



Afghan Victims of War May Still Have an Opportunity for Justice Before the International Criminal Court

Kabul, Afghanistan - the Transitional Justice Coordination Group (TJCG) welcomes yesterday's decision by a Pre-Trial Chamber of the International Criminal Court permitting an appeal of a decision denying the opening of an investigation into war crimes committed in Afghanistan.

The decision comes after the Prosecution and several victim groups sought to appeal Pre-Trial Chamber II's 12 June 2019 decision denying the Prosecution's request to open an investigation into crimes committed by the Taliban, the United States, and some members of the Afghan government. That decision came after intense pressure by the United States against the ICC, including threats of sanctions by American National Security Advisor, John Bolton.

In July 2019, the TJCG, a coalition of 26 human rights and victims support organizations based in Afghanistan, and other prominent civil society and human rights organizations in Afghanistan, filed two *amicus curiae* briefs supporting the Prosecution's appeal and noting that the Chamber's decision denying an investigation "sacrificed justice and truth for millions of Afghan victims in the belief that it would pave a more sustainable path for the Court" and that without an appeal "victims are left at the mercy of the very chamber that may have erred."

"In 2003, civil society and human rights organizations pressured the Afghan government to ratify the Rome Statute of the ICC for the purpose of ensuring that there would be accountability for the millions of war crimes victims still suffering in Afghanistan," said Horia Mosadiq, member of the TJCG. "Through the lived experience of 40 years of conflict, Afghans have learned that truth and accountability are the only path forward to any just and peaceful settlement," continued Horia Mosadiq.

Afghanistan stands at a pivotal point. The very actors who are the potential subjects of the ICC investigation continue to either attack or ignore Afghan victims of war. The Afghan government has failed to bring to justice those most responsible. And the United States sits and then un-sits in negotiations with the Taliban, without any justice and accountability framework. Because of decades of impunity awarded to internal and external actors, Afghan victims of war have been left at the mercy of killers. The ICC is the only remaining hope for Afghan victims. Afghan victims and Afghan civil society are heartened that this appeal has been accepted, and we are confident that the ICC Appeals Chamber will reverse the lower court and allow a long-overdue investigation into crimes committed in Afghanistan to finally commence.

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Kabul, Afghanistan
September 18, 2019

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