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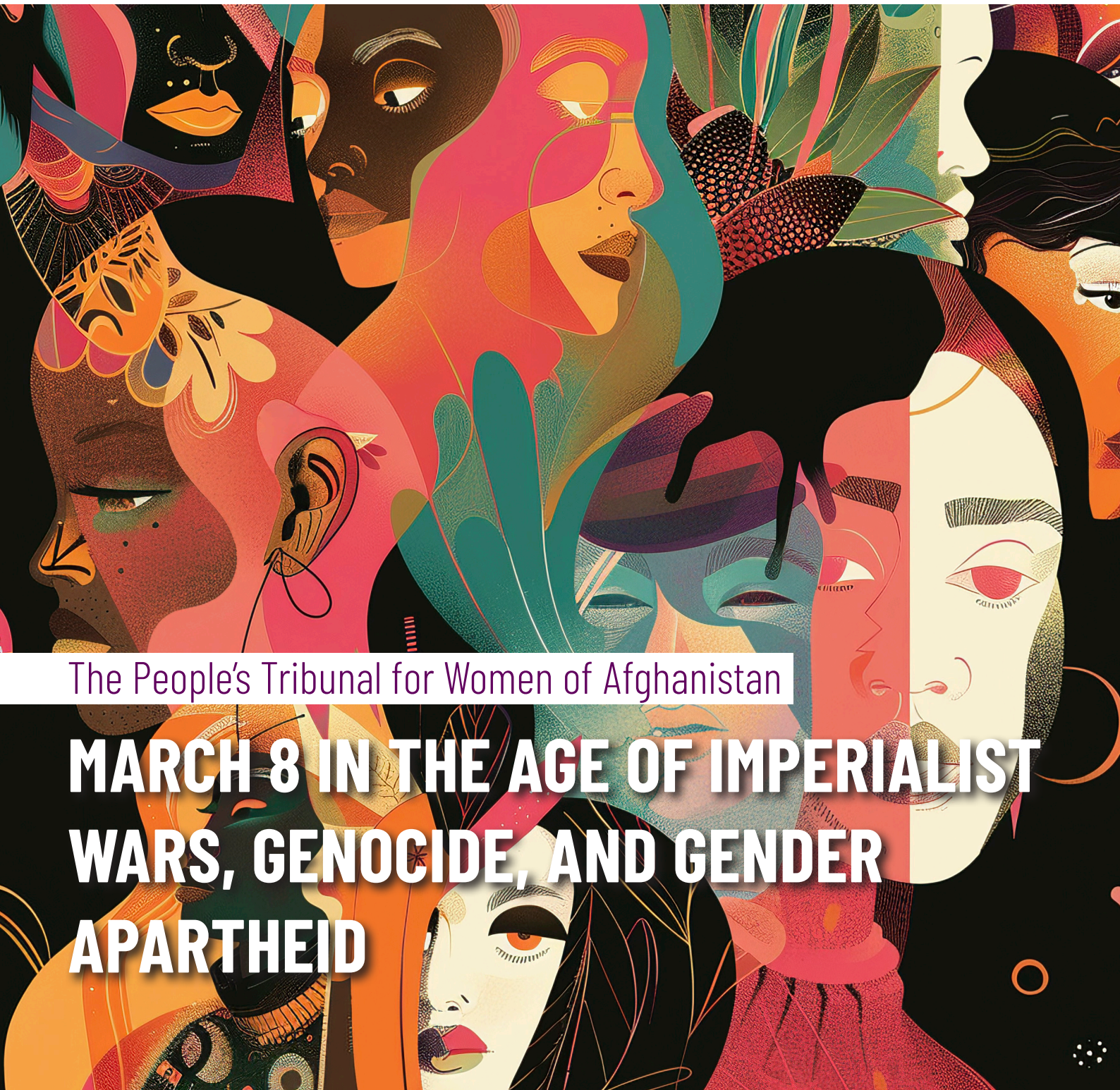

The People's Tribunal for Women of Afghanistan

MARCH 8 IN THE AGE OF IMPERIALIST WARS, GENOCIDE, AND GENDER APARTHEID

MARCH 8 IN THE AGE OF IMPERIALIST WARS, GENOCIDE, AND GENDER APARTHEID

March 8 is not merely a commemorative date marked on the calendar in many parts of the world. It carries the historical memory of women's long struggle for equality, freedom, and human dignity—a struggle that has often demanded immense sacrifices. For this very reason, beyond its character as a celebration or a moment of remembrance, what must be foregrounded is its militant essence. Emerging from the struggles of working-class women in the early twentieth century for better labor and living conditions, this day has acquired different meanings across different geographies over time. Yet at its core it continues to keep alive the same political question: how can the power relations that shape women's lives be transformed? Women's struggles against the exploitation of labor, against wars, authoritarian regimes, and patriarchal structures share a common historical trajectory, and March 8 remains one of the rare moments when this trajectory becomes visible. It is therefore not only a day to recall past achievements but also an opportunity to confront the inequalities, forms of domination, and injustices that continue to structure the present.

Today, although the challenges faced by women around the world take different forms, patriarchal power relations and social inequalities persist across societies with varying intensity. In many countries, women's positions in education, employment, political representation, and public life remain fragile and unequal. In some regions, however, oppression against women cannot be described merely as inequality; it takes the form of a systematic, institutionalized, and ideological regime of exclusion. Afghanistan today represents one of the most striking examples of such a condition. For this reason, in preparing this issue we approached March 8 not simply as a symbolic day of struggle, but as an opportunity to shed light on the structural forms of oppression confronting women in different parts of the world.

GENDER APARTHEID UNDER TALIBAN RULE

Since the Taliban returned to power in Afghanistan in August 2021, women and girls have been systematically excluded from nearly all spheres of public life. Access to secondary and higher education has been banned, women's participation in the workforce has been largely prevented, their presence in public spaces has been severely restricted, and their freedom of movement has been tightly controlled through regulations such as the requirement of male guardianship. Across a wide range of areas - from access to healthcare to the functioning of justice mechanisms - women's rights have been effectively dismantled. These measures are not isolated discriminatory policies; they form part of a comprehensive governing system designed to systematically erase women's presence in society.

Many Afghan women, human rights defenders, and international legal scholars increasingly describe this system through the concept of "gender apartheid." The concept points not only to violations of individual rights but to the systematic segregation and exclusion of a group that constitutes half of society from public life. Historically, apartheid was developed to describe racial segregation, yet in Afghanistan the regime

imposed upon women is increasingly understood as a gendered form of apartheid. The debate surrounding this concept is not merely academic. It raises urgent questions about the capacity of international law to confront and respond to regimes built upon systematic gender-based domination.

Our decision to focus this issue on Afghanistan is not based solely on the severity of the violations occurring there. The situation in Afghanistan also compels us to interrogate the contradictions embedded within the international community's discourse on women's rights. Although the rhetoric of defending women's rights is frequently invoked in global politics, it is often sidelined in the face of geopolitical interests and power calculations. The limited response of the international community to the systematic erasure of women from public life under Taliban rule reveals this contradiction with striking clarity. Afghanistan thus represents not only a profound human rights crisis but also a revealing illustration of the limitations of both international law and international politics.

SEEKING JUSTICE: THE PEOPLES' TRIBUNAL FOR WOMEN OF AFGHANISTAN

In this context, a number of initiatives have emerged in recent years to make the experiences of Afghan women visible and to examine these violations within legal and political frameworks. One such initiative is the Peoples' Tribunal for Women of Afghanistan, convened under the auspices of the Permanent Peoples' Tribunal. Although not a formal international court, the tribunal sought to bring together women's testimonies, expert analyses, and documentary evidence in order to assess the systematic oppression faced by women under Taliban rule. In doing so, it created a forum in which the voices of survivors could be heard and documented at a moment when existing international mechanisms remain slow, constrained, or politically blocked. The initiative thus represents an important example of how civil society and victims themselves can generate spaces of accountability when formal institutions fail to respond.

The contributions included in this issue examine both the tribunal process and the broader situation of women in Afghanistan from multiple perspectives. The article on the historical and institutional origins of the Permanent Peoples' Tribunal provides the theoretical foundation of the issue by exploring the place of people's tribunals within international law and the broader search for justice. The article by Rawadari offers a detailed account of the emergence of the Peoples' Tribunal for Women of Afghanistan, tracing how Afghan civil society organizations initiated the process and how the tribunal developed from its early conception to the issuance of its judgment.

Reflecting the perspective of the prosecutorial team, the article by Azadah Raz Mohammad analyzes how the tribunal's legal framework was constructed and how the policies and practices of the Taliban have been assessed within the framework of international criminal law. It also examines the methodological and ethical dimensions of the process, including witness selection, evidence collection, and the protection of survivors' security. Rashida Manjoo's contribution evaluates the tribunal's judgment from the standpoint of international law, exploring what debates surrounding gender persecution and gender apartheid mean for international accountability mechanisms. Ghizal Haress's article addresses the epistemic and political significance of the tribunal by examining how Afghan women's testimonies generate visibility and knowledge within the international sphere.

Alongside these legal and academic discussions, the testimony included at the end of this issue recounts, in the words of an Afghan woman herself, the realities of everyday life under Taliban rule. The testimony powerfully illustrates the human experience that lies behind legal categories and political debates. By describing how women's freedom of movement is tightly controlled—and how even a simple journey becomes subject to humiliating surveillance—it reveals the everyday functioning of the gender apartheid regime imposed upon Afghan women.

Finally, the statements issued by the judges of the People's Tribunal containing their preliminary findings are significant in that they underscore, in essence, the responsibilities of the international community as a whole.

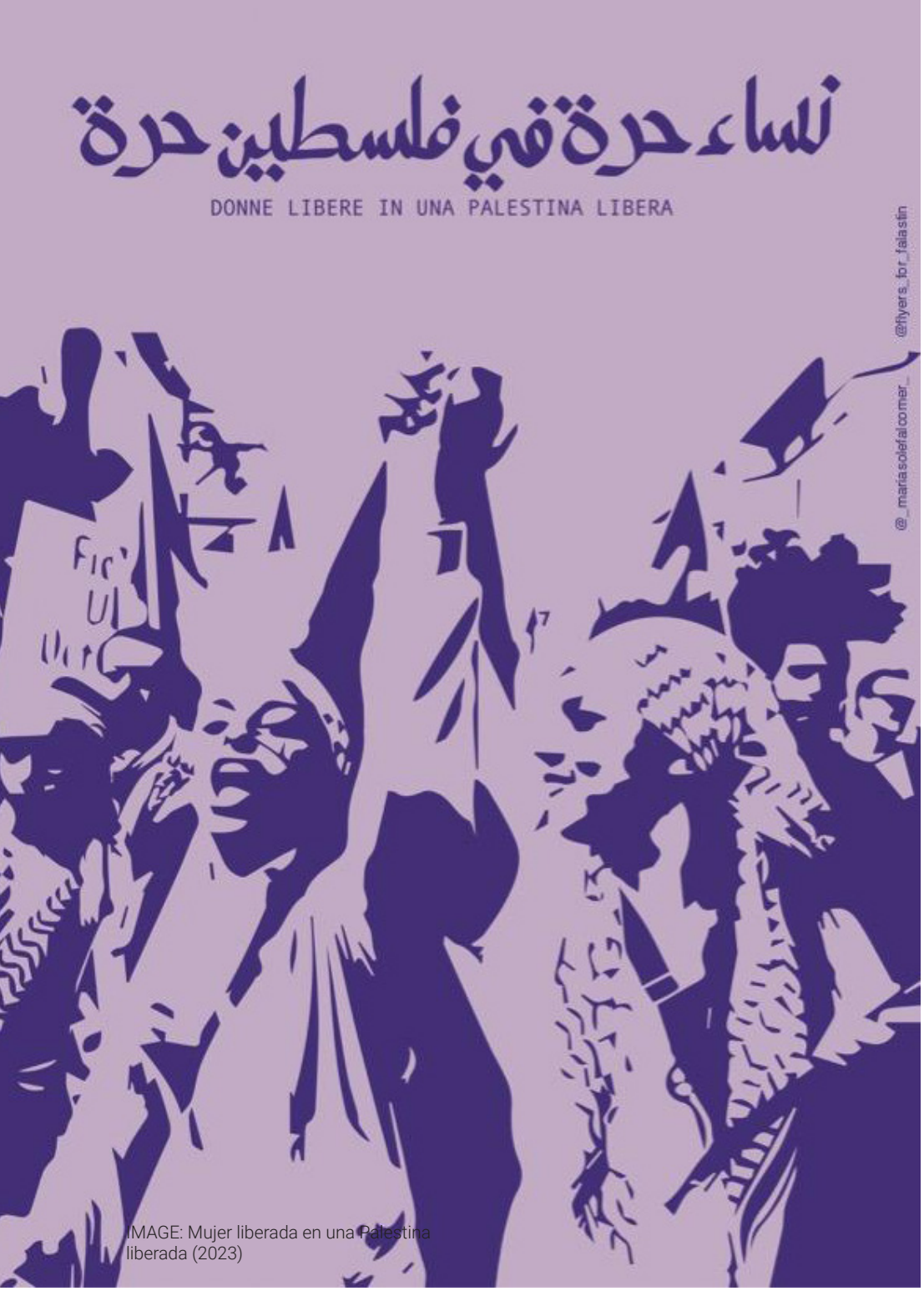

IMAGE: Mujer liberada en una Palestina liberada (2023)

A WORLD MARKED BY WAR, GENOCIDE, AND IMPUNITY

The publication of this issue also coincides with an exceptionally turbulent moment in world politics. We enter March 8 at a time when imperialist wars are intensifying, global power rivalries are deepening, and international law is openly violated in multiple regions. The genocide continuing in Palestine - particularly in Gaza - has provoked profound moral and political reactions across the world. The systematic targeting of civilians, the destruction of entire cities, and the dismantling of the most basic conditions necessary for life have led broader segments of the global public to question the capacity of the international system to protect human rights - questions whose answers many of us have long understood.

In this context, it is no longer possible to ignore the connections between the gender apartheid regime imposed on women in Afghanistan and the grave

human rights violations, war crimes, crimes against humanity, and genocides unfolding in other parts of the world. Historically, the struggle for women's freedom has always been intertwined with struggles against war, militarism, and imperialist intervention. The forms of oppression shaping women's lives are produced not only by patriarchal structures but also by wars, occupations, and authoritarian regimes. For this reason, the struggle for women's rights cannot be separated from the broader political and historical contexts in which these forms of domination emerge.

