that are critical of the Taliban.[183]

235. The Taliban have also not established any legal structure to address complaints of discrimination or violations of individual rights.[184] Taliban decrees and policies are implemented without a legal basis or the possibility of public protest.[185]

236. The Prosecutorial Team submits that the Taliban's systematic exclusion and subjugation of women and girls constitutes a grave and institutionalised form of discrimination based solely on sex, in violation of Afghanistan's obligations under core international human rights treaties.

237. Under Articles 2(1), 3, and 26 of the ICCPR, the Taliban's policies, banning female education and employment, enforcing male guardianship, and restricting women's public and political participation, violate the principles of legal equality, non-discrimination, and equal protection under the law.

238. Similarly, CEDAW Articles 1, 2, and 5 prohibit both direct and indirect discrimination and require States to eliminate gender stereotypes and ensure substantive equality. The Taliban's governance codifies patriarchal norms, relegating women to the domestic sphere and denying them agency, in clear breach of these obligations.

239. Under Article 2(2) of the ICESCR, discrimination in the enjoyment of economic, social, and cultural rights is prohibited. The Taliban's denial of education, health care, and livelihood opportunities to women undermines their dignity and socio-economic autonomy.

240. CRC Article 2 extends these protections to children. The Taliban's bans on girls' education and its tolerance of forced and child marriages constitute sex-based discrimination against girls, impeding their development and rights.

241. Finally, CRPD Article 6 obligates States to protect women and girls with disabilities from intersectional discrimination. The Taliban's failure to provide equal access to essential services results in compounded marginalisation of this group.

242. Taken together, these acts reflect a deliberate, systematic, and institutionalised regime of gender-based discrimination and gender-based policy framework imposed by the Taliban, amounting to a regime of *de jure* and *de facto* gender apartheid.

243. The Prosecutorial Team therefore submits that the Taliban's actions violate the principle of non-discrimination, as laid out in many of the international treaties to which Afghanistan is a State Party, and thus its state responsibility is triggered.

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[182] Abdul Wasi Popalzay, *Gender Apartheid in Education: The Taliban's Educational Restrictions and Their Consequences for Afghan Women and Girls*, J. GENDER STUD., 1, 1 (June 24, 2025), https://www.tandfonline.com/doi/full/10.1080/09589236.2025.2521683?src=.

[183] *Afghanistan Events of 2024,* HUM. RTS. WATCH, https://www.hrw.org/world-report/2025/country-chapters/afghanistan (2025).

[184] *Afghanistan Events of 2024,* HUM. RTS. WATCH, https://www.hrw.org/world-report/2025/country-chapters/afghanistan (2025).

v. Freedom of Movement and Bodily Autonomy

244. The right to freedom of movement is a fundamental human right guaranteed in Article 13 of the Universal Declaration of Human Rights, the ICCPR, CEDAW, CRC, and CRPD. This right includes freedom of movement within a country, freedom to choose one's residence, freedom to leave one's country and freedom to return to it. The exercise of this right, especially for women, is directly linked to other fundamental rights such as the right to education, work, health, and social participation.[186]

245. Article 12 of the ICCPR guarantees every individual the liberty to move freely and choose their residence within their country.

246. Under Article 15 of the CEDAW, women are entitled to legal equality, including with respect to freedom of movement, while Article 5 calls for the elimination of gender stereotypes that underpin discriminatory practices.

247. The CRC protects children's right to freedom of expression and access to play and cultural life under Articles 13 and 31, both of which are threatened when girls are denied access to public spaces.

248. The CRPD, in Articles 9 and 19, affirms the rights of persons with disabilities to physical accessibility and independent living.

249. Collectively, these provisions establish a state obligation to protect the autonomy, dignity, and mobility of all persons, without discrimination based on gender, age, or disability.

250. Since the Taliban's return, women have once again faced severe restrictions on their movement. According to guidelines issued by the Taliban, women must be accompanied by a *mahram* for journeys of more than 72 kilometers, and many public transport drivers refuse to let women ride without a male companion.[187] These policies have effectively marginalized women in public spaces and prevented them from freely accessing educational, medical, and employment centers.[188]

251. Restrictions on women's freedom of movement have multifaceted consequences. First, it has reduced women's independence and made them increasingly dependent on male family members. Second, access to vital services, including health, education, and justice, has been curtailed. Third, restrictions on movement—especially among young women—have led to widespread isolation, depression, and mental health disorders.[189] This situation has

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[186] Hum. Rts. Comm., *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, ¶ 1, U.N. Doc. CCPR/C/21/Rev.1/Add.9 (Nov. 2, 1999); Press Release, As Women Worldwide Struggle to Achieve Basic Rights, Third Committee Emphasizes Importance of Access to Citizenship, Education, Work, Justice, U.N. Doc. GA/SHC/4375 (Mar. 7, 2023), https://press.un.org/en/2023/gashc4375.doc.htm.

[187] Naqiba Barekzai, Abida Spozhmai & Khujasta Kabiri, *'All Doors Are Closed' For Single and Unaccompanied Afghan Women Under the Taliban*, RADIOFREEEUROPE/RADIOLIBERTY (Jan. 31, 2024, 4:25 PM), https://www.rferl.org/a/afghanistan-taliban-restrictions-single-women-widows/32799903.html.

[188] Hannah Bogaert, *History Repeating Itself: The Resurgence of the Taliban and the Abandonment of Afghan Women*, 4 IMMIGR. & HUM. RTS. L. REV. 1, 33, 43, 52, 54 (Mar. 27, 2022).

[189] See *In Focus: Afghan Women and Girls Push for Their Rights Over Three Years of Taliban Rule*, U.N. WOMEN, https://asiapacific.unwomen.org/en/stories/in-focus/2024/08/afghan-women-and-girls-push-for-their-rights-over-three-years-of-taliban-rule (Aug. 13, 2024).

also significantly reduced women's economic participation, as many are unable to go to work.

252. These actions constitute a grave violation of the right to freedom of movement and personal autonomy as guaranteed under international law.

253. While, the United Nations Human Rights Committee, in its General Comment No. 27, has emphasized that any restriction on movement must be lawful, necessary, proportionate, and non-discriminatory,[190] the Taliban's policies fail all these tests. They are explicitly discriminatory in both purpose and effect, targeting women and girls as a class and reinforcing patriarchal control over their bodies and lives.

254. The Taliban's policies not only restrict physical movement but also deny autonomy, agency, and access to public and cultural life, rights that are integral to dignity and self-determination.

255. Additionally, these violations are particularly acute for women and girls with disabilities, who face additional layers of exclusion and vulnerability, in contravention of CRPD protections.

256. Together, the Taliban's actions represent a systematic assault on the bodily autonomy and freedom of Afghan women and girls and constitute a clear breach of Afghanistan's obligations under multiple international treaties.

vi. Freedom of Expression

257. Under international human rights law, the right to freedom of expression is a foundational pillar. Article 19 of the ICCPR guarantees the right to hold opinions without interference and to freely seek, receive, and impart information and ideas of all kinds. This right is particularly essential for marginalized groups, including women and girls, as a means of advancing their voices and advocating for equal treatment.

258. Additionally, Articles 12 to 14 of the CRC protect the rights of children, including girls, to freely express their views, access information, and participate in decisions affecting them.

