

Fact sheet, July 2025:

ICC Arrest Warrants for Taliban Leaders for Gender Persecution

Since seizing Kabul in 2021 the Taliban has committed widespread human rights violations in Afghanistan—particularly against women, girls and LGBTQI+ people. UN experts have repeatedly determined that many of the Taliban’s policies and actions meet the criteria for crimes against humanity. On July 8, 2025, the International Criminal Court (ICC) issued [arrest warrants](#) for the Taliban’s supreme leader, Haibatullah Akhundzada, and its Chief Justice, Abdul Hakim Haqqani for crimes against humanity, including **gender persecution** against women, girls and LGBTQI+ people.

This fact sheet for human rights advocates explains 1) what gender persecution is, 2) what the ICC is and what the ICC warrants applications mean, and 3) how people can support accountability and justice for rights violations and grave crimes in Afghanistan.

The Crime Against Humanity of Gender Persecution

What is the crime against humanity of gender persecution?

Across the world, in times of conflict and crisis, people suffer grave rights violations and violence simply because of gender. In international criminal law, gender persecution is one of the key [legal charges](#) available to hold perpetrators responsible. Article 7(2)(g) of the Rome Statute defines persecution as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.” The ICC’s Office of the Prosecutor (OTP) observes that “[g]ender persecution is committed against persons because of sex characteristics and/or because of the social constructs and criteria used to define gender.”

What does gender persecution look like in Afghanistan?

All parties to the decades-long war in Afghanistan have committed acts that can amount to gender persecution. For example, since seizing power in 2021, the Taliban have severely deprived women and girls the right to free movement and to education past sixth grade, and denied women the right to work in most sectors. They enforce these rights deprivations through arbitrary arrest, torture and other alleged violence, including against women, girls, men and boys who stand up for women’s rights. The Taliban has also deprived LGBTQI+ people’s rights, including to expression, and subjected those they suspect of being LGBTQI+ to detention; sexual violence, public flogging and other torture; and execution. Those who suffer this torture, arbitrary arrest, etc., and those denied their fundamental rights to movement, expression, education and work are [all victims](#) of gender persecution. US-led personnel and former Afghan forces also committed alleged crimes that may amount to gender persecution, for example sexual and other gender violence against detained people.

What are the elements of the crime of gender persecution?

The ICC Elements of Crimes lists six elements of persecution. These elements assist the court with interpreting the crime. To commit gender persecution, a perpetrator must severely deprive one or more persons of fundamental rights on the grounds of gender. The deprivation must be committed in connection with any other act listed as a crime against humanity in the Rome Statute or any other crime within the ICC's jurisdiction. The perpetrator must commit the discriminatory rights deprivation as part of a widespread or systematic attack directed against a civilian population.

Who are victims of gender persecution?

Gender persecution victims are those severely deprived of their fundamental rights based on gender during conflicts and other atrocities. Longstanding misogyny and homophobia leave women, girls, LGBTIQ+ people and other gender non-conforming people especially vulnerable to gender persecution. Men and boys can also be victims.

Why investigate crimes in Afghanistan through the lens of gender persecution?

Sustainable peace requires societies to understand why grave crimes were committed—and particularly the discriminatory intent underlying them—to end cycles of impunity. Investigators can play a key role by asking why crimes happened. For example, if a perpetrator tortured someone, they may have done so to enforce a prohibition against girls' education, thereby committing both torture and gender persecution. Gender persecution charges signal globally that such gender discrimination is not tolerated. These charges can be considered in the pursuit of holistic justice for victims throughout Afghanistan's decades-long conflict.

Banning women and girls from education and employment, torturing and imprisoning feminist advocates and LGBTIQ+ people—these are not just separate crimes but are also part of a discriminatory, oppressive system. Persecution charges can help ensure justice for all women, girls and LGBTIQ+ people who face systematic oppression and severe deprivation of fundamental rights under the Taliban. Critically, all these victims of gender persecution also have rights to meaningfully participate in decision-making about Afghanistan's future—rights affirmed most recently by UN Security Council Resolution (UNSCR) 2467. This is in addition to the rights to meaningful participation that Afghan women and girls enjoy under key resolutions like UNSCR 1325.

Has gender persecution been charged elsewhere?