The struggle carried out by Afghan women today reminds us of this reality once again. The systematic exclusion of women from public life under Taliban rule is not merely a local issue; it is a global question of justice. Moreover, the historical trajectory that has shaped Afghanistan—including the rise of the Taliban itself—has been profoundly influenced by decades of imperial intervention. States that devastated countries under the claim of exporting freedom—most prominently the United States and its allies—bear fundamental responsibility for the conditions that Afghanistan and similar regions face today. Imperial interventions that shattered societies, dismantled institutions, and militarized everyday life did not bring liberation; they produced new cycles of violence and domination whose consequences continue to unfold. This reality exposes the deep contradictions between the international community's rhetoric on women's rights and its political practice. Discourses circulated in the name of women's freedom are too often applied selectively and rendered ineffective under the shadow of geopolitical interests.

2026 MARCH 8: AGAINST IMPERIALISM, WAR, GENOCIDE AND GENDER APARTHEID

As we approach March 8, the gender apartheid regime in Afghanistan offers an urgent reminder: the struggle for women's freedom cannot be sustained through fragmented or selective solidarity. It forms part of a broader struggle for justice against war, genocide, and imperial domination. Opposing the systematic erasure of women from public life and opposing the mass violence inflicted upon civilian populations arise from the same ethical and political ground.

For this reason, the purpose of this issue is not merely to document the situation of women in Afghanistan. It is also to reaffirm that the struggle for women's freedom is inseparable from the broader pursuit of global justice. Amplifying the voices of Afghan women, making their experiences visible, and expanding the legal and political debates surrounding the concept of gender apartheid are efforts fully consistent with the historical meaning of March 8 itself. The struggle for equality and freedom is not confined to particular geographies; struggles unfolding in different parts of the world form interconnected parts of a shared historical process.

It is precisely at this point that the historical legacy of March 8 reveals its full meaning. March 8 reminds us that women's emancipation has never been granted from above; it has always been won through struggle, solidarity, and resistance. In a world marked by war, imperial domination, and deepening inequalities, this legacy calls for more than remembrance. It calls for renewed political commitment. The voices of Afghan women—speaking against erasure, repression, and silence—form part of a global struggle that refuses to accept injustice as inevitable. Listening to those voices, amplifying them, and situating them within a broader movement for justice remains one of the most urgent tasks of our time.

Şerife Ceren Uysal

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ORIGINS AND NATURE OF THE PERMANENT PEOPLES' TRIBUNAL

The Permanent Peoples' Tribunal (PPT) was formally established in Bologna in 1979, building on the institutional legacy of the Russell Tribunal II on Latin America (1974–1976) and the International Conference of Algiers, which concluded on 4 July 1976 with the adoption of the Universal Declaration of the Rights of Peoples, establishing self-determination as its guiding principle. Within this framework, the PPT represents the formalization of a theoretical and political endeavor aimed at recognizing peoples, not only States, as legal subjects and safeguarding their fundamental rights within the international system.

The PPT belongs to the tradition of the so-called "people's tribunals" or "opinion tribunals," initiatives originally launched by Bertrand Russell and Jean-Paul Sartre in the context of the Vietnam War. With the establishment of the first Russell Tribunal (1966–1967), they sought to create an instrument of moral and political judgment, denouncing the risk of the "crime of silence" in response to what was considered an act of aggression perpetrated by a superpower against a people engaged in the struggle for self-determination. Russell and Sartre intended that the legacy of the Nuremberg Tribunal be seen not as an exceptional, historically circumscribed, and non-replicable episode, but as the first significant affirmation of a principle a principle destined to consolidate within the international order: namely, that the commission of international crimes entails the necessity of a formal ascertainment of responsibility, both at the level of state international responsibility and at that of individual criminal responsibility for those who, even when holding official positions, contributed to the commission of such crimes.

From this perspective, the Tribunal promoted by Russell and Sartre, and the subsequent establishment of the second Russell Tribunal and the Permanent Peoples' Tribunal, under the guidance of the Italian jurist Lelio Basso, can be situated within a broader evolutionary dynamic of contemporary international law. This dynamic has manifested, on the one hand, in the increasing recognition of the centrality of peoples' rights as collective subjects within the international legal order, and on the other, in the development of forms of moral jurisdiction aimed at public denunciation and the legal characterization of crimes attributable primarily, though not exclusively, to states, thereby addressing the gaps resulting from the inertia or inadequacy of traditional institutional mechanisms.

In the face of the progressive proliferation, both over time and across regions, of bodies directly linked to the tradition inaugurated by Russell and Sartre, these experiences were long subject to criticism questioning their legitimacy. This reservation was exemplified by the position of French President Charles de Gaulle, who, in a letter addressed to Sartre, expressed his opposition both to the nature of the initiative and to the possibility of hosting a public session in Paris. Reference to de Gaulle's position remains theoretically significant today, as it allows for a critical examination of the assumption that the exercise of judicial functions belongs exclusively to the state. It is precisely this state-centric conception of justice that, for a long time, relegated the early opinion tribunals in general, and the PPT in particular, to a merely imitative dimension, thereby minimizing their innovative significance and nature. In fact, their pioneering role lies in their ability to bring to public and international attention situations of particular gravity, prompting a collective assumption of responsibility aimed at preventing the entrenchment of impunity and, consequently, the escalation of violence against specific individuals and communities. Moreover, with specific regard to the PPT, its activity has assumed the

function of a critical interrogation of existing legal categories in light of the documented violations in the various contexts under its review. This function has translated not only into the denunciation and fact-findings of events, but also into a targeted promotion of normative development in cases where international law has proven incomplete, inadequate, or ineffective.

Understanding the dialectical relationship that the PPT has maintained throughout its history with international law—conceived both as a set of existing positive norms and as an evolving horizon—makes it easier to grasp the plurality of meanings attributed to the exercise of justice in its practice. This exercise is not confined exclusively to the strictly judicial dimension, but unfolds as a complex practice that intertwines fact-finding, legal qualification, normative development, attribution of responsibility, and ethical-political mobilization. From this perspective, the interaction between the exercise of justice, social participation, and the recognition of victims' centrality constitutes the core of the PPT's experience.

The active engagement of the communities concerned and the valorization of victims' voices as rights-holders guide the Tribunal's work both procedurally and conceptually, defining its inherently composite nature, which is simultaneously legal, social, and political. In this context, the PPT assumes a primary function of acknowledging and responding to demands for transformation that in part exceed the notion of justice as framed by formalistic and positivist frameworks. Far from replacing state or international judicial organs—a reason why comparisons with formal jurisdictional institutions can often be limited— the Tribunal has operated as a space for the public emergence of violations and for the collective re-elaboration and reinterpretation of legal categories, offering victims not only a venue for denunciation but also a space for political, symbolic, and legal recognition of their claims.

THE PPT SESSIONS: AN OVERVIEW

In line with its role as an interlocutor and a mechanism for responding to the demands for justice of peoples — who, as victims of serious, ignored, or unpunished violations, seek recognition as rights-holders — the PPT has played an active role in the most significant phases of the evolution of human rights and peoples' rights protection at the international level. The cases it has examined, along with the corresponding judgments — more than fifty to date —attest to this function. It should be noted that only in 1998, two decades after the establishment of the PPT, and effectively in the early years of the new century, did the international community formally establish the International Criminal Court (ICC).

It is worth emphasizing the significance of an institution such as the PPT by briefly recalling its first case, that of the people of Western Sahara — an atypical remnant of the colonial era, lacking both identity and visibility even within the African community. The Sahrawi people were represented by a liberation movement spanning multiple territories and actors, from the Maghreb (Morocco and Algeria) to Spain, France,

and the United Nations. The text of the judgment, pronounced and publicly presented in Brussels in 1979, became the first "identity card" of the Sahrawi people at the international level and served as a reference framework for the protection measures adopted by the United Nations, which remain in effect to this day. It should be noted, however, that the guidelines and recommendations issued by the PPT to recognize the right to self-determination — the central focus of the judgment — have still not been implemented within the international community of states.

While cases directly or indirectly related to post-colonial contexts entered the Tribunal's agenda — Timor East (1981) being perhaps the most representative, with significant visibility even within the United Nations — the evolution of international scenarios required the Tribunal, on one hand, to adopt a broader interpretation of the guiding principle expressed in the Algiers Declaration, and on the other, to address responsibilities for violations of peoples' right to self-determination. Through sessions and hearings on various forms of dictatorship, both civilian and military—and with an innovative and provocative intervention on the right to memory and the recognition of the Armenian genocide (1984), beginning with the session on the International Monetary Fund and the World Bank (1988; 1994)—the PPT responded to a demand for justice emanating from an extensive network of social movements operating at the international level. These movements represented, across state boundaries, emerging peoples in a society in which global powers exert an absolute dominance — independent of international human rights law — through economic and financial actors.

It is not possible to recount, through references that would inevitably be overly concise, the Tribunal's history, which engages with highly diverse scenarios: from the operational strategies of multinational corporations across continents, to crimes against humanity, up to the genocides of the Tamil, Rohingya, and Colombian peoples, as well as the series of sessions dedicated, from 2017 and still ongoing, to the phenomenon of international migration. This latter case exemplifies the growing disconnection between state-based international law and its role as a universal guarantor of human rights. The 2018 update of the PPT Statute represents a normative synthesis of the competencies developed by the Tribunal throughout its jurisprudence and through its engagement with contexts of violations affecting individuals and communities, each defined by specific temporal and spatial characteristics . These competencies extend from the so-called core crimes to economic, environmental, and systemic crimes, encapsulating over fifty years of activity and normative evolution.

In the context of this article, which aims to frame the Session on Afghan women, two distinct yet complementary moments in the trajectory of the PPT are particularly useful. The first concerns the Tribunal's long-term engagement with Afghanistan, evidenced by two significant sessions held in Stockholm (1981) and Paris (1982), which addressed the Soviet occupation and included not only public hearings but also a fact-finding mission in the border area with Pakistan. Within a highly polarized political and cultural context, the most contentious aspect of these proceedings involved ensuring credible autonomy and comprehensive documentation, both in terms of the testimonies collected and the expertise mobilized throughout the preparation and conduct of the public hearings. The need to convene a second session, following the

already extensive one in Stockholm, exemplifies most clearly the work's exposure — more than any other session — to state political pressures and public opinion alignments. The texts of the Tribunal's judgments constitute one of the few contributions produced in real time that combine the clarity of a public exercise in transparency with the courage to address the most rigorous categories of human and peoples' rights in light of the inevitable ambiguities of historical reality.

The second moment also refers to two sessions, atypical in certain respects but essential for a broader understanding of the PPT's core identity within a contemporary context marked by the structural impotence of international law. Both sessions were self-convened by the Tribunal to underscore, on the one hand, the urgency of public debate and, on the other, to highlight the TPP's role not primarily as a formal-legal adjudicatory body, but as a platform of right to speak, capable of delivering justice at least by naming the perpetrators of heinous crimes against humanity, which undermine the very identity of human beings. The two sessions, separated by a decade, "name the crimes" and attempt to deliver justice with respect to two historical events. The first concerns what in 1992 was celebrated as the discovery — and in fact constituted the conquest — of America, considered the largest and best-documented genocide in known history. The second event pertains to the reintroduction of war as a legally recognized instrument to promote democracy and peace (2002).

The first event concerns the conquest of America coincides chronologically with the first formulation of the principles of international law. In this context, the Permanent Peoples' Tribunal (PPT) advances a duty of justice, highlighting how the use of law by those who declare themselves masters of history — politically, culturally, and militarily — to subordinate or suppress "the different" effectively constitutes a radically criminal project, whose memory is indispensable. The legalization of war — also notorious for the explicit manipulation of evidence regarding the risk of mass destruction — represents, in an era no longer of discoveries and conquests but of economic and military powers, the notion that human beings can be considered disposable. In this framework, weapons — whether economic, military, environmental, or legal —, can once again play a central and prioritized role in international society.

A final note may be relevant for contextualizing, at the regional level as well, the acceptance of and priority given to the request for a session on Afghan women. The PPT had already dedicated a session to the repressive policies of Erdoğan's government against the Kurdish population in Turkey (2018), and more recently held a session on the situation in Rojava, Syria (2025). In the latter, the Tribunal emphasized the originality of women's role, both in the resistance and victory against ISIS, and in creating and sustaining a model of democracy based on gender equality. This model, particularly within the framework of Öcalan's recent policies, represents a unique opportunity to propose an alternative to the restructuring of a patriarchal and neocolonial order in a region that, over the past two decades, has been the stage of a tragic neocolonial geopolitics, characterized by the denial of any form of autonomy for peoples, ethnicities, and minorities.

FOUNDATION AND RATIONALE FOR THE SESSION ON AFGHAN WOMEN

The request to initiate an investigative procedure on gender-based persecution in Afghanistan dates back to December 2024 and was submitted by four organizations engaged in human rights work at both national and international levels: Rawadari, Afghanistan Human Rights and Democracy Organization (AHRDO), Organization for Policy Research and Development Studies (DROPS), and Human Rights Defenders Plus (HRD+). The distinctive and composite identity of these requesting organizations — involved in monitoring and documentation activities, with particular attention to the situation of women and girls, as well as in advocacy and institutional reporting efforts, following a community-centered approach that prioritizes the victims — was clearly reflected in the request sent to the PPT. This request not only shaped the content of the session but also specified the reasons for the Tribunal's intervention, considered consistent with its mandate.

The request to initiate proceedings was grounded in documented evidence attesting to the severity of the situation in the country. The Tribunal's intervention was conceived as a response to the numerous decrees, measures, statements, and actions implemented by the de facto Taliban government, which assumed control of Afghanistan from 15 August 2021. In particular, the Tribunal was asked to open an investigative procedure to rule on crimes against humanity consisting of gender-based persecution, a charge formalized in the indictment preliminarily submitted in July 2025 and later in its final version in September 2025 , one month prior to the public hearings held in Madrid on 8–9 October. The systematic nature of the persecution, invoked as the basis for the PPT's intervention, was further situated within a context of "ongoing impunity," understood not only as the lack of access to justice at the national level but also as a "lack of meaningful global reaction," with the consequent risk of normalizing a form of persecution capable of eroding the status of women not only in Afghanistan but also in other parts of the world.