259. Moreover, the right to freely choose one's clothing is part of a fundamental individual right and is linked to women's dignity, cultural identity, and freedom of expression. Both CEDAW and the Universal Declaration of Human Rights (Articles 19 and 27) implicitly emphasize the right of women to determine their clothing and to use it as an expression of their culture and personality.[191] This right, together with other freedoms such as movement and social participation, is a key element of women's independent identity.

260. Since August 2021, the Taliban have imposed sweeping restrictions designed to erase women's voices from Afghanistan. Women-led media outlets have been shut down, and

[190] Hum. Rts. Comm., *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, U.N. Doc. CCPR/C/21/Rev.1/Add.9 (Nov. 2, 1999).

[191] G.A. Res. 217A (III), Universal Declaration of Human Rights, art. 25 (Dec. 10, 1948); *Women's Right to Choose Their Dress, Free of Coercion*, AMNESTY INT'L (2011), https://www.amnesty.org/es/wp-content/uploads/2021/07/ior400222010en.pdf (emphasizing that attire is an expression of religious, cultural, or personal identity protected under freedom of expression and belief).

female journalists have faced harassment, detention, and exile.[192] Within months of the takeover, only about 100 of the roughly 700 female journalists returned to work before further bans removed women from television, radio, and other broadcast roles.[193] These measures have escalated to prohibiting women's voices in any format, including in public.[194]

261. Such actions violate Article 19 of the ICCPR, which guarantees the right to hold opinions and to seek, receive and impart information of all kinds.[195] These protections are especially vital for marginalized groups such as women and girls.

262. The Taliban's actions also infringe articles 12, 13, and 14 of the CRC which safeguard children's rights to freely express views, access information, and participate in matters affecting them, and undermine related protections in CEDAW and the Universal Declaration of Human Rights that affirm women's right to participate in society, including in the media, on an equal basis with men.[196] The Taliban's targeting of female journalists, eradication of women's institutions, and ban on women speaking in public undermine the foundation of civic freedom, democratic engagement, and the visibility of women's perspectives in Afghan society.

263. Additionally, since the Taliban's return in August 2021, the new religious government has issued a series of strict edicts on women's clothing. These include requiring full-face veils ("Islamic veils") or black burqas and banning religiously motivated variations in color and style of dress.[197] These edicts are designed as "necropolitical" tools to exclude women from

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[192] *Afghanistan: Taliban Takes Two Female Journalists Off Air*, INT'L FED'N JOURNALISTS (Aug. 20, 2021), https://www.ifj.org/media-centre/news/detail/article/afghanistan-taliban-takes-two-female-journalists-off-air.

[193] *Fewer than 100 of Kabul's 700 women journalists still working*, REPORTERS WITHOUT BORDERS (Aug. 31, 2021), https://rsf.org/en/fewer-100-kabul-s-700-women-journalists-still-working.

[194] Christina Goldbaum & Najim Rahim, *With New Taliban Manifesto, Afghan Women Fear the Worst*, N.Y. TIMES (Sept. 4, 2024), https://www.nytimes.com/2024/09/04/world/asia/women-taliban-prohibitions-afghanistan.html.

[195] International Covenant on Civil and Political Rights art. 19, Dec. 16, 1966, U.N.T.S. 171, https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/ccpr.pdf.

[196] Convention on the Rights of the Child arts. 12-14, Nov. 20, 1989, 1577 U.N.T.S. 3, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child; Convention on the Elimination of All Forms of Discrimination Against Women art. 2, Dec. 19, 1979, 1249 U.N.T.S. 13, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women; Universal Declaration of Human Rights art.19, G.A. Res. 217A (III), U.N. Doc. A/180 (Dec. 10, 1948), https://www.un.org/en/about-us/universal-declaration-of-human-rights.

[197] Ministry of Justice, Islamic Emirate of Afghanistan, *Law on the Propagation of Virtue and Prevention of Vice*, Official Gazette No. 1452 (31 July 2024), https://moj.gov.af/index.php/ps/%D8%AF-%D8%A7%D9%85%D8%B1%D8%A8%D8%A7%D9%84%D9%85%D8%B9%D8%B1%D9%88%D9%81-%D8%A7%D9%88-%D9%86%D9%87%DB%8C-%D8%B9%D9%86-%D8%A7%D9%84%D9%85%D9%86%DA%A9%D8%B1-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D9%86%D8%A7%D9%81%D8%B0-%D8%A7%D9%88-%D9%BE%D9%87-%D8%B1%D8%B3%D9%85%D9%8A-%D8%AC%D8%B1%DB%8C%D8%AF%D9%87-%DA%A9%DB%90-%D8%AE%D9%BE%D9%88%D8%B1-%D8%B4%D9%88 (Pashto and Dari texts published on the Ministry of Justice's website) or https://www.refworld.org/legal/legislation/natlegbod/2024/prs/148598. *See also* Rose Ayar, *Taliban Codify Morality Laws Banning Afghan Women's Voices and Bare Faces in Public*, ORG. WORLD PEACE (Sept. 7, 2024), https://theowp.org/taliban-codify-morality-laws-banning-afghan-womens-voices-and-bare-faces-in-public; *UN Concerned by Taliban's Arrest of Afghan Women and Girls for Dress Code Violations*, WASH. POST (July 21, 2025), https://www.washingtonpost.com/world/2025/07/21/united-nations-afghanistan-taliban-women-hijab-arrest/e82bedf8-6625-11f0-ac4f-195fdb8ee9a8_story.html.

public spaces and keep them from portraying their independent identities.[198] Some have warned that these policies are not only ostensibly religious, but are in fact a form of cultural imposition, paving the way for domestic violence and social repression.[199]

264. By arresting female demonstrators and journalists, and eradicating women's media institutions, the Taliban have breached Articles 19 of the ICCPR, among various other obligations. These violations strike at the core of civic freedom and democratic engagement.

vii. Freedom of Assembly

265. The right to peaceful assembly is a fundamental and indispensable right in democratic societies and is guaranteed by Article 21 of the ICCPR and Article 20 of the Universal Declaration of Human Rights. This right is crucial for promoting civic participation, influencing political decision-making, and creating a collective voice among vulnerable groups.

266. For Afghan women, peaceful protest rallies have been a means to express their legitimate demands, such as reclaiming the right to education and employment.

267. But, women's rallies, sometimes held under slogans such as "bread, work, freedom," have been severely suppressed by the Taliban.[200] Reports show that Taliban police have dispersed these types of gatherings by firing bullets in the air, throwing tear gas, and arresting activists. Several journalists and women's rights activists have been arbitrarily arrested, interrogated, and pressured, to the point where women's civil space has been completely stifled.[201]

268. The brutal suppression of women's gatherings, targeting their right to assembly, has become a systematic strategy by the Taliban to eliminate women's civic presence. In addition to violating basic rights, this situation has far-reaching consequences for women's mental health, social participation, and confidence in the possibility of change.

