

Bringing a Case Before the International Court of Justice for the Rights of Afghan Women and Girls

Q&A Briefing

April 2024

Summary

“[\[N\]owhere else in the world has there been an attack as widespread, systematic and all-encompassing on the rights of women and girls as in Afghanistan.](#)” Despite international condemnation of the Taliban’s oppressive actions, no legal action has been pursued to restore the human rights of Afghan women and girls. Instead, the Taliban continue to escalate their repression.

A growing coalition of Afghan women, UN mandate holders, legal experts, civil society, and activists are urging countries to bring a case against Afghanistan before the International Court of Justice (ICJ) for violations of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to which Afghanistan is a party. The ICJ is increasingly recognized as a vital venue for addressing state responsibility for severe human rights violations. Recent decisions by the ICJ in conflicts like Gaza, Ukraine, and Myanmar, underscore the opportunity for the international community to engage the Court on the dire situation for Afghan women and girls under the Taliban regime. Nevertheless, there is uncertainty and misunderstanding regarding potential proceedings before the ICJ.

In response to inquiries from a diverse group of stakeholders, below is a set of 21 frequently asked questions addressing the feasibility and implications of initiating a case on Afghan women’s and girls’ rights before the ICJ. These questions explore the ICJ’s role relative to the International Criminal Court, the steps for a potential case, the concern of legitimacy and recognition of the Taliban, the role of Afghan civil society, and possible outcomes. This FAQ also highlights how ICJ litigation could support Afghans through possible legal rulings, bolstering advocacy efforts, influencing international relations, and offering other practical benefits.

Acknowledgments

This paper was authored by Natasha Arnpriester, Manuela Londoño, Mariana Pena, Genevieve Quinn, and Duru Yavan, with editorial review and contributions by James Goldston and Omar Waraich. The selected questions and answers were developed through consultations with Afghan civil society and the vital collaboration of Afghan human rights organization, [Rawadari](#). Additional contributions to the preparation of this case have been made by colleagues from the Open Society Justice Initiative and Open Society Foundations, including those above, as well as Betsy Apple, Zsanett Borsos, Georgiana Epure, Shehryar Fazli, Sana Ghouse, May-Lin Lecomte, Sophie Li, Peyman Majidi, Diana Romina Puerto Michaut, Ashrakat Mohammed, and Beini Ye.

All names are listed in alphabetical order by surname.



© Open Society Foundations
Some Rights Reserved

224 West 57th Street
New York, NY 10019
P. +1 212-548-0600

opensocietyfoundations.org

Frequently Asked Questions

1.	What is the International Court of Justice?.....	1
2.	What is the difference between the ICJ and the International Criminal Court (ICC)?.....	1
3.	Why can Afghanistan be brought before the ICJ for violations of women’s and girls’ rights?.....	1
4.	Who can bring the case under CEDAW against Afghanistan before the ICJ?.....	2
5.	Who exactly would be sued: the State of Afghanistan or the Taliban?	2
6.	Would a case against Afghanistan before the ICJ legitimize the Taliban or result in its recognition?.....	3
7.	What are the next steps for initiating an ICJ case against Afghanistan?	3
8.	What can the ICJ order against Afghanistan?.....	4
9.	How long will the case take?	4
10.	Will filing a case against Afghanistan have any immediate impact?	5
11.	Are ICJ orders legally binding?	5
12.	What happens if Afghanistan does not comply with an ICJ ruling?.....	6
13.	How could an ICJ case help Afghan women, especially if a decision is not directly enforced?.....	6
14.	What are the risks of bringing an ICJ case?.....	7
15.	How can an ICJ case affect other accountability and justice mechanisms?	8
16.	Why bring a case under CEDAW to the ICJ instead of the CEDAW Committee?.....	9
17.	Is it possible to bring a case to the ICJ under other human rights treaties that Afghanistan is violating?.....	9
18.	Why use resources on an ICJ case versus other avenues?	9
19.	Can, or must, Afghan civil society play a role in an ICJ case against Afghanistan?.....	10
20.	Can Afghan individuals submit evidence to the Court?	11
21.	What is the role of Open Society in the proposed case?.....	11

1. What is the International Court of Justice?

The principal judicial organ of the United Nations (UN)

The International Court of Justice (ICJ, or “Court”), often called the World Court, is the principal judicial organ of the United Nations. Located in The Hague, Netherlands, its main function is to settle legal disputes between countries in accordance with international law. Countries can submit disputes to the ICJ, which then examines the facts and the relevant laws before issuing a binding decision. Additionally, the Court provides opinions on legal questions posed by authorized UN entities and specialized agencies (e.g., World Health Organization, International Labour Organization).