The Tribunal's adjudicatory action was also conceived, though distinct, in continuity with other ongoing international initiatives, which helped clarify the historical — both national and global — context in which the Tribunal was called to act, as well as the priorities expressed by the requesting organizations regarding the dynamics at the international level. Specifically, reference was made to the International Criminal Court initiative, materialized in July 2025 with the issuance of two arrest warrants against the Supreme Leader and the Chief Justice of the Taliban Supreme Court for crimes against humanity consisting of gender-based persecution. Similarly, attention was drawn to the intention expressed by certain States — including Germany, Canada, Australia, and the Netherlands — to bring a case before the International Court of Justice to establish Afghanistan's responsibility for violating the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), representing an additional step toward international accountability. Alongside these two initiatives, considered particularly significant by the requesters, the recognition of gender apartheid as a potential new normative frontier for the protection of women's rights was also highlighted. This, however, required careful and comprehensive assessment of responsibilities to prevent its use as merely symbolic or a diminishment of its legal significance.

These three perspectives for action simultaneously contained elements of concern and the need for change, justifying both the relevance and urgency of a PPT intervention, while guiding the configuration of the session in terms of content, methods, and objectives. In particular, the Tribunal's action assumed significance given the uncertain horizon of international justice and the consequences that ongoing persecution and impunity could produce in the medium and long term for women's lives and the social body. On this basis, the designation of the PPT as an "accountability forum" acquired the significance of both a jurisprudential and normative urgency, grounded in the need expressed by women and survivors to be heard and seen, in response to the "silence" of the international community, understood as the absence of coordinated action by the involved parties. For the PPT, this need acted as a counterbalance both to the international context of a crisis in the effectiveness of the human rights system and to the imperative to reverse the historical trajectory of a country that, in multiple phases, has experienced the normalization of fundamental rights violations in the name of regional security, economic interests and manipulation of religious ideologies.

THE PEOPLE'S TRIBUNAL FOR WOMEN OF AFGHANISTAN: FROM VISION TO JUDGMENT

INTRODUCTION

The quest for accountability in Afghanistan has often been stifled by geopolitical shifts and the silencing of local voices. However, a new paradigm of justice is emerging; one that does not wait for permission from traditional international courts. "The People's Tribunal for Women of Afghanistan: The Process of a Vision Transforming to a Verdict" explores the evolution of a grassroots survivor-centered movement designed to give a voice to the millions of Afghan women currently living under an unprecedented regime of suppression and persecution based on gender.

This introduction traces the arc of this initiative from the initial spark of an idea in the minds of activists to the issuance of a verdict that demands global recognition. It sets the stage for a discussion on whether a "People's Verdict" can bridge the gap between international silence and the urgent cry for justice on the ground.

What began as a conceptual response to the systemic erasure of women's rights has rapidly solidified into a formal, evidence-driven process. This tribunal was not merely a symbolic gathering, but a rigorous assembly of legal experts, activists, and survivors aimed at documenting violations that the current global political climate often overlooks.

Key themes explored in this journey include the power of testimony by moving beyond statistics to center the lived experiences of Afghan women as primary legal evidence; challenging impunity by establishing a moral and legal framework to hold perpetrators accountable when formal state institutions fail; and the legitimacy of people's tribunals by examining how non-state justice mechanisms can influence international law and the development of peremptory human rights norms.

This paper will briefly explain how the idea of a people-led and owned process turned into a judgment that calls for an end to the crime of silence on the situation of women and girls in Afghanistan.

PICTURE: Madrid Court / People Tribunal

THE EMERGENCE OF THE IDEA OF CONDUCTING A PEOPLES' TRIBUNAL FOR WOMEN OF AFGHANISTAN

Following the Taliban takeover in August 2021, the accountability of perpetrators of international crimes and human rights violations, particularly against women and girls, has returned to the forefront of domestic and international debate.

Given the slow pace of International Criminal Court (ICC) proceedings regarding Afghanistan, there is an urgent need for a people-led and victim-centered accountability initiative. Consequently, Rawadari, an Afghan human rights organization registered in exile with strong networks inside Afghanistan, began extensive internal research and discussions regarding the use of accountability measures centering survivors. A People's Tribunal was a very appealing idea as it would give agency back to the Afghan human rights movement and did not require permission or political support of governments to materialize.

These discussions identified two potential paths:

- **Establishing a specific tribunal dedicated to addressing the issues facing women and girls in Afghanistan.**

- **Conducting a session before the Permanent Peoples' Tribunal with a specific focus on gender persecution in Afghanistan.**

Following internal discussions and consultations with activists involved in other People's Tribunals, such as organizers of the Aban Tribunal, the Uyghur Tribunal, and others, Rawadari concluded that it needs to form a coalition and approach the Permanent Peoples' Tribunal. Following Rawadari's initial outreach to 6 organizations, in December 2024, four Afghan civil society organizations, Rawadari, Afghanistan Human Rights and Democracy Organization (AHRDO), Organization for Policy Research and Development Studies (DROPS), and Human Rights Defender Plus (HRD+), hereinafter referred to as the 'ROs', submitted a formal request to the Permanent Peoples' Tribunal (PPT) to conduct a Tribunal on Gender Persecution in Afghanistan. On February 3, 2025, the PPT confirmed that the RO's request/case has been approved and included on the PPT agenda for 2025.

PRE-HEARINGS PHASE

Following the approval of the request by the Permanent Peoples' Tribunal (PPT), the Requesting Organizations (ROs) were responsible for operationalizing the tribunal in accordance with PPT procedures and guidelines.

The remaining activities centered on two primary objectives: the preparation of the indictment and the management of the hearing sessions. To hold the tribunal, the following steps were required:

1- Awareness Raising, Consultation, and Expectation Management

A critical component of this stage involved consultations with individuals both inside and outside Afghanistan, with a particular focus on women and girls. As one of the requesting organizations, Rawadari conducted a series of these consultations across various regions of the country.

Given the general lack of awareness about the nature and mandate of the tribunal and the frustration caused by delays in official tribunal proceedings, many stakeholders held specific expectations that the tribunal could not fulfill. Consequently, managing these expectations was essential. A key step in this process was avoiding promises that could create false hope. Explaining the non-binding nature of the tribunal's judgment proved to be an effective approach to managing these expectations appropriately.

2- Bringing the Prosecutors on Board

Based on the PPT guidelines and procedures for preparing indictments and bringing charges against perpetrators, a prosecutorial team was selected.

There were initially two competing proposals regarding the composition of the team: one suggesting a mixed team of Afghan and international experts, and another advocating for a team composed entirely of Afghan professionals. Because the charges were brought on behalf of the people of Afghanistan and the necessary expertise was available locally, the latter proposal was accepted.

Consequently, a group of four Afghan experts was selected to serve as prosecutors for the tribunal, chosen for their specific expertise in legal and gender issues.

3- Preparing the Indictment

As part of the procedures, an indictment, containing criminal charges and legal arguments, was required to be prepared and submitted to the PPT Secretariat two months before the hearing sessions. The prosecutors' first task was to prepare the indictment based on the available documents and reliable evidence in close consultation with the Afghan and international legal experts.

The indictment was composed of criminal charges and legal arguments against the Taliban high-ranking officials in an individual capacity and against the Taliban as a collective. The criminal charges were filed against 10 of the Taliban high-ranking officials who are alleged to have perpetrated the crimes against humanity of gender persecution under article 7(1)(h) of the Rome Statute of the ICC. The charges were also filed against them for perpetration of other inhumane acts under article 7(1)(k) of the Rome Statute.

On the legal arguments, the prosecutorial team also brought charges against the State of Afghanistan under the Taliban's de facto control, concerning Afghanistan's ongoing obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention Against Discrimination in Education (CADE), the Convention on the Political Rights of Women (CPRW), the Convention on the Rights of the Child (CRC), the Convention against Torture and other Cruel,

Inhumane, Degrading Treatment or Punishment (CAT), and the Convention on the Rights of Persons with Disabilities (CRPD).

During the preparation of the indictment, prosecutors conducted an extensive consultation with civil society organizations and human rights groups. The document was submitted to the PPT Secretariat on August 1, 2025.

4- Bringing the Judges on Board

The judges of the tribunal were appointed by the PPT Secretariat based on their individual expertise regarding the topics detailed in the indictment. To ensure impartiality, the panel was primarily composed of non-Afghan nationals, except one judge included to provide a specific country context.

The final panel consisted of nationals from Afghanistan, Egypt, India, Italy, South Africa, Spain, and the United States/Egypt, with the South African judge serving as the presiding member. The judges brought a diverse range of professional backgrounds to the tribunal, spanning the legal, gender studies, and journalistic fields.

5- Identifying and Preparing the Witnesses

One of the most challenging aspects of the tribunal's work was securing witness participation, primarily due to significant security concerns. These risks initially prompted organizers to avoid calling witnesses from within the country. However, recognizing the vital importance of these perspectives, the tribunal ultimately decided to include them while exercising the utmost caution.

Prosecutors interviewed over 100 witnesses and developed a final list of witnesses to testify. The prosecutors considered several factors including the number of days dedicated to the hearing; security concerns of the witnesses for themselves or their family members; ensuring that the testimonies covered the breadth of violations and were not all focused on one or two violations; regional and ethnic diversity in Afghanistan; ensuring inclusion of women with disabilities; and balancing the number of testimonies from inside with those testifying from outside Afghanistan. Ultimately, 24 witnesses testified: eight from within Afghanistan and 16 from abroad. Of these, 10 testified in person, nine via video or audio, and five provided written testimony.

The participation of these witnesses was a moving testimony to the bravery of Afghan women. By speaking openly about their experiences, they broke long-standing taboos and set a powerful precedent, demonstrating a readiness to address injustices that were previously met with silence in Afghan society.

6- Selection of the Venue for the Hearings

The selection of the venue for this event was a critical consideration for the organizers, particularly regarding strategic cooperation, public buy-in, and the overall impact on the tribunal's outcomes.

The initial intent was to hold the hearing sessions in a Muslim-majority country to directly challenge the Taliban's claims that their actions align with Islamic Sharia. However, after further assessment, it became clear that there was limited time to ensure outreach, secure a host institution, and obtain visas.

Consequently, the organizers sought a host country with a proven record of defending fundamental human rights and a strong stance on the human rights situation in Afghanistan, as well as other instances such as Palestine. Based on these criteria, Spain was identified as the ideal location. Spain offered strong support from both its government and civil society, ensuring that the sessions had a significant impact from a human rights perspective.

THE HEARINGS

The tribunal hearing sessions took place in Madrid on October 8th and 9th, 2025, followed by the judicial panel's preliminary statement on October 10th.

The two-day proceedings consisted of seven thematic sessions. The first day featured three sessions focused primarily on the criminal aspects of the indictment and relevant charges. The second day included four sessions regarding Afghanistan's state obligations under international treaties.

Over the course of the hearings, 24 witnesses testified, eight on the first day and 16 on the second. Their testimonies provided an unprecedented record of the atrocities and harm committed by the Taliban in Afghanistan. The sessions concluded with an intervention by a woman Islamic scholar from Indonesia, who emphasized that the reported treatment of women and girls by the Taliban has no basis in Islamic teachings.

The Taliban were informed of the proceedings via established communication channels and invited to exercise their right to a defence. However, they chose not to respond or attend. The PPT Secretariat formally communicated this absence to the judges and the audience on the first day of the hearings.

LIVE STREAMING OF THE HEARING SESSIONS AND THE SECURITY CONCERNS

The tribunal's hearing sessions were live-streamed on its YouTube channel and various Afghan TV channels. While live-streaming was essential for the visibility of the proceedings, it posed significant risks to the organizers and witnesses.

To prioritize the safety and security of all participants, organizers offered witnesses the opportunity to use any cautionary measures they deemed necessary. Consequently, most witnesses testifying via video and audio requested that their faces be blurred and their voices altered to remain unrecognizable. Additionally, several in-person witnesses chose to have their faces hidden and their voices changed.

THE PRELIMINARY STATEMENT OF THE JUDICIAL PANEL

As part of the proceedings, the judicial panel issued a preliminary statement on October 10, 2025. This statement was intended to assure the women and girls who testified that their voices have been heard.

The panel considered all the evidence submitted by the prosecutors and the testimonies provided by witnesses in its judgment, which was issued on December 11 in The Hague.

IMAGE: https://www.shehzil.com/unstoppablewomen

POST-HEARING PHASE

Following the hearing sessions, the judicial panel spent nearly two months assessing the evidence and testimonies to ensure the final verdict was comprehensive and addressed the tribunal's expectations.

The judgment session was held in The Hague on December 11, 2025. In addition to the issuance of the verdict, the session included endorsing interventions from United Nations representatives, subject matter experts, and Islamic scholars.

THE JUDGMENT

The tribunal's judgment stands as a unique document in the recent history of conflicts in Afghanistan, specifically addressing accountability and justice for Afghan women.

On the charges, the Tribunal concluded that the Taliban's actions constitute crimes against humanity, specifically gender persecution under Article 7 of the ICC Rome Statute. The ruling established that the Taliban's systemic campaign of edicts and violence represents an egregious violation of international law for which they bear criminal responsibility. Furthermore, the Tribunal held that the Taliban have committed other inhumane acts causing serious physical and mental injury to women and girls.

The Tribunal also analyzed whether "gender apartheid" qualifies as a crime against humanity under "other inhumane acts." While the Panel of Judges recognized that the situation in Afghanistan constitutes an institutionalized regime of gender-based segregation and domination, it determined that current international law restricts the codified definition of apartheid to racial discrimination. Consequently, it cannot be prosecuted as such at this time. However, the Tribunal noted that to effectively prevent and punish this conduct, the crime should be recognized through international jurisprudence or codified in future international instruments.

The Tribunal determined that Afghanistan, under de facto Taliban control, is violating its international obligations by depriving women and girls of fundamental rights, including the rights to life, liberty, education, work, health, and freedom of expression, movement, and assembly. These actions specifically contravene several binding treaties, including CEDAW, ICCPR, ICESCR, CADE, CPRW, CRC, CAT, and CRPD, with particularly severe impacts on individuals with disabilities. The Tribunal noted that these systemic violations carry intergenerational consequences and risk normalizing such impunity globally. Furthermore, based on expert testimony, the Panel rejected claims that these restrictions are mandated by Islamic law, finding the Taliban's interpretation of Sharia to be misrepresenting, politicized, and in clear contradiction with the established jurisprudence regarding women's rights in Islam.

In response to the Taliban's violations of International Criminal Law and the State of Afghanistan's breaches of International Human Rights Law, the PTWA calls for the following immediate actions:

- The Taliban must repeal discriminatory decrees and restore women's fundamental rights.

- The international community should recognize the Taliban's conduct as gender persecution and crimes against humanity, maintaining non-recognition of their authority, absent measurable compliance with women's rights.

- The OIC, Islamic nations, and scholars must collectively declare the Taliban's restrictions on women contrary to Sharia.