269. Institutions such as the UN Human Rights Office and the Security Council have condemned this trend as a "threat to women's civil protection," calling for the perpetrators to be prosecuted and for the opening of civil space. Such responses are important in demonstrating that the right to assemble is not a choice, but a fundamental need for building an equal and just society.[202]

270. The Taliban's actions amount to a flagrant and systematic violation of international legal norms guaranteeing the right to freedom of assembly. By violently dispersing peaceful

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[198] Pamir H. Sahill, *Dwelling In An All-Male World: A Critical Analysis of the Taliban Discourse on Afghan Women*, 98 WOMEN'S STUD. INT'L FORUM 1, 1, 2, (May 2023), https://www.sciencedirect.com/science/article/abs/pii/S0277539523000754.

[199] Clara Lindvall, The Decline of Women's Rights: A Case Study About Women's Rights in Afghanistan (2023) (Undergraduate Thesis, Linnaeus University) (https://www.diva-portal.org/smash/record.jsf?pid=diva2%3A1763150&dswid=818).

[200] A YEAR OF TALIBAN RULE LEAVES CIVIC SPACE DECIMATED IN AFGHANISTAN, CIVICUS MONITOR, https://monitor.civicus.org/explore/year-taliban-rule-leaves-civic-space-decimated-afghanistan (Sept. 8, 2022).

[201] A YEAR OF TALIBAN RULE LEAVES CIVIC SPACE DECIMATED IN AFGHANISTAN, CIVICUS MONITOR, https://monitor.civicus.org/explore/year-taliban-rule-leaves-civic-space-decimated-afghanistan (Sept. 8, 2022).

protests, arresting female demonstrators and journalists, and eradicating women's media institutions, the Taliban have breached Article 21 of the ICCPR and Article 20 of the Universal Declaration of Human Rights. These violations strike at the core of civic freedom and democratic engagement.

271. Furthermore, the silencing of girls, particularly in protest contexts, directly contravenes Articles 12 to 14 of the CRC, depriving them of their rights to be heard, to access information, and to influence their social and political environment.

272. In sum, the Taliban's policies and practices constitute not merely isolated abuses but a coherent policy of gender-based exclusion and civic erasure. These acts reflect an entrenched system of gender apartheid and structural repression, amounting to egregious violations of civil and political rights under international human rights law.

viii. Civil and Political Rights and Civic Participation

273. The international human rights framework unequivocally guarantees civil and political rights, with particular emphasis on inclusive participation in public and political life.

274. The CPRW (particularly Articles I through III), provides the earliest binding international legal recognition of women's rights to vote, hold office, and access public service.

275. Article 25 of the ICCPR guarantees every citizen's right to take part in public affairs, vote, and stand for election without unreasonable restrictions.

276. Article 7 of CEDAW mandates equal political participation for women, and requires State Parties to eliminate discrimination in public and political life. This ensures women's right to vote, to participate in government and NGOs, and to hold public office.

277. Article 12 of the CRC ensures that children, including girls, can express views and have them considered in matters affecting them, particularly in civic and political contexts.

278. Finally, Article 29 of the CRPD explicitly requires that women and girls with disabilities participate effectively and fully in political and public life on an equal basis with others.

279. The Prosecutorial Team submits that the Taliban's actions amount to a structural and deliberate denial of civil and political rights, in direct breach of Afghanistan's obligations under multiple international treaties.

280. The CPRW's Articles I–III are directly contravened by the Taliban's complete elimination of legal and practical avenues for women to exercise political rights.

281. The ICCPR's Article 25 is violated by outright prohibitions on voting and candidacy for women, nullifying the principle of universal suffrage and democratic participation.

282. The Taliban's dismantling of female political institutions, targeting of women-led civil society, suppression of women's public voices, and exclusion from governance constitute a clear breach of CEDAW Article 7, which requires proactive measures to ensure women's equal participation in political and public life.

283. CRC Article 12 is violated as Afghan girls are excluded from all civic processes, silencing their voices in matters directly impacting their futures.

284. The denial of participation for women with disabilities, who are doubly marginalized by gender and disability, breaches CRPD Article 29 and demonstrates a failure to uphold intersectional rights protections.

285. Collectively, these violations represent more than isolated abuses, they reflect a systematic dismantling of women's political identity and agency, orchestrated through legal exclusion, coercion, and institutional repression.

286. These practices constitute a flagrant repudiation of Afghanistan's binding international legal commitments.

ix. Right to Work

287. The right to work is a fundamental human right recognized in international instruments such as the ICESCR, CEDAW, and the CRPD. This right guarantees that everyone, without discrimination, has the right to adequate employment, with just conditions, and a safe working environment. The right to work is not only based on an economic dimension, but is also linked to human dignity, individual autonomy, self-determination, and participation in social life.

288. Under Article 6 of ICESCR, everyone has the right to gain a living through work freely chosen or accepted. Article 2(2) of the same instrument prohibits any discrimination in the enjoyment of these rights, including on the grounds of sex. Article 7 of the same treaty ensures just and favorable conditions of work, which are systematically denied.

289. Further, Articles 1, 2, and 11 of CEDAW require State Parties to eliminate discrimination against women in all fields (including employment) and ensure the right to the same employment opportunities, remuneration, and working conditions. As the CEDAW Committee observed, economic exclusion of women entrenches inequality and is prohibited under international law.[203]

290. Similarly, the CRPD (Article 27) affirms the right of persons (including women) with disabilities to gain a living through work freely chosen or accepted.

291. The Taliban's systematic expulsion of women from public employment, their restrictions on private sector work, and their exclusion of women with disabilities constitute direct violations of all of the above.

292. Before the Taliban took over, the Afghan Constitution of 2004 guaranteed the right to employment for all citizens, including women. Over the two decades of republican rule, despite challenges, women's participation in areas such as education, health, media, and government administration increased significantly.[204] Women's economic participation, especially in cities, was considered a sign of the gradual process of institutionalizing gender justice in Afghanistan.

293. However, since the Taliban's return in August 2021, women have been excluded from almost all areas of work. Decrees issued by the Taliban have banned women from working

[203] Comm. on the Elimination of Discrimination against Women, Gen. Recommendation No. 23: Political and Public Life, ¶ 1, U.N. Doc. A/52/38 (1997), https://www.refworld.org/legal/general/cedaw/1997/en/39377.

[204] See *Unveiled: A History of Afghan Women's Rights*, U.N. PHOTO (Feb. 26, 2025), https://media.un.org/photo/en/photo-essays/unveiled-history-afghan-womens-rights.

at government institutions, banks, the media, and even non-governmental organizations.[205] In December 2022, the Taliban officially announced that women's work in international institutions would also be banned until further notice.[206] These decisions are not only discriminatory, but also a clear violation of human rights principles.[207]

294. The ban on women's employment has had devastating consequences for household economies and national development. According to the World Bank, a decline in women's economic participation leads to a stagnant consumer market, increased poverty, and forced migration.[208] Families where women were the main breadwinners have faced a livelihood crisis. Furthermore, international aid agencies have stated that without a female workforce, the delivery of services to local communities has been disrupted.[209]

295. The Taliban's systematic exclusion of women from employment across public and private sectors thus constitutes a clear and egregious violation of multiple international legal instruments guaranteeing the right to work, freedom from discrimination, and the right to an adequate standard of living.

296. These policies are not incidental but deliberate practices that aim to suppress women's economic autonomy and forcibly restrict them to economic dependence or deprivation.