The ICJ is composed of [15 judges from different countries](#), which reflect a diverse range of legal traditions from around the globe, helping to ensure a more comprehensive perspective on international law. The Court’s proceedings are public and live-streamed, promoting transparency and accessibility.

2. What is the difference between the ICJ and the International Criminal Court (ICC)?

The ICJ and ICC have different mandates

The ICJ should not be confused with the ICC. While both courts are located in The Hague, they serve very different purposes. The ICC only has jurisdiction to prosecute *individuals* accused of genocide, crimes against humanity, and war crimes; and cases are initiated by the Prosecutor, who has the discretion over whom to prosecute and which cases to pursue.

On the other hand, the ICJ is not a criminal court, but a court that hears cases between *countries*. This often involves cases about which country owns a territory, where their border line lies, and the application of international treaties. The ICJ does not depend on a prosecutor to start a case, instead countries themselves initiate proceedings. Once a country files a case at the ICJ against another country, the Court is obligated to hear it as long as it falls within the Court’s jurisdiction.

3. Why can Afghanistan be brought before the ICJ for violations of women’s and girls’ rights?

Breach of international legal obligations

Afghanistan is bound by international rules that safeguard women’s and girls’ rights. One key agreement is the [Convention on the Elimination of All Forms of Discrimination against](#)

[Women \(CEDAW\)](#), which Afghanistan became a party to in 2003. Its commitment to CEDAW obligates Afghanistan to ensure equal rights and legal protections for women and girls.

Article 29 of CEDAW allows for disputes relating to the interpretation or application of the Convention to be referred to the ICJ, but only if the involved countries have expressly accepted its jurisdiction. Afghanistan's ratification of CEDAW included acceptance of Article 29, thereby granting the ICJ jurisdiction over such disputes. Since August 15, 2021, Afghanistan has violated many obligations under CEDAW and, as such, the country could be brought before the ICJ to address those violations.

4. Who can bring the case under CEDAW against Afghanistan before the ICJ?

Only another country (not individuals) can bring the case against Afghanistan before the ICJ

Only countries can bring cases before the ICJ; individuals and non-governmental organizations cannot. To bring an ICJ case against Afghanistan for violations of CEDAW, a country (or group of countries) must meet two requirements: (1) they must have ratified CEDAW; and (2) accepted the Court's jurisdiction to hear a case on CEDAW.

When countries join a treaty like CEDAW, they are not just agreeing to follow its rules, they are also counting on every other country that is part of the agreement to do the same. This collective expectation creates a global network of rights and responsibilities among all these countries to work together to end discrimination against women. If a country believes Afghanistan is not living up to its promises under CEDAW, it has the right to challenge Afghanistan at the ICJ.

Among the 189 countries that are part of CEDAW, 150 (including Afghanistan) have agreed to allow the ICJ to hear cases under the Convention. This means that any one of 149 countries can file a case against Afghanistan for breaching its CEDAW obligations.

5. Who exactly would be sued: the State of Afghanistan or the Taliban?

The State of Afghanistan

Because a case before the ICJ must be between countries—not governments or non-state entities like the Taliban—the proposed case would be against the State of Afghanistan, not the Taliban directly. However, because the Taliban is currently functioning as Afghanistan's *de facto* authority, a case against Afghanistan would, by extension, hold the Taliban responsible for their actions. The fact that the Taliban is an unrecognized government is

irrelevant—under international law, anyone in control of the country is still required to uphold Afghanistan’s obligations under international treaties, including CEDAW.

6. **Would a case against Afghanistan before the ICJ legitimize the Taliban or result in its recognition?**

An ICJ case against Afghanistan does not legitimize or result in recognition of the Taliban

Filing a case at the ICJ against Afghanistan for its human rights violations does not mean that the Taliban will be recognized as the country’s government. The ICJ has previously addressed cases involving countries with unrecognized governments without this conferring legitimacy or resulting in recognition. For instance, the United States filed a case against Iran in 1980 without recognizing its revolutionary government; Ethiopia and Liberia challenged apartheid South Africa in 1960 amid efforts to delegitimize it internationally; and The Gambia’s case against Myanmar continued despite the 2021 military coup. Notably, in the Myanmar case, the Court clarified that its proceedings involve countries, not governments, underscoring that bringing a case does not equate to governmental recognition.