- The UN must ensure the independent investigative mechanism for Afghanistan is swiftly operational, and along with Member States, support codifying gender apartheid as a crime against humanity.

- The ICC should expedite investigations into gender-based crimes against humanity, with State Parties cooperating on arrest warrants.

- Australia, Canada, Germany, and the Netherlands must advance CEDAW proceedings before the ICJ transparently.

- International accountability mechanisms, including universal jurisdiction, must be activated.

- Afghan women must be included as key participants in all accountability processes.

- Humanitarian and development support should be provided directly to the Afghan people without engaging the Taliban administration.

- Protection and support for Afghan human rights defenders must be prioritized.

THE WAY FORWARD

The issuance of the tribunal's judgment marks the end of the formal process, but it signals the beginning of new advocacy efforts utilizing the verdict.

This judgment serves as a vital tool for all women and girls acting as agents of change for Afghanistan. We must now disseminate the various components of the verdict and its relevant recommendations to policymakers, academics, and the public globally. Our goal is to raise awareness of the current situation and align international support with the ongoing struggle for dignity and justice.

CONCLUSIONS

Ultimately, the People's Tribunal for Women of Afghanistan represents more than a collection of testimonies; it is a reclamation of agency in a world that has largely looked away. By transforming the "silencing of local voices" into a structured, evidence-based verdict, this initiative proves that the pursuit of justice is not a gift bestowed by states but a right exercised by the people. The transition from vision to verdict rested on three interrelated pillars: moral authority, legal innovation, and a call for action.

First, it drew on moral authority to fill the vacuum left by international institutions through the weight of documented truth. Second, it advanced legal innovation by utilizing the "power of testimony" to redefine what constitutes evidence in contexts of systemic gender-based persecution. Finally, it moved beyond documentation to articulate a framework for action that the international community can no longer ignore.

This tribunal demonstrates that while traditional courts may be stalled by geopolitical friction, the legitimacy of the people remains a potent force. The resulting judgment is not just a document of historical record, but a living demand for accountability. It bridges the gap between the "urgent cry for justice" and the global stage, ensuring that the erasure of Afghan women is met with a permanent, undeniable, and legally rigorous refusal and action.

Rawadari Organisation

Rawadari is an Afghan human rights organisation that aims to deepen and grow the human rights culture of Afghanistan, ultimately reducing the suffering of all Afghans, especially women and girls.

Rawadari helps build an Afghan human rights movement, monitors human rights violations, and pursues justice and accountability for violations. Rawadari works with individuals and collectives inside and outside Afghanistan

The People's Tribunal for Women of Afghanistan:

PROSECUTORIAL TEAM'S REFLECTIONS ON LEGAL FRAMING OF GENDER-BASED PERSECUTION AND GENDER APARTHEID, WITNESS SELECTION, AND EVIDENCE COLLECTION

A- INTRODUCTION

The People's Tribunal for Women of Afghanistan was convened under the auspices of the Rome-based Permanent Peoples' Tribunal (PPT) in October and December of 2025 at the request of Afghan civil society organizations to address extreme restrictions imposed on women and girls under Taliban rule since August 2021. Unlike formal international courts, the Tribunal was a civil society–led, independent, moral, and normative forum designed to provide a platform for the women of Afghanistan to document, evaluate, and publicly articulate human rights violations. The aim of the Tribunal was to fill a gap where formal mechanisms are often slow, inaccessible, or politically constrained. It sought to amplify survivors' voices, build a factual record, and catalyse global accountability efforts.

The historic, citizen-led People's Tribunal for Women of Afghanistan (PTWA) was an initiative comparable to the People's Tribunal on Myanmar and the ongoing Gaza Tribunal. It functioned as a symbolic, quasi-legal forum that heard testimonies, collected evidence, and delivered findings concerning the alleged ongoing atrocities committed by the Taliban. By characterising the Taliban's conduct as crimes against humanity in the form of gender-based persecution and other inhumane acts of gender apartheid, the Tribunal pursued two primary objectives: first, to draw international attention to the unprecedented system of gender-based oppression imposed under Taliban rule and to document these violations; and second, to provide the women of Afghanistan with a platform to share their experiences of both persecution and resistance.

For the first time in Afghanistan's protracted conflicts, the Tribunal served as a powerful platform through which victim-survivors were given a dedicated hearing to speak publicly about the atrocities committed against them. It created a space where their voices could be acknowledged, recorded, and validated at an international level.

In this piece, the prosecutorial team of the Tribunal reflects, for the first time, on the processes involved in legally framing gender-based persecution and the other inhumane acts constituting gender apartheid, as well as on the selection of witnesses and evidence collection. It examines the methodological, legal, and ethical considerations that shaped the Tribunal's approach, including the challenges of evidence collection,

ensuring survivor-centred procedures, and developing a coherent legal framework for gender-based persecution and gender apartheid.

B- LEGAL FRAMING: GENDER-BASED PERSECUTION AND OTHER INHUMANE ACTS OF GENDER APARTHEID AND SHARIA LAW ANALYSIS

This section examines the legal framework underpinning the Indictment issued by the PTWA in August 2025, focusing on three principal parts: (A) Gender-Based Persecution under Article 7(1)(h) of the Rome Statute; (B) Gender Apartheid as "Other Inhumane Acts" under Article 7(1)(k); and (C) Violations of International Human Rights Law, namely breaches of the international treaties and conventions to which Afghanistan remains a party. Moreover, while the characterisation of gender apartheid as an "other inhumane act" constituted a central innovation, the Indictment also identified additional acts by the Taliban that independently satisfied the criteria for crimes against humanity under the Rome Statute. It explores how the prosecutorial team conceptualised the Taliban's policies not as isolated restrictions, but as elements of a widespread and systematic attack directed against women, girls, and gender-diverse persons on the basis of gender. By situating these measures within the framework of international criminal law and international human rights law, the prosecutors advanced the argument that the institutionalised exclusion, segregation, and subordination of women amounted to both gender-based persecution and gender apartheid. The prosecutorial team further highlighted that the Taliban's actions constituted a gross violation of human rights, in breach of the core international human rights treaties to which Afghanistan is a party. Therefore, beyond the criminal law characterisation, the Indictment comprehensively addressed the Taliban's conduct within the framework of international human rights law. It examined breaches not only of the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), but of the full range of core international human rights treaties to which Afghanistan is a party, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Convention against Torture (CAT). The analysis emphasised that many Taliban policies simultaneously violated multiple treaty obligations, demonstrating the interconnected and cumulative nature of these breaches.

With the assistance of experts in Sharia law, the Tribunal also undertook a rigorous legal analysis of the religious justifications invoked by the Taliban, assessing their doctrinal foundations and interpretative legitimacy. In the following section, we will assess the framing of gender-based persecution and other inhumane acts of gender apartheid.

B.1- Gender-based Persecution and Gross Violations of Human Rights

In section III. Charges of the indictment, the prosecutorial team framed gender-based persecution as a crime against humanity, under international criminal law, asserting that the Taliban's decrees and policies did not constitute isolated sufferings but formed part of a widespread and systematic attack against women and girls. The prosecutors argued that restrictive measures such as bans on education, prohibitions on employment, limitations on freedom of movement, and exclusion from public and political life, were not discrete violations but rather integrated elements of an organised regime of oppression deliberately designed to deprive a targeted population of fundamental rights.

IMAGE: https://domartresidence.com/blog/feminist-art

Hence, the indictment structured this argument around the core elements of persecution as recognised under the Rome Statute of the International Criminal Court, Article 7(1)(h).

· Severe deprivation of fundamental rights: the prosecutorial team demonstrated how the cumulative impact of Taliban policies resulted in grave denials of internationally recognised rights, including education, work, healthcare, mobility, and access to justice.

· Discriminatory intent: prosecutors established that these deprivations were imposed on the basis of gender, reflecting a deliberate intent to target and marginalise a clearly defined group.

· Context of a widespread or systematic attack: the indictment documented how these measures were institutionalised through official decrees, enforcement mechanisms, and socio legal structures, meeting the contextual threshold required for crimes against humanity.

Additionally, the prosecutorial team attempted to link its criminal law framing to violations of international human rights obligations binding on the Taliban as a de facto authority in Afghanistan. Framing it under 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, the indictment referenced the ICCPR, which guarantees equality before

the law and non-discrimination; the CEDAW, which requires comprehensive protection and elimination of discrimination against women; the International Covenant on Economic, Social and Cultural Rights (ICESCR), which secures rights to education, work, health and living standards; and the Convention against Torture (CAT), which forbids cruel, inhumane, or degrading treatment. By emphasising both the discriminatory intent behind the policies, their structural and intersectional impact, and the long term generational consequences, the indictment positioned gender based persecution not as mere discrimination but as an international crime, underscoring the need for individual criminal responsibility, systemic accountability, and sustained global action to address violations of both criminal and human rights law. Therefore, the prosecutorial team also maintained that many of the Taliban's decrees and policies were not isolated violations of single legal instruments; rather, they constituted overlapping and mutually reinforcing breaches of numerous international conventions. Restrictions on education, employment, movement, and participation in public life engaged obligations under several treaties simultaneously, illustrating the systemic nature of the violations.

Therefore, the prosecutors tried to establish that the Taliban's systematic oppression of women meets and exceeds the thresholds of crimes against humanity of gender-based persecutions as defined under Article 7(1)(h) of the Rome Statute of International Criminal Court (ICC).

B.2- Other Inhumane Act of Gender Apartheid

Under Count 2: The Taliban's Actions Amount to "other inhumane acts" under the Rome Statute, the prosecutorial team framed that gender apartheid satisfying the criteria for "other inhumane acts" under Article 7(1)(k) of the Rome Statute of the International Criminal Court.

In framing gender apartheid as other inhumane acts, the prosecutorial team deliberated for two main reasons. First, the scale and gravity of the Taliban's gender-based persecution extends beyond the elements of crimes against humanity as traditionally defined, making the oppression of women and girls in Afghanistan unparalleled in severity and affecting nearly all aspects of their lives. The prosecutorial team therefore faced the challenge of capturing the full scope of violations under the framework of gender-based persecution. We concluded that framing the institutionalised nature of the Taliban's oppression within the concept of gender apartheid was necessary to capture the full scope of harms and to advance a conceptual innovation in international criminal law that addresses the existing accountability gap. Second, during the Taliban's first period in power in the late 1990s, women in Afghanistan described their lived experiences under Taliban rule as gender apartheid, calling for its recognition under international law. With the Taliban's return to power in August 2021, there has been a unified and stronger call from Afghan women and their international allies for the codification of gender apartheid under international law. The prosecutorial team therefore framed gender apartheid not only to encompass the full spectrum of harm caused but also to respond to the expressed demands of women of Afghanistan for its international legal recognition.

Cognisant that gender apartheid is not yet codified under international law, gender apartheid was therefore framed as satisfying the criteria for "other inhumane acts" under Article 7(1)(k) of the Rome Statute defined as the systematic and institutionalised deprivation of women's and girls' fundamental rights solely on the basis of gender. The prosecutorial team has therefore argued that gender apartheid violates cogens norms prohibiting gender discrimination and meets the threshold for crimes against humanity. By causing severe physical and mental suffering through widespread exclusion from education, employment, public life, and freedom of movement, it aligns with ICC precedent recognising non-violent yet grave gender-based harms as prosecutable, including guidance from the ICC Office of the Prosecutor Gender-Based Crimes Policy (2023). This policy clarifies that "other inhumane acts" include acts beyond conventional violence, such as public humiliation, forced abortion, and prohibitions on girls' education, that cause serious mental or physical harm. Because the Rome Statute criminalises both enumerated and non-enumerated acts of similar gravity, the prosecutors maintained that the Taliban's systematic deprivation of women's rights qualifies as "other inhumane acts … intentionally causing great suffering or serious injury to body or to mental or physical health."

Therefore, the prosecutorial team upheld that, where a de facto authority such as the Taliban enacts a comprehensive regime of gender-based oppression as part of a widespread or systematic attack on civilians,

such conduct is indictable under the Rome Statute, and recognising it as an international crime reflects the severity of the harm and supports accountability.

C- WITNESS SELECTION: BALANCING SAFETY, CREDIBILITY AND REPRESENTATIVITY

A core strength of the PTWA lay in its careful and deliberate witness selection process, which was designed both to protect participants and to ensure credible, impactful testimonies.

The four civil society organisations involved in organising the Tribunal compiled an extensive list of witnesses affected by the Taliban's rule and conducted initial interviews to document their experiences. They then shared this information, including brief statements from women both inside Afghanistan and in exile, with the prosecutorial team, which greatly assisted the process of witness selection.

Since many potential witnesses resided inside Afghanistan under threat from the Taliban, and those in exile continued to face security risks and intimidation, the prosecutorial team adopted a specific methodology to carefully mitigate these risks and ensure a diverse range of testimonies from the women of Afghanistan. However, the prosecutorial team deliberately refrained from including certain individuals residing inside Afghanistan whose participation could have endangered them or their families. Similarly, some potential witnesses in neighboring countries were excluded due to the risk of deportation or insecure legal status. These difficult decisions underscore not only the Tribunal's commitment to do no harm but also highlight how restrictive asylum and migration policies in neighboring states can further silence victims of serious human rights violations. Considering these issues, the prosecutors' methodology included the following:

a- Preparation and vetting: Prosecutors conducted multiple interviews with prospective witnesses before hearing sessions, not only to verify the substance of their accounts but also to ensure they were prepared for the emotional and procedural realities of public testimony.

b- Diversity of testimony: Witnesses reflected a range of experiences, from those who endured direct physical violence, arbitrary detention, or torture, to those who recounted the psychological and socio-political consequences of bans on employment, education, movement, access to justice and health care, and the unique experiences of women with disabilities. This diversity was deliberate, aiming to demonstrate that repression under the Taliban wasn't limited to isolated incidents but formed part of a systemic pattern of oppression. The diversity of testimonies also considered the intersectional harms experienced under the Taliban, represented women from all over Afghanistan with distinct ethnic and lingual backgrounds.

c- Security and anonymity: Witnesses were often identified by number rather than by full name to protect their identities and those of family members still in the country. Some witnesses appeared in person, while others provided voice recordings or written testimonies transmitted securely and read aloud during hearings by a volunteer in the audience.

This approach balanced protecting participants from retaliation with capturing the full scope of harms across Afghanistan's society, placing survivors' lived experiences at the centre of the Tribunal's evidentiary records.

D- STANDARDS OF EVIDENCE AND PROOF

While the People's Tribunal does not operate under rigid procedural rules like formal judicial institutions, the prosecutorial team made sure that the evidence collected both blended legal standards with principles of moral and normative legitimacy.