297. By instituting nationwide bans on women's employment, in civil service, non-governmental organizations, education, healthcare, and humanitarian relief, the Taliban not only violate the core right to work but do so in a manner that targets women specifically, amounting to systemic gender-based economic discrimination; all of which constitute violations of Articles 2(2), 6, and 7 of the ICESCR.

298. Moreover, the Human Rights Committee's General Comment No. 36 on ICCPR Article 6, concerning the right to life, underscores that the denial of access to subsistence and life-sustaining resources, including employment, can amount to violations of the right to life, particularly when state policies foreseeably lead to conditions of destitution and dependency.[210] In this context, the Taliban's blanket employment bans amount to "forced subsistence discrimination," where women are denied the ability to provide for themselves or their families, and are instead made reliant on male guardianship or charity, a regime of forced economic dependency incompatible with human dignity. These acts also breach Articles 2(1), 3, and 26 of the ICCPR, which collectively prohibit discrimination and require equal protection before the law. The prohibition of employment based solely

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[205] UN IN AFGHANISTAN 2023 ANNUAL REPORT 13, U.N. ASSISTANCE MISSION AFGHANISTAN., https://unama.unmissions.org/un-afghanistan-2023-annual-report (2023); *Taliban Reaffirms Ban on Women Working for NGOs*, CTR. INFO. RESILIENCE (Jan. 16, 2025), https://www.info-res.org/afghan-witness/reports/taliban-reaffirms-ban-on-women-working-for-ngos.

[206] *Taliban Reaffirms Ban on Women Working for NGOs*, CTR. INFO. RESILIENCE (Jan. 16, 2025), https://www.info-res.org/afghan-witness/reports/taliban-reaffirms-ban-on-women-working-for-ngos.

[207] Adila Haidari, *Gendered Labor Rights Under Taliban Rule: Addressing Employment Inequality in Post-2021 Afghanistan*, 5 INT'L J. ADMIN., BUS. & ORG 5, 1, 9 (2024).

[208] *The World Bank in Gender*, WORLD BANK (last updated Oct. 15, 2024), https://www.worldbank.org/en/topic/gender/overview.

[209] U.N. OFF. COORDINATION HUMANITARIAN AFFS., AFGHANISTAN: HUMANITARIAN UPDATE 1 (Feb. 12, 2024), https://www.unocha.org/publications/report/afghanistan/afghanistan-humanitarian-update-december-2023.

[210] Hum. Rts. Comm., *General Comment No. 36 on Article 6: Right to Life*, U.N. Doc. CCPR/C/GC/36 (Sept. 3, 2019), https://docs.un.org/en/CCPR/C/GC/36.

on sex constitutes direct discrimination and reflects a legal order in which women are subordinated as second-class citizens.

299. The Taliban's labour restrictions against women are also in direct contravention of Afghanistan's obligations under Articles 1, 2, and 11 of CEDAW and reflect institutionalised discrimination that affects women's ability to achieve autonomy, economic independence, and personal development. The impact is especially devastating for widows, female heads of household, and women with disabilities, who are doubly vulnerable due to both gender and social status.

300. Moreover, such exclusion deepens socio-economic inequalities and violates Article 6 of the CRPD, which recognises the compounded discrimination faced by women with disabilities and obliges States to take measures to ensure their effective participation in economic life.

301. In sum, the Taliban's policies represent not merely a restriction but a deliberate dismantling of women's right to work, which, when implemented on a nationwide scale with discriminatory intent, may amount to social and economic persecution.

x. Freedom From Arbitrary Detention, Ill-Treatment, and Torture

302. International law categorically prohibits arbitrary detention, torture, and cruel, inhuman or degrading treatment. Articles 2 and 5 of the Universal Declaration of Human Rights explicitly guarantee the right to be free from arbitrary detention and torture as one of the inalienable principles of human rights.

303. Under the ICCPR, individuals are protected from arbitrary arrest and detention; Article 7 guarantees the right not to be subjected to torture or ill-treatment under any circumstances;[211] and Article 14 affirms the right to due process and a fair trial.

304. CEDAW's Article 2 dictates that states must eliminate discriminatory laws and practices, including those that criminalize gender-based behavior. Furthermore, Article 6 obliges states to protect women from all forms of exploitation and abuse.

305. Additionally, CAT (under Articles 1, 2 and 16) defines torture as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person and prohibits torture under any circumstances.

306. Moreover, the CRC (Article 37) prohibits arbitrary detention and mistreatment of children, and the CRPD (Articles 15 and 16) affirms that persons with disabilities must not be subjected to torture or violence, and that specific protections must be in place to prevent exploitation and abuse.[212]

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[211] Hum. Rts. Comm., *CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Cruel, Inhuman or Degrading Treatment*, ¶¶ 2-3, U.N. Doc. CCPR/C/21/Rev.1/Add.3 (1992), https://www.refworld.org/legal/general/hrc/1992/en/11086.

[212] Convention on the Rights of the Child art. 37, Nov. 20, 1989, 1577 U.N.T.S. 3, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child; Convention on the Rights of Persons with Disabilities arts. 15-16, Dec. 13, 2006, 2515 U.N.T.S. 3, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities.

307. Since 2021, the Taliban have implemented detentions without specific charges, denied access to lawyers or family, and carried out physical and psychological torture. These tools have been used as a form of repression and control of women activists and human rights defenders.[213] Organizations such as Amnesty International have summarized these cases as violations that amount to "crimes against humanity."[214]

308. A review of UNAMA reports from January 2022 to July 2023 shows that, of the more than 1,600 violations recorded, 11% involved women.[215] Torture in detention centers, including the use of electric shocks, suffocation, hanging from ceilings, and medical deprivation, has been used to extract confessions.

309. High-profile cases such as the detention and torture of activists and women protesters have been reported for the purpose of "punishment" or "ideological detention." All of this has been endorsed by Taliban leadership.[216]

310. The UN Human Rights Office, Amnesty International, and the UN's Commission on the Status of Women have emphasized that these tools of torture and detention—including premeditated detention of women for "covering violations," physical and psychological abuse of activists, and the fabrication of cases to instill fear—are specifically targeting women and represent clear violations of the law.[217]

311. These acts meet the international legal definitions of arbitrary detention and torture. Under the ICCPR, deprivation of liberty becomes arbitrary when it lacks legal basis, fairness, or due process, especially when used to suppress fundamental freedoms.[218] The beatings, forced confessions, and incommunicado conditions described by survivors satisfy the threshold of cruel, inhuman, and degrading treatment, and in many cases, rise to the level of torture under both Article 7 of the ICCPR and the CAT.[219]

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[213] AMNESTY INT'L & INT'L COMM'N JURISTS, THE TALIBAN'S WAR ON WOMEN: THE CRIME AGAINST HUMANITY OF GENDER PERSECUTION IN AFGHANISTAN 30 (2023), https://www.amnesty.org/en/documents/asa11/6789/2023/en.

[214] AMNESTY INT'L & INT'L COMM'N JURISTS, THE TALIBAN'S WAR ON WOMEN: THE CRIME AGAINST HUMANITY OF GENDER PERSECUTION IN AFGHANISTAN 30 (2023), https://www.amnesty.org/en/documents/asa11/6789/2023/en.