Moreover, an ICJ case highlighting Afghanistan’s breaches of women’s and girls’ rights could impede the Taliban’s pursuit of recognition. A recent report to the UN Security Council, pursuant to Resolution 2679 (2023), concluded that recognition should hinge on the Taliban’s compliance with Afghanistan’s international obligations, including CEDAW, as reflected in their policies, laws, and actions. Consequently, an ICJ ruling affirming Afghanistan’s violation of these obligations would act as a legal and authoritative barrier to recognizing a Taliban-led government.

7. **What are the next steps for initiating an ICJ case against Afghanistan?**

One or more states will prepare to initiate the case

The process to bring an ICJ case against Afghanistan for violating CEDAW involves a few steps; to start:

1. A country or group of countries that decide to take Afghanistan to the ICJ must notify the authorities, typically through a diplomatic note, stating a belief that Afghanistan has violated CEDAW.
2. Afghanistan will either respond or remain silent. If Afghanistan disagrees or is silent, this will establish a “dispute” between the countries. The countries must then make a “genuine attempt” to resolve this dispute.

3. If direct resolution fails, the countries are expected to organize arbitration. Arbitration is a separate method of resolving disputes outside of court, but it also results in a binding, legally enforceable judgment. If arbitration cannot be agreed upon within six months, or if Afghanistan ignores attempts to arbitrate, the case can then go to the ICJ.

8. What can the ICJ order against Afghanistan?

The ICJ can issue orders based on the treaty violations

As the ICJ is not a criminal court, its rulings must focus on ordering Afghanistan to take measures to stop violating women's and girls' rights. The ICJ has a wide range of options for its rulings, including: a *formal declaration* that Afghanistan has breached its obligations under CEDAW, identifying specific violations, such as banning women from working and moving freely; an order for Afghanistan to *perform its obligations* under CEDAW, such as directing the state to remove discriminatory policies and practices on education, freedom of movement, access to healthcare, and other public services; an order requiring Afghanistan to make *assurances and guarantees* that it will halt its violations of CEDAW, such as requiring the state to repeal discriminatory laws and policies and taking steps to prevent future violations; and an order instructing Afghanistan to *prevent the destruction and to ensure the preservation of evidence* related to acts that violate CEDAW, such as not destroying documents or cooperating with investigations.

9. How long will the case take?

Although a case can take years to resolve, the ICJ can quickly issue provisional measures

The length of ICJ cases varies and in some cases can take years to resolve. For instance, the *Bosnia and Herzegovina v. Serbia and Montenegro* case under the Genocide Convention spanned almost 15 years. However, the ICJ can act swiftly and issue interim decisions, or “provisional measures,” within weeks when immediate action is needed. These “provisional measures” are urgent orders by the Court aimed at stopping immediate harm and protecting rights at risk before the final judgment. In a case against Afghanistan, such measures could include orders to, for instance, lift discriminatory restrictions on education and access to healthcare, cease ill-treatment against women, and refrain from destroying vital information related to the case.

Provisional measures can be requested by the filing country at the time the case is filed and can be ordered quickly. In recent cases, provisional measures were issued within days or weeks after the case was filed. For example, in a case brought by Ukraine against Russia, the Court issued provisional measures 18 days later, and in a case that South Africa filed against Israel, provisional measures were issued within 28 days.

10. Will filing a case against Afghanistan have any immediate impact?

An ICJ case can have immediate legal, diplomatic, and political impact

Filing a case against Afghanistan at the ICJ can have significant immediate impact, even before a final ruling is made. This impact can span the diplomatic, legal, and political spheres.

The act of filing the case itself sends a clear message to the Taliban that the international community condemns—and is committed to using all available legal avenues to challenge—the egregious human rights violations to which Afghan women and girls are being subjected every day. This legal approach moves beyond general statements of condemnation and calls for change, leading to a legally binding process that raises the urgency, gravity, and authority that mere statements cannot achieve. It lays a legal foundation for further monitoring and advocacy by journalists, rights advocates, humanitarian organizations, other countries, and international bodies. As shown in the recent case South Africa filed against Israel, an ICJ case can also serve as an elevated warning to other countries that are aiding international law violations.