The prosecutors' approach to evidence was a careful balance between moral authority and legal rigor. Unlike a criminal court, which requires proof "beyond reasonable doubt", the Tribunal adopted a fact-finding methodology to assess whether there were reasonable and credible grounds to conclude that international crimes had occurred. This approach assisted the prosecutors to maintain legal seriousness while acknowledging its role as a people-centred forum rather than formal judicial body.

Therefore, a central methodological challenge in terms of evidence collection involved balancing normative advocacy with evidentiary neutrality. While the Tribunal was explicitly victim-centred and normatively engaged, the prosecutorial team sought to ensure that conclusions were grounded in corroborated evidence and consistent legal standards. This required careful vetting of testimonies, cross-referencing documentary sources, and excluding accounts that could not be sufficiently substantiated. However, not all collected testimonies were ultimately presented during hearings. In certain instances, accounts were excluded due to security concerns, insufficient corroboration, or the risk of retraumatisation. These exclusions were guided by both evidentiary prudence and survivor-centred ethical considerations. Additionally, the prosecutorial team adopted a trauma-informed approach in its engagement with witnesses. Questioning was structured to minimise retraumatisation, allow witnesses agency over the scope of their testimony, and prioritise psychological safety. This approach necessarily shaped both the format and content of evidentiary presentation.

Therefore, the evidence before the Tribunal consisted of several interlocking components. First, and most powerfully aligned with the Tribunal's objective, it relied on direct survivor testimonies. The women of Afghanistan provided firsthand experiences of exclusion, repression, detention and fear. These testimonies were not treated as isolated narratives but were examined for internal consistency and cross-corroboration. This was supported by expert testimonies.

Secondly, the prosecutors relied heavily on documentary materials, including official Taliban decrees restricting women's access to education, employment, public life, and movement. The Taliban decrees which targeted women as a group, were especially significant because they demonstrated their policy intent. Additionally, reports from international human rights organisations, different bodies within the United Nations, further corroborated patterns of systematic repression. Therefore, through this layered evidentiary record combining survivor accounts, expert analysis, and documentary proof, the prosecutors constructed a coherent picture of the Taliban's widespread and institutionalised discrimination against women and girls of Afghanistan that meets the threshold of crimes against humanity of gender-based persecution and gender apartheid.

Nevertheless, there were also significant challenges in verifying evidentiary links. For instance, with respect to violations of the right to life, including arbitrary and extrajudicial killings of women and girls across Afghanistan, although we received credible information indicating that members of the Taliban were involved in several incidents, we lacked the means to independently verify the evidence and establish clear lines of liability attributable to specific Taliban members. Another constraint was the lack of access to certain regions of Afghanistan, limiting our witness representativity, as mentioned above, these limitations were shaped by significant security, logistical, and resource constraints.

E- CONCLUSION

The People's Tribunal for Women of Afghanistan represents both a legal intervention and a moral imperative in response to the systematic oppression of women and girls under Taliban rule. By framing gender-based persecution and gender apartheid within the architecture of international criminal law, the prosecutorial team sought to capture the full scope, structural nature, and generational impact of the harms inflicted. In doing so, the Tribunal not only documented grave violations but also advanced an important normative argument that evolving forms of institutionalised gender oppression must be met with corresponding legal evolution. It also brought sustained international attention to the suffering and resilience of women and girls in Afghanistan, ensuring that their voices remain central to global accountability efforts. While major evidentiary and accountability challenges remain, the Tribunal's judgement will hopefully contribute towards closing impunity gaps, centring survivor voices, preventing the normalization of the Taliban's repressive policies and strengthening the call for the recognition and codification of gender apartheid under international law.

In a broader sense, the People's Tribunals play an important role in the development of international norms. As such people-centric approaches to international law could contribute to legal evolution, informal justice processes, and agenda-setting alongside formal judicial mechanisms. Therefore, the most significant contribution of the People's Tribunal lies in advancing the concept of gender apartheid as a legal category, strengthening accountability discourse, or demonstrating the complementary function of informal justice mechanisms.

Azadah Raz Mohammad

Azadah Raz Mohammad is one of the four prosecutors of the People's Tribunal for Women of Afghanistan and currently serves as a Legal Advisor at the End Gender Apartheid Campaign. Her previous work has focused on the role of law and justice reform in Afghanistan, where she worked closely with the Afghanistan Independent Human Rights Commission, the Ministry of Justice, the Administrative Office of the President, and other national justice institutions. She has also served as an adjunct lecturer in law at the American University of Afghanistan.

Ms. Raz Mohammad holds an LLB from the University of Westminster, an LLM in International Humanitarian Law and Human Rights from the University of Essex, and a second LLM in International Criminal Law from Ohio State University, where she was a Fulbright Scholar. She is currently pursuing a PhD at Melbourne Law School.

In 2021, she co-founded the Ham Diley Campaign, a collective of human rights lawyers committed to pursuing accountability for international crimes committed in Afghanistan. As part of this work, she co-directs legal and policy research at the Afghanistan Support Clinic within Monash Law Clinics, where she also serves as a Teaching Associate.

Her academic and professional work focuses on international criminal law and international humanitarian law, with particular emphasis ongender justice, legal reform, and victim-centred approaches to accountability for international crimes. She also writes frequently on international criminal law and accountability through decolonial and gender-sensitive perspectives.

JUSTICE AND ACCOUNTABILITY FOR THE WOMEN AND GIRLS OF AFGHANISTAN

INTRODUCTION

Building on other articles in this Review, this contribution will provide an overview of the legal aspects of the judgement that was delivered in the People's Tribunal on Women in Afghanistan. It will address the accused, the crimes charged, the applicable laws, and the findings of the Panel of Judges. During the hearings, some concerns were raised about the lack of—or minimal—international action to the situation facing women and girls in Afghanistan. Thus, it became important to also highlight a few aspects that might hold hope for justice and accountability – but which, unfortunately, have not moved beyond rhetoric in many instances. A review of some of these approaches confirms the view held by Afghan women, regarding the lack of substantive actions that reflect transformative and emancipatory approaches, in respect of justice and accountability and the promotion and protection of the human rights of women and girls.

The legal analysis was guided by internationally recognized laws, including international criminal law, international humanitarian law, customary international law, and the fundamental principles enshrined in international human rights treaties. Internationally recognized legal norms—including among others, the right to equality, dignity and the prohibition of discrimination on numerous grounds including sex and gender—provided the framework for analysis. The responsibility of the Panel of Judges was to ensure that the work was guided by the indictment, the testimonies we heard, research reports, other relevant documentation, and the applicable laws. In the drafting of the Judgement, the Panel of Judges was deeply cognisant of the need to be guided by the imperatives of recognition, representation, voice, agency, justice and accountability.

THE ACCUSED

The Indictment provides information on the accused, including: ten individual Taliban leaders; the Taliban as a group; and the State of Afghanistan under the Taliban's de facto control.

The Prosecutors identified the Taliban as a group, and the ten identified individual leaders, as the principal perpetrators of a pattern of persecution that meets the threshold of the crime against humanity of gender persecution under Article 7(1)(h) of the Rome Statute of the International Criminal Court. It was further elaborated that the Taliban is not merely a de facto governing authority, but 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 listing of the State of Afghanistan as an accused party is premised on the Taliban de facto authorities' engagement in a deliberate, systematic, and institutionalized campaign of repression targeting women, girls, and other marginalized groups in Afghanistan. It was asserted that such conduct is underpinned by a discriminatory ideology and is enforced through coercion and violence, thereby constituting multiple, serious violations of binding international human rights treaties to which Afghanistan remains a State Party.

PICTURE: Ali Khara/REUTERS

THE CHARGES AND RESPONSIBILITY

Count 1: The Taliban's institutionalised discrimination against women amounts to gender persecution

The Prosecution submitted 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. Numerous sources confirmed that the Taliban have issued many decrees, edicts, directives, and statements, specifically targeting women and girls, which institutionalize discriminatory norms. It was argued that the Taliban's intentional actions 'systematically excludes women and girls from education, employment, public life, and freedom of movement' and this constitutes gender persecution. The measures are applied and enforced by administrative structures, security forces, and religious committees, reflecting the existence of a policy of exclusion and control. 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 (…) other grounds that are universally recognized as impermissible under international law".

Based on the legal and policy analysis, and the facts and evidence, the policies and practices of the de facto Taliban authorities, since August 2021, constitute crimes against humanity of persecution on gender or other grounds that are universally recognised as impermissible under international law, which includes the ground of sex. The Taliban's actions are driven by a discriminatory intent, fulfilling the mental element of the crime of persecution. The actions constitute an intentional and serious deprivation of the fundamental rights of women and girls, contrary to international human rights law, and form part of a widespread and systematic attack against the civilian population with knowledge of such attack. These crimes are committed in connection with other crimes against humanity: including murder, imprisonment, torture, and other inhumane acts.

The Panel of Judges determined that such policies and practices satisfy the legal definition of gender persecution under the Rome Statute. Individual leaders and the Taliban as a group, as the de facto governing authority, bear responsibility under international criminal law for a policy of gender-based persecution

constituting crimes against humanity, under Article 7(1)(h) of the Rome Statute of the International Criminal Court.

Count 2: The Taliban's actions amount to 'other inhumane acts' under the Rome Statute

The "other inhumane acts" is a catch-all clause included in International Criminal Tribunal Statutes to ensure accountability for any crime with sufficient gravity fulfilling the other conditions of a crime against humanity. The prosecution argued that 'gender apartheid' qualifies as 'other inhumane acts' under Article 7(1)(k) of the Rome Statute within the crimes against humanity category. It was acknowledged that 'gender apartheid' is a currently uncodified act.

The crime of apartheid is recognized in the Rome Statute in Article 7(1)(j) and only includes segregation on racial grounds and not on gender grounds. Therefore, the crime of 'gender apartheid' which is used to describe the situation of segregation of Afghan women and girls on gender grounds is not recognized as a crime against humanity in the Rome Statute as a separate crime, nor within the category of "other inhumane acts".

The Panel of Judges acknowledged that the situation in Afghanistan meets the constitutive elements of an apartheid-like system - an institutionalized regime of segregation, exclusion, and domination. However, it was determined that because the discrimination is grounded in gender rather than race, it falls outside the codified definition of apartheid in international law, particularly in the Rome Statute and the Apartheid Convention. The codification of the crime of gender apartheid - whether in the proposed Crimes Against Humanity treaty; or through an amendment to the Rome Statute; or through an optional protocol to the Apartheid Convention; or through a new specific treaty – remains an important advocacy and standard-setting initiative. It is important to recognise that these are options that can be explored in the quest for codification of the crime of gender apartheid.

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

The Prosecution included the State of Afghanistan, which is under the Taliban's de facto control, with ongoing violations of Afghanistan's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention Against Discrimination in Education, the Convention on the Political Rights of Women, the Convention on the Rights of the Child, the Convention against Torture and other Cruel, Inhumane, Degrading Treatment or Punishment, and the Convention on the Rights of Persons with Disabilities.

Through numerous edicts and decrees, the Taliban have deprived the women and girls of various fundamental rights. The bans, decrees and policies adopted by the de facto Taliban authorities target women and girls by prohibiting and limiting their fundamental rights in almost all spheres of public and private life. The deprivation of fundamental rights is enforced through violent mechanisms, and with tools such as arbitrary detention, imprisonment, torture and other inhumane acts, rape and sexual violence, and enforced disappearances.

Under international human rights law, the Taliban have intentionally deprived women and girls of fundamental rights, including the right to life, the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, the right to personal liberty and security, the right not to be subjected to arbitrary detention, the right to education, the right to work, the right to health, freedom of expression, freedom of movement, freedom of association, the right to bodily autonomy, and the civil and political rights of participation. These violations of fundamental human rights of women and girls are perpetrated by the de facto authorities through numerous decrees, bans and policies based on sex and gender discrimination and constitute a violation of binding obligations.

The Panel of Judges asserts that the ongoing, unpunished human rights violations in Afghanistan have far-reaching implications beyond national borders and effectively undermine the universality of human rights and the integrity of the international legal order. It determines that the de facto Taliban authorities have violated Afghanistan's binding obligations under international human rights treaties to which Afghanistan is a State Party.

OTHER JUSTICE AND ACCOUNTABILITY INITIATIVES

As noted above, due to concerns raised about the lack of effective action by the international community, the legal section of the judgement highlighted a few initiatives, including the importance of the critical work emanating from civil society broadly which serves to inform dialogues on justice and accountability.

International criminal law developments through the International Criminal Court (ICC), through the issuing of two arrest warrants, is an attempt at addressing individual criminal responsibility for alleged violations 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. The crime alleged is Persecution as a Crime Against Humanity affecting women, girls, persons whom the Taliban perceived as not conforming with their ideological expectations of gender identity and expression, and persons whom the Taliban perceived as allies of girls and women, contrary to Article 7(1)(h) of the Rome Statute. The acts that are connected to persecution of women include murder, imprisonment, torture, rape and other forms of sexual violence, enforced disappearances, and other inhumane acts.

Domestic prosecutions utilising the principle of Universal Jurisdiction is another important mechanism to address justice and accountability. Universal Jurisdiction is a legal principle which empowers national courts to prosecute cases involving serious violations of international law, which affects the international community as a whole, regardless of where these crimes were committed or the nationality of the perpetrator. The foundation of the principle rests on the shared interests of all nations to apprehend alleged perpetrators, including for crimes against humanity broadly. In the case of Afghanistan, the Universal Jurisdiction principle can be used to investigate and prosecute individuals for crimes that fall within international law frameworks, including crimes against humanity, particularly gender persecution. There is no indication that any other State with jurisdiction is investigating any Taliban individuals for their criminal conduct described above.

The International Court of Justice (ICJ) can adjudicate disputes concerning any question of international law and the existence of any fact which, if established, would constitute a breach of an international obligation. The court has wide and general subject matter jurisdiction in respect of international human rights enforcement. There is a possibility of a contentious case being filed

PICTURE: January 14, 2023. Roy De La Cruz

in the ICJ regarding the numerous violations of State obligations, by the State of Afghanistan, particularly those linked to the CEDAW. In September 2024, in the margins of the UN General Assembly, a formal request was made by Australia, Canada, Germany and the Netherlands addressed to the Taliban de facto authorities to comply with Afghanistan's CEDAW obligations. This action was soon supported by 22 other States. The lack of adherence to CEDAW obligations are considered obligations owed by the State of Afghanistan to all other State Parties to CEDAW (obligations erga omnes partes). Article 29 requires state parties to any dispute not settled by negotiation within six months, to resort to arbitration at the request of one of them. If within six months from the date of the request for arbitration, the parties are unable to agree on the organisation of the arbitration, they may refer the dispute to the ICJ, in an attempt to pursue state accountability. Once the case is accepted by the ICJ, the court can order provisional measures to prevent further harm while proceedings are ongoing. There is no publicly available information regarding the negotiation and arbitration measures that have been undertaken by the four States, despite the passage of almost 17 months since the intervention was announced. In addition, no referral has been made to the ICJ.