[215] *Taliban Have Violated 1,600 Cases of Human Rights in Seven Months, Said UN*, PEACE WINDOW (Sept. 20, 2023), https://thepeacewindow.com/blog/2023/09/20/taliban-have-violated-1600-cases-of-human-rights-in-seven-months-said-un.

[216] *Afghanistan: Women Protesters Detail Taliban Abuse*, HUM. RTS. WATCH (Oct. 20, 2022, 12:00 AM), https://www.hrw.org/news/2022/10/20/afghanistan-women-protesters-detail-taliban-abuse.

[217] *Afghanistan: OHCHR Alarm Over Arrests of Activists Speaking Up for Women and Girls*, UN NEWS, https://news.un.org/en/story/2023/03/1135132 (Mar. 29, 2023); *Afghanistan: Taliban's 'Suffocating Crackdown' Destroying Lives of Women and Girls – New Report*, AMNESTY INT'L, https://www.amnesty.org/en/latest/news/2022/07/afghanistan-talibans-suffocating-crackdown-destroying-lives-of-women-and-girls-new-report (July 27, 2022); *Afghanistan: Taliban's Treatment of Women and Girls Should Be Investigated as the Crime Against Humanity of Gender Persecution*, AMNESTY INT'L, https://www.amnesty.org/en/latest/news/2023/05/afghanistan-talibans-treatment-of-women-and-girls-should-be-investigated-as-the-crime-against-humanity-of-gender-persecution (May 26, 2023).

[218] Hum. Rts. Comm., *CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Cruel, Inhuman or Degrading Treatment*, ¶¶ 2, 11, U.N. Doc. CCPR/C/21/Rev.1/Add.3 (1992), https://www.refworld.org/legal/general/hrc/1992/en/11086.

[219] International Covenant on Civil and Political Rights art. 7, Dec. 16, 1966, 999 U.N.T.S. 171, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment arts. 1, 16, Dec. 10,

312. The targeted nature of these abuses, directed almost exclusively at women and girls for non-criminal behaviour, reveals a pattern of gender persecution that violates the various treaties mentioned above. As noted by multiple UN Special Rapporteurs, such conduct may even constitute crimes against humanity when committed as part of a widespread or systematic attack against a civilian population.[220]

313. Additionally, the Taliban's systematic repression of women, such as denying them from exercising their fundamental rights constitutes a form of gender-based persecution that amounts to mental and physical torture, and severe suffering and humiliation.

xi. Violations of the Rights of the Child

314. The CRC enshrines children's rights to non-discrimination (Article 2), the right to be heard in matters affecting them (Article 12), and the right to education directed toward the development of their personality and potential (Articles 28 and 29). These provisions reflect the international community's shared recognition that children, regardless of gender, are entitled to grow in dignity, participate meaningfully in society, and access quality education.

315. The prosecution submits that the Taliban's policies constitute a profound and deliberate violation of the rights of the child.

316. Their discriminatory treatment of girls directly contravenes Article 2 of the CRC.

317. Their exclusion of girls from school systems violates Article 28 of the CRC, and their replacement of meaningful education with ideological conditioning stands in breach of Article 29 of the CRC, which demands education aimed at "the development of the child's personality, talents and mental and physical abilities to their fullest potential."

318. Additionally, Article 12 of the CRC is violated when girls are denied any opportunity to be heard in public life or express their views on decisions that fundamentally shape their futures.

319. These abuses are not incidental; they are institutionalized and systemic, reinforcing a vision of girlhood as voiceless, invisible, and subordinate.

320. Furthermore, the dramatic increase in child and forced marriages, often as young as 13 and sometimes orchestrated by Taliban officials, deprives these girls of their childhood, freedom, and bodily autonomy. Such practices violate multiple CRC provisions and may amount to harmful traditional practices or violence against children.

321. The prosecution posits that these acts are not only rights violations but also contribute to the long-term social dehumanization of an entire generation of girls. They represent a form of structural violence that seeks to erase the agency of Afghan girls, and as such, warrant the utmost international condemnation and accountability.

1984, 1465 U.N.T.S. 85, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading.

[220] Richard Bennett (Special Rapporteur on the Situation of Human Rights in Afghanistan), *Situation of Women and Girls in Afghanistan*, ¶93, U.N. Doc. A/HRC/53/21 (June 15, 2023), https://docs.un.org/en/A/HRC/53/21.

322. Taken together, these actions amount to structural violence against girls that seeks to remove them from society entirely, culturally, educationally, and socially. The pattern of exclusion, indoctrination, and forced marriage is not merely a series of rights violations, but a coordinated effort to erase a generation of Afghan girls.

323. Such conduct represents not only a violation of Afghanistan's CRC obligations, but an assault on the fundamental notion of childhood and human dignity.

xii. Intersectional Discrimination Against Women and Girls With Disabilities

324. Article 6 of the CRPD mandates that State Parties "shall take all appropriate measures to ensure the full realization of all human rights and fundamental freedoms" for women and girls with disabilities, recognizing their multiple and intersecting forms of discrimination.[221]

325. Additionally, under the CRPD, Article 9 requires accessibility to the physical environment, Article 24 ensures inclusive education, and Article 25 guarantees access to health without discrimination.[222] These provisions combined demand that states actively accommodate, empower, and protect women and girls with disabilities, ensuring equal participation in all aspects of life.

326. The prosecution submits that the Taliban's policies constitute a grave form of intersectional discrimination targeting women and girls with disabilities.

327. By withdrawing inclusive services and enforcing movement restrictions, they violate CRPD Article 6, which requires states to take affirmative measures to support empowerment and full participation.

328. The Taliban's failure to ensure accessible education and healthcare also reflects an institutional abandonment of fundamental obligations under CRPD Articles 6, 24, and 25.

329. Furthermore, requiring male accompaniment when public transport is used ignores the inescapable practical barriers faced by many women with disabilities, violating CRPD Article 9's accessibility mandate and Article 19's right to independent living.

330. When compounded with gendered violence, denial of healthcare, and isolation, this discrimination isn't merely negligent—it is a form of structural violence aimed at removing agency and autonomy from an already marginalized and vulnerable group.[223]

331. The prosecution therefore argues that these combined measures create a gendered disability apartheid; a system designed not only to oppress but to erase women with disabilities. This systemic neglect represents not just a breach of Afghanistan's treaty obligations, but a deliberate assault on human dignity.

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[221] Convention on the Rights of Persons with Disabilities art. 6, Dec. 13, 2006, 2515 U.N.T.S. 3, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities.

[222] Convention on the Rights of Persons with Disabilities arts. 9, 24, 25, Dec. 13, 2006, 2515 U.N.T.S. 3, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities.

[223] See THE TALIBAN'S WAR ON WOMEN: THE CRIME AGAINST HUMANITY OF GENDER PERSECUTION IN AFGHANISTAN, AMNESTY INT'L & INT'L COMM'N JURISTS (2023).