Only recently have tribunals started utilizing the charge of gender persecution. Colombia's Special Jurisdiction for Peace, a transitional justice body established after the signing of the 2016 peace accord, charged armed actors with gender persecution for acts committed during the country's decades-long internal conflict. It observed that persecution was often

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committed based on both gender and ethnicity against Afro-descendant and Indigenous women and LGBTQI+ people. The ICC charged a perpetrator in Mali with gender persecution and other gender crimes in what is known as the *Al Hassan* case. Despite the majority of the judges recognizing gender persecution was committed, a divided court found Al Hassan himself not guilty of it or any other gender crimes, indicating a need for civil society to continue to educate judicial actors about perpetrators' responsibility for gender persecution during conflicts.

What do the ICC arrest warrants applications for senior Taliban leaders mean for gender justice in Afghanistan and globally?

Crimes committed based on gender, particularly against women, girls and LGBTQI+ people have long occurred during conflict and atrocities but are rarely prosecuted. The warrants for Akhundzada and Haqqani represent the first time that the ICC is seeking to hold accountable perpetrators of crimes committed against people because of their LGBTQI+ status. The warrants applications are also a recognition that denying women and girls' fundamental rights to education, movement, assembly and more, can amount to crimes against humanity. This recognition helps to pave the way for accountability and justice for LGBTQI+ people, women and girls, in Afghanistan and globally.

ICC Warrants Applications for Taliban leaders

What is the International Criminal Court (ICC)?

The ICC is the first permanent international tribunal established to prosecute individuals for international crimes, namely genocide, war crimes, crimes against humanity, and the crime of aggression. Established in 2002 by the 1998 Rome Statute and based in the Hague, Netherlands, the ICC aims to ensure accountability for the most serious offenses that threaten global peace and security and to deter future violations. A court of last resort, it steps in when national courts are unwilling or unable to act. It can hold individuals, including heads of state and military leaders, accountable.

How does the ICC differ from the International Court of Justice (ICJ)?

The ICJ, created in 1945 under the Charter of the United Nations (UN), is the UN's primary judicial body. It resolves legal disputes between states and issues advisory opinions on legal questions referred to it by the UN or other authorized bodies, providing guidance on the application and interpretation of international law. Unlike the ICC, it cannot hold individuals accountable for crimes.

What challenges does the ICC face in enforcing warrants?

The ICC does not have a police force to arrest accused individuals. Enforcement depends on cooperation from member states, who are required to apprehend and transfer accused

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individuals to the court. Politics can impact states' willingness to adhere to their obligation to arrest accused individuals.

What jurisdiction does the ICC have in relation to Afghanistan?

The ICC may exercise jurisdiction over alleged crimes listed in the Rome Statute committed in Afghanistan or by its nationals from May 1, 2003 onwards. Afghanistan acceded to the statute in February 2003. In addition to crimes by Afghan nationals, the ICC has jurisdiction over crimes committed in Afghanistan by nationals from other countries, regardless of whether those countries are parties to the Rome Statute. It also has jurisdiction over alleged crimes linked to the situation in Afghanistan and committed in the territories of certain other States Parties to the Rome Statute from July 1, 2002.

Why did the ICC open an investigation into the situation in Afghanistan?

A United States-led coalition invaded Afghanistan to attack the Taliban and Al Qaeda in October 2001, ousting the Taliban from power. During the years-long war, all parties—U.S.-led coalition personnel, Taliban, former Afghan National Security Forces, various militias, and the Islamic State—Khorasan Province (IS-K)—are alleged to have committed grave crimes like extrajudicial killings, massacres, destruction of civilian infrastructure, and sexual violence and other torture. The Taliban seized power again in 2021 when US forces withdrew. The Taliban *de facto* authorities reestablished a system of grave rights deprivations based on gender, amounting to alleged crimes against humanity, including gender persecution. They have reportedly committed killings, torture, arbitrary arrests, enforced disappearance, sexual violence and other crimes against former security forces, human rights defenders, journalists and those they deem out of compliance with their discriminatory gender and religious decrees. Attacks by IS-K, the National Resistance Front and other groups continue to cause civilian casualties.

What steps have the ICC and civil society taken in the ICC's Afghanistan case?

In 2007, the ICC Prosecutor made public its preliminary examination into the situation in Afghanistan. Civil society sent communications to the Office of the Prosecutor (OTP), detailing alleged war crimes and crimes against humanity. The OTP received 125 communications between 2006 and 2017. In November 2017, ICC Chief Prosecutor Fatou Bensouda requested judicial authorization to launch an investigation into alleged crimes committed by the Taliban, the Haqqani Network, the Afghan National Security Forces, the Afghan National Police, US armed forces and the CIA. Between December 2017 and a February 2018 deadline, victims submitted 699 representations to the OTP regarding alleged crimes and their views on the possible investigation. In 2019, the Pre-Trial Chamber II rejected the Prosecutor's request and the OTP appealed. In March 2020 the Appeals Chamber unanimously authorized the Prosecutor to start the investigation.