The work of United Nations mechanisms and agencies regarding the human rights situation in Afghanistan, as well as the most recent Human Rights Council resolution on creating a new independent investigative mechanism, provides further information on the justice and accountability work of the UN system. The substantial and substantive work of UN mechanisms and agencies provides a comprehensive documentation database that can be utilised in dialogues within the Security Council, The General Assembly, The Human Rights Council, the Secretary-General's office and the office of the High Commissioner for Human Rights. The logical conclusion is that Member States have access to credible information on the widespread and pervasive human rights violations occurring in Afghanistan, thereby necessitating responses regarding the violation of obligations owed to the international community as a whole. Unfortunately, some of the testimonies presented during the hearings reflect concerns about the slow or non-existent actions by Member States regarding justice, accountability and transformative change, for the women of Afghanistan.

The demands by civil society organisations, to address the normative gap in international law, on the issue of 'gender apartheid', and the gaps and/or limitations of existing frameworks to comprehensively address all manifestations of gendered harms, is another initiative in the quest for justice and accountability. Experiences of women in some countries have noted the universality of aspects of the struggles against pervasive, systematic and institutionalised gendered harms. The necessity for international and domestic law recognition of the crime of gender apartheid has reignited discussions and campaigns to end gender apartheid. Analysing the provisions of the Apartheid Convention and the Rome Statute has led to discussions on the inadequacy of existing legal frameworks to address the systematic, systemic and institutionalised nature of gendered oppression, subjugation and discrimination, as well as the specific intent to maintain such a regime - as visible in the experiences of women in some parts of the world, more especially currently

in Afghanistan. The description of such experiences as qualifying in form and content as gender apartheid is an attempt to advocate for the closing of the protection gap in international and domestic law, through the codification of such a crime. During the General Assembly Sixth Committee meeting on a comprehensive treaty on crimes against humanity held in April 2024, ten Member States expressed their openness to exploring the codification of the crime of gender apartheid in the proposed treaty. The codification of the crime of gender apartheid - whether in the proposed Crimes Against Humanity treaty; or through an amendment to the Rome Statute; or through an optional protocol to the Apartheid Convention; or through a new specific treaty – remains an important advocacy and standard-setting initiative.

The conclusion is that there exist numerous initiatives with a focus on the situation in Afghanistan broadly and on the human rights of women in particular. The need for international institutions and mechanisms, and Member States to move beyond rhetorical statements, to meaningful action, is crucial in the quest for transformative change, justice and accountability, and the promotion and protection of human rights. The applicability of principles of erga omnes, erga omnes partes and jus cogens govern the framing of State obligations. Erga omnes means 'towards everyone' and it refers to obligations that a State owes to the international community as a whole. Erga omnes partes refers to obligations that a State Party to a treaty owes to all other State Parties to that treaty. Jus cogens refers to norms that are legally applicable to all States, and no derogation is permitted as such norms are regarded as obligations inherently owed to the international community as a whole. This requires utilising the abovementioned principles to articulate State responsibility of the international community as a whole, including States Parties to relevant human rights treaties, due to the violations being perpetuated by the de facto authorities in Afghanistan. Failure at the domestic level, requires action by the international community to uphold responsibilities linked to such principles which govern the framing of State obligations.

Professor Emerita Rashida Manjoo

Professor Rashida Manjoo is Professor Emeritus at the University of Cape Town, where she taught for many years in the Faculty of Law and convened the LLM program on human rights. From 2009 to 2015, she served as the United Nations Special Rapporteur on Violence against Women, its Causes and Consequences, a mandate that took her across the world to investigate, document, and report on systemic gender-based violence and state accountability.

In South Africa, Professor Manjoo also served as a parliamentary commissioner on the Commission for Gender Equality, a constitutional institution mandated to promote and protect gender equality and women's rights. She was instrumental in developing and leading social context training for judges and lawyers, designing both the content and methodology to strengthen justice delivery in cases of gender-based violence.

Her scholarship, public service, and advocacy reflect decades of dedication to advancing women's human rights globally and locally. She continues to be recognized as a leading authority on gender justice, shaping international and national debates on law, policy, and equality.

A Tribunal of Conscience in an Age of Impunity

EPISTEMIC JUSTICE AND THE PEOPLES' TRIBUNAL FOR WOMEN OF AFGHANISTAN[1]*

A- BACKGROUND

Since August 2021, Afghanistan has witnessed the systematic removal of women and girls from public life. Bans on secondary and higher education, exclusion from most forms of employment, restrictions on mobility, prohibitions on public presence, and the dismantling of access to justice mechanisms together form a coordinated structure of domination. These measures are not isolated acts of discrimination. They constitute a governing design.

In December 2024, four Afghan civil society organizations[2] submitted a request to the Permanent Peoples' Tribunal (PPT)[3] in Rome, Italy, to establish a Peoples' Tribunal to hear and address systemic discrimination and human rights violations against women and girls in Afghanistan. The PPT convened its 55th Session on the Women of Afghanistan in Madrid from October 8-10, 2025, following an indictment[4] submitted by a team of four Afghan prosecutors.

The Peoples' Tribunal for Women of Afghanistan is significant precisely because it does not pretend to replace domestic or international judicial institutions and processes; rather, it fills a recurring accountability gap: situations where violations are severe, ongoing, and well-documented, but formal systems are slow, blocked, politically constrained, or inaccessible to victims.

The tribunal issued its judgment on 15 December 2025, in The Hague, the Netherlands.[5] The Tribunal's judgment contributes to the evolving legal understanding of gender persecution and the emerging concept of gender apartheid. Its judgment confirms that the Taliban's policies amount to gender persecution as defined under Article 7(1)(h) of the Rome Statute of the International Criminal Court, which recognizes persecution against an identifiable group on gender grounds as a crime against humanity when committed as part of a widespread or systematic attack against a civilian population.[6] It described Taliban measures as forming the core architecture of governance, rather than incidental policy choices.

1 * This article is an independent scholarly work written by the author based on her previous experience as a judge and her contribution to the judgment of the Permanent Peoples' Tribunal (PPT) during its 55th session on the Women of Afghanistan. While the article references material and themes from the judgment and related PPT documents, it is not an official PPT publication, and any interpretation errors are solely the author's responsibility.

2 Rawadari, Afghanistan Human Rights and Democracy Organization (AHRDO), Organization for Policy Research and Development Studies (DROPS), and Human Rights Defender Plus (HRD+).

3 For more details about the work of the tribunal, visit: https://permanentpeoplestribunal.org/?lang=en

4 The full text of the indictment is available on: https://permanentpeoplestribunal.org/indictment-submitted-to-the-ppt-session-on-women-of-afghanistan/?lang=en

5 The full text of the judgment is available on: https://permanentpeoplestribunal.org/the-tpp-judgement-on-women-of-afghanistan/?lang=en

6 Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90 (1998).

PICTURE: IMAGO/NurPhoto

The Tribunal concluded that since returning to power in August 2021, the Taliban have created a deliberate and organised system to remove women and girls from public life. Women have been banned from secondary and higher education, pushed out of most jobs, restricted in their movement, excluded from public spaces, and denied meaningful access to justice and healthcare. These measures are not isolated or accidental. They are part of a coordinated state policy, enforced through official decrees, security forces, and institutions such as the Ministry for the Promotion of Virtue and the Prevention of Vice.

The Tribunal determined that this intentional and systematic denial of fundamental rights to women and girls, based solely on their sex and gender, meets the legal definition of gender persecution as a crime against humanity.[7] At the same time, the Tribunal draws attention to the absence of a codified prohibition of apartheid on the basis of gender in international law and calls on the United Nations and its member states to support efforts toward formal recognition of gender apartheid. In doing so, the judgment contributes to ongoing legal and scholarly debates about how systematic and institutionalized gender-based oppression should be conceptualized and addressed within international legal frameworks. [8]

The judgment makes several important contributions to understanding and responding to the situation of women in Afghanistan. While many aspects of the proceedings are significant, this paper examines two key contributions of the Tribunal and its judgment. One, its role as an institution of visibility and epistemic justice that documents Afghan women's testimonies and restores their authority as credible knowers. Two, its warning against the growing international normalization of the Taliban despite the regime's systematic oppression of women and girls.

B- THE TRIBUNAL AS AN INSTITUTION OF VISIBILITY AND EPISTEMIC JUSTICE

The Tribunal provides a structural analysis of the Taliban's gender regime while functioning as an institution of visibility and epistemic justice. It creates an authoritative public record of the Taliban's treatment of women by recognizing women's testimonies and expert evidence as legal material capable of supporting findings of responsibility. By treating Afghan women not merely as victims but as credible knowers whose testimonies inform legal findings, the Tribunal restores epistemic authority to voices that have been systematically silenced and excluded from public and social life. To better understand this, it is important to examine the theoretical framework of epistemic injustice.

7 Judgment, Permanent Peoples' Tribunal, 55° Session for the Women of Afghanistan (Permanent Peoples' Tribunal, 2025).
8 Ibid., 70.

B.1- Epistemic Injustice and the Case of Afghanistan:

Epistemic injustice, as theorized by Miranda Fricker, is a form of injustice done to someone in their capacity as a knower. It can appear as testimonial injustice, not believing someone because of who they are, or hermeneutical injustice, denying people access to the concepts and spaces they need to make sense of and communicate their experiences. [9]

Patriarchy and misogyny generate epistemic injustice by structuring social institutions in ways that systematically devalue women's knowledge, credibility, and interpretive authority. Patriarchy dictates who is recognized as a credible knower and whose experiences are considered authoritative in defining social norms. To apply Fricker's theory here, in patriarchal systems, women are often subject to testimonial injustice because their accounts are discounted or treated as less reliable because of gendered prejudice. At the same time, women may experience hermeneutical injustice, where the concepts and interpretive resources necessary to articulate their experiences are absent or marginalized within dominant knowledge frameworks.[10]

Afghanistan has long been shaped by patriarchal social structures and deeply entrenched misogynistic norms that privilege male authority in family, community, and political life.[11] In contexts such as Afghanistan under Taliban rule, these dynamics become institutionalized: women are excluded from education, professional life, and public discourse, while male authorities are positioned as the sole interpreters of social norms.

Under the Taliban, Afghan women face further epistemic injustice. The Taliban exclude women from public life, restrict their mobility, erase their visibility, and deny them education and employment, as the necessary foundation of moral order. [12] This results in women's testimonies and expertise not entering formal institutional channels because women are erased from public life, including accessing academic, legal, judicial, and decision-making roles.[13] Such bans and restrictions on women's work in academia, public administration, media, NGOs, and many professions structurally devalue their knowledge and prevent it from shaping policy, law, or public discourse. In practice, male authorities, religious leaders, and Taliban officials become the default "credible" voices, while women's lived experience of exclusion, deprivation, and violence is systematically discounted.

Afghan women are also banned from secondary and higher education, and women are pushed out of universities and research, [14] cutting them off from key epistemic goods like schooling, critical thinking, and scholarly communities. Women are removed from public spaces, professional networks, and civil society platforms where collective knowledge-making happens, limiting their ability to co-create concepts and narratives that accurately capture and describe their experiences. In Fricker's terms, this produces a credibility deficit for women, in that their words are not institutionally trusted, and an intelligibility deficit, in that Afghan women's interpretations of their situation are not given validity and the weight as their male counterparts.[15]

José Medina's account of structural epistemic injustice helps us better analyze Taliban's oppression of Afghan women. Medina argues that injustice is not only political or economic; it also affects who is recognized as a credible knower. In unequal societies, credibility is distributed unevenly. Some groups are granted automatic authority, while others face systematic credibility deficits.[16] Under Taliban rule, women are excluded from education, employment, and public life, but they are also denied recognition as credible knowers and authoritative voices. Their knowledge and testimony about their rights and conditions are dismissed, their participation in public reasoning and public protests is blocked, and institutional spaces

9 Miranda Fricker, Epistemic Injustice: Power and the Ethics of Knowing (Oxford University Press, 2007).
10 Ibid.
11 Deniz Kandiyoti, "Bargaining with Patriarchy," Gender and Society 2, no. 3 (1988).
12 See for example, Richard Bennett, Situation of Human Rights in Afghanistan - Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan, A/HRC/55/80 (United Nations - Human Rights Council, 2024).
13 Ibid.
14 Sahar Fetrat, "Taliban's Attack on Girls' Education Harming Afghanistan's Future," Human Rights Watch, September 17, 2024, https://www.hrw.org/news/2024/09/17/talibans-attack-girls-education-harming-afghanistans-future. See also, "Afghanistan: Four Years on, 2.2 Million Girls Still Banned from School," August 13, 2025, https://www.unesco.org/en/articles/afghanistan-four-years-22-million-girls-still-banned-school.
15 Fricker, Epistemic Injustice.
16 José Medina, The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and the Social Imagination (Oxford University Press, 2013)., 62-67.

where knowledge is produced, such as universities, civil society, courts, and media, are closed to them.

Such injustices are rooted in broader social systems that shape what is considered believable or even intelligible.[17] The Taliban act as epistemic gatekeepers, designing educational, religious, legal, and political institutions in ways that favor their patriarchal and misogynistic epistemology while suppressing alternative, especially feminist and women-centered, ways of knowing. In doing so, they establish a credibility hierarchy in which the authority to create and interpret knowledge that governs society is systematically vested in men.

