

Justice for Afghanistan: International Avenues of Accountability and the Role of the Diaspora

Policy Paper

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Since the Taliban's takeover in August 2021, women and girls in Afghanistan have been subjected to systematic oppression. The International Criminal Court (ICC) has classified this as gender-based persecution and, on January 23, 2025, submitted applications for arrest warrants against Taliban leader Haibatullah Akhundzada and Chief Justice Abdul Hakim Haqqani. While these developments mark a turning point in international criminal prosecution, they remain insufficient in addressing the wide range of human rights violations occurring in the country.

Against this backdrop, human rights defenders, legal experts, and civil society actors from the Afghan diaspora gathered on February 22, 2025, at the Berlin Forum for Afghanistan hosted at the Heinrich Böll Foundation.

This Policy Brief summarizes key challenges and recommendations that emerged from the forum, offering concrete actions for political decision-makers and international organizations. Participants emphasized in particular the role of the Afghan diaspora in documenting human rights violations, supporting survivors, and engaging in international advocacy.

Current Challenges in Engaging the Diaspora in Legal Proceedings

Many voices from the diaspora criticize the structural exclusion of exiled civil society from international accountability mechanisms. Access to ICC proceedings is often hindered by language barriers, a lack of accessible information channels, and insufficient protection from potential Taliban reprisals. The safety of activists in exile, as well as their families still in Afghanistan, remains precarious.

Additionally, the perspectives of women, LGBTQ+ individuals, and ethnic minorities are severely underrepresented in legal processes—despite the fact that these groups are particularly targeted by Taliban-led human rights abuses.

No Impunity for War Crimes: What the International Community Must Do Now

Experts and civil society representatives call for a systematic inclusion of the Afghan diaspora in international justice mechanisms. Key demands include:

1. Opportunities for Participation

The ICC must create secure and accessible avenues to collect witness statements, evidence, and victim participation from the diaspora. This includes translating key documents into Dari and Pashto and offering decentralized, culturally sensitive outreach formats.

2. Ensuring Gender Justice

The persecution of women must be explicitly addressed and prosecuted as a crime against humanity. At the same time, the experiences of other marginalized groups—especially queer individuals in Afghanistan—must be included in legal frameworks and proceedings.

3. Strengthening Documentation Initiatives

Exile-based organizations require financial and technical support to systematically collect and safely archive evidence. This will also aid future judicial processes.

4. Fostering Transitional Justice from Exile

The Afghan diaspora can serve as a bridge between affected individuals, international courts, and political decision-makers. Transitional justice must not be understood as an imported model but rather as a context-sensitive, independently developed process. Afghanistan's historical and cultural diversity must be recognized and integrated.

5. Guaranteeing Psychosocial Support

Many witnesses live in insecure and distressing circumstances. International actors and donors must commit to ensuring long-term psychosocial support and protective measures.

From Words to Action: Political Options for International Accountability

The Berlin Forum for Afghanistan made one thing clear: The Afghan diaspora holds valuable expertise, community access, and unwavering dedication to human rights. Its role must not be marginalized but systematically empowered.

International institutions and the German government are called upon to actively involve Afghan civil society—both within and outside the country—in shaping transitional justice processes. This includes supporting participatory dialogue formats and structurally embedding diaspora perspectives in international bodies. Lasting justice is only possible if those affected are heard, protected, and meaningfully involved. Political leaders and international organizations bear the responsibility to create structures where accountability, protection, and participation are achievable—beyond the boundaries of nation-states.

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