VI. EVIDENCE

A. Testimonies (Eyewitnesses, Survivors, Experts)

332. The evidence section will include a breakdown of testimonies by survivors, eyewitnesses, and experts. These testimonies are being prepared following a thorough process that ensures the safety and security of witnesses, verifies the validity and accuracy of the incidents, and also addresses a specific theme of violation. The following sections provide a preliminary summary of the types of testimonies that will be provided to the Tribunal at a later date.

i. Gender Persecution

Testimonies	Eyewitness	Survivor	Expert	Theme of violation
An Afghan woman residing in Germany		X		Crime against humanity of gender persecution.
An Afghan woman residing in Canada		X		Crime against humanity of gender persecution.
An Afghan woman residing in Germany		X		Crime against humanity of gender persecution.

ii. Right to Education

Testimonies	Eyewitness	Survivor	Expert	Theme of violation
An Afghan woman residing in the USA		X		Violation of the right to education.
An Afghan woman residing in Germany		X		Violation of the right to education.

iii. Right to Work

Testimonies	Eyewitness	Survivor	Expert	Theme of violation
An Afghan woman residing in Germany		X		Violation of the right to work, freedom of movement, and freedom of assembly.
An Afghan woman residing in Canada		X		Violation of the right to work and freedom of movement.
An Afghan woman residing in Canada		X		Violation of the right to work.

iv. Freedom of Movement

Testimonies	Eyewitness	Survivor	Expert	Theme of violation
An Afghan woman residing in Canada		X		Violation of the right to free movement

v. Freedom of Expression

Testimonies	Eyewitness	Survivor	Expert	Theme of violation
An Afghan woman residing in Germany		X		Violation of the right to freedom of expression

vi. Freedom of Assembly

Testimonies	Eyewitness	Survivor	Expert	Theme of violation
An Afghan woman residing in Germany		X		Violation of the right to freedom of assembly.

vii. Arbitrary Arrests and Torture

Testimonies	Eyewitness	Survivor	Expert	Theme of violation
An Afghan woman residing in Canada		X		Torture
An Afghan woman residing in Canada		X		Torture

B. Documented Taliban Decrees and Public Statements

333. The Taliban administration has issued 237 decrees, directives and orders, and among them, 139 are specifically targeting women to exclude them from all forms of public activities and to deprive them of most fundamental rights such as education, employment, and access to services.[224]

334. The decrees guide Taliban law enforcement agencies, especially the moral police (*muhtasibs*), on how to impose these restrictions upon civilians. They include:

a. Official bans on girls attending secondary schools and universities;

b. Orders barring women from most public sector employment and from working in national and international NGOs;

c. Extrajudicial killings and reprisals, especially against former security personnel and civil society actors;

d. Decrees requiring women to be accompanied by *mahram* for long-distance travel;

e. Enforced dress codes, including mandatory hijab and face coverings;

f. Freedom of assembly is effectively banned, with women-led protests violently dispersed and protest leaders arrested; and

g. Arbitrary arrests, enforced disappearances, and torture of journalists, activists, and former officials;

[224] *Tracking the Taliban's (Mis)Treatment of Women*, U.S. INST. PEACE, https://www.usip.org/tracking-talibans-mistreatment-women (last visited July 29, 2025).

335. These instruments have been used to systematise repression, resulting in a grave erosion of rights and freedoms and placing Afghanistan in breach of multiple international human rights obligations.

C. Reports From the UN, NGOs, and Human Rights Organisations

336. Numerous institutions, including the United Nations, international NGOs, and human rights organisations, have meticulously documented the escalating human rights violations in Afghanistan, particularly those targeting women and girls.

337. The UN Special Rapporteur on the situation of human rights in Afghanistan, along with the UNAMA Human Rights Division, have issued multiple reports since 2021, detailing systemic abuses including bans on education, employment restrictions, arbitrary detentions, and gender persecution.

338. Organisations such as Human Rights Watch and Amnesty International have produced in-depth investigations and testimonies, evidencing the impact of Taliban decrees that specifically aim to institutionalise gender-based discrimination. These Reports have also highlighted the criminalisation of dissent, enforced disappearances, and the use of torture by Taliban authorities.

339. Several diaspora-led initiatives have compiled firsthand accounts and legal analyses, framing these violations within the context of international human rights and humanitarian law.

340. Collectively, these bodies provide a robust and growing body of evidence that not only documents the scope and severity of Taliban abuses but also reinforces calls for accountability, international pressure, and recognition of the situation as a possible case of Gender Apartheid.

341. Overall, these reports provide comprehensive evidence of the human rights violations occurring in Afghanistan, with a particular focus on the systemic discrimination and repression faced by women and girls under Taliban rule.

VII. SPECIFIC REQUESTS

342. Following all of the above, the Prosecutors respectfully request that the Tribunal:

a. **Declare** that the *De Facto* authorities' policies and actions amount to Crimes Against Humanity, especially that of Gender Persecution under Article 7 of the Rome Statute. [225]

b. **Determine** that the State of Afghanistan, under the Taliban's *de facto* rule, has violated its obligations under international human rights treaties, including CEDAW, ICCPR, ICESCR, CRC, CRPD, and CAT.

[225] This demand calls on the tribunal to require international legal bodies to formally recognize the Taliban's systemic oppression of women as crimes against humanity, specifically gender persecution, thereby triggering international accountability mechanisms. It seeks to hold the Taliban leadership responsible under international criminal law for institutionalized gender-based abuses.

343. **Acknowledge** the suffering and resilience of Afghan women and declare solidarity with Afghan women's voices by characterizing the situation as "Gender Apartheid," and pushing for the codification of "Gender Apartheid" as a crime under international law.[226]

    a. **Urge** the international community to: (1) acknowledge and condemn the Taliban's continued crimes and treaty violations; (2) avoid normalizing the Taliban's policies and actions; (3) ensure that, as long as they continue to ignore and violate the rights of women and girls, the Taliban are not legitimized or recognized as the government of Afghanistan.[227]

344. **Encourage** international support for the ongoing non-violent, civic resistance, accountability efforts against the Taliban, and push for legal reform in Afghanistan.[228]

345. **Acknowledge** that the unpunished severe human rights violations in Afghanistan have severe implications beyond the national level.[229]

VIII. SIGNATORIES

A. The Prosecutors

Dr. Orzala Nemat

Dr. Benafsha Yaqoobi

Mrs. Azadah Raz Mohammad

Dr. Moheb Mudessir

B. Requesting Organizations

Rawadari

Afghanistan Human Rights and Democracy Organization (AHRDO)

Organization for Policy Research and Development Studies (DROPS)

Human Rights Defenders Plus (HRD+)

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[226] This appeal requests the tribunal to urge global and local actors to publicly validate the enduring suffering of Afghan women and girls under Taliban rule, while also honoring their courage and continued resistance. It frames recognition as a form of moral and political solidarity with the victims. It further demands that the tribunal join the call of Afghan women in calling the situation in Afghanistan gender apartheid and to urge the UN and the international actors to codify gender apartheid as a crime under international law.

[227] In other words, any progress toward recognition or legitimization of the Taliban should be conditional on the group's full recognition and respect of the rights of women and girls, as well as the State's international obligations.

[228] This emphasizes the need for sustained support—material, legal, and political—for Afghan human rights defenders, civil society, and legal initiatives aiming to confront abuses and push for structural reform. It calls for global partnerships that empower Afghan-led efforts to seek justice.

[229] The prosecution urges the tribunal to call attention to the broader consequences of impunity in Afghanistan, such as undermining international human rights standards and emboldening other authoritarian regimes. It frames the crisis as a test case for global accountability and the integrity of international law.