The Taliban's exclusion of women from interpreting religion, culture, and social norms can also be understood as a form of epistemic injustice. Cultural meaning and heritage are not fixed; they are continually shaped through the participation of different social groups in interpreting what traditions mean and how they are transmitted to future generations.[18] When certain groups are excluded from these interpretive processes, a phenomenon known as "participant perspective epistemic injustice" occurs. In this situation, their contributions are disregarded, and they are denied the opportunity to influence shared cultural understanding.[19]

Similar dynamics exist in religious contexts, where epistemic authority is often concentrated in the hands of religious elites, while marginalized groups experience diminished credibility as interpreters of doctrine and moral norms.[20] Gendered biases within religious traditions have historically excluded women from religious discourse and undermined their epistemic standing.[21] In Afghanistan, the Taliban institutionalize such a hierarchy by granting male religious authorities exclusive interpretive authority over Islam and social norms, while women's knowledge and perspectives are systematically excluded. The Taliban's own account of governance, as reflected in its submission to CEDAW, exemplifies the epistemic dimension of this injustice. The report frames restrictions on women as protective, religiously mandated, and culturally authentic, asserting that Islamic law inherently safeguards women's dignity.[22]

Male religious authorities are positioned as the sole interpreters of religion and law, grounded on the Taliban's interpretation of Islamic law; and male religious authorities are the exclusive authorities in defining culture and morality, grounded on their patriarchal and misogynistic views, while women are rendered unintelligible and

17 Ibid., 67-71.
18 Andreas Pantazatos, "Epistemic Injustice and Cultural Heritage," in The Routledge Handbook of Epistemic Injustice, ed. Ian James Kidd et al. (Routledge, 2017)., 376-78.
19 Ibid. 376, 381-82.
20 Ian James Kidd, "Epistemic Injustice and Religion," in The Routledge Handbook of Epistemic Injustice, ed. Ian James Kidd et al. (Routledge, 2017)., 387-88.
21 Ibid.
22 A Brief Report about the Situation of Women after the Islamic Emirate of Afghanistan Came into Power, Submitted to the Office of the United Nations High Commissioner for Human Rights (CEDAW Committee) (Islamic Emirate of Afghanistan, Ministry of Foreign Affairs, Department of Women, International Affairs and Human Rights, n.d.), (on file with author).

their interpretive authority and capacity to shape cultural and moral norms are denied. This hierarchy is embedded in governance and legal frameworks and enforced through coercive state institutions, applying to both general religious, legal, and cultural issues and those specifically related to women's rights.

Examples of the Taliban's institutionalized credibility hierarchy are found in the book "The Islamic Emirate and Its System" by the Taliban Chief Justice Abdul Hakim Haqqani and in the endorsement by the Taliban leader Hibatuhhal Akhundzada. In this book, Haqqani explicitly prioritizes religious sciences over modern disciplines and characterizes contemporary knowledge as a threat to weaken the Islamic government.[23] This is not just an educational policy; it is epistemic gatekeeping, in which the regime decides what counts as legitimate knowledge, portrays critical thinking and modern disciplines as threats that weaken the state, and rejects alternative sources of knowledge.[24]

The part of Haqqani's book on women's education permits access to learning, but only through multiple layers of control. First, education is structured within male authority and supervision. The husband bears primary responsibility for teaching his wife and giving her permission to seek education outside the home. Second, knowledge itself is mediated through male jurisdiction. The husband is identified as the primary educator, and even the ruler is expected to compel men to teach women. Third, gender segregation governs epistemic interaction. The book prioritizes female teachers for women, permits instruction by a blind male teacher only under specific circumstances, and requires physical barriers if an unrelated male instructor is necessary. [25]

This framing reinforces the idea that women's education is not an autonomous right but rather a responsibility entrusted to men. As such, women are not recognized as independent epistemic agents. Plus, epistemic exchange itself is tightly regulated. Knowledge transmission is organized around gender hierarchy and moral control. Furthermore, the epistemic hierarchy is preserved. Even when women are allowed to learn, they do not have access to the same educational environments or resources as men, nor are they well-positioned to interpret the law or to become public producers of knowledge. This structural credibility hierarchy allows men to be authoritative interpreters while women are subordinate learners.

B.2- The Tribunal as a Forum for Epistemic Justice

Epistemic justice refers to fairness in how people are treated as knowers, that is, in whether their knowledge, testimony, and experiences are taken seriously and given credibility. The Tribunal functions as an avenue of epistemic justice by directly challenging the credibility and intelligibility deficits imposed on Afghan women under Taliban rule. The Taliban deny women recognition as authoritative interpreters of religion, law, culture, and social norms, systematically silencing their voices and excluding them from the institutions through which knowledge about society is produced. The Tribunal disrupts this credibility hierarchy by treating Afghan women not as passive victims or symbolic subjects, but as credible knowers whose testimonies constitute legally and politically relevant knowledge.

23 Farhad Hussain, "A Critical Reading of the Taliban's Misogynistic Manifesto, 'The Islamic Emirate and Its System,'" Zan Times, September 20, 2023, https://zantimes.com/2023/09/20/a-critical-reading-of-the-talib-ans-misogynistic-manifesto-the-islamic-emirate-and-its-system/.

24 Abdul Hakim Haqqani, The Islamic Emirate and Its System (Arabic: الامارات الاسلامیه و نظامها), (Farsi: امارت اسلامی و نظام آن), trans. Dr. Mohammad Saleh Musleh (Dar ul-Ulum Sharaih, 2022). 454-64.

25 Ibid., 465-80

Scholars have also noted that peoples' tribunals can serve as important sites of epistemic justice by creating institutional spaces in which marginalized communities can articulate their own interpretations of injustice.[26] In her study of the Permanent Peoples' Tribunal in Mexico, Rosalba Icaza argues that the tribunal allowed Indigenous communities to present their testimonies and knowledge in ways that challenge dominant state narratives and expose structural forms of violence that remain invisible within official legal forums.[27] By recognizing grassroots knowledge and lived experience as legitimate sources of understanding, the tribunal functioned as a platform through which subaltern voices could contest the epistemic authority of state institutions.[28] In this sense, peoples' tribunals do not merely document violations; they also intervene in struggles over whose knowledge counts in defining injustice. The Afghan Women's Tribunal similarly operates as a space in which Afghan women, systematically excluded from institutional and public life under Taliban rule, are recognized as credible knowers whose testimonies help shape legal and political understandings of gender persecution.

Vázquez argues that systems of domination operate through the interaction between material oppression and epistemic discrimination, whereby inequalities in lived conditions are reinforced by inequalities in whose knowledge is recognized and made visible in public discourse.[29] Under Taliban rule, women face material forms of oppression that shape their daily lives, including exclusion from education, employment, and public spaces, restrictions on mobility, and economic marginalization. These conditions are reinforced by epistemic discrimination: women's testimonies and interpretations of their own circumstances are dismissed, while male religious authorities and Taliban officials are positioned as the legitimate interpreters of religion, culture, and law. Therefore, the more women are excluded from public life and institutions, the easier it becomes to discredit their knowledge and experiences, and the more their voices are dismissed, the easier it becomes to justify policies that sustain their material subordination.

In this sense, the Tribunal is not merely an expressive or symbolic body. It constitutes an institutional site of epistemic repair. By recognizing Afghan women as credible knowers, by validating their interpretive frameworks, and by embedding their testimony within a reasoned legal judgment, it challenges the systemic credibility and intelligibility deficits imposed by the Taliban. The Tribunal thus advances epistemic justice as an indispensable component of any broader project of accountability, universality of rights, and resistance to the normalization of gender persecution.

C- THE RISKS OF NORMALIZING ENGAGEMENT WITH THE TALIBAN FOR WOMEN'S RIGHTS

The Tribunal intervenes at a moment when many states are moving toward pragmatic engagement with the Taliban, despite the regime's systematic repression of women. Diplomatic contacts, technical cooperation, and the gradual expansion of diplomatic representation in Kabul suggest the emergence of a trend in which the Taliban's institutionalized discrimination against women and girls is no longer treated as a decisive barrier to international legitimacy. Several states have accepted Taliban-appointed envoys, reopened diplomatic channels, or pursued political and economic cooperation, while others are exploring agreements that implicitly treat the Taliban as legitimate governing partners. These developments risk emboldening the regime while diminishing international leverage to demand meaningful change.

More fundamentally, normalization carries profound normative consequences: overlooking institutionalized gender persecution in the course of diplomatic engagement risks undermining the universality of women's rights and weakening the integrity of international law. By documenting the systematic nature of the Taliban's policies and confirming that they constitute gender persecution under international law, the Tribunal serves as

26 Rosalba Icaza, "The Permanent Peoples' Tribunals and Indigenous Peoples' Struggles in Mexico: Between Coloniality and Epistemic Justice?," in Peoples' Tribunals and International Law, ed. Andrew Byrnes and Gabrielle Simm (Cambridge University Press, 2018)., 191-92.
27 Ibid.
28 Ibid.
29 Rolando Vázquez, "Modernity Coloniality and Visibility: The Politics of Time," Sociological Research Online 14, no. 4 (2009): 109–15., cited in Icaza, "The Permanent Peoples' Tribunals and Indigenous Peoples' Struggles in Mexico.". Vázquez develops this argument in the context of colonial domination, however, the insight is also relevant to Afghanistan under Taliban rule.

a critical counterweight to this trend. Its judgment warns that treating such a regime as a normal diplomatic interlocutor risks eroding long-standing international commitments against institutionalized oppression and weakening accountability mechanisms that were created precisely to prevent impunity for crimes against humanity.

Diplomatic engagement that proceeds without centering women's accounts risks entrenching epistemic injustice at the international level. If states recognize the Taliban as authoritative representatives of Afghan culture and religion while failing to accord equal epistemic standing to Afghan women, they replicate the very credibility deficit that sustains women's subordination. In contrast, the Tribunal insists that any assessment of Afghanistan's legal and political order must be grounded in women's lived realities, not solely in the regime's self-description.

Under Taliban rule, women face a severe credibility deficit because the Taliban are both the oppressors and the primary source of their exclusion. The regime actively silences women and denies the legitimacy of their voices. In contrast, the international community is not the oppressor. However, in efforts to address the situation, it has not always given Afghan women sufficient credibility or authority as experts on their own circumstances. By failing to fully recognize women's knowledge and lived experience, international actors may unintentionally reinforce a credibility gap, even as they claim to support them.

A WORD OF CAUTION:

The epistemic injustice perpetrated by the Taliban may, at first glance, appear to operate primarily in the realm of knowledge, determining who is recognized as a credible knower and whose interpretations of religion, culture, and law are considered authoritative. However, once such injustice becomes entrenched in social institutions and public consciousness, its consequences extend far beyond the epistemic domain. It reshapes gender roles, constrains women's autonomy, and redefines women's rights, responsibilities, and social status. Over time, these dynamics normalize women's exclusion and subordinate position within society, embedding patriarchal authority into legal, cultural, and religious frameworks. Because these patterns influence how entire generations understand the place of women in society, they are likely to have long-lasting effects. Reversing them would require not only legal change but a fundamental transformation of deeply embedded gendered power relations that structure social life.

D- CONCLUSION:

A tribunal of conscience, such as the Peoples' Tribunal for Women of Afghanistan, does not possess coercive power, yet its significance lies in its ability to challenge the political and epistemic conditions that

allow injustice to persist. In the case of Afghanistan, where Afghan women have been systematically excluded from public life and from the institutions that define law, culture, and social norms, the Tribunal intervenes by recognizing their testimonies as authoritative sources of knowledge about the nature of the regime they face. This intervention is particularly significant at a moment when geopolitical interests are increasingly pushing toward pragmatic engagement with the Taliban. When systems of institutionalized gender oppression risk becoming normalized through diplomatic practice, forums that restore visibility to marginalized voices perform an essential normative function. They help ensure that the interpretation of law, culture, and justice is not monopolized by those who exercise power, but remains open to the knowledge and experiences of those who are most directly affected by it.

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STORY OF A WOMAN FORCED TO SIGN A PLEDGE TO TRAVEL

Endless greetings to the members of the Peoples' Tribunal for Women of Afghanistan.

I, the writer and narrator of this story, testify with full awareness and with a sincere and responsible heart.

As an Afghan woman who has been a victim of harsh, humiliating, and discriminatory treatment, I offer this testimony to the People's Tribunal for Women of Afghanistan.

This is the true story of my experience, in which I was subjected to verbal threats, insults, humiliation, and psychological violence, simply because I am a woman traveling without a male guardian.

The story reflects the reality of a woman living under a traditional, patriarchal system, whose only "crime" was being a woman and needing to travel.

I present this testimony as my small contribution to the struggle for justice, the preservation of human dignity, and women's rights—in hopes that this voice represents thousands of other Afghan women who, hidden in silence, fear, and oppression, are unseen and unheard.

With full awareness, integrity, and human commitment, I submit this story to the People's Tribunal so that it may be recorded in the memory of justice.

On one hot summer morning, July 23, 2024, I suddenly faced an urgent matter that required me to travel from Kabul to a distant province. My husband worked in one of the districts and could not accompany me because of the distance. I had two small children, and out of necessity, I had to travel with them alone.

Early that morning, I went to the bus terminal. I tried several vehicles, but no driver would let me board. They all said the same thing:

"You don't have a mahram (male guardian). You'll cause us trouble at the Taliban checkpoint."

Some drivers even told stories of others being beaten for taking unaccompanied women, which terrified me. Yet my need was urgent—I could not turn back.

Around 10 a.m., I coincidentally saw a driver I knew, a man who had once been my neighbor. I explained my situation, and he kindly agreed to take me. The vehicle filled up with passengers, and we set off. As we approached Taliban checkpoints, my heart pounded with fear.

At noon, near one of the checkpoints, an armed Talib signaled us to stop. When he saw me sitting in the front seat, anger filled his face. He ordered the driver out of the car and yelled for me to get down. Trembling, I took one child in my arms and held the other by the hand.

He shouted:

“What is your relationship with this woman?”

The frightened driver replied:

“She’s one of the passengers, and for a time, she was our neighbor.”

The Talib grew furious:

“A neighbor is not a mahram! How dare you let her travel with you?”

The driver tried to explain:

“She had an urgent matter. Her husband is at work, and she had no one else to accompany her. I felt sorry for her, so I brought her along.”

The Talib demanded:

“What does this woman do?”

The driver answered:

“She’s a teacher.”

Then the Talib turned to me and shouted:

“Aren’t you ashamed? Doesn’t your husband know you travel alone? Have you no honor?”

I tried to explain calmly, but he was beyond reason. He asked for my husband’s number. The driver gave it, but there was no signal coverage in my husband’s area, which only made the Talib angrier. He kicked the driver again and again.

When I intervened, trying to explain my situation, his rage grew. He stared into my eyes as if I had committed a great sin and hurled deeply insulting, degrading words at me—words that pierced my soul and shattered my sense of womanhood and motherhood.

Then he turned again to the driver and continued beating him mercilessly. The man didn’t fight back; he just bowed his head in silence. His only crime was helping a woman and her children.

Other passengers began stepping out of the vehicle. The air was heavy and tense. A few of them cautiously approached and pleaded with the Talib:

“Brother, please forgive them. The woman is alone with her two children. She had an urgent need. Let this go; it won’t happen again.”