An ICJ case also creates stronger attention within international bodies, including the UN Security Council, which can lead to increased pressure on the Taliban. Moreover, if the ICJ orders provisional measures, the UN Security Council must be notified, thereby sharpening the Council’s focus on Afghanistan and women’s rights in particular. The Security Council has the power to enforce provisional measures, including through a formal mechanism.

Finally, as already mentioned, the case can delay and create strict conditions for any prospective international recognition and legitimacy that the Taliban seeks.

11. Are ICJ orders legally binding?

ICJ orders are binding, and Afghanistan must comply with the Court’s judgments

Under the UN Charter, Afghanistan is legally obligated to comply with the decisions of the ICJ. Should it fail to comply, the filing country can turn to the UN Security Council, which has the power to enforce it, but cannot veto an ICJ decision.

Additionally, ICJ orders and judgments have value in themselves: they can help in the context of negotiations and be leveraged by other UN mechanisms, regardless of whether the Taliban immediately comply with an order (this is discussed in more detail below).

12. What happens if Afghanistan does not comply with an ICJ ruling?

Implementation relies on compliance mechanisms and international pressure

While the Taliban are unlikely to immediately comply with a ruling on Afghanistan's violations, other options for enforcement will open. The ICJ lacks direct enforcement mechanisms, just as the ICC does not have its own police force. However, in cases of non-compliance with ICJ rulings, the UN Charter outlines several options involving such entities as the UN General Assembly, Secretary-General, and Security Council. Article 94, for example, empowers the Security Council to take measures to ensure compliance, ranging from sanctions and travel bans to establishing inquiry commissions and recommending that the General Assembly take further actions, such as suspending a country's UN privileges. Even the threat of such actions could sway the Taliban to lift oppressive decrees, or at least deter them from introducing new ones. The ability of the Security Council to take decisive action can sometimes be constrained by vetoes from its permanent members, but given the global consensus on Afghanistan with regards to treatment of women and girls, this may be less of a concern.

That said, even if a decision does not directly change Taliban behavior, the impact goes beyond the Court's order. In cases on non-compliance, power can also lie in international pressure and other forms of influence.

13. How could an ICJ case help Afghan women, especially if a decision is not directly enforced?

There are tangible opportunities to help Afghan women through international advocacy

As discussed, while direct enforcement is limited, the Court's decisions carry weight and can make a tangible difference for Afghan women and girls, even if only incrementally. For instance:

1. Filing a case against Afghanistan before the ICJ will draw stronger and renewed international attention to the plight of Afghan women and girls. This can enhance advocacy efforts, mobilize new forms international support, and provide a platform for Afghan voices. As seen in other cases, such increased visibility can bolster political pressure for reversing or easing oppressive policies. Further, the comprehensive nature of proceedings at the ICJ, which can span years, ensures that the situation of women and girls in Afghanistan remains a subject of serious international attention for years to come.
2. ICJ decisions can guide how other countries interact with Afghanistan. For example, these rulings might be used as requirements before improving trade relations or officially

recognizing a Taliban government. This may be particularly relevant to countries that are invested in the Court's success and want to see the Court's orders lead to tangible outcomes. An ICJ ruling might also lead countries linked to the Taliban to reassess their relationships, considering the legal risks they face if perceived as assisting violations of international law.

3. The possibility that ICJ proceedings might affect the Taliban's chances of gaining legitimacy could discourage new oppressive laws against women and girls.
4. Concerns over UN Security Council penalties for non-compliance with an ICJ ruling might prompt the Taliban to revoke oppressive laws or deter new ones.
5. Highlighting discriminatory or incriminating statements from Taliban officials can escalate public scrutiny and legal pressure on those individuals. This strategy, used in other ICJ proceedings, not only aids criminal investigations but might also lead officials to limit or cease harmful actions against women as a self-protective measure.
6. An ICJ decision can make it easier for Afghans fleeing to other countries to seek asylum and receive humanitarian aid. By officially recognizing the violations they're escaping as identified by an international court, the ruling proves their need for protection.
7. Documenting violations against women and girls in ICJ proceedings contributes to a historical record, which aids future accountability efforts, including, for example, the prosecution of Taliban officials before the ICC or national courts.
8. The documentation and findings from ICJ proceedings create a permanent record, laying down the truth of what Afghan women and girls endured under Taliban rule, and representing an official recognition of their experiences.
9. The case offers an opportunity to utilize and uplift the vital documentation conducted by Afghan human rights organizations and media, bringing firsthand evidence to the forefront of the proceedings.