ANNEX A

Brief Analysis of Women's Rights Under Islam

The Charges:

From an Islamic perspective, all human beings, regardless of gender, possess fundamental rights that stem from the concept of human dignity. This concept is deeply rooted in the Islamic tradition, particularly within the primary sources of Islamic law: the Qur'an and the Sunnah of the Prophet Muhammad. There is consensus among all Muslim jurists that the Qur'an is the word of God, revealed to the Prophet Mohammad by the Angel Gibril. The Sunnah contains the Prophet Mohammad's sayings, practices, and deeds. The inclusion of human dignity in these primary sources of Islamic law necessitates its consideration in the derivation of Sharia rulings. To protect human dignity, certain rights and privileges must be upheld. These include the right to education, the right to employment, the right to freedom of movement, the right to freedom of expression, and others.

The systematic violation of Afghan women's rights stands in clear opposition to the principles and norms of international human rights law, resulting in the exclusion of half of the Afghan population from their most basic entitlements and effectively relegating them to social marginalization. The Taliban leadership asserts that its laws and policies regarding women are grounded in the rulings of Islamic Sharia and maintains that all such measures are in full conformity with Islamic legal principles. This Annex offers a concise examination of selected instances of violations of Afghan women's fundamental rights through the lens of Islamic law, particularly the Quran, the Sunnah, and the legal opinions of Hanafi jurists, to clarify the issue for the esteemed judges from a Sharia perspective.

Women's Right to Education in Islam

Acquiring knowledge in Islam is not only a right but also an obligation. The very first verse revealed to the Prophet (peace be upon him) was about reading.[230] On the other hand, Islam may be the only religion in which God swears by the pen and what it writes in His Book.[231] This proverb emphasizes the importance of literacy, a fundamental tool for education. To assure the value of education, the Quran says, "*Those who know and those who do not know are not equal*."[232] Furthermore, the Quran encourages Muslims to continually ask God for help in enhancing their knowledge. The Quran states, "*O my Lord! Advance me in knowledge*."[233] "*He granted wisdom to whom He pleased; and he to whom wisdom is granted received indeed a benefit overflowing*."[234] These verses represent a selection from the many Quranic passages that emphasize the obligation of seeking knowledge and education for all Muslims, irrespective of gender.

The Prophet Mohammad also underscored the significance of education in numerous hadiths, unequivocally identifying it as a religious obligation incumbent upon all Muslims, regardless of gender. In a well-known prophetic tradition, he stated, "*Seeking knowledge is an obligation upon every Muslim man and woman*." The clear wording of this ḥadīth confirms that the pursuit of

[230] The Quran, chapter 96, verse 1.
[231] The Quran, chapter 68, verse 1.
[232] The Quran, chapter 39, verse 9.
[233] The Quran, chapter 20, verse 114.
[234] The Quran, chapter 2, verse 269

knowledge is not just a right but a mandatory religious duty, placed alongside other essential obligations within the Islamic tradition.

It is noteworthy that the Prophet placed a condition on the captives of the Battle of Badr: any prisoner who taught Muslim children of Medina how to read and write would be granted freedom.[235] Given the socio-economic context of the early Muslim community and the Prophet's limited material resources at the time, it is particularly significant that he prioritized the education of Muslim children over financial gain. The Prophet's wife, Aisha, was one of the most knowledgeable women of her time; she was literate, one of the seven jurists among the companions, and a teacher to hundreds of the Prophet's companions. The Prophet not only emphasized the education of children but also created opportunities for his wives to learn. For example, he requested Shifāʾ bint ʿAbd Allāh, a knowledgeable and literate woman of her time, to teach his wife Ḥafṣa how to read and write.[236]

Although some religious scholars limit the concept of "knowledge" in divine texts to religious sciences, a large portion of modern Muslim scholarship argues that the calls to seek knowledge in the primary sources of Islamic law are not limited to religious understanding alone. Instead, they encompass all fields of knowledge through which humans, using reason and empirical investigation, expand their understanding of the world and work toward improving human well-being. In their commentary on the prophetic statement, *"Seeking knowledge is an obligation upon every Muslim,"* scholars have maintained that when an individual is responsible for performing a particular act, acquiring the requisite knowledge to carry out that duty properly becomes an obligation in itself. Conversely, if a given act or obligation does not apply to an individual, the pursuit of knowledge related to it is not considered a religious requirement.

Based on what has been stated above, it becomes clear that the right to education, including for girls and women, holds a prominent position in the Qur'an and the Sunnah of the Prophet. Violating this right, therefore, amounts to choosing a path contrary to the teachings of the Qur'an and the Prophetic tradition.

Women's Right to Employment

The Quran and the teachings of the Prophet have supported the right to work and employment for all Muslims without any gender discrimination. The Quran states, "*For men is a share of what they have earned, and for women is a share of what they have earned*." In general, this verse proclaims equal rights for Muslim men and women to work. The prophet's sister-in-law, Asma, was working on a farm daily. The Prophet's first wife, Khadijah bin Khuwaylid, was a businesswoman. Rufayda al-Aslamiyyah is recognized as the first woman in Islamic history to establish a rudimentary medical clinic adjacent to the Prophet's Mosque, where she provided healthcare services to the sick and wounded, particularly during times of battle.[237] Zaynab bent Jahsh, one of the Prophet's wives, is said to have engaged in handicraft production and sold her work at the marketplace, using the earnings to support charitable causes and help the poor from her personal income.[238] Furthermore, the prophet freely advised his female companions who were engaged in commercial activity in the marketplace. Yaʿlā bint Shabīb, a female Companion of the Prophet and a businesswoman, is reported to have sought the Prophet's counsel regarding matters

[235] Musnad Ahmad ibn Hanbal (a Hadith collection) hadith No. 2216.
[236] Sunan Abi Dawud, (a Hadith collection) hadith No. 3887.
[237] Jawami al-Sirah, p. 154.
[238] Sahih Muslim (a hadith collection) hadith No: 2452.

related to her commercial activities, upon which he offered her appropriate guidance and advice.[239] The Prophet's successors maintained his inclusive approach toward women's participation in public affairs. Notably, ʿUmar ibn al-Khaṭṭāb, the second caliph, appointed a woman, al-Shifāʾ bint ʿAbd Allāh, to oversee the regulation of the marketplace in Medina, where she was entrusted with monitoring the quality of goods and was known to offer counsel to the caliph on various matters.

These examples from the time of the Prophet and his Companions demonstrate the recognition of women's right to work and participate in economic life. It is important to place these instances within the socio-political context of that era, which lacked the institutionalized government and occupational structures typical of the modern age. Still, even within this relatively basic setting, female Companions had considerable freedom to pursue various types of employment and public involvement.

Women's Right to Freedom of Movement

The right to freedom of movement is affirmed in the primary sources of Islamic law. Numerous Qur'anic verses emphasize human mobility and encourage travel for a variety of purposes, such as reflection, exploration, and the pursuit of knowledge. For instance, the Qur'an states, *"Travel through the earth and see how God did originate creation…"* (Q. 29:20), thereby linking physical movement with spiritual and intellectual contemplation. Other verses further underscore the value of travel as a means of engaging with history and deriving moral and civilizational insights. As the Quran expressed, *"Have they not traveled through the earth and observed the outcome of those who came before them?"* Such acts of travel are presented not merely as physical movement but as reflective engagements imbued with didactic and moral significance.