The Talib paused, as if trying to restore his authority in front of the crowd. Then he said coldly:

"They must sign a written pledge. They must sign and stamp it with their thumbprints!"

We had no choice. The driver and I were taken into the checkpoint cabin. They brought out a piece of paper stating that I pledged never again to travel without a mahram and that if I did, I would bear full responsibility for any consequences.

With trembling hands and tearful eyes, I signed and stamped the paper.

The Talib then said, as though dispensing justice:

"Now I have upheld the law."

But inside me, nothing was left—no feeling of safety, only humiliation and fear.

My children, who should have been learning about kindness and dignity, instead learned fear from the sight of armed men.

That day, I realized that in my homeland, even being a woman and a mother had become a crime.

In the land where I once worked as a teacher, dedicating my life to building a better future, I now had to sign a pledge promising that I would not travel unless accompanied by a man.

Something inside me broke. My hands shook—not only from fear, but from the collapse of human dignity. My young child clung to me tightly, sensing that something terrible had happened, though unable to understand.

That day, it was not only I who was humiliated—the humanity, motherhood, womanhood, and freedom of Afghan women were all trampled underfoot. The "pledge letter" was not a legal form—it was a symbol of patriarchal control over women's bodies, movements, and choices.

When I returned to the vehicle, silence filled the air. The other passengers avoided my eyes. My children pressed themselves into my arms; I forced a shaky smile, trying to appear strong. But inside, something had shattered beyond repair.

On the road back, I thought:

In a land I love so deeply, where I have taught and served, how has being a woman become a sin, motherhood a burden, and humanity a hostage to power?

I realized that in this country, to move, to live, to simply be, a woman must seek permission, sign pledges, and prove her right to exist.

That day, I was humiliated—but I still carry hope. I believe a time will come when no woman in my homeland will need to sign a pledge to travel, to live, or to be free.

That day, these very wounds will become our badge of honor.

With deepest gratitude,

PRELIMINARY STATEMENT OF THE JUDGES OF PEOPLES' TRIBUNAL FOR WOMEN OF AFGHANISTAN

1- CONTEXT

The public hearings of the Permanent Peoples' Tribunal (PPT) for the session of the People's Tribunal for Women of Afghanistan were held in Madrid, at the ICAM, located at Calle de Serrano, 9, from October 8 to 10, 2025.

The hearing followed the planned program. However, it is important to note that the accused parties, including individual Taliban leaders, the Taliban as a group, and the State of Afghanistan under the Taliban's de facto control, did not exercise their right to defence. The procedures outlined in the Statute of the PPT for the proper and timely notification of the accused parties were observed. An official communication, including the text of the indictment and a formal invitation letter requesting the exercise of the right to defence in any form, was sent to the parties on September 16, 2025, to the email address of the Human Rights Directorate at the Ministry of Foreign Affairs of the Taliban, including the names of the accused individual leaders of the Taliban. They were also offered assistance in the proceedings and ensured a timeslot for an oral presentation. However, the PPT has not received any response from the parties. The President of the Panel of Judges also made announcements during both days of the hearings, requesting members of the defence to identify themselves if present at the hearings. However, no representatives of the defence were present at the hearings.

The period considered in this hearing includes more directly the facts, the jurisdiction, the actors, and responsibilities that have occurred from 2021, when the Taliban took full control of the country following the withdrawal of the international forces, and the collapse of the then Government.

This statement represents a preliminary statement of the panel of judges composed by: Rashida Manjoo (South Africa), President of the panel, Elisenda Calvet-Martínez (Spain), Mai El-Sadany (Egypt/United States), Marina Forti (Italy), Araceli García del Soto (Spain), Ghizaal Haress (Afghanistan) Emilio Ramírez Matos (Spain), and Kalpana Sharma (India).

A formal verdict, based on available factual evidence and on the basis of the provisions of international law will be made available within the next two months.

First of all, we wish to pay tribute to the courage of the women of Afghanistan, and to express our gratitude particularly to those who have shared their lived experiences with us. We thank the team of prosecutors, witnesses, and requesting organizations for the diligence and commitment with which they have assembled and presented an extraordinary wealth of evidence to this Tribunal.

The requesting organizations, namely Rawadari, Afghanistan Human Rights and Democracy Organization (AHRDO), Organization for Policy Research and Development Studies (DROPS), and Human Rights Defenders Plus, noted that they petitioned the Tribunal to be held to illustrate the relentless pursuit for justice, dignity, and equal rights by the women of Afghanistan. They hoped that the establishment of the tribunal would give survivors, the courageous women of Afghanistan, a day in court and mobilize global public opinion. They believe that the process of the Tribunal can bear witness, seek accountability, and challenge tyranny and its normalization. They also hope that this Tribunal will enable the Afghan women to claim their right to be seen, to speak, and to demand justice in the face of the world's most extreme system of gender-based oppression. The requesting organizations urged the Tribunal to deliberate on the allegations of crimes and violations in Afghanistan, the generational impact of the current situation, and its implications for women's rights beyond Afghanistan.

They further stated that the context that brought them to the Tribunal is the national system of persecution in Afghanistan. This was out of necessity, and not by choice. Despite ongoing multiple efforts at the international level for accountability, including the International Criminal Court investigations on Afghanistan, a potential case at the International Court of Justice, the existing mandate of the Special Rapporteur on Afghanistan, the work of the relevant UN treaty bodies, a campaign to codify gender apartheid, and a new independent investigative mechanism to collect and safeguard evidence for future prosecutions, the judgement of the Tribunal is potentially an additional and immediate accountability tool.

The prosecutors identified the Taliban not merely as the 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 prosecutors further asserted that 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, an assertion which was further supported by witness testimonies.

The Panel of Judges heard from prosecutors and witnesses that during the first Taliban rule, the insurgency period (2001-2021), and since their return to power in 2021, the imposition of harsh gender restrictions reflects a pattern of violence against women, demonstrating the underpinning of a patriarchal ideology. The prosecutors highlighted that evidence from survivors, witnesses, and international bodies reveals a coordinated campaign to exclude, silence, and control women, banning their education, barring them from work, erasing them from public life, enforcing a strict dress code, restricting access to healthcare, and punishing dissent with cruelty. They further asserted that these acts were not isolated but were integral to the Taliban's policies.

2. THE LAW

The prosecutorial team argues that the Taliban's conduct toward the women and girls of Afghanistan since August 15, 2021, constitutes gender persecution as defined under Article 7(1)(h) of the Rome Statute. 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." The prosecutorial team also argues that the Taliban's conduct toward the women and girls of Afghanistan since August 15, 2021, constitutes "other inhumane acts" under Article 7(1)(k) of the Rome Statute. 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.

Additionally, the prosecutorial team argues that the Taliban's conduct toward the women and girls of Afghanistan since August 15, 2021, constitutes violations of numerous binding international human rights treaties to which Afghanistan is a State Party: the Convention on the Elimination of All Forms of Discrimination Against Women; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention Against Discrimination in Education; the Convention on the Political Rights of Women; the Convention on the Rights of the Child; the Convention against Torture and other Cruel, Inhumane, Degrading Treatment or Punishment; and the Convention on the Rights of Persons with Disabilities. As affirmed by the UN Human Rights Committee, international treaty obligations remain binding upon successor authorities, regardless of political or regime changes. As a result, the Taliban, as the de facto governing entity in Afghanistan, is obligated to uphold these legal commitments.

3. THE TOOLS AND TACTICS USED BY THE TALIBAN AGAINST AFGHAN WOMEN AND GIRLS

During the hearings this Tribunal heard testimonies of the most extreme system of oppression against Afghan women and girls. The Taliban have institutionalized the discrimination and repression of Afghan women and girls by issuing more than 100 binding edicts and decrees. The testimonies shared exemplify the reality of women oppressed not only through these decrees and bans but also through the enforcement mechanisms that subjugate and control Afghan women and girls, individually and collectively. These tools and tactics include death threats (e.g., being stoned and beheaded), sexual violence and threats to family members. The Taliban dehumanize and stigmatize Afghan women and girls by using specific language that frequently includes labels such as "prostitute" and "bad woman".

These edicts have banned Afghan women and girls from secondary education and universities, thereby denying women the right to be educated and pursue careers. By requiring Afghan women always to be accompanied by a close male member of the family (Mahram), the Taliban has not only restricted their freedom of movement but also their access to health facilities and doctors, obstetric and dental care, among others. Women's testimonies also illustrate how discrimination affects them in different ways, depending on whether they live in urban or rural areas.

Since 2021, the Taliban have excluded women from almost all areas of work, banning and restricting Afghan women from working at government institutions, NGOs and International Organizations, among others. These measures have devastating economic and social consequences for Afghan people leaving men as the only breadwinners and denying women economic independence. Moreover, Afghan women's political participation has been banned, excluding women from their civil and political rights.

Additionally, the Taliban are systematically targeting Afghan women activists by using surveillance systems and repressing those participating in protests. Afghan women are detained and abducted by the Taliban for protesting, not covering their body, going out without their Mahram, and posting critical posts on social media. According to the witnesses, these are often arbitrary detentions in which women are subjected to torture, ill treatment, sexual violence while in custody and forced confessions. Afghan women and girls are also object of extrajudicial killings, enforced disappearances, suicide attacks, and stoned to death, putting at risk their right to life with human dignity.

4. WITNESS TESTIMONIES

"This is not just my story, this is the story of all women and girls in Afghanistan." Such were the words of one witness as she spoke to the Tribunal, a sentiment that would be repeated numerous times throughout the two days of hearings. Indeed, as the Tribunal listened to each of the witness testimonies, numerous recurring themes emerged.

Witnesses described the Taliban's conduct towards the women and girls of Afghanistan since August 15, 2021, as repressive and worsening over time. When the Taliban targeted education, for example, they began by first denying women and girls secondary, then university education, then further expanded the restrictions. "Education is the heartbeat of human rights," said the prosecution, as they detailed what these bans have meant in practice: economic exclusion, social dehumanization, structural violence, and an impact on bodily autonomy. Witnesses questioned why the pursuit of education was a crime and juxtaposed the Taliban's bans and restrictions on education with the Quranic commandment "to read."

As the Taliban set forth requirements that women be accompanied by a Mahram to access healthcare and as restrictions were placed on the ability of female health workers to work, witnesses narrated how this affected their access to healthcare. Here, witnesses highlighted the connection between the ban on education and access to health; with women no longer allowed to study medicine, a shortage of doctors and aid workers will follow. As counselling centres have closed across the country, women who seek mental health interventions are told to: "Be patient and surrender to your destiny." Numerous witnesses expressed suicidal thoughts and described how self-harm had increased since the Taliban took de facto control. They also pointed out that women were suffering and dying from preventable diseases. In one example, a pregnant woman who was in labour was turned away from a hospital as she did not have a Mahram present with her.

Women with disabilities are isolated and confined to the home. The 2004 Constitution of Afghanistan had guaranteed constitutional protection for people with disabilities, offering them a pathway to access education and employment. The Taliban have since voided these provisions, leaving women and girls with disabilities facing compounded impacts. One witness described how she was targeted by the morality police for wearing a dress that did not drag on the floor so as not to interfere with her wheelchair; she also explained that traveling to see a doctor can be difficult, as taxis are often afraid to stop for women and girls, including those with disabilities.

Though the Taliban decree stipulates that a Mahram is needed for journeys of more than 72 kilometres, the practice has been more restrictive. Witnesses describe how public transport and taxi drivers often turn women away who are without a Mahram even in cases of emergency. One witness described how she was one of seven sisters and only had her father to serve as a Mahram for all seven of them, severely restricting their movement and confining them to the home as a result.

Afghan women are repeatedly told, "Your place is in the home." Witnesses explained that they faced restrictions on their right to work; in addition, working for the government, civil society organizations, or international agencies has been entirely banned by the Taliban. One witness said: "Before 2021, I had a job and could go outside. Now I have no job, can't go out. My spirit is broken. Everything in my life has multiplied by zero. God never said to confine people to their homes. Why do you put women in solitary confinement?"

When women and girls took to the streets to peacefully protest the conduct of the Taliban, they were

subjected to violent repression. This has included hitting women protesters with the back of AK-47s, using pepper spray, and beating up those who were present to film these protests. Witnesses also described the closing space for women to appear in broadcast media and to participate in the media space more generally. The Taliban has used the excuses including security and public morals to repress women's expression and assembly.

Often, when women were detained, they were held in unofficial detention centres, without a warrant resulting in de facto enforced disappearance and incommunicado detention. In custody, they have experienced brutal beatings, torture, and have been interrogated until they agreed to forced confessions. Numerous witnesses described that most forced confessions involved admitting that they were being misled by Western influence. In other cases, male relatives of detained women were mistreated as a form of punishment or to establish a form of leverage over the women. Witnesses released from Taliban custody following such forced confessions or pressure on their families described how they viewed this apparent freedom: "As a result, I was released from the prison cell of the Taliban, but I was confined to another prison cell: that of my home."

Collectively, witnesses described the Taliban's policies and actions as closing all doors on them. "We are alive, but we are not living; we can barely breathe."

5. THE IMPACT ON INDIVIDUALS, WOMEN, AND SOCIETY AT LARGE

By suppressing Afghan women and girls' rights to move around, express freely, and even to meet to give each other mutual support and plan collective action strategies, to have access to education and health, the Taliban has reduced women´s life options and freedom.

Witnesses described the psychosocial impacts of these extreme violent situations and spoke about their feelings of isolation, profound sadness and pain that spans across generations, desperation about the lack of future and the loss of opportunities they had in the past. These are clearly reflected in the increased suicide rates and self-harm attempts. Erasing the possibility of women protesting to defend their rights and limiting their social interactions is one of the most effective ways of eroding individual well-being and stripping the individual and collective feeling of autonomy and agency for women.

6. CONCLUSION

The Panel of judges assures the women of Afghanistan that they have been heard. Based on the testimonies of the witnesses and the submissions of the requesting organizations and the prosecutors, the Panel of judges will consider the following, amongst others.

- ***Assess the Taliban's conduct as crimes against humanity of gender persecution.***
- ***Remind Afghanistan of its obligations under international human rights law.***
- ***Support the codification of gender apartheid as a crime against humanity.***
- ***Advance global jurisprudence on sex and gender persecution to address impunity and the lack of accountability.***
- ***Call for global accountability, restitution, and the restoration of human rights for all Afghan women and girls.***
- ***Reiterate that normalization and engagement with the Taliban by the international community has severe implications for the rights of equality and non-discrimination of women and girls, not only in Afghanistan, but globally.***

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