14. What are the risks of bringing an ICJ case?

While there may be some risks, they can be reduced through strategic planning

If the Taliban participate in the ICJ proceedings, they could seek to use the platform to spread propaganda and claim legitimacy—though they are not likely to succeed. As explained above, ICJ proceedings do not confer legitimacy or recognition on a *de facto* government. The very nature of a case that spotlights the Taliban's disregard for the rule of law and systematic violations against women and girls, inherently counters and diminishes any legitimacy they might seek.

It is also important to acknowledge that the participation of Afghans in an ICJ case could pose security risks to those individuals and their families. To minimize such risks, it is critical that any participation—from evidence-gathering to testimony—be entirely voluntary and fully informed. Prior ICJ cases involving victims of human rights violations, such as *The Gambia v. Myanmar* and *Canada and the Netherlands v. Syrian Arab Republic*, may be helpful in developing strategies to facilitate participation while also minimizing security risks.

15. How can an ICJ case affect other accountability and justice mechanisms?

An ICJ case will complement other accountability and justice mechanisms

An ICJ case can strategically complement other accountability efforts. Each accountability mechanism has limitations in delivering justice to Afghan women and girls, yet each also offers unique value.

To date, most discussions around accountability in Afghanistan have focused on criminal accountability—notably before the ICC and through domestic cases in different countries, using the concept of universal jurisdiction. The threat of criminal accountability (including the likelihood that some members of the Taliban may end up in prison) is powerful. At the same time, criminal trials alone have limitations. For example, only certain types of crimes can be prosecuted and only a few individuals can be tried.

The ICJ, however, offers an opportunity to address responsibility for several *state* violations under international law. This opens a pathway for holding the Taliban broadly accountable for a wider range of violations that could otherwise go unaddressed. Also, litigation before the ICJ could yield faster results than criminal investigations and prosecutions, especially through provisional measures.

Crucially, the different accountability and justice mechanisms can complement and strengthen one another. For example, evidence collected for an ICC criminal investigation may help an ICJ case and vice versa. The same can be true for other accountability mechanisms, such as the work of the UN Special Rapporteur on Afghanistan.

This synergy can extend to other efforts, including, for instance (a) the campaign to recognize gender apartheid—i.e., inhuman acts aimed at enforcing domination and systematic oppression by one gender group over another—in Afghanistan; (b) advocacy to ensure Afghan women and girls are granted asylum based solely on gender; or (c) thwart the Taliban’s pursuit of recognition. Together, these efforts can build a mutually reinforcing legal framework to account for the totality of violations of international law that are being perpetrated against Afghan women and girls.

16. Why bring a case under CEDAW to the ICJ instead of the CEDAW Committee?

Individual complaints to the CEDAW Committee against Afghanistan are not an option

The Committee on the Elimination of Discrimination against Women plays a crucial role in monitoring the implementation of CEDAW. It reviews national reports and offers recommendations aimed to improve compliance.

The CEDAW Committee can also consider individual complaints (called “communications” or “petitions”) about violations of the Convention. However, the Committee can only do so if the country in question has accepted the Committee’s authority by ratifying the Optional Protocol to CEDAW, which is a separate treaty. Afghanistan has not ratified this Protocol, which means individuals cannot bring complaints against Afghanistan directly to the Committee.

17. Is it possible to bring a case to the ICJ under other human rights treaties that Afghanistan is violating?

Cases can only be brought to the ICJ under treaties that recognize its jurisdiction

Not every treaty allows for disputes to be taken to the ICJ. Among the [nine core international human rights treaties](#), only three have granted jurisdiction to the ICJ: CEDAW, the Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Convention Against Torture (CAT).

Among these three treaties, Afghanistan has only allowed for ICJ jurisdiction under CEDAW and CAT. This means that, in addition to CEDAW, it is also possible to bring an ICJ case against Afghanistan under CAT, provided the country filing the case also recognizes the ICJ’s jurisdiction under this treaty. Like CEDAW, CAT requires a filing country to undertake a series of steps before resorting to the ICJ (see Question 7).

18. Why use resources on an ICJ case versus other avenues?

To bolster the pursuit of justice and accountability at the international level

Pursuing a case at the ICJ is a strategic option aimed at bolstering the pursuit of justice and accountability on an international level. This approach is based on the principle of utilizing every available legal route to address violations and seek remedies, rather than replacing or overshadowing other efforts.