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Later that month, the Afghan government requested a deferral, arguing it was carrying out investigations domestically.

In September 2021 the current ICC Chief Prosecutor, Karim Khan, requested authorization to resume the investigation. He also announced the OTP's intentions to prioritize pursuing alleged crimes by the Taliban and IS-K, but to keep his office "alive to its evidence preservation responsibilities and ... [to] promote accountability efforts" for other alleged perpetrators. In October 2022, the ICC's Pre-Trial Chamber II authorized the Prosecutor to resume its investigation, lifting the 2020 deferral.

On January 23, 2025, the ICC Prosecutor announced applications for arrest warrants for Haibatullah Akhundzada and Abdul Hakim Haqqani. The Prosecutor alleged crimes including the crime against humanity of gender persecution against women, girls, and LGBTQI+ people. On July 8, 2025, the ICC's Pre-Trial Chamber II issued the warrants for persecution "on gender grounds against girls, women and other persons non-conforming with the Taliban's policy on gender, gender identity or expression; and on political grounds against persons perceived as 'allies of girls and women'". For more on the ICC's Afghanistan investigation, click [here](#).

What effect do the ICC arrest warrants applications have on Taliban leadership?

All States Parties to the Rome Statute are required to enforce the arrest warrants against Akhundzada and Haqqani, should they travel to their territory. It is unlikely, however, that the Taliban leaders will travel outside Afghanistan. These warrants can still exert pressure on the Taliban in the context of their diplomatic relations. Countries with influence over Afghanistan may face difficult decisions about engaging with or recognizing the Taliban while these warrants remain in effect. The arrest warrants may also exacerbate tensions within Taliban leadership.

What is the impact of the Taliban's rejection of ICC jurisdiction?

The Taliban announced on February 19, 2025 that it considers Afghanistan's accession to the Rome Statute legally void. Nearly all countries, however, do not formally recognize the Taliban as Afghanistan's government and it therefore cannot withdraw from the statute. Even if the Taliban *de facto* authorities could legally reverse Afghanistan's 2003 accession to the Rome Statute, (a process requiring formal written notice to the UN and one year before going into effect), the ICC would retain jurisdiction over crimes committed before the withdrawal went into effect.

Can the ICC Prosecutor pursue other alleged perpetrators?

Akhundzada and Haqqani are not the only individuals that the ICC can investigate in relation to Afghanistan. The ICC could pursue justice for alleged crimes by other actors in the conflict in Afghanistan.

International Response and Solidarity

How can governments, UN agencies and regional intergovernmental bodies support victims and boost accountability for gender persecution in Afghanistan?

If they enter their territory, states parties to the Rome Statute must detain the Taliban leaders named in the warrants and transfer them to the Hague. Member states should ensure the ICC's independence. They should apply diplomatic pressure on the Taliban and regional actors to push for accountability and an end to rights violations. They must ensure meaningful participation of Afghan women, girls and LGBTQI+ people, who are victims of gender persecution, in discussions and decision-making on Afghanistan's future.

States can also support the UN Special Rapporteur on Afghanistan and UNAMA to document gender persecution. They can call for an additional independent international investigative mechanism to collect and preserve evidence of rights violations and crimes. They can support universal jurisdiction cases against alleged perpetrators. UN member states can offer asylum and humanitarian pathways to those fleeing gender persecution. International actors should also resource CSOs and first responders to document gender persecution, train local documenters, and support victims.

How can civil society organizations (CSOs) support justice for victims of grave rights violations and gender crimes in Afghanistan?

Civil society organizations (CSOs) can play a key role in documenting rights violations and crimes in Afghanistan, utilizing best practices that protect victims' wellbeing and maintain the viability of evidence for accountability purposes. They also can support Afghan victims by providing psychosocial services, legal support for relocation, and guidance on participating in accountability mechanisms.

CSOs can call on UN member states to uphold international norms, ensure the ICC's independence, and support justice for gender persecution victims in Afghanistan. They can call for humanitarian and protection pathways for survivors. They can raise awareness of rights violations, and advocate for victims, including for their voices to be heard in decision-making arenas.

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