Furthermore, the right to movement is addressed in numerous prophetic narrations, which are recorded in various Hadith collections. These narrations offer guidance for Muslims in general, as well as for Muslim women specifically, regarding travel. The first category comprises prophetic narrations that restrict women's travel without a *mahram* or husband. These narrations specify various thresholds concerning both distance and duration. Some reports suggest an absolute prohibition on unaccompanied women traveling,[240] while others introduce conditional limitations, limiting its duration to one night,[241] one day and night,[242] two days and nights,[243] or three days and nights.[244] These variations reflect a spectrum of legal interpretations and contextual applications within the classical jurisprudential tradition. Given the infrastructural limitations and geographical conditions of the Prophet's era, it is particularly noteworthy that women were permitted to undertake journeys alone, in a desert or wasteland lasting up to three days and nights, either on foot or by riding an animal.

The scholars believe that safety and security were the main reasons for the trip's limitations. In an authentic tradition, the Prophet said that a time would come when a woman would travel alone from al-Ḥīrah (now Najaf in Iraq) to Mecca to perform the ḥajj pilgrimage without fear.[245] Additionally, the actions of the Prophet's wives and daughter demonstrate that women can travel

[239] Sunan Ibn Majah (a hadith collection) hadith No: 2204.
[240] *Ṣaḥiḥ al-Bukhari*, Hadith No: 1862.
[241] *Sahih Al Muslim*, Hadith No: 3245.
[242] *Ṣaḥīḥ al-Bukhari*, Hadith No: 1088.
[243] *Ṣaḥīḥ al-Bukhari*, Hadith No: 1197.
[244] *Sahih Al Muslim*, Hadith No: 1339.
[245] *Sahih al-Bukhari*, Hadith No. 3595.

without a *mahram* or husband if they feel safe. For example, Umm Ḥabībah traveled with a non-relative man from Abyssinia (present-day Ethiopia) to Madina.[246] Zainab, the Prophet's daughter, traveled with a non-relative man from Mecca to Medina. After the Prophet's death, some of his wives regularly made trips from Medina to Mecca.[247] In the Ḥanafī school of jurisprudence, it is generally accepted that women are not explicitly forbidden from leaving their homes to meet essential needs.[248] Therefore, based on these prophetic traditions and other evidence, most contemporary Islamic scholars, including the Egyptian House of Fatwa, agree that there are no restrictions on a Muslim woman traveling without a mahram or husband, regardless of the time or distance, as long as she feels safe.[249] They emphasize the importance of modern facilities and safety measures available to travelers, focusing on creating a secure and safe environment for travelers.

Arbitrary Detention and Torture of Women Who Peacefully Protest

Protesting and speaking loudly for justice and fairness are respected and encouraged in Islam. The first issue we notice regarding freedom of expression in the Quran is the repetition of the order "say" (Arabic: قل). This order has been repeated 810 times in the Quran.[250] Such repetition in command has not been seen regarding any other term in the Holy Quran. This repetition carries an important message: a duty to encourage people to share their knowledge, tell the truth, even if it is not pleasant to others, and criticize the unfair behavior of rulers that violates people's rights and damages social justice.

The Prophet Mohammad said that the best form of jihad is to speak the truth in front of a tyrannical and oppressive ruler.[251] In another place, the Prophet said, "*Tell the truth, even if it is unpleasant for some people to hear.*"[252] Also, the famous hadith scholar, Ibn Hajar 'Asqalani, believed that when an individual has a right, he/she must have the opportunity and power to speak loudly and ask for his/her right.[253] Additionally, the Prophet Mohammad said, "*The best jihad is telling the truth in front of the tyrant ruler*."[254] The prophet's successors also encouraged people to speak loudly and fight for their rights. For instance, once, the second caliph, Umar ibn Khattab, was giving a public speech and tried to limit the dowry amount for women. A woman stood and publicly criticized him, saying that there is no limitation on their dowry rights in the Quran; why did he put limitations? Then Caliph Umar praised her and said, you are right, and he is wrong.[255] Islam is against torturing people and considers it a sin and a punishable act in the afterlife. The prophet stated, "*Indeed, God will punish those who torture people in this world*."[256]

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[246] Al-Dahabi, *Seyar A'laam al-Nubala*, Vol. 3, p. 478.
[247] *Sunan Abu Dawud*, hadith No: 2692.
[248] Al-'Aini, *Al-Benayah Sharh al-Hedaya*, vol.4, p. 152.
[249] Daar al-Ifta al Misreyah (Egyptian House of Fatwas) available at https://dftaa.journals.ekb.eg/article_264721.html last visited July 15, 2025.
[250] https://www.almaany.com/quran-b/%D9%82%D9%84/ last visited 05/12/2023.
[251] Sunan al-Nesaey, Hadith No: 4209.
[252] Sahih Ibn-e Hebban, Vol: 2, p 194, hadith No: 499.
[253] Ibn Rajab 'Asqalani, Fathul Bari Sharh Sahih al-Bukhari, Vol. 5, P. 57.
[254] Sunan Abu Dawood, hadith No: 4344.
[255] *Al-tarikh al-Kabir= Tarikh Ibn-e Abi Khaisamah-Safar al-thalith*, Vol. 3, p 117.
[256] Sahih Muslim, hadith No. 2613.

Exclusion of Women and Girls With Disabilities From Education, Healthcare, and Public Spaces

Islam affirms the inherent dignity and equal rights of individuals with disabilities, granting them full recognition within the moral and social framework of the religion. A notable example is found in the Qur'ān through the account of ʿAbdullāh ibn Umm Maktūm, a blind man who approached the Prophet Muḥammad seeking religious guidance to enhance his understanding.[257] At that moment, the Prophet was engaged in dialogue with prominent leaders of Quraysh, whom he had invited in an effort to convey the message of Islam. Unaware of their presence, ʿAbdullāh began to speak, prompting dissatisfaction among the Qurayshi elite, who subsequently left the gathering. The Prophet, disappointed by this outcome, frowned and turned away from the blind man.[258]

In response, the opening verses of Sūrat ʿAbasa[259] were revealed, delivering a divine reprimand to the Prophet for having shown disregard toward a man earnestly seeking knowledge simply because of his disability and social standing. Deeply affected by this admonition, the Prophet would thereafter treat ʿAbdullāh ibn Umm Maktūm with exceptional respect, often greeting him with the words*, "Welcome to the one for whom my Lord rebuked me."* This narrative illustrates the Qur'anic commitment to equity and inclusion, particularly regarding individuals with disabilities. The fact that a prophetic action, however momentary and human, was corrected by divine revelation underscores the seriousness with which Islam addresses the ethical treatment of all individuals, regardless of physical ability.

This brief account demonstrates that, in Islamic sharia, the fundamental rights of all human beings, particularly women and girls, such as the right to education, freedom of movement, work, employment, expression, and peaceful protest, among others, are recognized and affirmed. The violation of these rights is not only in conflict with international human rights law but also in contradiction with the principles of Islamic law.

[257] Sunan al-Termezi, hadith No. 3331.
[258] Tafsir al-Qurtubi, vol. 19, P. 211.
[259] The Holy Quran, chapter 80, Verses 1-10.