The ICJ has been used in various contexts where multiple accountability mechanisms were already in place, demonstrating its role as a complementary avenue rather than one that competes for resources. For example, despite the existence of the UN-established Independent Investigative Mechanism for Myanmar, The Gambia initiated a case against Myanmar at the ICJ under the Genocide Convention. This action did not detract from ongoing efforts, such as the work of the UN Special Rapporteur on the situation of human rights in Myanmar or the investigation at the ICC. Similar multifaceted approaches have been undertaken to address the situations in Syria, Palestine, and Ukraine, where a combination of mechanisms operate simultaneously.

Opting for the ICJ enriches the spectrum of accountability measures by offering a judicial avenue that can leverage existing evidence and documentation. This means that initiating a case at the ICJ does not necessitate starting from scratch in terms of evidence gathering. Further, the evidentiary standard used in ICJ cases differs from that in criminal law, such as in proceedings at the ICC. This distinction allows for a broader range of documentation to be presented in an ICJ case, ensuring that a wider array of Afghan voices are captured in the historical record established by the case. In short, efforts to bring a case to the ICJ complement rather than compete with ongoing initiatives.

19. Can, or must, Afghan civil society play a role in an ICJ case against Afghanistan?

Afghan civil society participation is not mandatory, but should be welcomed

The responsibility for initiating and advancing a case at the ICJ rests with countries, not individual Afghans or Afghan civil society. This means that countries carry the burden of litigation. Although Afghan participation is not legally required, it is essential for enhancing the case's impact and relevance, offering invaluable insights and perspectives that might otherwise be overlooked. It is beneficial for any country initiating a case against Afghanistan to seek and facilitate Afghan participation, not only to ensure the case's integrity, but also to ensure that it resonates with the lived experiences of Afghan women and girls—those individuals whom the case ultimately aims to deliver justice for.

Afghan civil society participation can happen in a number of ways, from the building of the case to the implementation of any decisions. For example, Afghan civil society can help gather evidence, prepare documentation, and work on strategic communications (especially to convey the significance of the case and its developments to the Afghan community and other countries). Afghan legal professionals can be part of the legal team representing the country (or countries) bringing the case, aiding in the decision-making process, shaping the litigation strategy, and informing the legal arguments and remedies sought. This expertise would ensure that the case is representative and reflective of the reality on the ground in Afghanistan. When

hearings take place or decisions are issued in the case, civil society can also play a critical role in robust advocacy to ensure the public is informed and all entities demand that the Taliban comply with the ICJ's orders.

Participation of Afghans and Afghan civil society can also help ensure that the case resonates more strongly with the needs and aspirations of Afghan society. While invitations to participate in all case aspects should be extended to Afghans and Afghan civil society, these invitations should not be understood as mandatory, nor should they impose additional burdens or security threats on the Afghan community.

20. Can Afghan individuals submit evidence to the Court?

Not directly, but they can cooperate with countries that are parties to the dispute

The ICJ does not have a formal procedure for direct victim/survivor participation in its proceedings; only countries may be parties to Court cases, which means that individuals cannot independently intervene or provide evidence to the Court.

However, the Court or countries to the case may call upon Afghan victims, survivors, and witnesses to provide evidence/testimonies in support of the claims made against Afghanistan. In particular, witnesses can provide videotaped or other forms of statements that constitute compelling evidence of the enduring harm to women and girls, and also demonstrate the urgency and severity of the situation, which is needed to convince the Court to issue provisional measures. For example, in the case filed by Canada and the Netherlands against Syria for violations of the Convention Against Torture, the filing countries extensively relied on evidence provided by Syrian torture victims. Victims/survivors can also attend the ICJ's hearings. For example, in the case against Myanmar brought by The Gambia for violations of the Genocide Convention, some Rohingya victims attended the provisional measures hearing in person.

21. What is the role of Open Society in the proposed case?

Open Society has been working on Afghanistan for many years and can provide critical support

Open Society Foundations (OSF) has been working on Afghanistan for many years and had an office in Kabul until 2021. The Open Society Justice Initiative, which specializes in strategic litigation to promote human rights, has been proactively working on a legal strategy aimed at addressing the violations of women's and girls' rights in Afghanistan. This effort is

supported by diverse expertise and resources from across OSF. While Open Society does not have a direct role in a potential case, it has collected information and resources that it is willing to share with the country or countries that commit to filing a case before the ICJ.